

Staff Summary Report

City Council Meeting Date: March 26, 2009

Agenda Item Number: 45

SUBJECT: Introduce and hold the first public hearing for a Zoning Map Amendment with a Planned Area Development for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 E. Southern Avenue. A second public hearing is scheduled for April 9, 2009.

DOCUMENT NAME: 20090326dsk01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

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 E. 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)

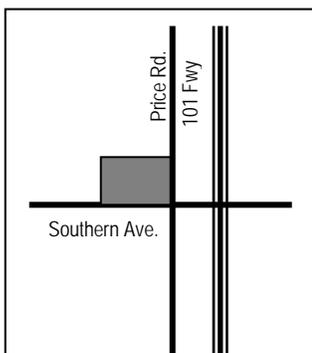
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989) 
Chris Anaradian, Development Services Department Manager (480-858-2204)

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 feet depending on location within the 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' 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)
Landscape area	15% - 28,823 s.f. (15-30% minimum required in R/O & CSS)
Vehicle Parking	731 spaces (713 minimum required, 891 maximum surface allowed)
Bicycle Parking	80 spaces (43 minimum required)

- 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

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 42' at rear of lot and 60' 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.

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

- 20' 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 feet 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 feet within the first 20 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 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 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 feet. MU-2 allows up to 48 feet with a use permit; this was used 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 feet would be allowed within the first 250 feet from the south and east property lines, per the attached site plan. The street-front buildings are proposed to be 55 feet to the parapet with a 60-foot top of 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 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 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
	8.87 acres	8.87 acres	across the street	6.31 acres	.56 acres
Residential Density	9 du/ac	15 du/ac	permit)	4 du/ac	permit)
Residential Units	80 du allowed, 10 units proposed	133 units		25 units	11 units
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	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	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	5 feet	0 feet
Rear Setback (North)	30 feet*	NS	30 feet (20 feet if adjacent to single family)	15 feet	10 feet (20 feet if adjacent to single family)

*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		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	350	Existing surveyed built area:		68,098		351
Sunday use: 250 maximum Weekday use: 50 (8 students drove to school in 1994) Special event use: 170 spaces							EXISTING PARKING PROVIDED: 351

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	Building I (Southern)	Office	54,387	1/300 s.f.	181	
	No reductions requested for overlap of staff residences also using office parking spaces					Restaurant (café)	1,628	1/75 s.f.	22	
					Building J (Price)	Office	47,639	1/300 s.f.	159	
				PARKING PROVIDED: 475			Proposed Square Footage: 192,156		713.4	
							No reductions requested for overlap of staff residences also using office parking spaces			
							PARKING PROVIDED		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.
Maximum Lot Coverage	40%
Minimum Landscape Area	15%
Front Setback (South)	20 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.
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 BULLETED 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.

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

ORDINANCE NO. 2008.66

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 removing the below described property from the R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts and designating it as MU-2, Mixed-Use, Medium Density District with a Planned Area Development on 8.87 acres.

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 1:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point on the East line of said Section 25 from which the Southeast corner of said Section 25 bears South 00 degrees 00 minutes 21 seconds East a distance of 264.00 feet and running thence North 00 degrees 00 minutes 21 seconds West, along the East line of said Section 25, 356 feet to the Southeast corner of SHALIMAR ESTATES ADDITION NO. 1, as shown by the plat of record in Book 104 of Maps, Page 5, records of Maricopa County, Arizona; Thence South 89 degrees 45 minutes 15 seconds West along the South line of aforesaid SHALIMAR ESTATES ADDITION NO. 1 and along the South line of SHALIMAR ESTATES, as shown by the plat of record in Book 91 of Maps, Page 1, records of Maricopa County, Arizona, 1477.53 feet; Thence South 03 degrees 33 minutes 45 seconds East a distance of 621.00 feet to a point on the South line of said Section 25; Thence North 89 degrees 48 minutes 15 seconds East, along said South line to a point from which the Southeast corner of said Section 25 bears North 89 degrees 48 minutes 15 seconds East 825.00 feet; Thence North 00 degrees 00 minutes 21 seconds West parallel with the East line of said Section 25 a distance of 264.00 feet; Thence North 89 degrees 48 minutes 15 seconds East parallel with the South line of said Section 25 a distance of 825.00 feet to the POINT OF BEGINNING;

TOGETHER WITH that portion of an 8 foot wide alley along the South line of Lots 161 and 162, SHALIMAR ESTATES NO. 3, according to Book 118 of Maps, page 5 abandoned by City of Tempe Ordinance No. 923.2 and more particularly described in Instrument recorded as Document No. 83-129313.

EXCEPT THE FOLLOWING THREE PARCELS IDENTIFIED HEREIN AS EXCEPTION PARCELS A, B, and C:

EXCEPTION PARCEL A:

That part lying within C.D. BRADLEY HACIENDAS UNIT ONE, according to Book 121 of Maps, Page 47, records of Maricopa County, Arizona.

EXCEPTION PARCEL B:

Any part lying in the following described property:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East, described as beginning at the Southeast corner of Lot 21, C.D. BRADLEY HACIENDAS UNIT ONE, a subdivision of record in the office of the Maricopa County Recorder

Book 121 of Maps, Page 47, said point being on a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to a point of tangency with a curve to the right having a central angle of 261 degrees 17 minutes 40 seconds and a radius of 45 feet;

Thence along said curve a distance of 205.22 feet to a point of tangency with a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to the Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS UNIT ONE;

Thence North along the East line of said Subdivision to the POINT OF BEGINNING.

EXCEPTION PARCEL C:

That portion conveyed to the City of Tempe by deed recorded in Docket 10410, page 943 and being more particularly described as follows:

That portion of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, described as a strip of land 8.00 feet in width lying adjacent to and immediately South of the South line of Shalimar Estates Addition No. 3, a subdivision of record in the office of the Maricopa County Recorder in Book 118 of Maps, page 5;

Except any portion lying West of the East line of Lot 21, C.D. Bradley Haciendas Unit One, a subdivision of record in the office of the Maricopa County Recorder in Book 121 of Maps, page 47; and

Except any portion lying East of the Southerly extension of the West line of Lot 161, said Shalimar Estates Addition No. 3.

PARCEL NO. 2:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southeast corner of Lot 21, C.D. BRADLEY HACIENDAS UNIT ONE, a subdivision of record in the office of the Maricopa County Recorder in Book 121

of Maps, Page 47, said point being on a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to a point of tangency with a curve to the right having a central angle of 261 degrees 17 minutes 40 seconds and a radius of 45 feet;

Thence along said curve a distance of 205.22 feet to a point of tangency with a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to the Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS UNIT ONE;

Thence North along the East line of said Subdivision to the POINT OF BEGINNING.

PARCEL NO. 3:

The South 264 feet of the East 825 feet of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 50 feet of the North 50 feet of the South 90 feet; and

EXCEPT the East 400 feet, thereof; and

EXCEPT the South 55 feet thereof;

TOGETHER WITH an easement for ingress and egress over the North 8 feet of the East 400 feet of the South 264 feet of the Southeast quarter of said Section 25.

PARCEL NO. 4:

The West 62.5 feet of the East 400 feet of the South 264 feet of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the South 50 feet thereof.

EXCEPT the South 50 feet thereof.

PARCEL NO. 5:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Ordinance No. 2008.66

COMMENCING at the Southeast corner of Section 25;
Thence North 00 degrees 00 minutes 21 seconds West along the East line of said Section 25, a distance of 264 feet;
Thence South 89 degrees 48 minutes 15 seconds West a distance of 50.00 feet to the POINT OF BEGINNING;
Thence continuing South 89 degrees 48 minutes 15 seconds West along the North line of the South 264 feet of said Southeast quarter, a distance of 199.72 feet; Thence South 00 degrees 00 minutes 21 seconds East, a distance of 43.00 feet;
Thence North 89 degrees 48 minutes 15 seconds East, a distance of 60.60 feet;
Thence South 00 degrees 00 minutes 21 seconds East, a distance of 21.00 feet to a point on the North line of the South 200 feet of said Section 25;
Thence North 89 degrees 48 minutes 15 seconds East along said North line, a distance of 139.12 feet to a point on the West line of the East 50 feet of said Section 25;
Thence North 00 degrees 00 minutes 21 seconds West along said West line, a distance of 64.00 feet to the POINT OF BEGINNING;

EXCEPT the East 5 feet.

TOTAL AREA IS 8.87 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # ZON08011 and PAD08019** are hereby expressly 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 _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Development Services Department
31 E. 5th Street
Tempe, AZ. 85281

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

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

(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 No. **PL080282** to the City requesting that the City approve the following:

- _____ GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- _____ HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMITS (2)
- _____ VARIANCE
- _____ DEVELOPMENT PLAN REVIEW
- _____ SUBDIVISION PLAT/CONDOMINIUM PLAT
- _____ OTHER _____
(Identify Action Requested)

for development of the following real property (Property):

Parcel No. : 133-47-074H

2150 E Southern Avenue, Tempe AZ

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 1:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point on the East line of said Section 25 from which the Southeast corner of said Section 25 bears South 00 degrees 00 minutes 21 seconds East a distance of 264.00 feet and running thence North 00 degrees 00 minutes 21 seconds West, along the East line of said Section 25, 356 feet to the Southeast corner of SHALIMAR ESTATES ADDITION NO. 1, as shown by the plat of record in Book 104 of Maps, Page 5, records of Maricopa County, Arizona;

Thence South 89 degrees 45 minutes 15 seconds West along the South line of aforesaid SHALIMAR ESTATES ADDITION NO. 1 and along the South line of SHALIMAR ESTATES, as shown by the plat of record in Book 91 of Maps, Page 1, records of Maricopa County, Arizona, 1477.53 feet; Thence South 03 degrees 33 minutes 45 seconds East a distance of 621.00 feet to a point on the South line of said Section 25; Thence North 89 degrees 48 minutes 15 seconds East, along said South line to a point from which the Southeast corner of said Section 25 bears North 89 degrees 48 minutes 15 seconds East 825.00 feet; Thence North 00 degrees 00 minutes 21 seconds West parallel with the East line of said Section 25 a distance of 264.00 feet; Thence North 89 degrees 48 minutes 15 seconds East parallel with the South line of said Section 25 a distance of 825.00 feet to the POINT OF BEGINNING;

TOGETHER WITH that portion of an 8 foot wide alley along the South line of Lots 161 and 162, SHALIMAR ESTATES NO. 3, according to Book 118 of Maps, page 5 abandoned by City of Tempe Ordinance No. 923.2 and more particularly described in Instrument recorded as Document No. 83-129313.

EXCEPT THE FOLLOWING THREE PARCELS IDENTIFIED HEREIN AS EXCEPTION PARCELS A, B, and C:

EXCEPTION PARCEL A:

That part lying within C.D. BRADLEY HACIENDAS UNIT ONE, according to Book 121 of Maps, Page 47, records of Maricopa County, Arizona.

EXCEPTION PARCEL B:

Any part lying in the following described property:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East, described as beginning at the Southeast corner of Lot 21, C.D. BRADLEY HACIENDAS UNIT ONE, a subdivision of record in the office of the Maricopa County Recorder Book 121 of Maps, Page 47, said point being on a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet; Thence along said curve a distance of 26.89 feet to a point of tangency with a curve to the right having a central angle of 261 degrees 17 minutes 40 seconds and a radius of 45 feet; Thence along said curve a distance of 205.22 feet to a point of tangency with a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet; Thence along said curve a distance of 26.89 feet to the Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS UNIT ONE; Thence North along the East line of said Subdivision to the POINT OF BEGINNING.

EXCEPTION PARCEL C:

That portion conveyed to the City of Tempe by deed recorded in Docket 10410, page 943 and being more particularly described as follows:

That portion of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, described as a strip of land 8.00 feet in width lying adjacent to and immediately South of the South line of Shalimar Estates Addition No. 3, a subdivision of record in the office of the Maricopa County Recorder in Book 118 of Maps, page 5; Except any portion lying West of the East line of Lot 21, C.D. Bradley Haciendas Unit One, a subdivision of record in the office of the Maricopa County Recorder in Book 121 of Maps, page 47; and Except any portion lying East of the Southerly extension of the West line of Lot 161, said Shalimar Estates Addition No. 3.

PARCEL NO. 2:

That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
BEGINNING at the Southeast corner of Lot 21, C.D. BRADLEY HACIENDAS UNIT ONE, a subdivision of record in the office of the Maricopa County Recorder in Book 121 of Maps, Page 47, said point being on a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet; Thence along said curve a distance of 26.89 feet to a point of tangency with a curve to the right having a central angle of 261 degrees 17 minutes 40 seconds and a radius of 45 feet; Thence along said curve a distance of 205.22 feet to a point of tangency with a curve to the left, said curve having a central angle of 40 degrees 38 minutes 50 seconds and a radius of 37.90 feet; Thence along said curve a distance of 26.89 feet to the Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS UNIT ONE; Thence North along the East line of said Subdivision to the POINT OF BEGINNING.

PARCEL NO. 3:

The South 264 feet of the East 825 feet of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 50 feet of the North 50 feet of the South 90 feet; and
EXCEPT the East 400 feet, thereof; and
EXCEPT the South 55 feet thereof;

TOGETHER WITH an easement for ingress and egress over the North 8 feet of the East 400 feet of the South 264 feet of the Southeast quarter of said Section 25.

PARCEL NO. 4:

The West 62.5 feet of the East 400 feet of the South 264 feet of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the South 50 feet thereof.

PARCEL NO. 5:

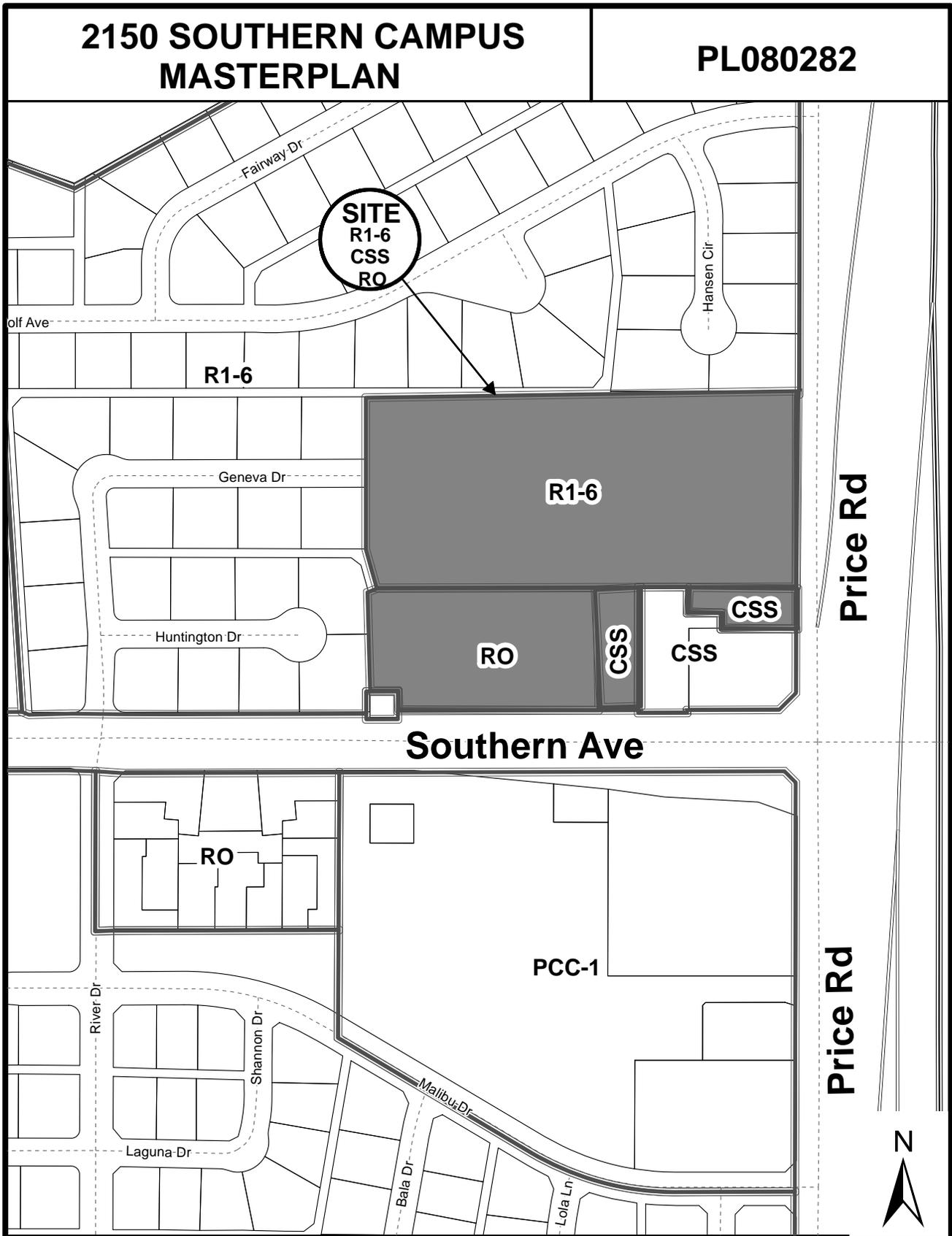
That part of the Southeast quarter of Section 25, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows: COMMENCING at the Southeast corner of Section 25; Thence North 00 degrees 00 minutes 21 seconds West along the East line of said Section 25, a distance of 264 feet; Thence South 89 degrees 48 minutes 15 seconds West a distance of 50.00 feet to the POINT OF BEGINNING; Thence continuing South 89 degrees 48 minutes 15 seconds West along the North line of the South 264 feet of said Southeast quarter, a distance of 199.72 feet; Thence South 00 degrees 00 minutes 21 seconds East, a distance of 43.00 feet; Thence North 89 degrees 48 minutes 15 seconds East, a distance of 60.60 feet; Thence South 00 degrees 00 minutes 21 seconds East, a distance of 21.00 feet to a point on the North line of the South 200 feet of said Section 25; Thence North 89 degrees 48 minutes 15 seconds East along said North line, a distance of 139.12 feet to a point on the West line of the East 50 feet of said Section 25; Thence North 00 degrees 00 minutes 21 seconds West along said West line, a distance of 64.00 feet to the POINT OF BEGINNING;

EXCEPT the East 5 feet.

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 if the City approves 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.



**2150 SOUTHERN CAMPUS
MASTERPLAN**

PL080282

Location Map



TEMPE EDUCATION & ARTS CENTER (PL080282)

APPLICANT'S LETTER OF INTENT

2150 SOUTHERN – CAMPUS MASTERPLAN

The proposed project, the 2150 Southern Campus Masterplan, would be located on the northwest corner of Price Road and Southern Avenue – a site currently occupied and previously owned by the Tri-City Baptist Church and School. The intended user and current property owner is Tempe Education and Arts Center LLC / Educational Options (“EdOptions”). EdOptions is an accredited provider of web-based educational products that support students and teachers inside and outside the traditional classroom. The 2150 Southern campus would be home to their regional offices, charter school and private school. The master plan envisions a mixed-use campus that would combine live, work, play and learn in a campus atmosphere

EdOptions is accredited by the Northwest Association of Accredited Schools (NAAS) and the Commission on International and Trans-Regional Accreditation (CITA). EdOptions was also awarded the 2006 U.S. Chamber of Commerce Small Business of the Year Award for their dedication to outstanding products and customer service.

NEIGHBORHOOD OUTREACH UPDATE

This project was previously seen by the Development Review Commission on January 13, 2009, and during that meeting the DRC voted in favor of Use Permits allowing a Charter and Private School to operate on the site, as well as a Use Permit allowing live entertainment for school and community-based events. The Development Review Commission was the final decision making body for that aspect of the application.

During the January 13 hearing, commission members expressed agreement that Mixed Use zoning was appropriate for the site and properly reflected the community goals as set forth in the General Plan 2030. However, the applicant was encouraged to spend more time meeting with neighbors to discuss the Planned Area Development standards, specifically as they relate to setbacks and height.

The applicant and project team have taken time since the January 13 DRC hearing to meet with the neighbors on an individual, small group, and large group basis. City staff hosted a meeting between the project team and the neighborhood's technical committee on February 3, 2009 at Tempe City Hall. The four neighborhood representatives were generally in support of proposed setbacks from the January DRC hearing (specifically the 85' distance on the north and west sides between the property line and the face of the proposed buildings), but suggested lower buildings heights and more of a “tiered” effect to focus any height to the south and east. The exact placement of the setbacks were not specified, but in general the neighborhood favored keeping an 85 foot area closest to the north and west free of buildings, and having zones of height that gradually rose from 32' to 42' to 48' to the south and east. The building heights suggested by the neighbors were significantly lower than the applicant's previous proposal, but the applicant agreed to consider the suggestions brought forward at this meeting.

Subsequently, the applicant hosted an additional full neighborhood meeting on February 23, 2009 at the Tempe Library. This neighborhood meeting was not required by city code, however, the applicant strongly believes continued open communication with area residents is necessary for a successful project. Mailed notices were sent to property owners within 300 feet of the project, and signs were posted on the subject property. This was the second full neighborhood meeting held for this project. More than 45 neighbors were in attendance, as well as the applicant's project team and city staff. The project team was on hand for more than 3 hours to listen to the concerns of the neighbors and field questions,

which generally focused on height, setbacks, and traffic impacts, and to a lesser degree, the operation of the proposed school. Some technical questions were also answered regarding LEED buildings, on-site retention, parking, and fire access. There was also an open and frank discussion on the history of previous proposals for the site, and the process so far as it relates to the currently proposed project.

During this meeting, the traffic study for the proposed project was discussed in detail. Although the traffic study indicated that the Level of Service for the two most affected intersections was not significantly impacted by the project, the neighbors generally expressed that from their perspective, even one additional car traveling through the area would be undesirable. The issue of cut-thru traffic coming off of Price Road was discussed, and the project's design team suggested that since this is already an issue in the neighborhood, perhaps there are other options such as traffic diverters or calming devices that could be investigated regardless of the outcome of the proposed project.

As it relates to the Planned Area Development standards, the applicant also offered a revision to the previously proposed PAD that added an additional tier of restricted height on the north and west sides, decreased the maximum building envelope on the west side of the property, and that lowered the maximum height along Southern Avenue and Price Road from 70 feet to 60 feet. This effectively eliminated the potential for a full story of office space (28,260 SF) as compared to the previous proposal. These suggestions were a direct outcome of the February 3 meeting with the neighborhood's technical committee.

Although an overall consensus was not reached on the PAD standards, general agreement was reached on several points. Many neighbors were appreciative of the tiered stepbacks in height to the north and west, and specifically requested staggered building heights leading up and away from the neighborhood towards the intersection of Price and Southern. A consensus among the neighbors was reached that the 30' height limit from 20'-80' from the north and west property lines was a major point of contention. This 30' height zone was added at a previous meeting to address various "what if" scenarios, but it is now felt that it causes more concern than it alleviates. Various suggestions were offered as to how this could be addressed; these suggestions included tripling the building setback, having more staggered tiers in height and having fewer but more significant tiers in height. There were also a number of specific design-oriented suggestions that related to building placement and shape. The applicant agreed to consider all of these suggestions. At the conclusion of the meeting, it was suggested by a few attendees that the neighborhood and the applicant "were close" to reaching a mutually acceptable compromise.

The applicant is committed to continuing to work with the neighborhood in future phases of the project on specific design aspects, and has agreed to a stipulation requiring additional neighborhood meetings to coincide with the Development Plan Review submittals anticipated in Phases II and III.

PROJECT DESCRIPTION

This application requests approval for a Zoning Map Amendment from the Residential/Office (R/O), Single Family Residential (R1-6) and Commercial Shopping & Service (CSS) districts to Mixed-Use, Medium Density (MU-2) with Planned Area Development Overlay for a project consisting of a phased development in which the existing buildings are remodeled or replaced over time with several new buildings. This application does not include a Development Plan Review for any new construction.

It is envisioned that this site will be transformed in three phases, which can be described as follows:

Phase I - Change of use, no new construction

Once the Tri-City Baptist Church & School has completed the move to their new facilities in Chandler, EdOptions intends to move their regional corporate offices into the existing facilities. A new charter school and private school would begin operations on the site, also in the existing buildings. Physical changes during this phase would likely be cosmetic in nature, and would be likely be limited to updated signage, repainting (touch-ups in the existing color scheme), and the

removal of items currently stored outside by the previous owner, and replacement of missing screening trees. The applicant has agreed to work with staff to repair the perimeter wall where needed during Phase I, and also begin planting the landscape screening trees that will be needed in future phases to ensure maximum growth before new construction begins.

Phase II – Renovation & Expansion of Gym, Replacement of existing office and school buildings

Some time after EdOptions has established operations on the site, design would commence on two new Mixed-Use buildings generally located in the northwest portion of the parcel. These buildings would serve multiple functions and could contain a mix of corporate offices, school offices, classroom space, and staff housing. This phase would also include a renovation and expansion of the gym facilities in a manner consistent with the other new construction. The design intent is to provide flexible buildings that can adapt over time to meet the needs of the user in a sustainable manner. Specific aesthetic concerns such as material selection, landscape palette, and façade articulation will be addressed through the Development Plan Review process required prior to any new construction, which would include neighborhood meetings. The neighborhood outreach effort would be directed to address specific design concerns that have already been identified, such as window placement and view corridors.

During Phase II, the existing sanctuary would continue to be used for assembly, performances, lectures, etc, and would be available for community groups to rent.

Phase III – Eventual redevelopment along Southern Avenue and Price Road

The final phase would focus on redeveloping the commercial frontage along the south and east faces of the site. This phase would be some years in the future, and would be designed to respond to the needs of the market at that time. It is anticipated that this phase would primarily consist of office space, with some small amount of retail/restaurant space to serve on-site users (i.e., a coffee shop or lunch café).

SITE AND AREA CONTEXT

The site is generally located on the northwest corner of Southern Avenue and the Loop 101. The subject property wraps around a smaller commercial property to the southeast (the Landis Cyclery and AM/PM gas station), and is otherwise bounded on the south and east by Southern Avenue and Price Road, respectively. On the north and west sides of the property, the site is bounded by single family residential homes. There is an alley contiguous with roughly half of the northern property line, and another alley dead-ends in a “T” pattern on the western property line. Across Southern Avenue, directly to the south, is an existing commercial development that is currently being redeveloped with retail and self-storage uses.

The site currently contains a sanctuary, a gymnasium with multipurpose rooms including classrooms and a cafeteria, several office & classroom buildings, and a maintenance trailer. These facilities were used by the previous owner to operate a church, nursery, K-12 school, and 4-year college program.

The subject property forms an important physical, visual and acoustic buffer between the single family residential neighborhood to the north and west and the heavily traveled intersection of Southern Avenue and the Loop 101. General Plan 2030 calls for the residential land use to remain adjacent to the north and west of the parcel, and for a continued commercial use to the south. Price Road and the Loop 101 form a dominant presence to the east.

CURRENT ZONING

The bulk of the site (approximately 6.31 acres) which includes the existing church office & school buildings, the gym and the athletic field, is currently zoned Single Family Residential (R1-6). The southwestern portion of the site containing the

sanctuary (approximately 1.98 acres), is zoned Residential/Office (R/O). Two small parking areas (approximately .56 acres) along the southeastern corner of the site are zoned Commercial Shopping & Service (CSS), and one of these areas is encumbered with a common use drive easement to allow access to Landis Cyclery.

GENERAL PLAN 2030

The Existing Land Use identified in General Plan 2030 is Work (Civic) and Place of Worship, with no Existing Residential Density specified. The General Plan 2030 Projected Land Use for this parcel is Live/Work (Mixed Use). Projected Residential Density varies across the site, with Low to Moderate Density (up to 9 dwelling units per acre) on the northern portion of the site currently in the R1-6 district, and Medium Density (up to 15 dwelling units per acre) towards the southern portion of the site which is currently in the R/O and CSS districts.

The purpose of the proposed zoning change to MU-2 with PAD is to match the property's zoning with the goals identified in the General Plan 2030, while allowing the new property owner to operate a school on the site. The mixed use nature of the proposed development (school, office, residential, retail) is in keeping with the General Plan 2030, and the continued presence of a school and offices on the site is consistent with what the neighboring community has experienced for many years. The proposed PAD standards offer a flexible, site-specific response that directly addresses the dichotomy between the well-established Shalimar residential neighborhood to the northwest, and the high-profile intersection of Southern Avenue and the Loop 101 to the southeast. In this respect, the site acts as a transitional area between dissimilar land uses, and serves to mediate between the highly public nature of the intersection and the intensely private surrounding neighborhood. These standards have been exclusively tailored to meet the needs of the applicant while addressing the neighborhood's concerns and fulfilling the objectives of the General Plan. This PAD has been crafted with the applicant's specific site plan in mind, and would likely not be desirable for a different project or user. With these factors in mind, the MU-2 with Planned Area Development zoning is ideally suited to serve the needs and desires of the land owner, the neighborhood, and the city as a whole in a way that alternative zoning districts would be unable to do.

The MU-2 zoning district, with a density not to exceed 9 dwelling units per acre on the north and 15 dwelling units per acre on the south, exactly matches the densities outlined in the General Plan 2030. MU-2 zoning also accurately reflects the mixed use nature of the site in a way that a commercial district such as PCC-1 or PCC-2 (with a Use Permit to allow residential use) would not.

The proposed PAD standards for height limits new construction to 48 feet on the northwestern portion of the site, while limiting buildings within 250 feet of Southern and Price to 60 feet. Additionally, the applicant is requesting a tiered height restriction to the north and west sides of the property to address the concerns of the neighbors. From the property lines adjacent to the R1-6 single family residential district, the first 20' is proposed as a landscape buffer and building setback, with a 30' height limit from 20' to 80', a 42' height limit from 80' to 100', and a 48' height limit beyond 100'. In no case would the 60' height limit be closer than 150' from any neighboring single family residential lot. The applicant feels that this balance responds to the neighborhood's concerns for height adjacent to residential districts while providing a viable future commercial use on a prominent intersection adjacent to the Loop 101 freeway. Landscape buffers and parking setbacks are also designed to effectively negotiate the change from a mixed use site to a single family residential neighborhood in a way that respects the privacy concerns of the neighbors. This is a creative response to the unique conditions of a site that serves as a buffer between a single family residential neighborhood and both a heavily travelled major arterial and the freeway.

The proposed mix of uses on the site fulfills and exceeds the objectives of the General Plan by providing a place to live, learn, work and play all in the same location in a pedestrian-friendly environment. Additionally, by providing on-site teacher & staff housing, this proposal addresses the need for affordable housing for education professionals in our community. The mixed use nature of the development provides an opportunity for a teacher or staff member to live and work in the same location while being able to access nearby shopping, cultural and entertainment amenities with mass

transit. The phased redevelopment plan attempts to slowly transform the site in response to the needs of the community, and incorporates the adaptive reuse of existing structures where possible.

SITE CIRCULATION AND PARKING

During Phase I, the existing circulation and parking would remain in their present form.

The overall site design strategy for Phase II is to orient the new structures according to sustainable design principles (broad sides facing North/south, narrow sides facing east/west) in a manner that creates an academic 'quad' between the new buildings and facing the gym. This campus setting would allow open pedestrian circulation between these buildings without traversing a vehicular path. Parking and vehicle circulation would be relegated to the perimeter of the site. By organizing most of the parking in a heavily landscaped linear fashion around the buildings, the "field of asphalt" effect can be avoided, and the buildings can still be moved away from the property line to reduce their perceived height. The zone between the property line and parking area would be heavily landscaped to provide a buffer for neighboring properties, as well as shade for parked cars.

It is anticipated that Phase III site circulation would directly address Southern Avenue and Price Road, while still providing convenient access to improvements made during Phase II.

POLICE AND SANITATION

Along the western boundary of the site, the property line jogs in response to an existing alley. This alley (located between Geneva and Huntington Drives) effectively dead-ends into the subject property, which requires sanitation vehicles to travel approximately 450 feet before executing a 3-point turn to reverse course and exit along the same path of travel. Besides being a relatively inefficient path of circulation for sanitation vehicles, this 450 foot dead-end creates an unsafe and unsupervised 'ambush' location that is well out of the view of passing cars and pedestrians. In addition to the security issue, this corner also presents an unsupervised area where dumping and littering can occur.

The applicant originally proposed a reconfiguration of the alley which included an entrance to the alley from the subject property, however, the idea failed to gain support from neighbors and is no longer being pursued.

MIX OF USES

Phase I – School, Office, Place of Worship

During Phase I, uses on the site would remain much as they are today. These would include School, Office and Place of Worship. EdOptions intends to move its regional corporate offices to the subject property, and to operate a charter school on the premises. Classes for the Charter School would be staggered throughout the day to reduce peak traffic on the site. To the extent that the gymnasium and sanctuary would remain unused by EdOptions, they would be made available for rent. Various community groups have expressed interest in renting the sanctuary for church services, charter school graduations, and other community events. The previous property owner has operated a church and school on the site for decades, so the neighborhood is unlikely to notice anything more than a cosmetic change to the site and facilities and the replacement of missing screening trees along the perimeter of the site. There is no new construction planned for Phase I.

Phase II – School, Office, Place of Worship, Residential

Phase II would see new construction in the northwest portion of the site, along with landscape improvements throughout. Once the gymnasium is expanded and the two new buildings are added, uses would expand to include school, office,

residential, and place of worship uses. The residential component would consist of staff housing within buildings otherwise occupied by office uses. Such housing would be used as an incentive to attract teachers and staff that might otherwise be unable to find attainable housing in close proximity to their places of employment. The residential component would be limited in scope to address neighbors' concerns over density (there was significant objection to several previously proposed residential schemes), while at the same time addressing the General Plan's desire to provide sustainable mixed use opportunities for residents to live near work.

Phase III – School, Office, Residential, Retail

Eventual redevelopment of the portions of the site within 250 feet of Southern Avenue and Price Roads would likely involve some combination of office and limited retail (coffee shop, lunchtime café, or similar) that would take better advantage of the key intersection of Southern and the Loop 101. These buildings would generally be located where the auditorium and athletic fields are currently. At the conclusion of the third phase, uses would include school, office, residential and retail.

ZONING AND PAD STANDARDS

Currently the site falls in three zoning districts: R1-6, R/O and CSS. The proposed rezoning would bring the entire site into the MU-2 district with a PAD Overlay to establish development standards that respond effectively to the context and proposed uses.

The site is adjacent to the R1-6 single family residential district on the north and west sides, and faces the PCC-1 commercial district to the south (across Southern Avenue). PCC-1 also exists directly to the east, although the Loop 101 freeway effectively buffers the site on that side.

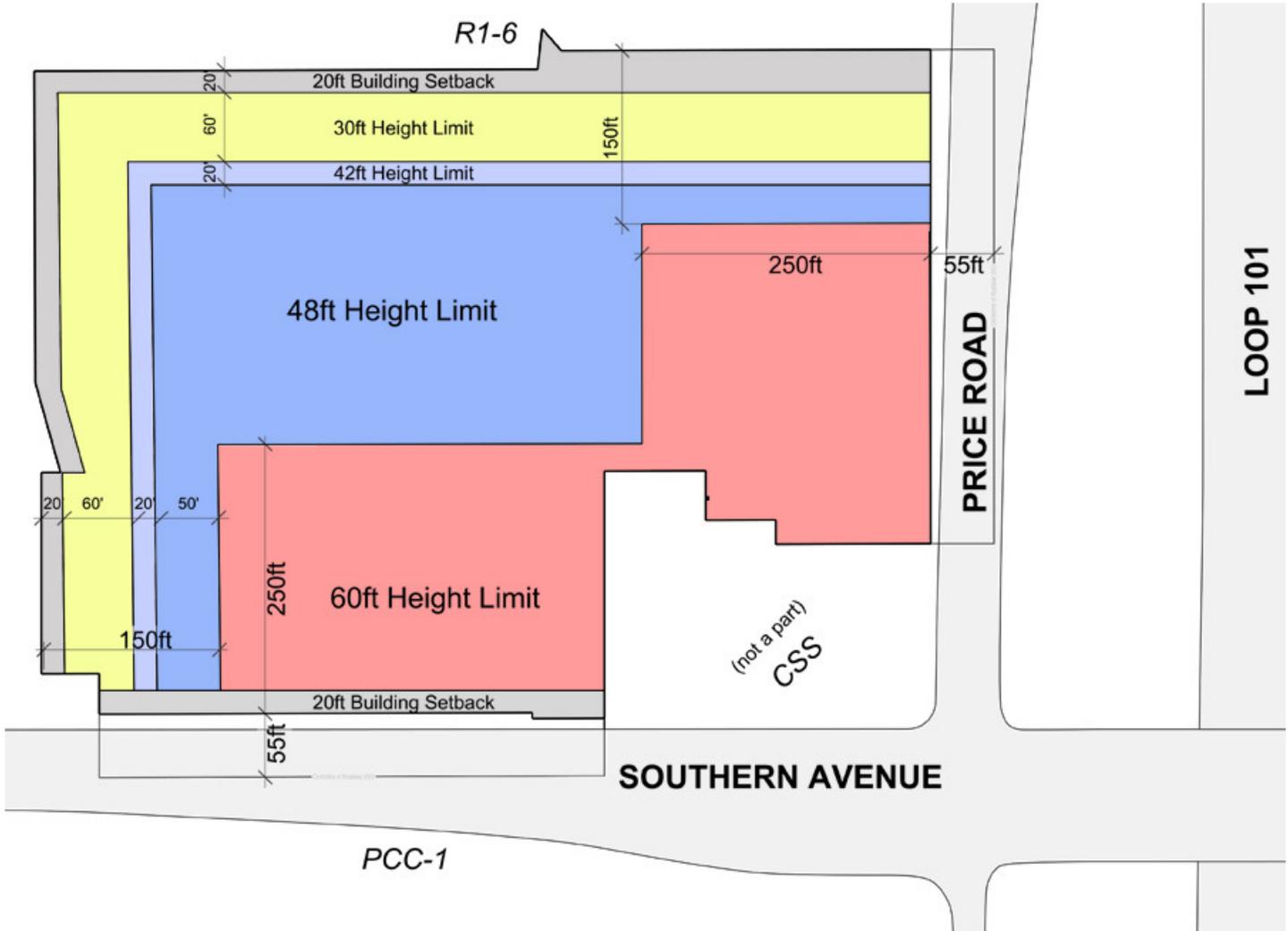
As a high profile, relatively large site adjacent to a major arterial avenue, a freeway, a commercial district and a single family residential neighborhood, the proposed PAD standards respond to the site, the expectations of the General Plan, and the concerns of neighboring residents.

A maximum lot coverage ratio of 40% is proposed, with a minimum landscape area of 15%. This represents a less dense lot coverage ratio than would be allowed in either the R1-6 or PCC-1 districts, while meeting the minimum landscape area required in the PCC-1 district.

A 20 foot parking setback on all sides would provide an additional buffer on the side and rear of the property, while complementing the pedestrian experience on the front and street sides. The proposed standards would include 20 foot front setback to enhance the pedestrian experience along Southern Avenue, a zero foot street side setback facing Price Road, and 20 foot side and rear setbacks (sides facing west and north, respectively). These building setbacks are significantly greater than would be required in the existing R1-6 district.

With respect to height, a building height maximum of 60 feet is proposed, with a 48 foot height restriction on portions of the site adjacent to the SFR district (see accompanying illustration). These height limits directly correspond to the proposed buildings, which vary from 42 feet tall to 55 feet tall (excluding mechanical). The 48 foot height restriction on portions of the site adjacent to residential districts is consistent with MU-2 standard of 40 feet with a 20% bonus, while the increased height allowed along Southern Avenue and Price Roads is a direct response to the high profile nature of the site. Additionally, proposed height limits of 30 feet for areas within 80 feet of the adjacent SFR district, and a limit of 42 feet in the zone 80 feet to 100 feet from adjacent SFR is requested to address the desire of the neighborhood for "tiered" height protections.

GRAPHIC ILLUSTRATION OF PAD STANDARDS



The proposed standards represent a significant improvement over the existing conditions where building masses are generally concentrated away from the street and towards the adjoining SFR district. Currently, buildings are located as close as 9 feet away from adjoining residential parcels. The proposed standards would locate future buildings away from the adjoining SFR district and would direct height towards the street and freeway. From the perspective of adjoining homeowners to the west and north of the subject property, the proposed PAD standards represent an increase in side, street side and rear yard setbacks as compared with the existing R1-6 zoning. Additionally, the existing R1-6 zoning has a 30 foot height limit with closer setbacks on the side and rear yards than the proposed standard. This existing standard does not adequately address neighbors’ concerns regarding privacy and perceived height.

From the perspective of adjoining homeowners to the north and west, these proposed standards should represent an improvement in that they would reduce the perceived height of new construction (as compared to what would be allowed by-right in R1-6). The proposed standards can effectively concentrate the bulk and height of the proposed new buildings away from adjoining property owners while providing a landscape buffer for privacy concerns. The proposed height guidelines fall within the required step-back guidelines for properties adjacent to SFR districts.

PLANNED AREA DEVELOPMENT STANDARDS

Standard	MU-2 with PAD	MU-2	R1-6	PCC-1	Existing Conditions
Residential Density	Medium Density (up to 9 & 15 du/ac*)	Medium Density (up to 15 du/ac)	Low Density (up to 4 du/ac)	Medium Density w/Use Permit (up to 15 du/ac)	None
Building Height Maximum	30' / 42' / 48' / 60' (see PAD graphic)	40 feet (+20% w/Use Permit)	30 feet	35 feet (+20% w/Use Permit)	Approx. 35 feet
Maximum Lot Coverage	40%	NS	45%	50%	16%
Minimum Landscape Area	15%	NS	NS	15%	34%
Front Setback (South)	20 feet	NS	20 feet	0 feet	20 feet
Street Side Setback (East)	0 feet	NS	10 feet	0 feet	261 feet
Side Setback (West)	20 feet	NS	5 feet	20 feet	16 feet
Rear Setback (North)	20 feet	NS	15 feet	30 feet	9 feet
Parking Setback	20 feet	20 feet	NS	20 feet	5 feet

*per General Plan

Respectfully submitted,



Jason Comer
development manager

For William J. Sawner, Applicant

ARCHITEKTON

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MEMORANDUM

TO: DIANA KAMINSKI, CITY OF TEMPE

FROM: ERIC EMMERT, DORN POLICY GROUP

DATE: FEBRUARY 26, 2009

SUBJECT: NEIGHBORHOOD OUTREACH

For the past six months Educational Options has worked diligently to engage neighbors surrounding the 2150 Southern Campus Masterplan property, formerly the Tri-City Baptist Church, as property improvements have been discussed. While city code dictates the neighborhood notifications and meeting requirements, Educational Options has chosen to exceed those requirements in an effort to better understand the desires of its surrounding neighbors.

OUTREACH CHRONOLOGY

AUGUST 2008

- 12 letters were sent to adjacent property owners explaining the project and included contact information – (8/19/2008)
- 6 phone calls were made to known numbers of adjacent property owners to discuss the project – (8/27/2008 and 8/28/2008)
- 1 home visit with adjacent property owners to discuss the project in detail – (8/27/2008)

SEPTEMBER 2008

- 1 home visits with adjacent property owners to discuss the project in detail – (9/9/2008)
- 6 phone calls were received from neighbors interested in discuss the project – (9/1/2008, 9/8/2008, 9/10/2008, 9/18/2008)

OCTOBER 2008

- 1 home visits with adjacent property owners to discuss the project in detail – (10/24/2008)
- 42 letters were sent letters to property owners within 300 feet – (10/17/2008)
- 1 phone call was received from a neighbor interested in discuss the project – (10/17/2008)

NOVEMBER 2008

- 38 residents attended the required neighborhood meeting – (11/3/2008)
- 2 phone calls were made to residents with concerns to schedule an additional meeting – (11/9/2008 and 11/10/2008)
- 3 phone calls were received from neighbors interested in discussing the project – (11/3/2008)
- 1 home visit with adjacent property owners to discuss the project in detail – (11/12/2008)
- 7 residents attended a meeting with City of Tempe, Architekton, Dorn Policy Group and EdOptions staff in the Development Services Conference Room – (11/25/2009)

JANUARY 2009

- 119 Tempe residents signed letters in support of the project.
- Area residents attended the Development Review Commission meeting (1/13/2009)

FEBRUARY 2009

- 4 residents identifying themselves as the “core team” attended a meeting with City of Tempe, Architekton, Dorn Policy Group and EdOptions staff in the Development Services Conference Room – (2/3/2009)
- 42 letters were sent to property owners within 300 feet – (2/13/2009)
- 44 residents attended a neighborhood meeting at the Tempe Connections Café room in the Tempe Library – (2/23/2009)

RESIDENT CONCERS

Issues raised by residents during the outreach process include:

- No opening of Geneva Drive
- No high density condominium projects
- No alley opening to the west of the church property
- School demographics
- Traffic impacts
- Building height

EDUCATIONAL OPTIONS RESPONSE

On numerous occasions throughout the public outreach process, EdOptions has clarified project rumors related to the private and charter school operations. EdOptions also made significant adjustments to the PAD in response to neighbor concerns (Attachment A). They include:

- Reduction of building height from 70 ft. to 55 ft. plus mechanical.
- A stepped approach to building height to protect the neighborhood in the unlikely event the property is sold.
- Alley reconfiguration was discarded.
- The project name was changed.
- View corridors were mitigated with additional foliage and design stipulations.
- Traffic studies will be conducted at the beginning of each phase of the project.
- Abandoned additional entrance on Price Road.
- Conducted an additional traffic study examining all three phases.

While design is not required for the requested MU-2 zoning with PAD, EdOptions also stipulated to multiple building standards prior to the design phase to address neighbor concerns. They include:

- Stairwells shall be enclosed or internal to the buildings or not visible from the perimeter of the site.
- No upper story exterior circulation paths adjacent to or facing single-family residences.
- Staff housing shall be away from the existing residences.
- Building façade shall have architectural variation to break up the massing.
- Parking islands shall be spaced 1 per 10 parking spaces on the north and west side of the site to allow for trees.
- No temporary or permanent athletic field lights shall be added to the existing field. Any lighting added shall not exceed 18' in height and shall have no light trespass outside of the north and west property line.
- No loud speaker or public announcement system shall be installed or used on the property.
- An on-site security plan is required.

NEIGHBORHOOD MEETING NOTES

A summary of the November 3, 2008 neighborhood meeting that occurred at the current Educational Options western headquarters at 3820 S. Country Club Way in Tempe is as follows:

7:00 P.M. Eric Emmert introduced the project outreach team and noted Diana Kaminski attendance as a resource for process questions.

7:06 P.M. Jeff Sawner gave an overview of the project. He noted the following will NOT occur in the Educational Options development:

- NO high density condominiums
- NO opening through access of Geneva Dr.
- NO request for a general plan amendment
- NO outdoor athletic field lighting
- NO outdoor speaker system

Sawner noted that the project will do the following:

- WILL continue the educational focus of the property
- WILL require a zoning change to allow for multiple uses
- WILL exceed required setbacks
- WILL provide adequate on-site parking
- WILL allow community groups to use the facilities

7:18 P.M. Residents began a question and answer period. Issues raised include:

Who will own the property and run the charter school?

What student demographics are served by the school?

Where will students park?

Explain the staggered class schedule.

What are the heights of the buildings in Phase II and Phase III?

What happens if Educational Options wants to sell the property?

Can Educational Options do what it wants with the current zoning?

The curb cut on Price should be limited to "entrance only".

How many residential units will the project include?

Will residential units be limited to Educational Options staff?

What is the project lot coverage?

Will there be name confusion with current existing community facilities?

Explain the alley configuration to the west of the property.

High windows are suggested for the north side of buildings.

Explain the entertainment use permit request.

9:18 P.M. With no other questions or comments, Emmert adjourned the meeting. Conversations between individual residents and the project team continued for an additional 45 minutes.

A summary of the February 23, 2009 neighborhood meeting that occurred at the Tempe Library Connections Café meeting room at 3500 S. Rural Rd. in Tempe is as follows:

6:03 P.M. Eric Emmert introduced the project outreach team and noted Diana Kaminski attendance as a resource for process questions.

6:06 P.M. Emmert noted the four decisions of the DRC on January 13th.

- Granted a use permit for a charter school (State Board of Charter Schools 12th) and private school
- Granted a use permit to allow other civic organizations to use the facility
- Mixed use zoning is appropriate for the property - it matches GP 2030
- 70 ft. is too tall for the Phase III buildings

6:09 P.M. Emmert explained that a meeting was held with a team of community representatives on February 3, 2009. They agreed to the following:

- Original proposed setbacks have merit
- Height should be pushed toward Southern and Price
- Would like to see setbacks as height increases

6:11 P.M. Jason Comer and Joe Salvatore explained the traffic study. The following questions were asked by residents relative to the study:

What is the current level of service?
Are traffic studies required for each phase?
Is the traffic study a public document?
Who paid for the traffic study?

6:52 P.M. A number of questions were asked by residents regarding the school?

Are there examples of other charter schools EdOptions has opened?
Can I have a list of recommendations?
What are the ages of the students?
Are the students criminals?
Will the company be paying property taxes?
Is there a timeline for building permits?

7:23 P.M. Emmert and Salvatore introduced the revised building setbacks and heights. A list of resident questions and comments includes:

Is there adequate parking in all three phases?

*A 12 ft. wall around the entire property was suggested.
Could parking be placed underground?
Who owns the property?
Where are the buildings to be placed?
An "L" configuration around the Landis property was suggested.
Why is parking configured the way it is?
A 150 ft building was suggested 80 ft "out".
Suppressed parking to reduce the height was suggested.
Can you explain the lighting of the project?
Previous developers have created an adversarial environment.
Parking on the top of the buildings was suggested.
Could building coverage go from 40% to 45%?
What are the next steps?*

8:38 P.M. Emmert, Salvatore, Sawner and Comer explained that an entire story had been removed from the taller buildings. They concluded the meeting by explaining the next steps.

8:47 P.M. The meeting adjourned. Additional side conversations took place following the meeting for an additional 10 minutes.

CONCLUSION

EdOptions is committed to continuing work with the area residents through the PAD approval and design phases. The company and its employees wish to live and work in Tempe. In addition, they wish to be good neighbors. Working together requires concessions. EdOptions has made considerable concessions throughout the process and hopes the neighbors will help make this project a win-win development.

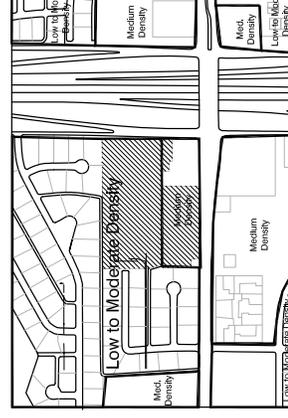
Attachment A

Educational Options Response to Neighborhood Concerns

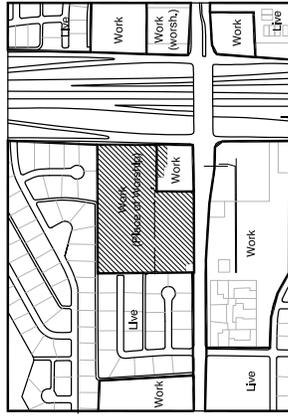
Issue	Project as Introduced	Expressed Concern	EdOptions Response
Height	Buildings along Southern and Price were 70 ft. tall	Buildings too tall	Reduce the building height to 55 ft. plus mechanical
Western Alley	West alley to be reconfigured to allow for limited access for City vehicles	Don't change the alley	Alley reconfiguration abandoned
Project Name	Project name – Tempe Education and Arts Center	Name confusion with other Tempe public and private projects	Project given a new name of 2150 E. Southern Ave.
Views of the Project	Phase III building along Price has a 20 ft. setback	Concern about views of the buildings	<ul style="list-style-type: none"> • 30 ft. buffer established • 42 ft. buffer established • 85 ft. setback to Price building • EdOptions meeting with neighbors about foliage • EdOptions will consider high windows during design
Traffic	All current curb cuts off Price into the property will remain	The development may contribute to traffic in the neighborhood to the north of the property.	<ul style="list-style-type: none"> • EdOptions conducted a traffic study • The curb cut on the northeast corner of the property was closed



Existing Density



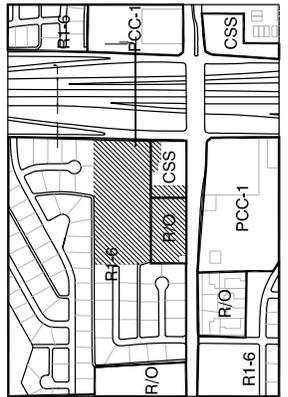
GP2030 Density



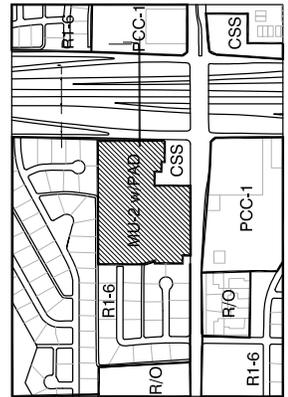
Existing Land Use



GP2030 Land Use



Current Zoning



Proposed Zoning



PLANNED AREA DEVELOPMENT FOR 2150 SOUTHERN CAMPUS MASTERPLAN

A PORTION OF THE SOUTHEAST QUARTER, SECTION 25, TOWNSHIP 1 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, 20____
BEFORE ME, THE UNDERSIGNED, PERSONALLY
APPEARED WILLIAM JEFFREY SAWNER, OWNERS
DESIGNATED REPRESENTATIVE, WHO ACKNOWLEDGED
HIMSELF TO BE THE PERSON WHOSE NAME IS
SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO
EXECUTED THE FOREGOING INSTRUMENT WITHIN, AND
WHO EXECUTES THE FOREGOING INSTRUMENT FOR
THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND
OFFICIAL SEAL

BY: _____ MY COMMISSION
NOTARY PUBLIC _____

ATTEMPE EDUCATION AND ARTS CENTER, LLC, AN
ARIZONA LIMITED LIABILITY COMPANY;

DATE _____
WILLIAM JEFFREY SAWNER
WESTERN REGION VICE PRESIDENT

AS OWNERS DESIGNATED REPRESENTATIVE

LEGAL DESCRIPTION

PARCEL NO. 1
That part of the Southeast quarter of Section 25, Township 1
North, Range 4 East of the Gila and Salt River Base and
Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point on the East line of said Section 25
from which the Southeast corner of said Section 25 bears
South 00 degrees 00 minutes 21 seconds East a distance
of 264.00 feet and running thence North 00 degrees 00
minutes 21 seconds West, along the East line of said Section
25, 356 feet to the Southeast corner of SHALIMAR ESTATES
ADDITION NO. 1, as shown by the plat of record in Book 104
of Maps, Page 5, records of Maricopa County, Arizona;

Thence South 89 degrees 45 minutes 15 seconds West
along the South line of aforesaid SHALIMAR ESTATES
ADDITION NO. 1 and along the South line of SHALIMAR
ESTATES, as shown by the plat of record in Book 91 of
Maps, Page 1, records of Maricopa County, Arizona, 1477.53
feet;

Thence South 03 degrees 33 minutes 45 seconds East a
distance of 621.00 feet to a point on the South line of said
Section 25;

Thence North 89 degrees 48 minutes 15 seconds East, along
said South line to a point from which the Southeast corner of
said Section 25 bears North 89 degrees 48 minutes 15
seconds East 825.00 feet;

Thence North 00 degrees 00 minutes 21 seconds West
parallel with the East line of said Section 25 a distance of
264.00 feet;
Thence North 89 degrees 48 minutes 15 seconds East,
parallel with the South line of said Section 25 a distance of
825.00 feet to the POINT OF BEGINNING;

TOGETHER WITH that portion of an 8 foot wide alley along the
South line of Lots 161 and 162, SHALIMAR ESTATES NO. 3,
Tempe Ordinance No. 923.2 and more particularly described in
Instrument recorded as Document No. 635-129313.

EXCEPT THE FOLLOWING THREE PARCELS IDENTIFIED
HEREIN AS EXCEPTION PARCELS A, B, and C:

EXCEPTION PARCEL A:
That part lying within C.D. BRADLEY HACIENDAS UNIT ONE,
according to Book 121 of Maps, Page 47, records of Maricopa
County, Arizona.

EXCEPTION PARCEL B:
Any part lying in the following described property: That part of
the Southeast quarter of Section 25, Township 1 North, Range
4 East, described as beginning at the Southeast corner of Lot
21, C.D. BRADLEY HACIENDAS UNIT ONE, a subdivision of
record in the office of the Maricopa County Recorder Book 121
of Maps, Page 47, said point being on a curve to the left, said
curve having a central angle of 40 degrees 38 minutes 50
seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to a point of
tangency with a curve to the right having a central angle of 261
degrees 17 minutes 40 seconds and a radius of 45 feet;
Thence along said curve a distance of 205.22 feet to a point of
tangency with a curve to the left, said curve having a central
angle of 40 degrees 38 minutes 50 seconds and a radius of
37.90 feet;

Thence along said curve a distance of 26.89 feet to the
Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS
UNIT ONE;

Thence North along the East line of said Subdivision to the
POINT OF BEGINNING.

EXCEPTION PARCEL C:
That portion conveyed to the City of Tempe by deed recorded
in Docket 10410, page 943 and being more particularly
described as follows: That portion of the Southeast quarter of
Section 25, Township 1 North, Range 4 East of the Gila and
Salt River Base and Meridian, described as a strip of land 8.00
feet in width lying adjacent to and immediately South of the
South line of Shalimar Estates Addition No. 3, a subdivision of
record in the office of the Maricopa County Recorder in Book
118 of Maps, Page 5;
Except any portion lying West of the East line of Lot 21, C.D.
Bradley Haciendas Unit One, a subdivision of record in the
office of the Maricopa County Recorder in Book 121 of Maps,
page 47; and Except any portion lying East of the Southernly
extension of the West line of Lot 161, said Shalimar Estates
Addition No. 3.

PARCEL NO. 2
That part of the Southeast quarter of Section 25, Township 1
North, Range 4 East of the Gila and Salt River Base and
Meridian, Maricopa County, Arizona, described as follows:
BEGINNING at the Southeast corner of Lot 21, C.D.
BRADLEY HACIENDAS UNIT ONE, a subdivision of record in
the office of the Maricopa County Recorder in Book 121
of Maps, Page 47, said point being on a curve to the left, said
curve having a central angle of 40 degrees 38 minutes 50
seconds and a radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to a point of
tangency with a curve to the right having a central angle of
261 degrees 17 minutes 40 seconds and a radius of 45 feet;

Thence along said curve a distance of 205.22 feet to a point of
tangency with a curve to the left, said curve having a central
angle of 40 degrees 38 minutes 50 seconds and a
radius of 37.90 feet;

Thence along said curve a distance of 26.89 feet to the
Northeast corner of Lot 1, of said C.D. BRADLEY HACIENDAS
UNIT ONE;

Thence North along the East line of said Subdivision to the
POINT OF BEGINNING.

PARCEL NO. 3
The South 264 feet of the East 825 feet of the Southeast quarter
of Section 25, Township 1 North, Range 4 East of the Gila and
Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 50 feet of the North 50 feet of the South 90
feet; and
EXCEPT the East 400 feet thereof; and
EXCEPT the South 55 feet thereof;

TOGETHER WITH an easement for ingress and egress over the
North 8 feet of the East 400 feet of the South 264 feet of the
Southeast quarter of said Section 25.

PARCEL NO. 4
The West 62.5 feet of the East 400 feet of the South 264 feet of
the Southeast quarter of Section 25, Township 1 North, Range 4
East of the Gila and Salt River Base and Meridian, Maricopa
County, Arizona;

EXCEPT the South 50 feet thereof.

PARCEL NO. 5
That part of the Southeast quarter of Section 25, Township 1
North, Range 4 East of the Gila and Salt River Base and
Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southeast corner of Section 25;

Thence North 00 degrees 00 minutes 21 seconds West along
the East line of said Section 25, a distance of 264 feet;
Thence South 89 degrees 48 minutes 15 seconds West a
distance of 50.00 feet to the POINT OF BEGINNING;

Thence continuing South 89 degrees 48 minutes 15 seconds
West along the North line of the South 264 feet of said
Southeast quarter, a distance of 193.72 feet; Thence South 00
degrees 00 minutes 21 seconds East, a distance of 43.00 feet;
Thence North 89 degrees 48 minutes 15 seconds East, a
distance of 60.60 feet;

Thence South 00 degrees 00 minutes 21 seconds East, a
distance of 21.00 feet to a point on the North line of the South
200 feet of said Section 25;

Thence North 89 degrees 48 minutes 15 seconds East along
said North line, a distance of
139.12 feet to a point on the West line of the East 50 feet of said
Section 25;

Thence North 00 degrees 00 minutes 21 seconds West along
said West line, a distance of
64.00 feet to the POINT OF BEGINNING;

EXCEPT the East 5 feet.

OWNER/DEVELOPER

THE TEMPE EDUCATION AND ARTS CENTER, LLC /
EDUCATIONAL OPTIONS
THOMAS E. SAWNER
3440 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22201

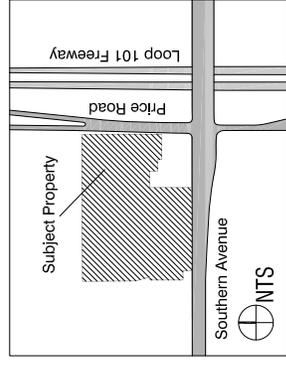
WILLIAM J. SAWNER, AUTHORIZED REPRESENTATIVE
3280 SOUTH COUNTRY CLUB WAY
TEMPE, AZ 85282
(480) 777-7720

PROJECT DATA

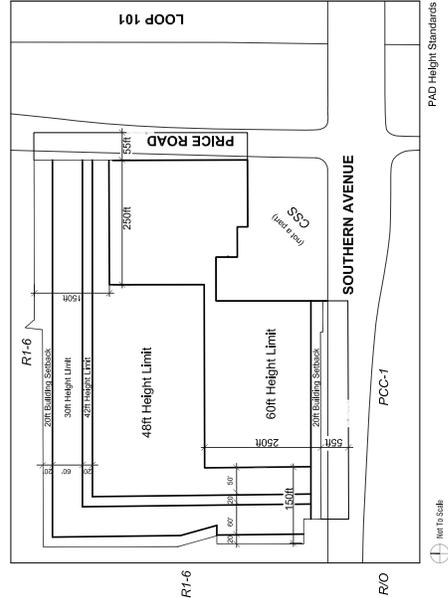
PLANNED AREA DEVELOPMENT STANDARDS

Residential Density	9du/ac & 15du/ac (per GP)
Building Height Maximum	30', 42', 48', 60' (see diagram)
Maximum Lot Coverage	40%
Minimum Landscape Area	15%
Front Setback (south)	20 feet
Street Side Setback (east)	0 feet
Slide Setback (west)	20 feet
Rear Setback (north)	20 feet
Parking Setback	20 feet

VICINITY MAP



CONDITIONS OF APPROVAL



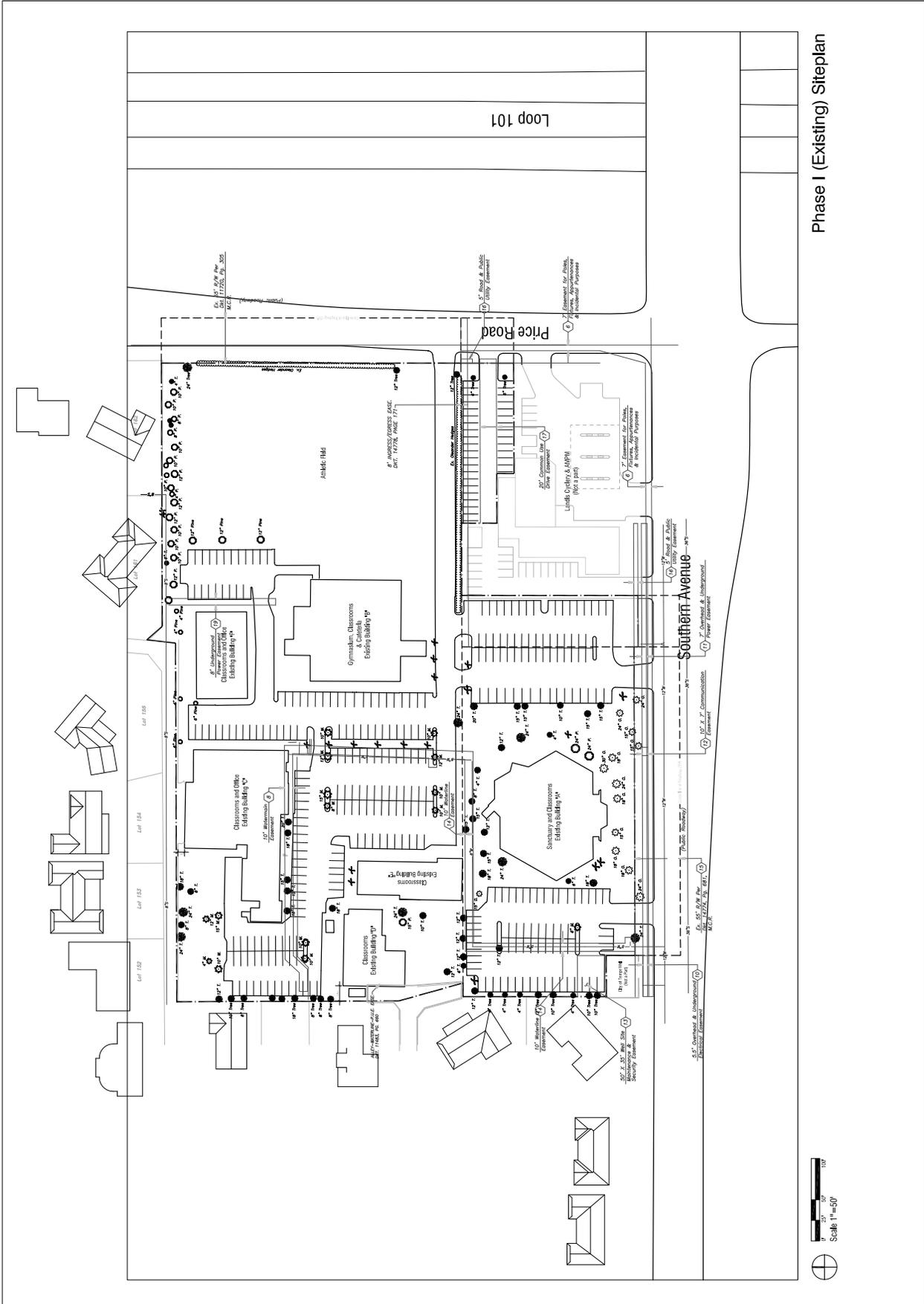
See to Scale

PAD Height Standards

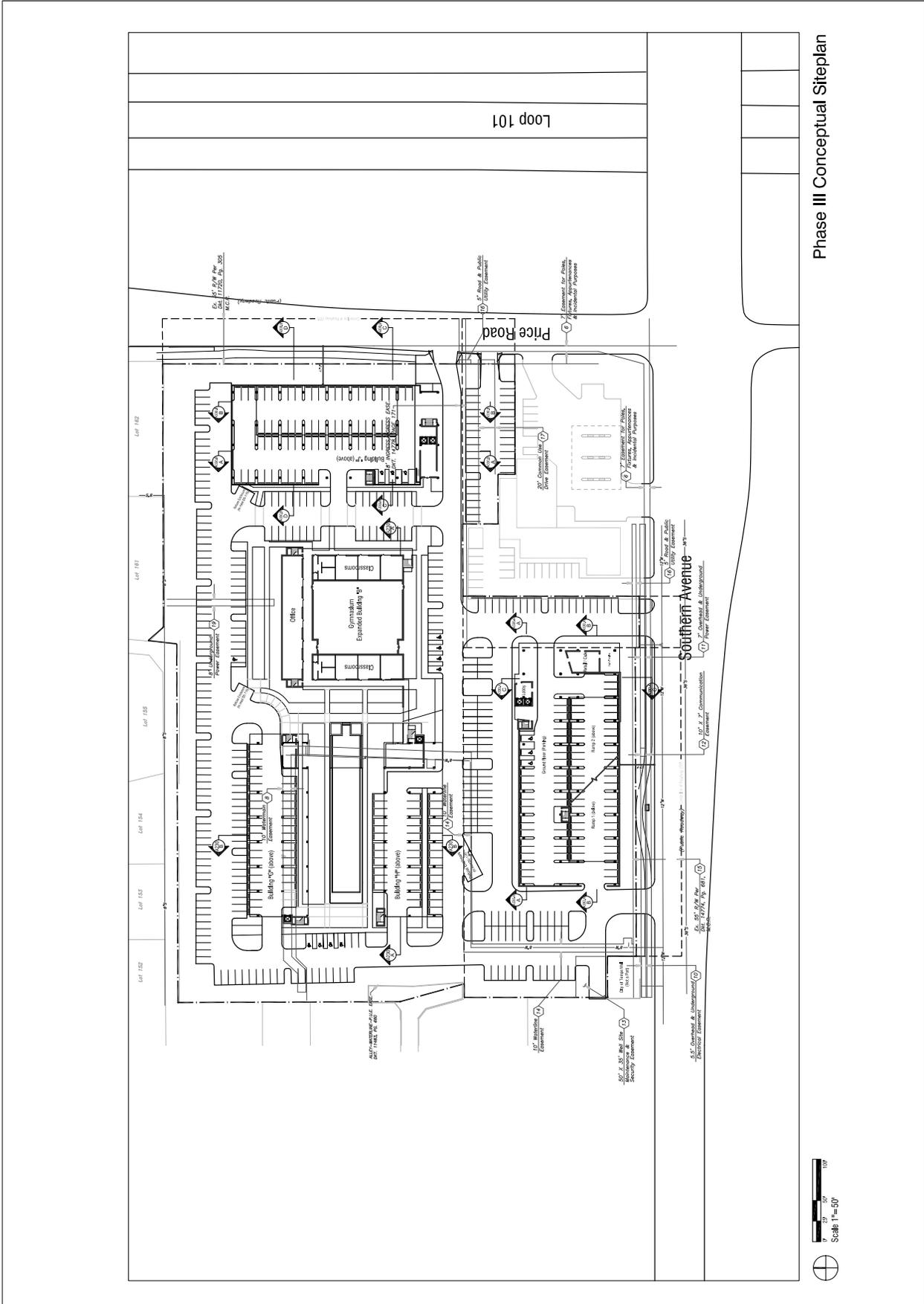


ARCHITEXTON

08101

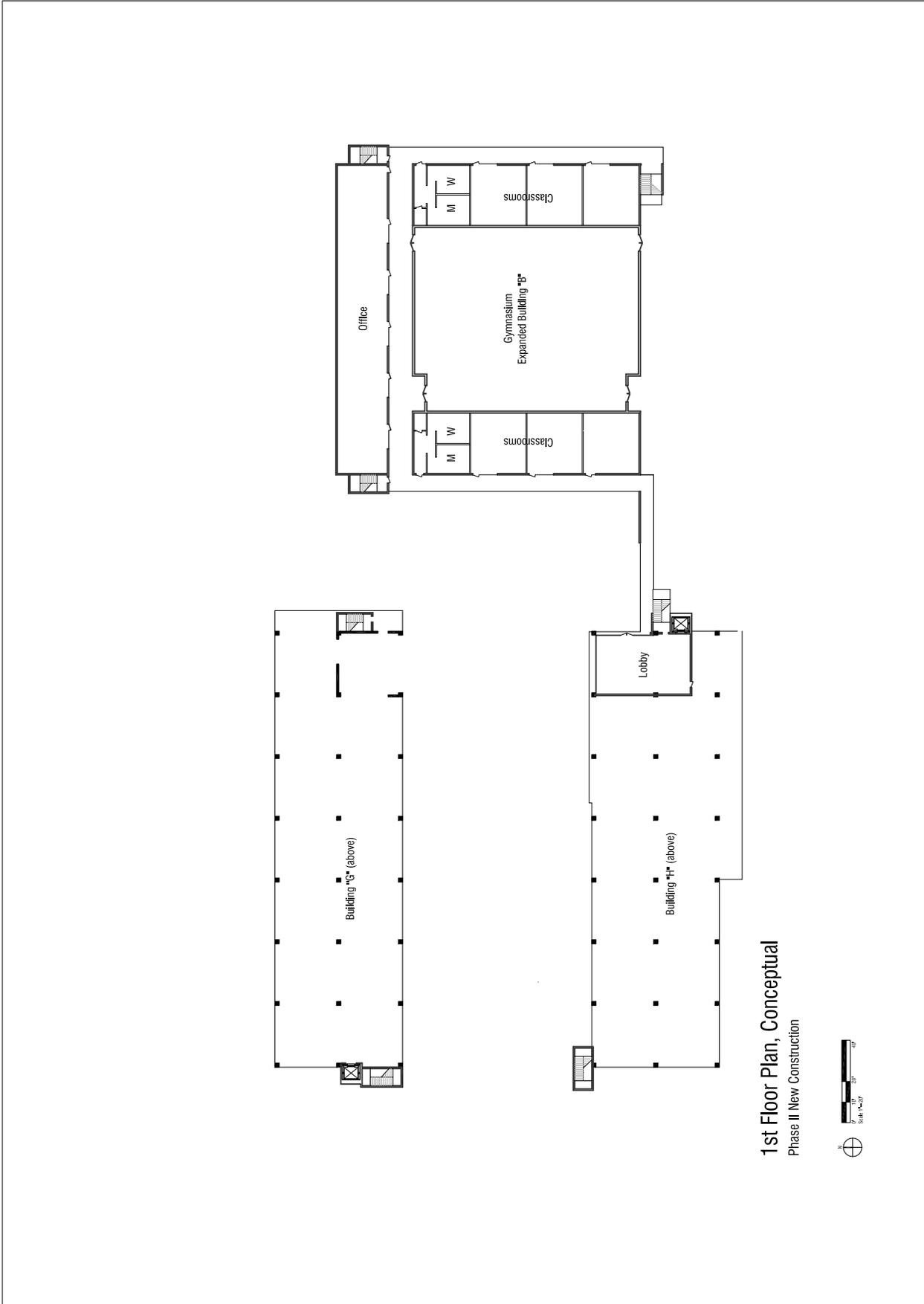


Phase I (Existing) Siteplan

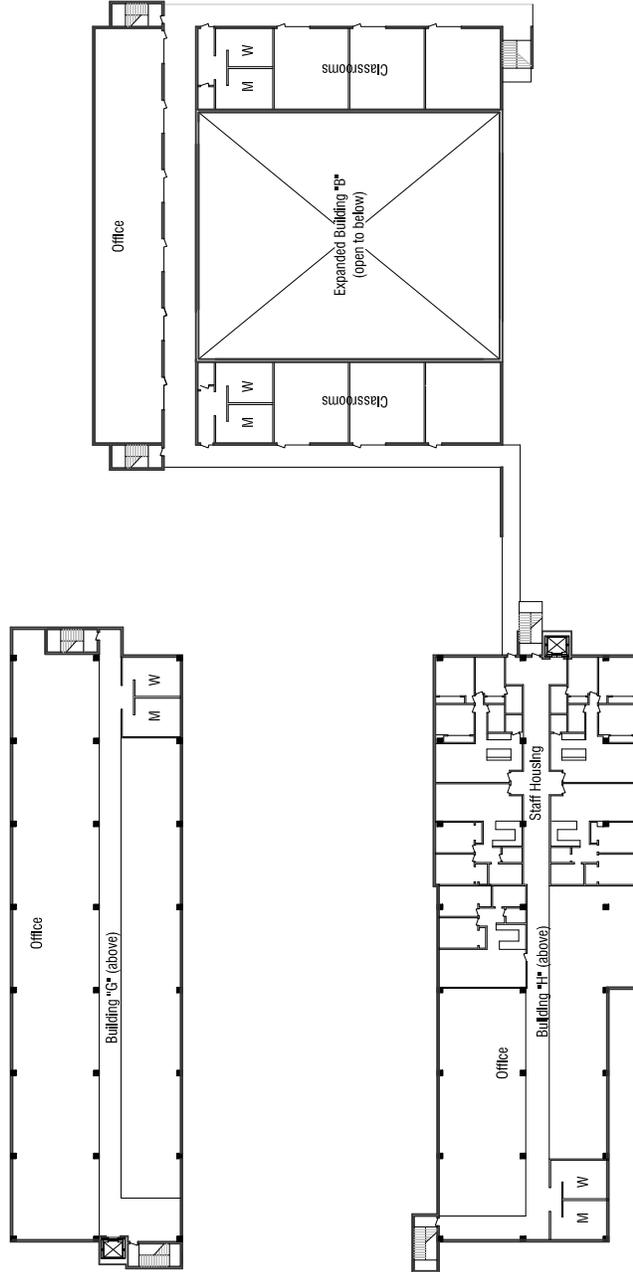


Phase III Conceptual Siteplan





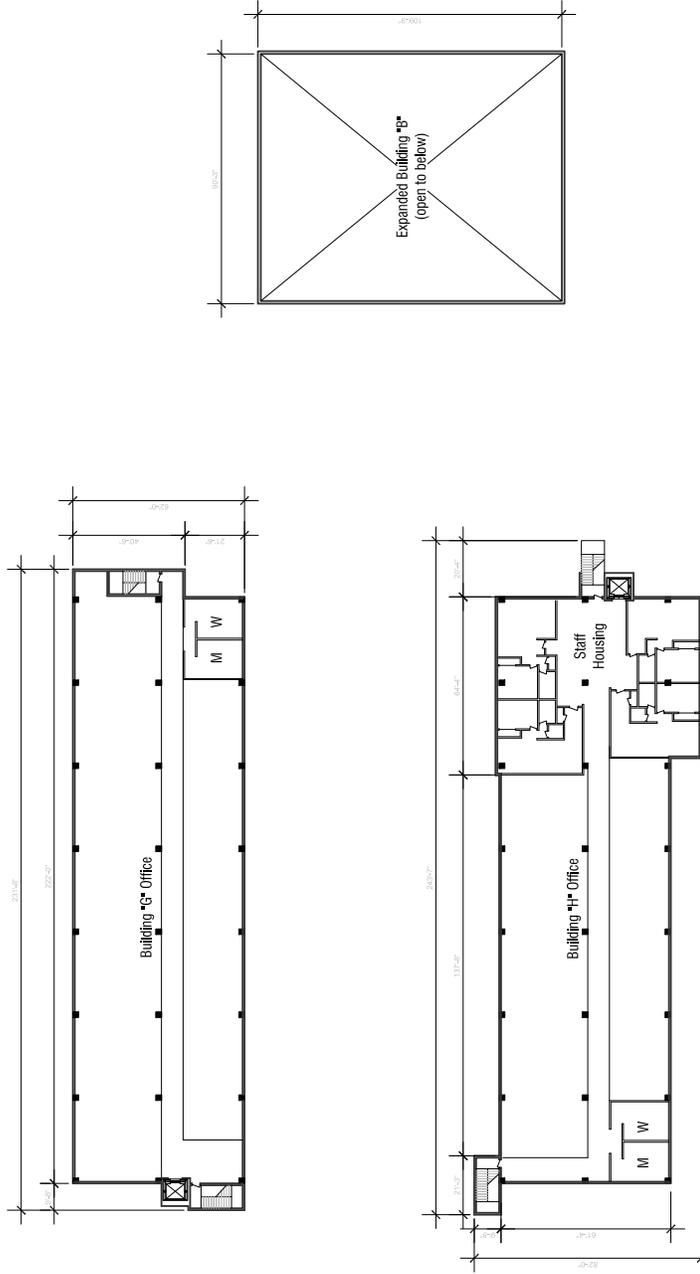
1st Floor Plan, Conceptual
 Phase II New Construction



2nd Floor Plan, Conceptual

Phase II New Construction

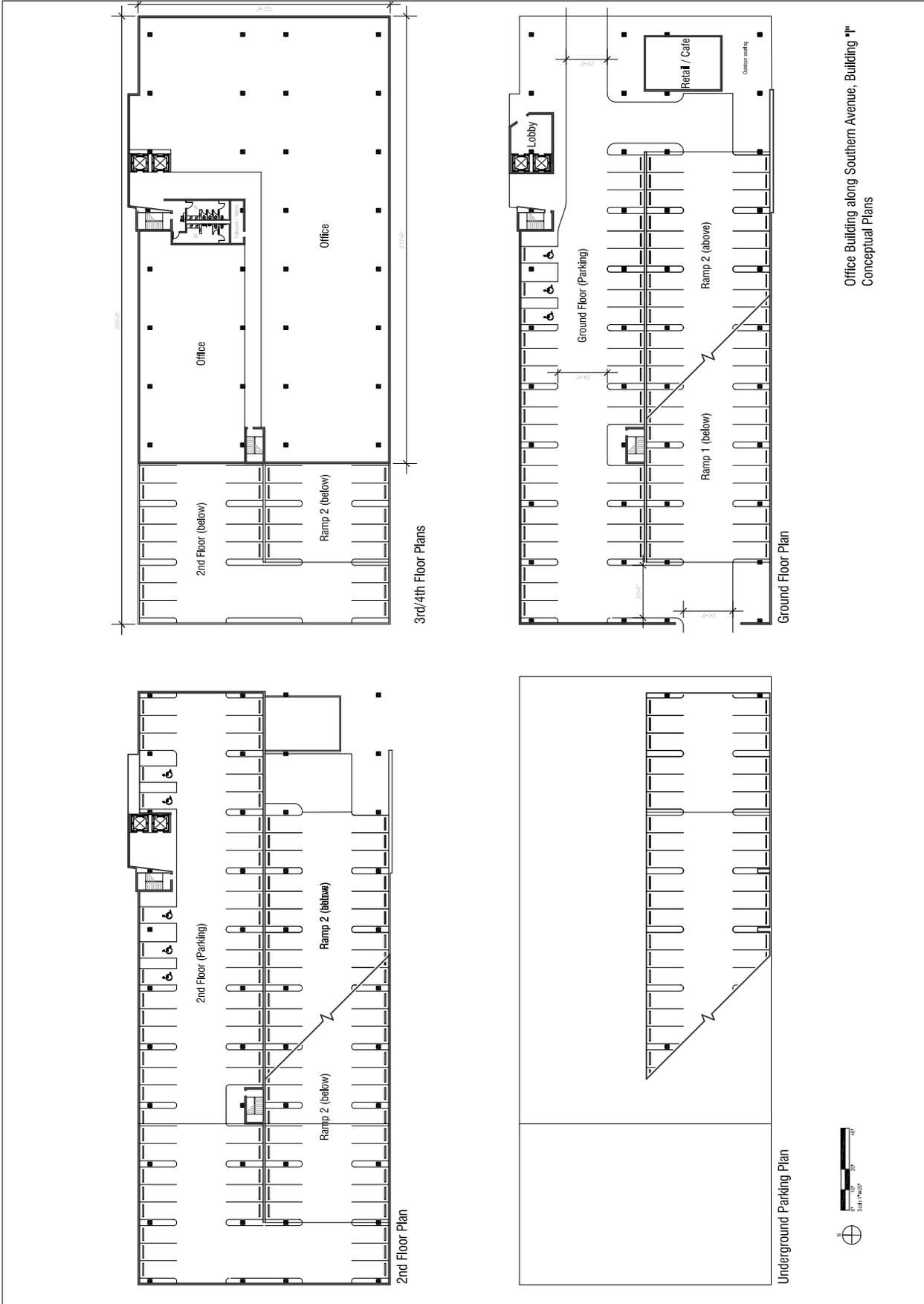




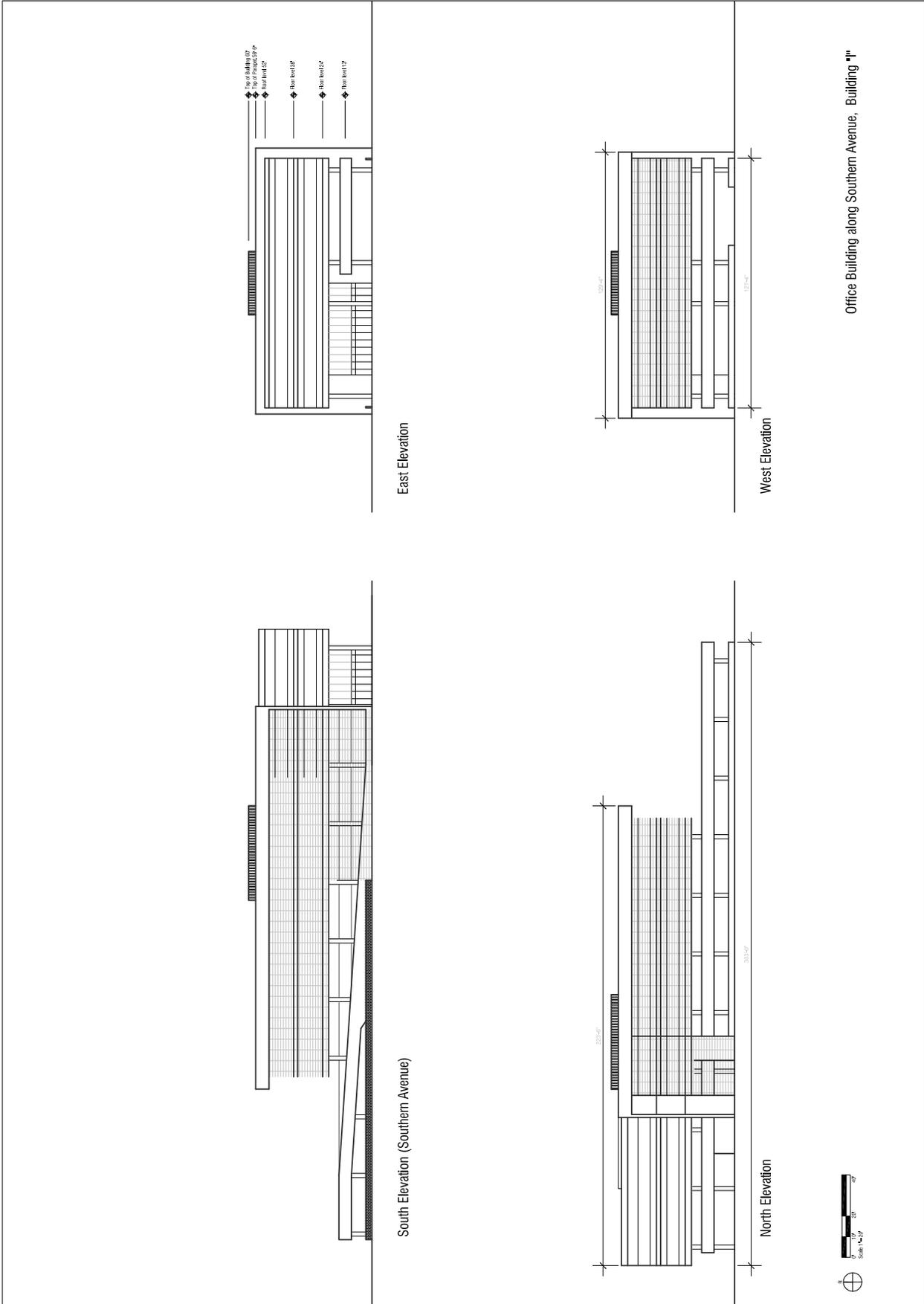
3rd Floor Plan, Conceptual
 Phase II New Construction

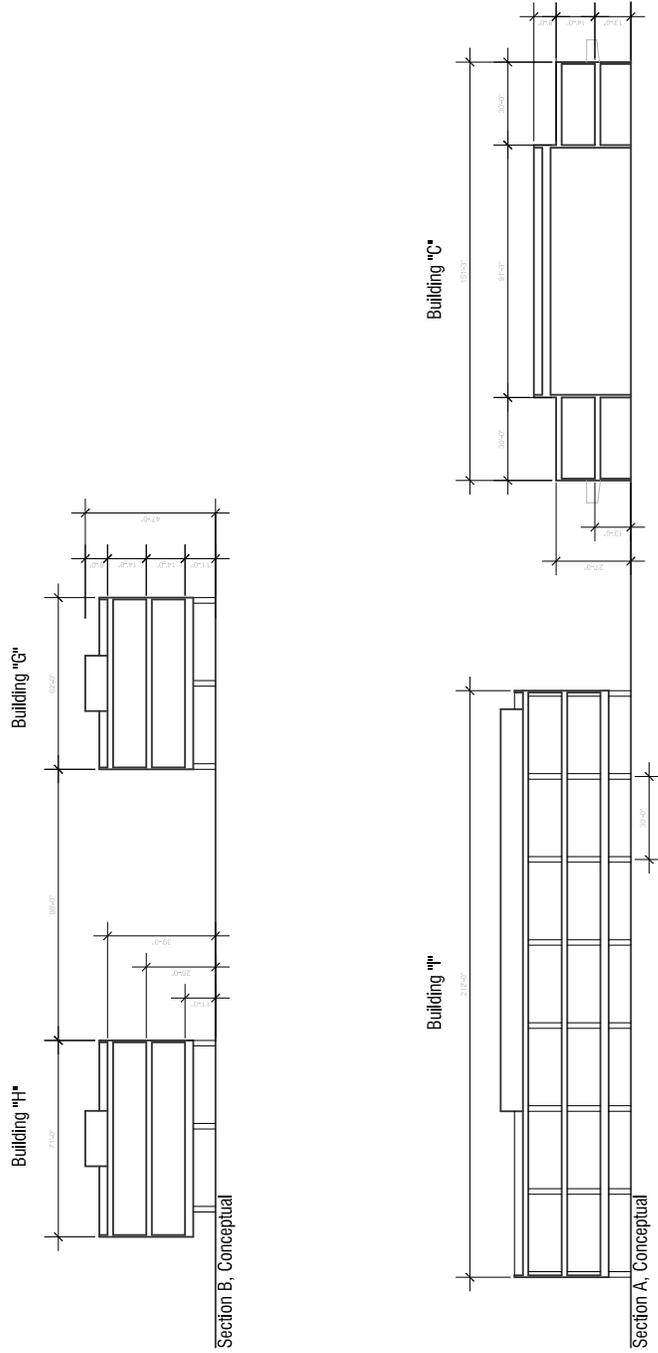
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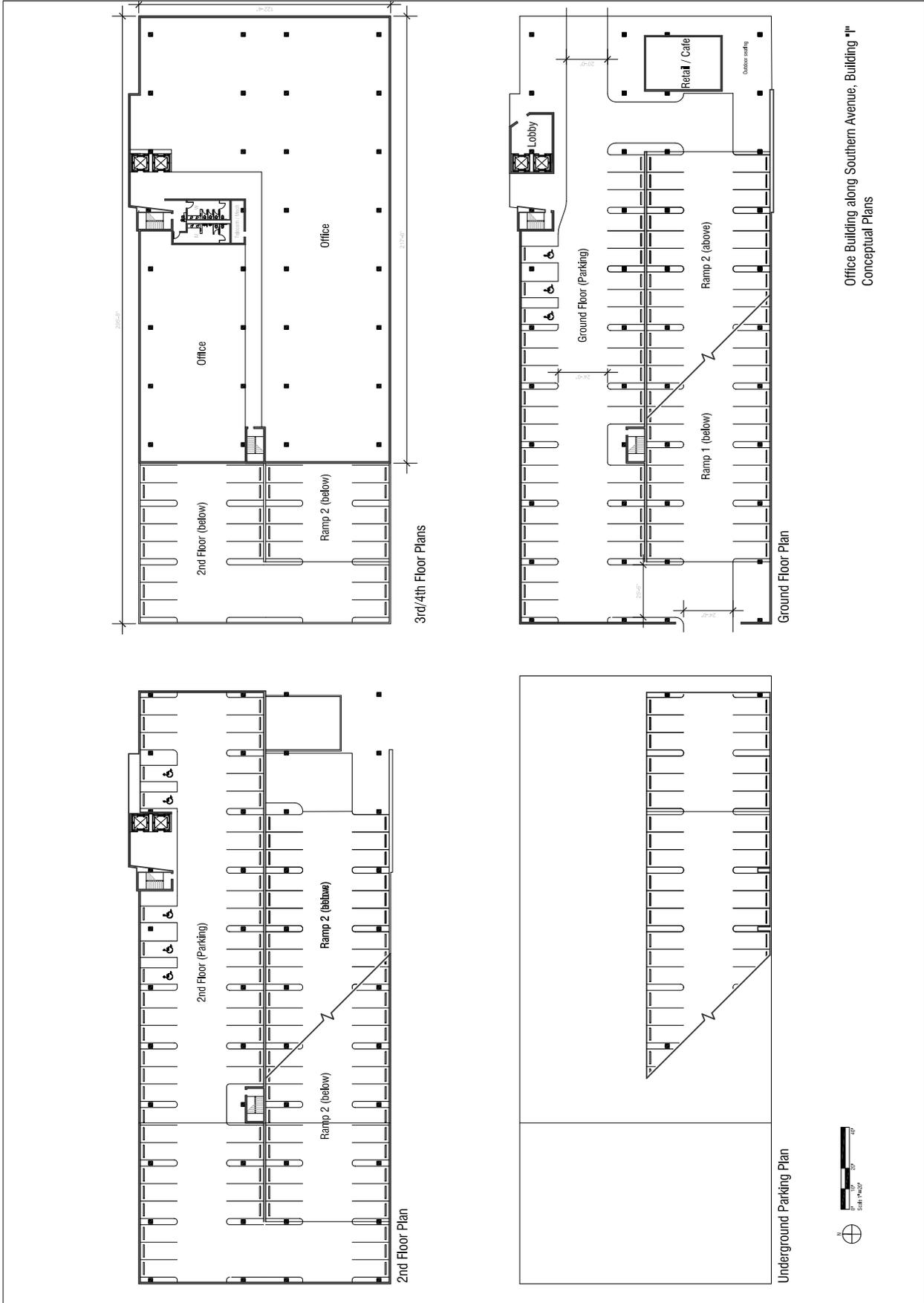
Office Building along Southern Avenue, Building "I"
 Conceptual Plans



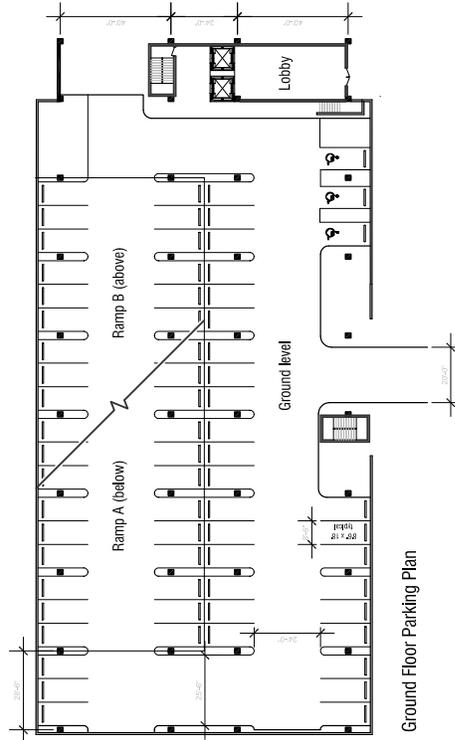
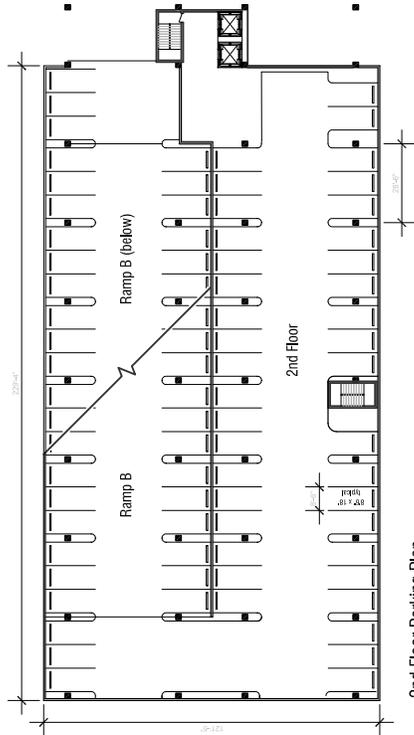
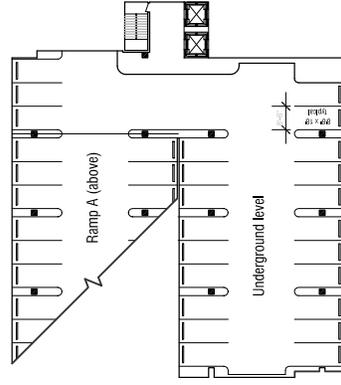
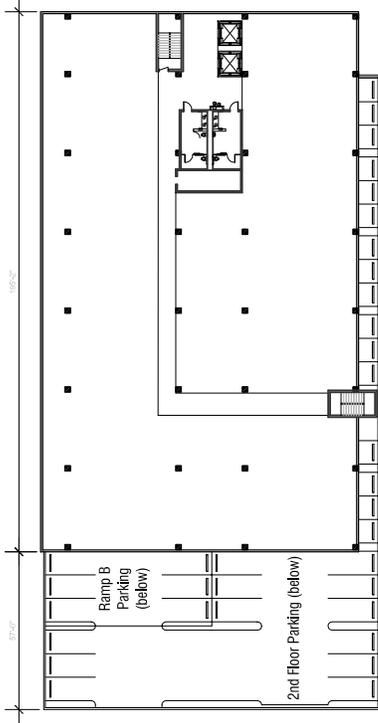


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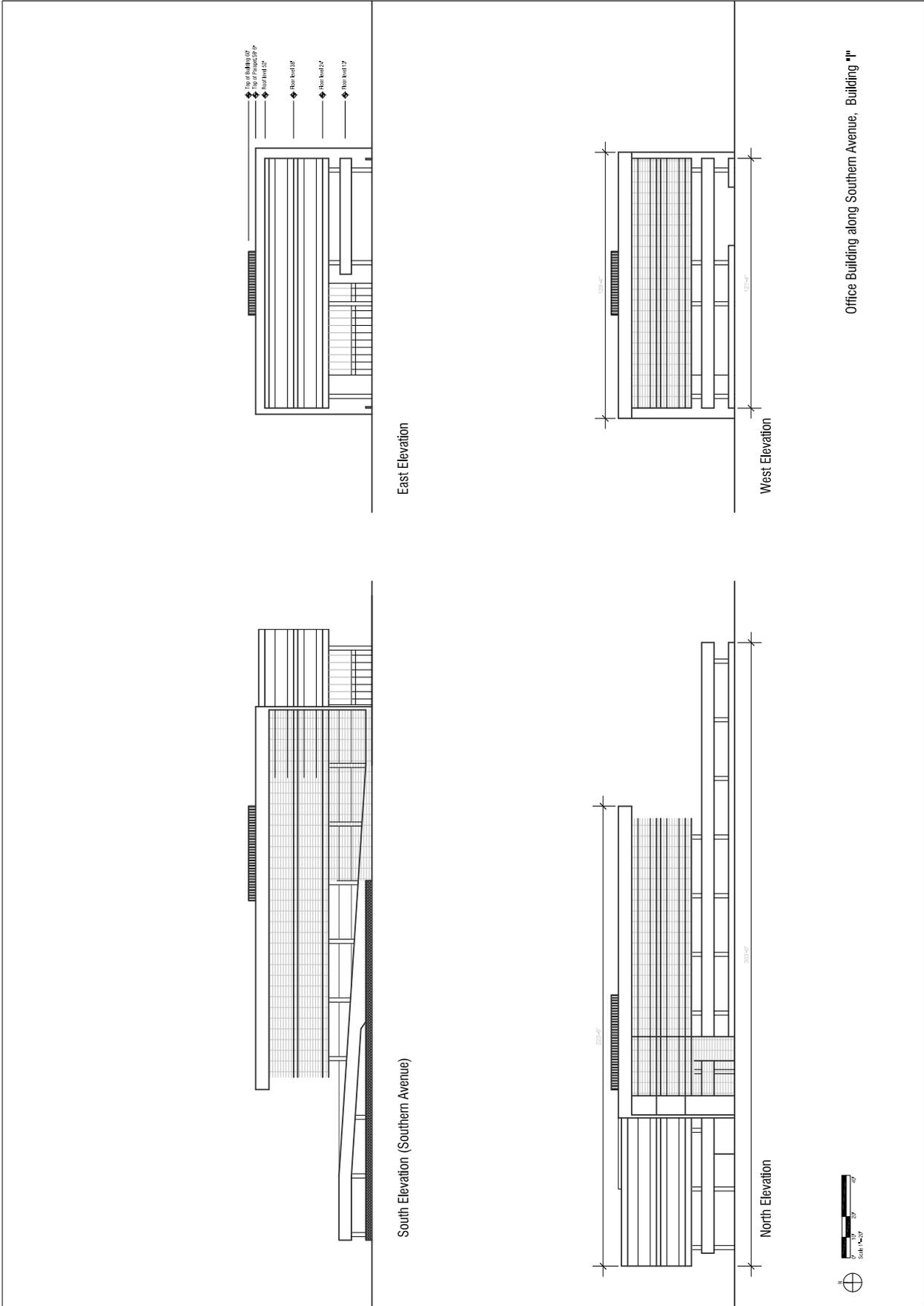
08101



Office Building along Southern Avenue, Building "I"
 Conceptual Plans



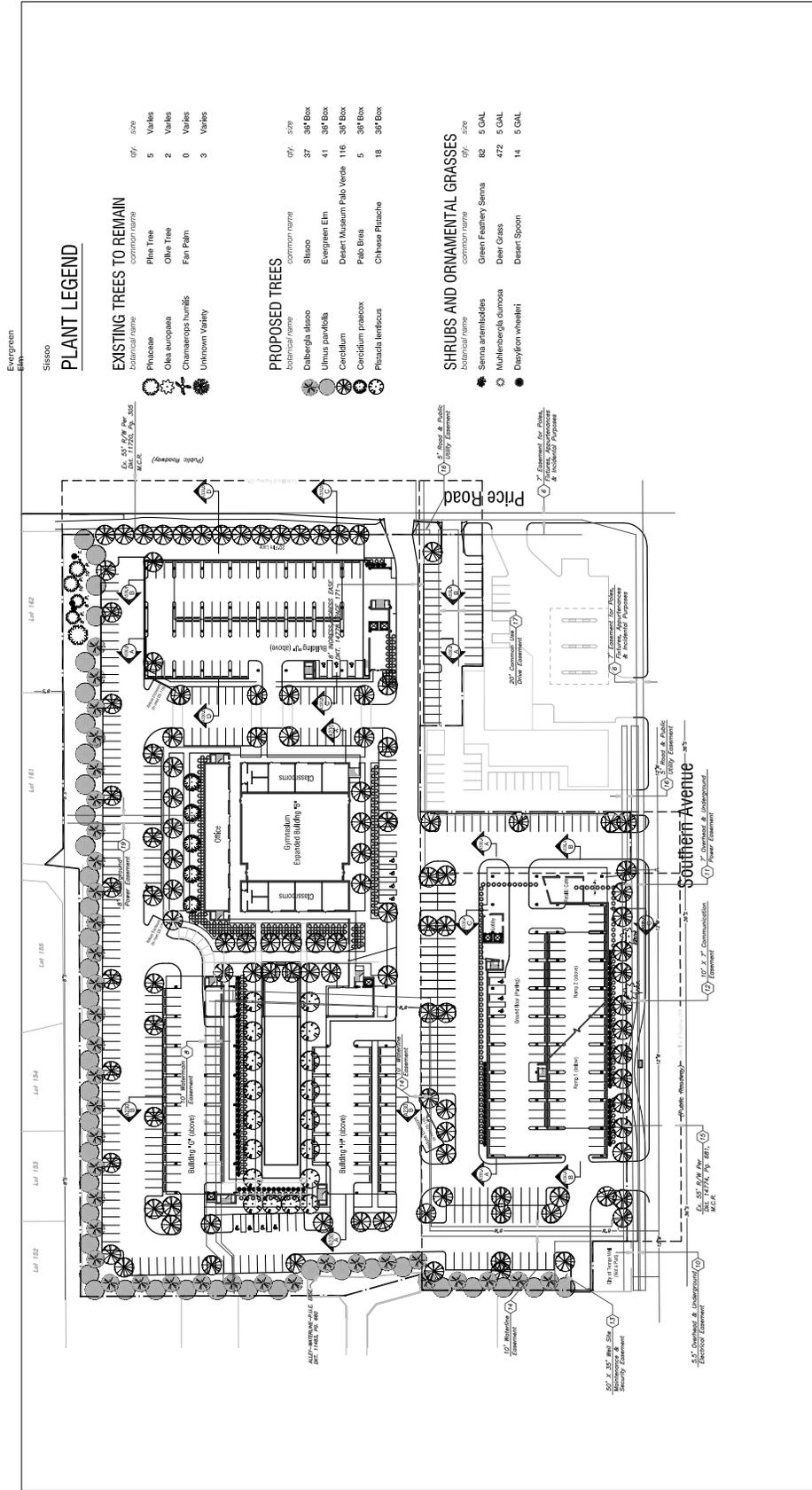
Office Building along Price Road, Building "J"
 Conceptual Plans





ARCHITEXKTON

08101



PLANT LEGEND

botanical name	common name	qty.	size
Pinus ponderosa	Pine Tree	5	Varies
Quercus agrifolia	Oak Tree	2	Varies
Ficus palmata	Fan Palm	0	Varies
Chamaecyparis humilis	Unknown Valley	3	Varies

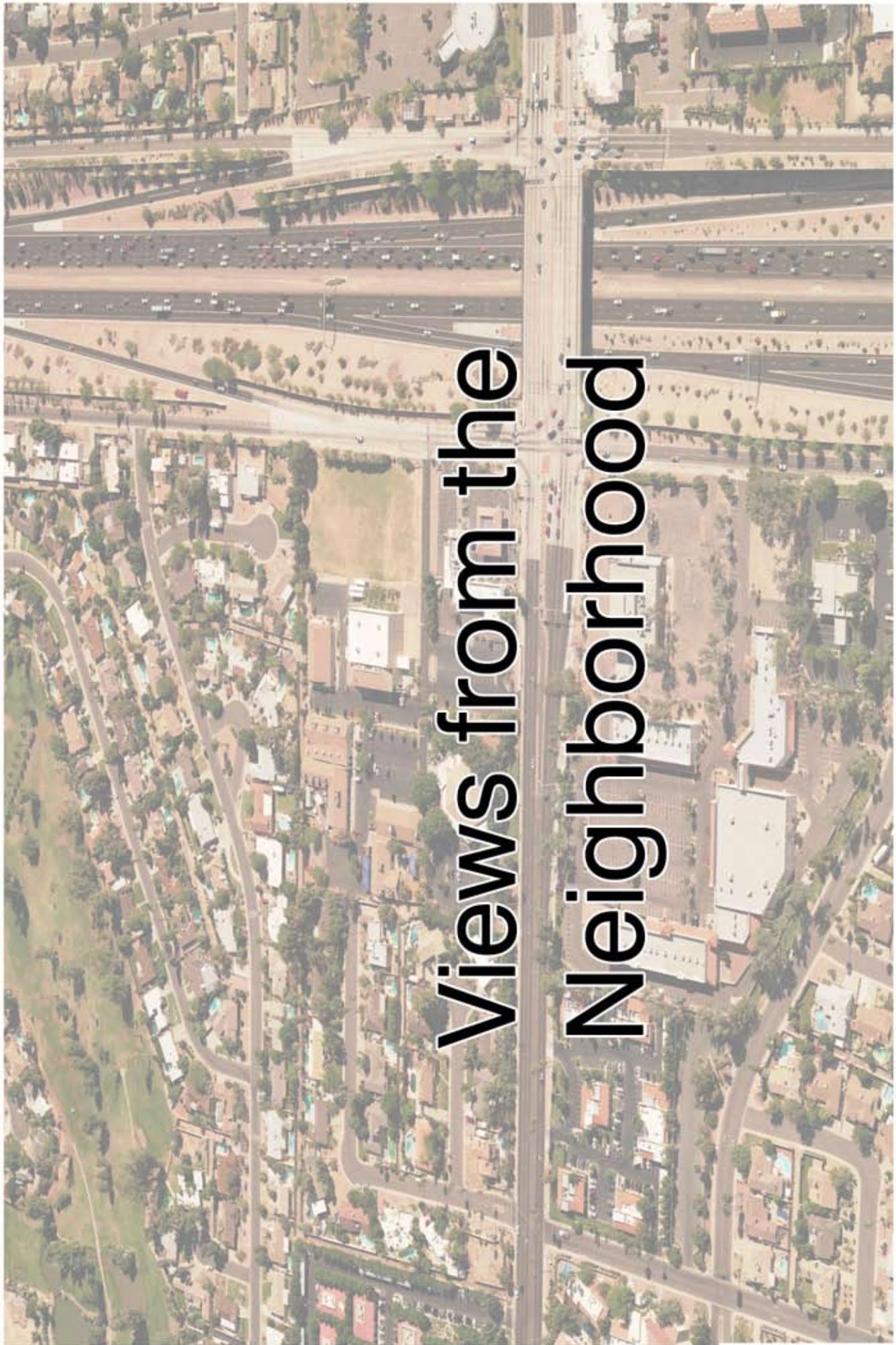
botanical name	common name	qty.	size
Shadeo	Shadeo	37	36" Box
Evergreen Elm	Evergreen Elm	41	36" Box
Desert Museum Palo Verde	Desert Museum Palo Verde	116	36" Box
Palo Verde	Palo Verde	5	36" Box
Chinese Platane	Chinese Platane	18	36" Box

SHRUBS AND ORNAMENTAL GRASSES

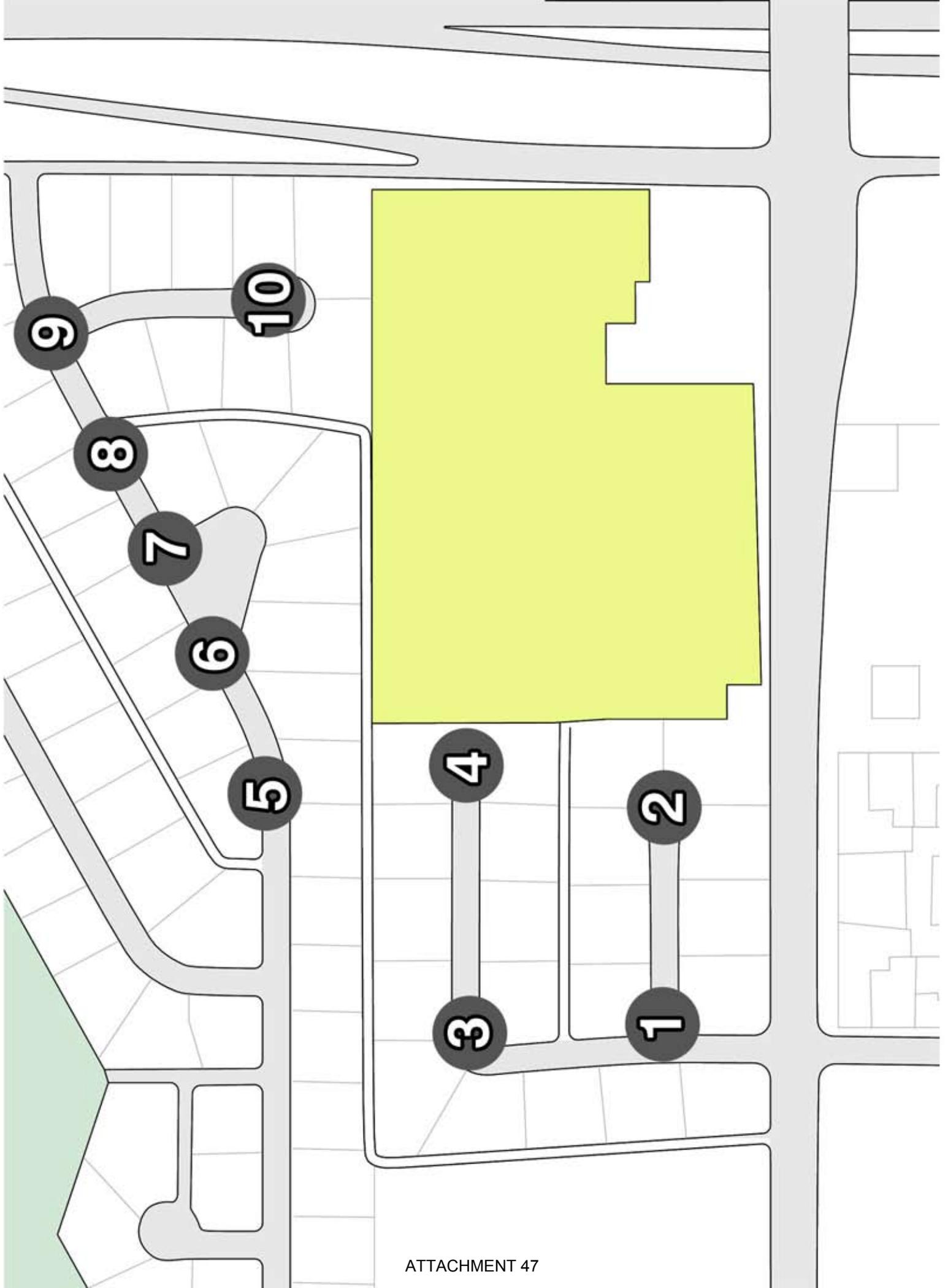
botanical name	common name	qty.	size
Stemodia amabilis	Green Feathery Senecio	82	5 GAL
Mulleinbergia dumosa	Deer Grass	472	5 GAL
Dasylium wheeleri	Desert Spoon	14	5 GAL

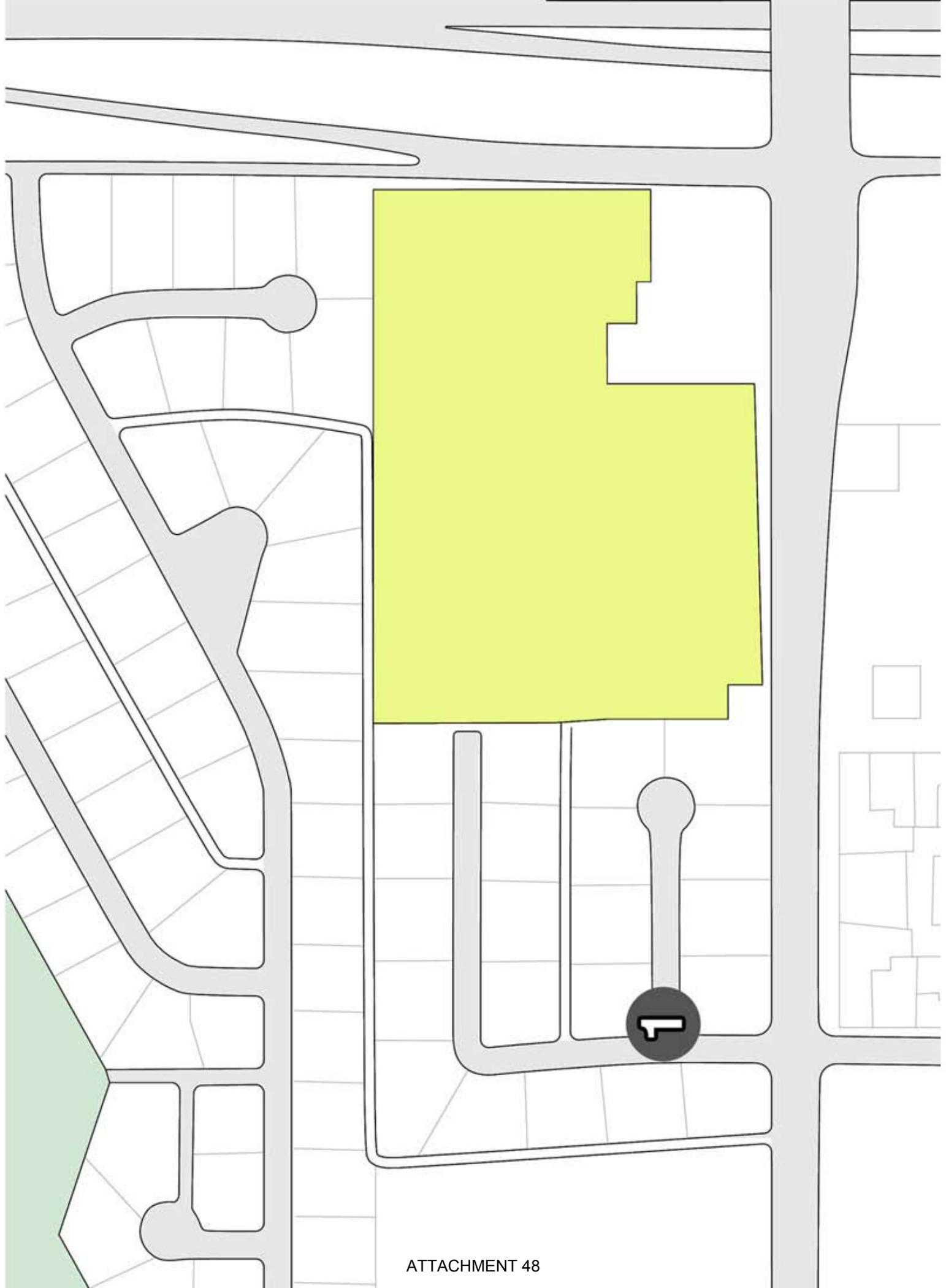
Phase III Conceptual Landscape Plan

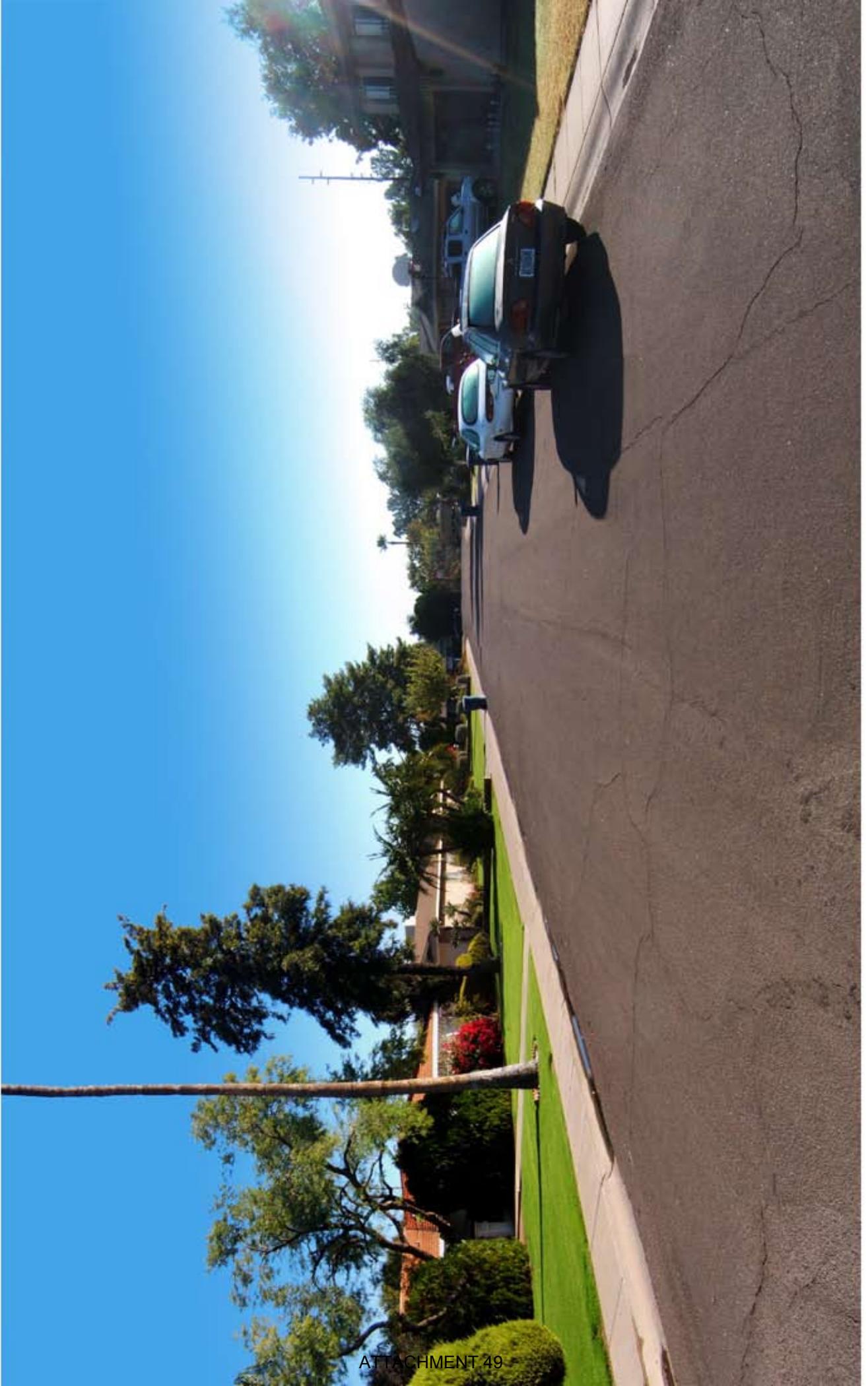


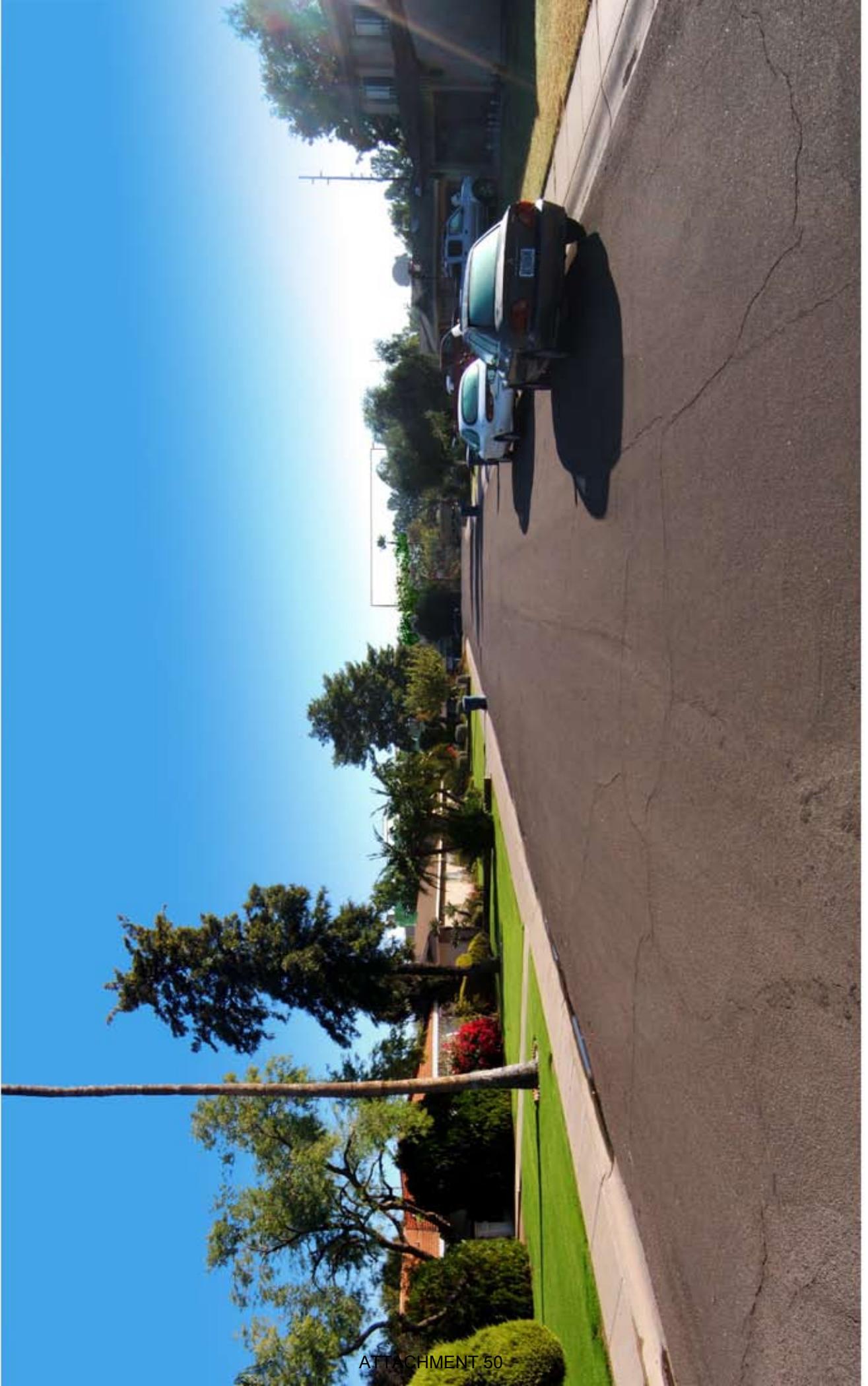


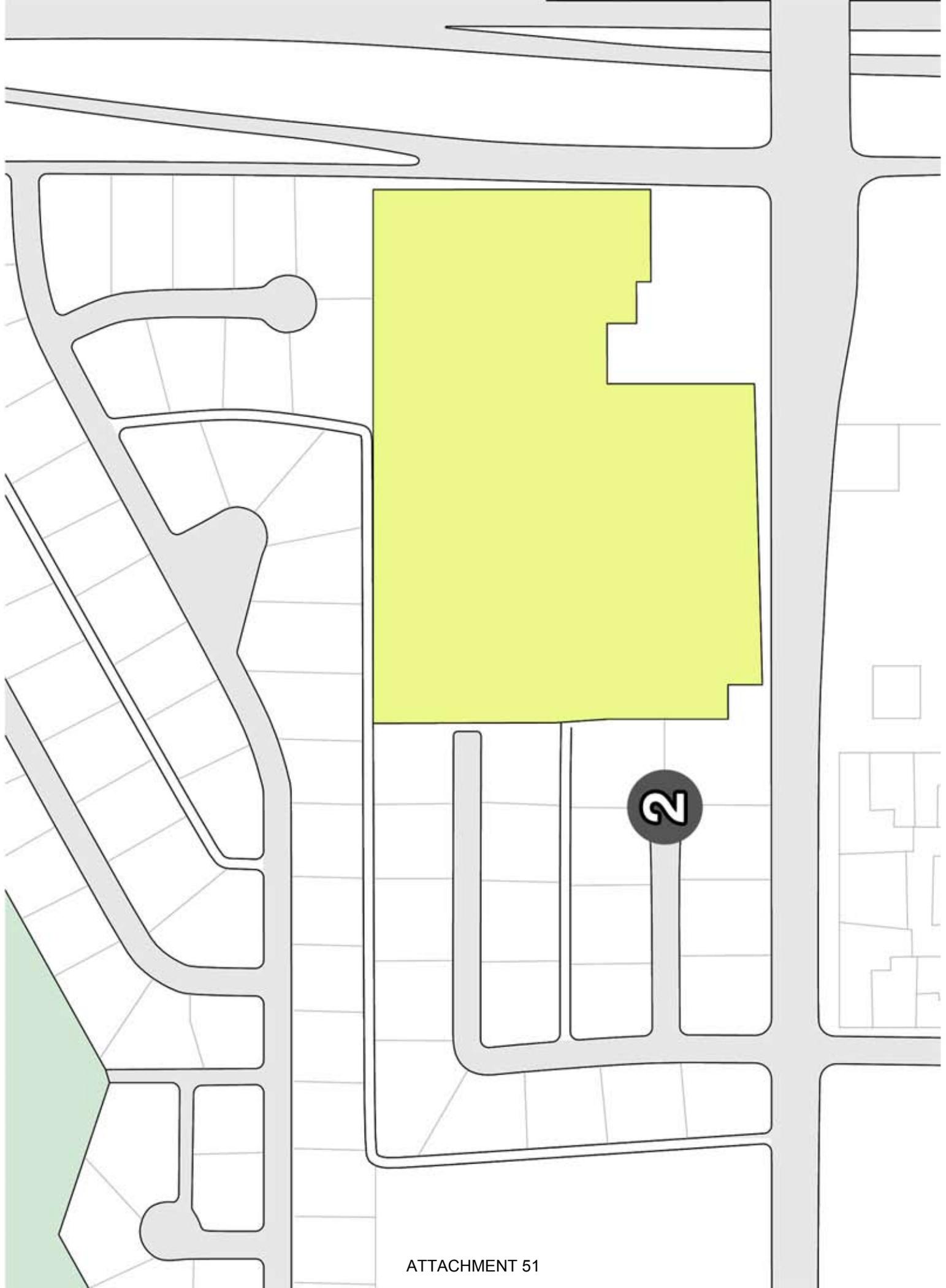
Views from the Neighborhood

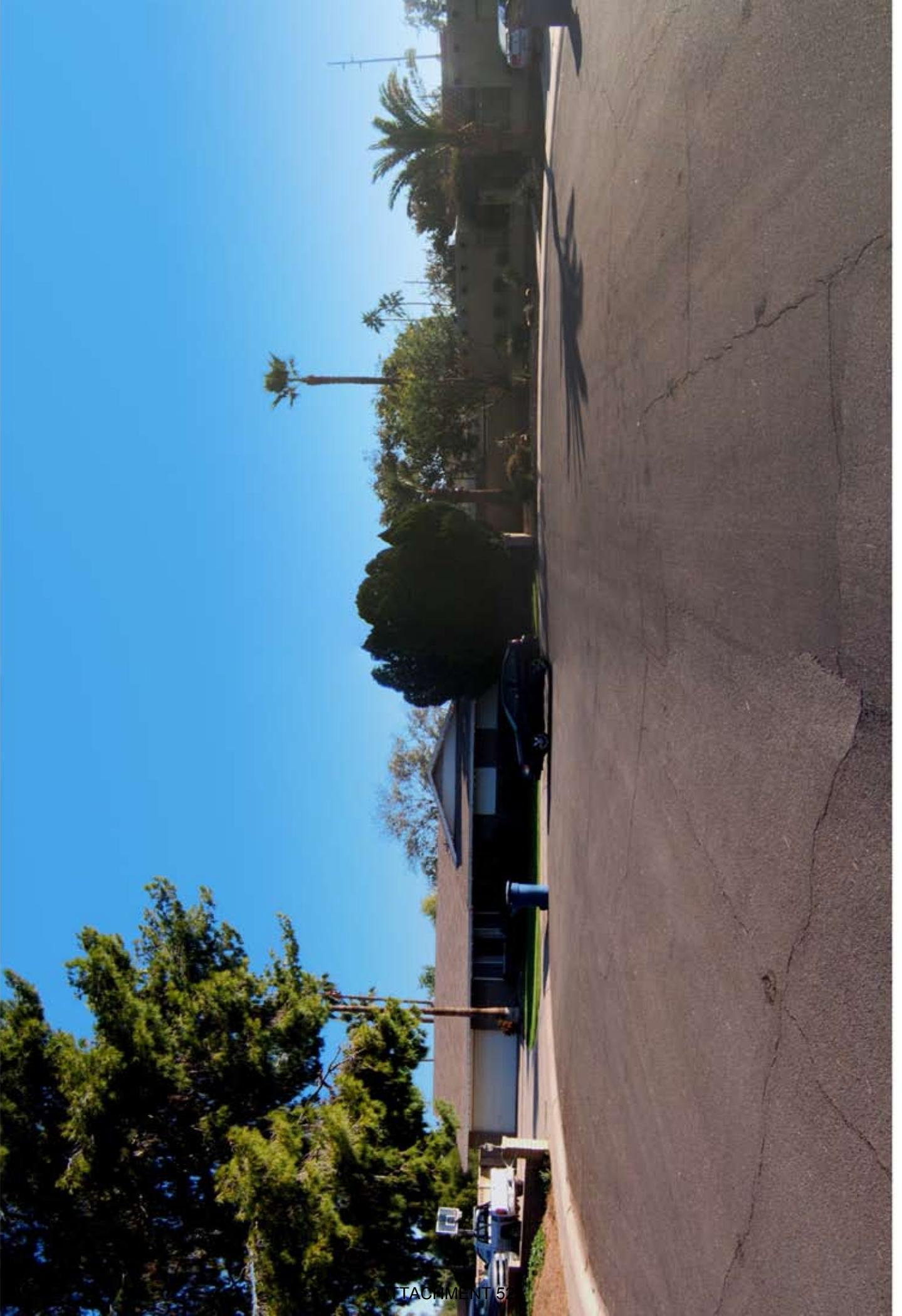


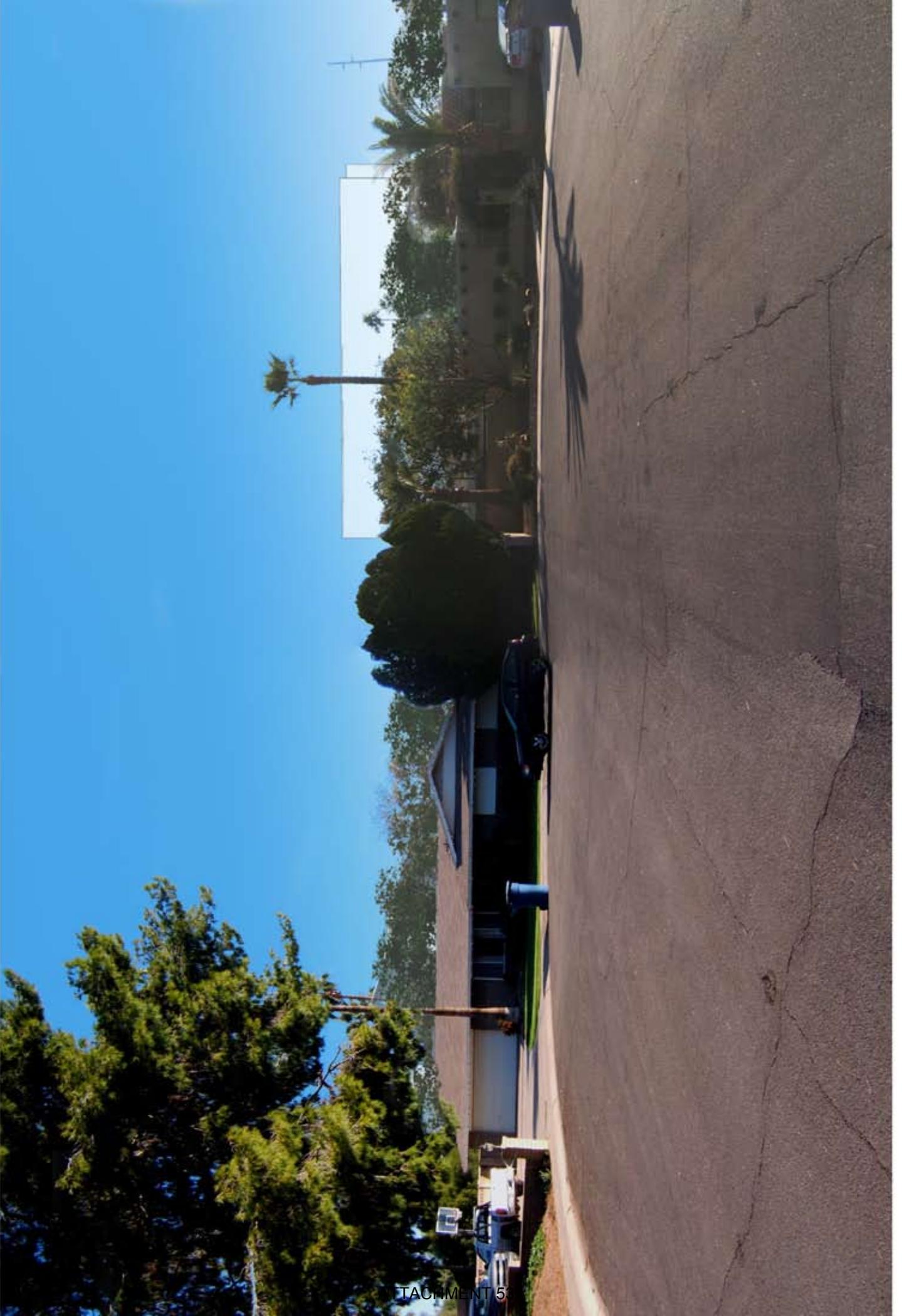


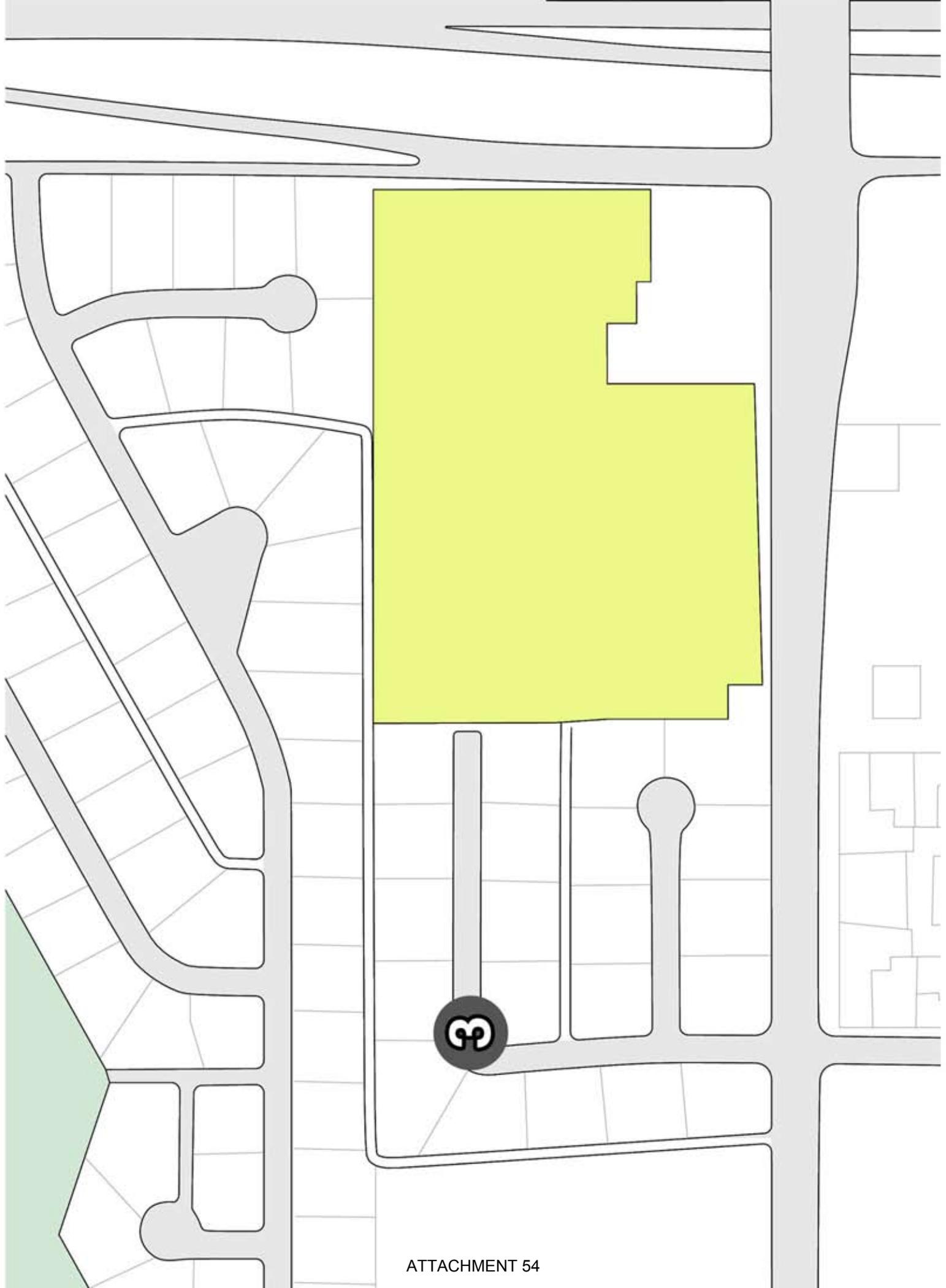


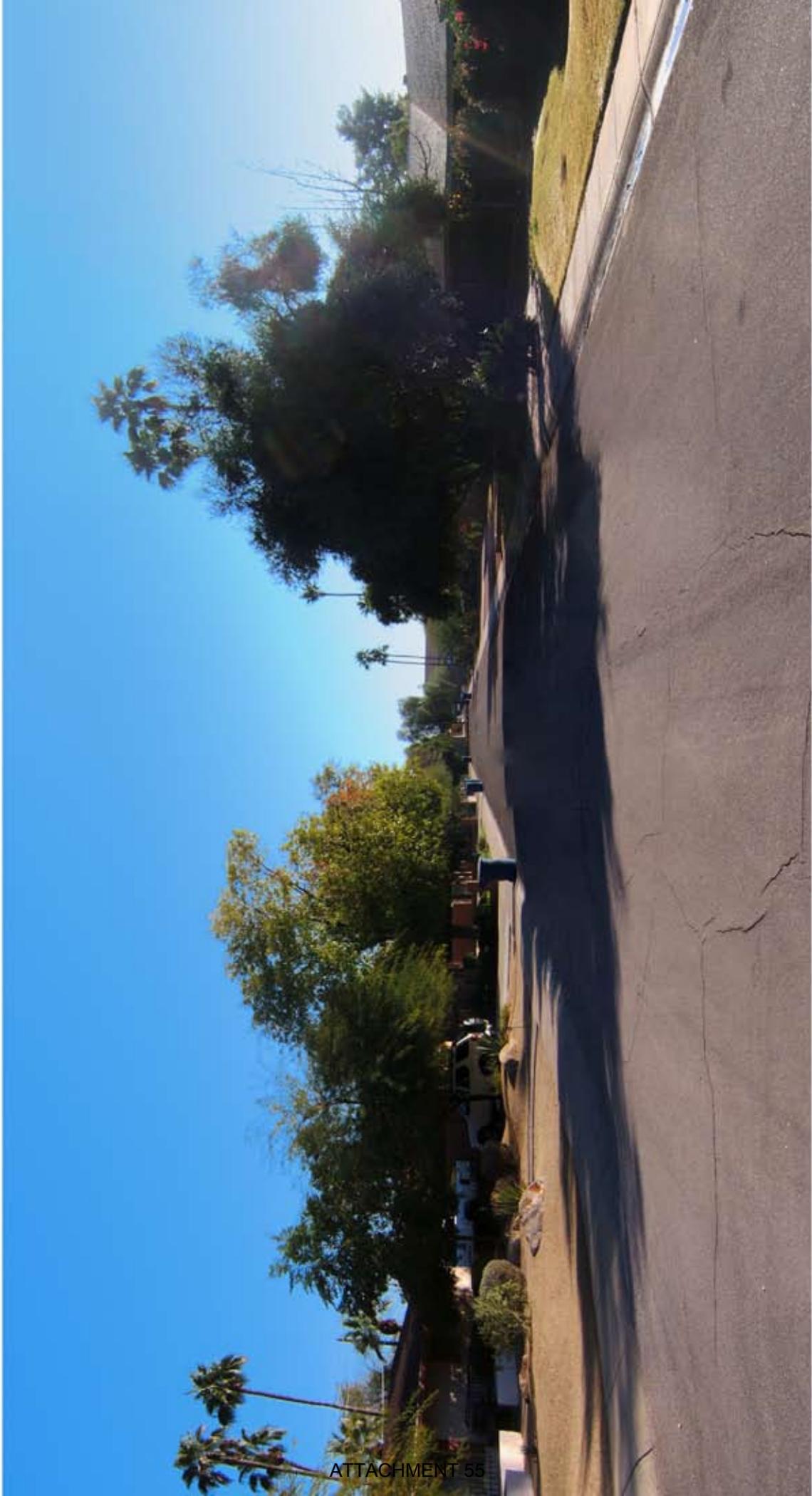


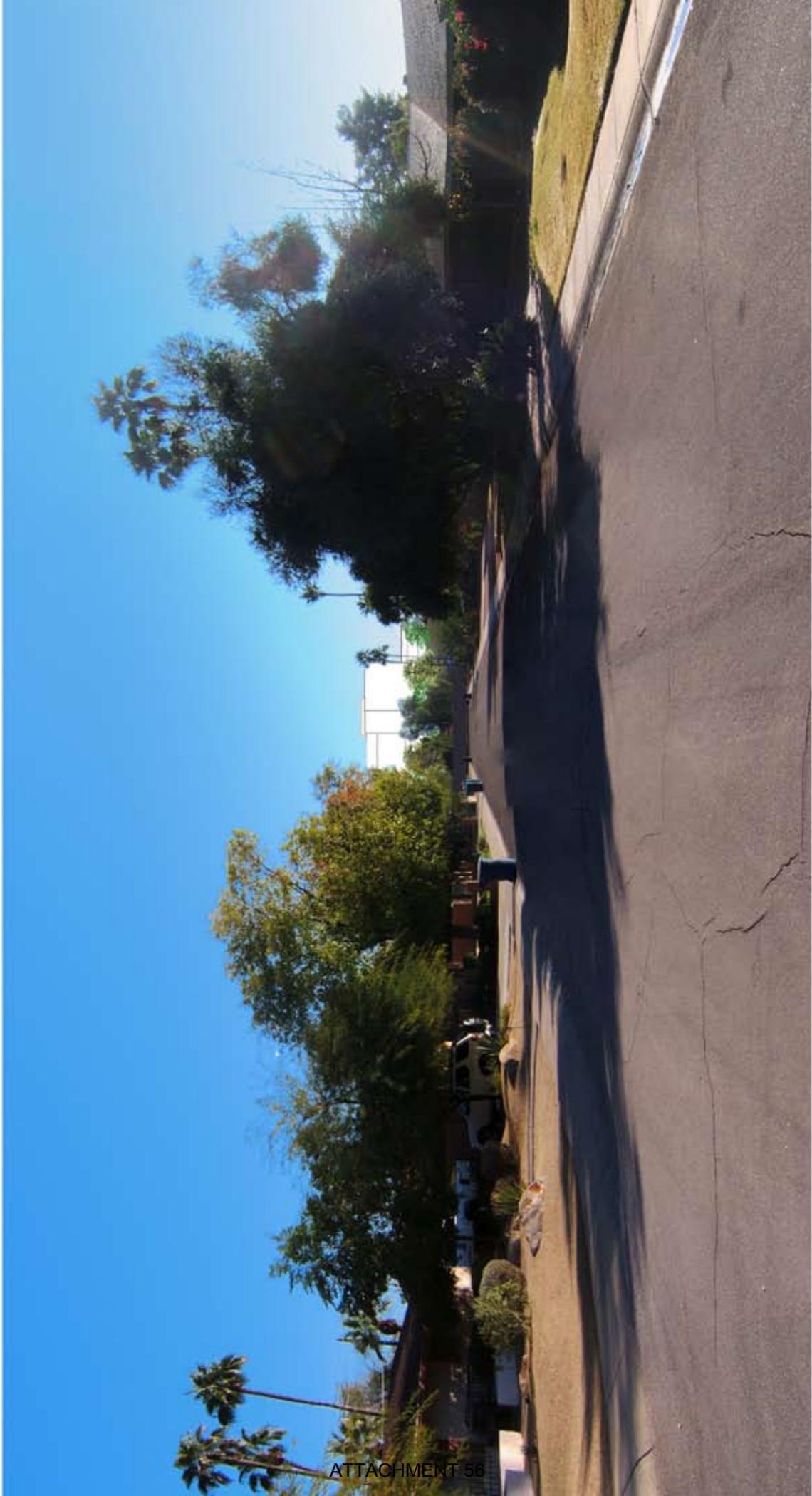


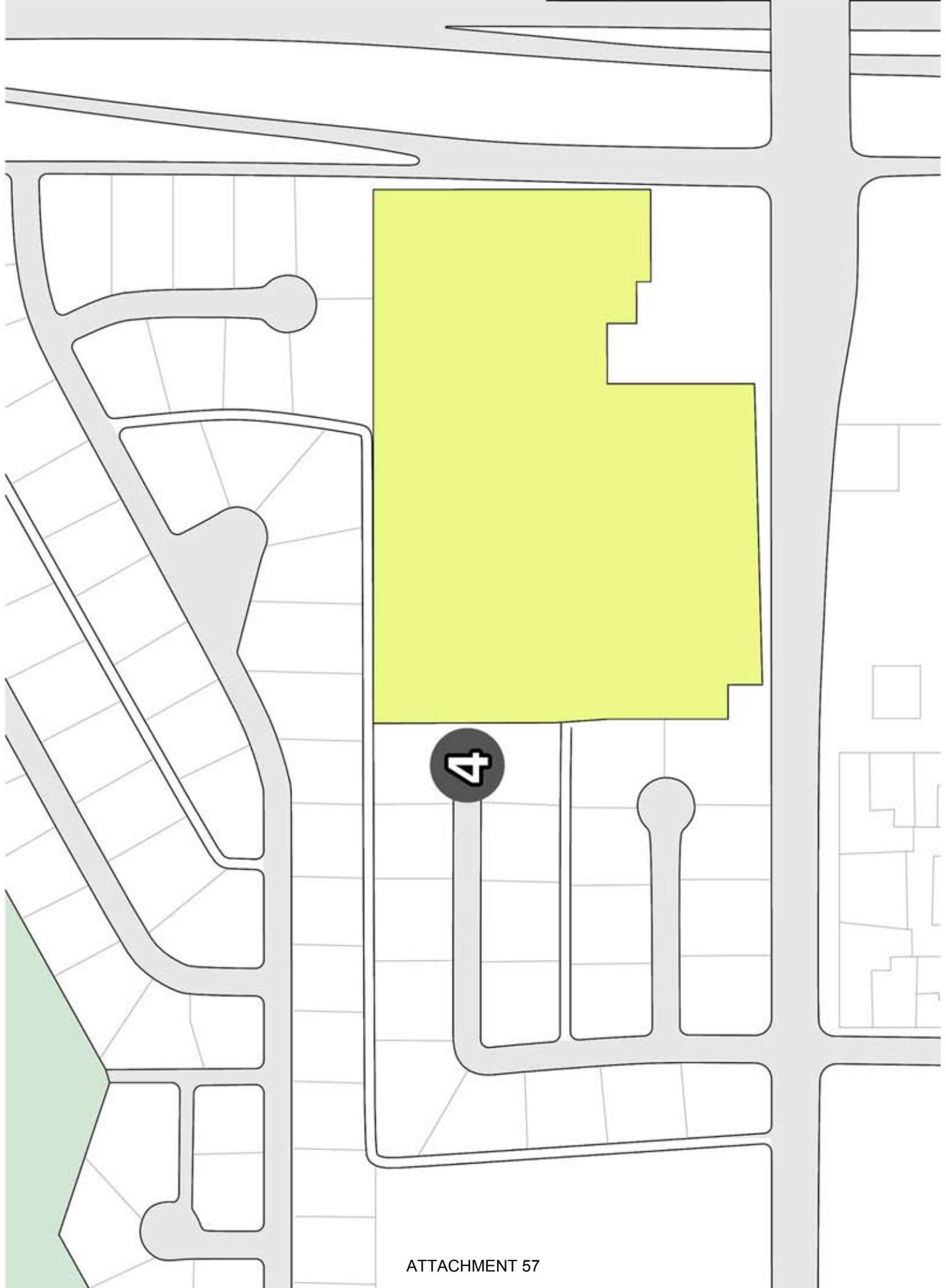


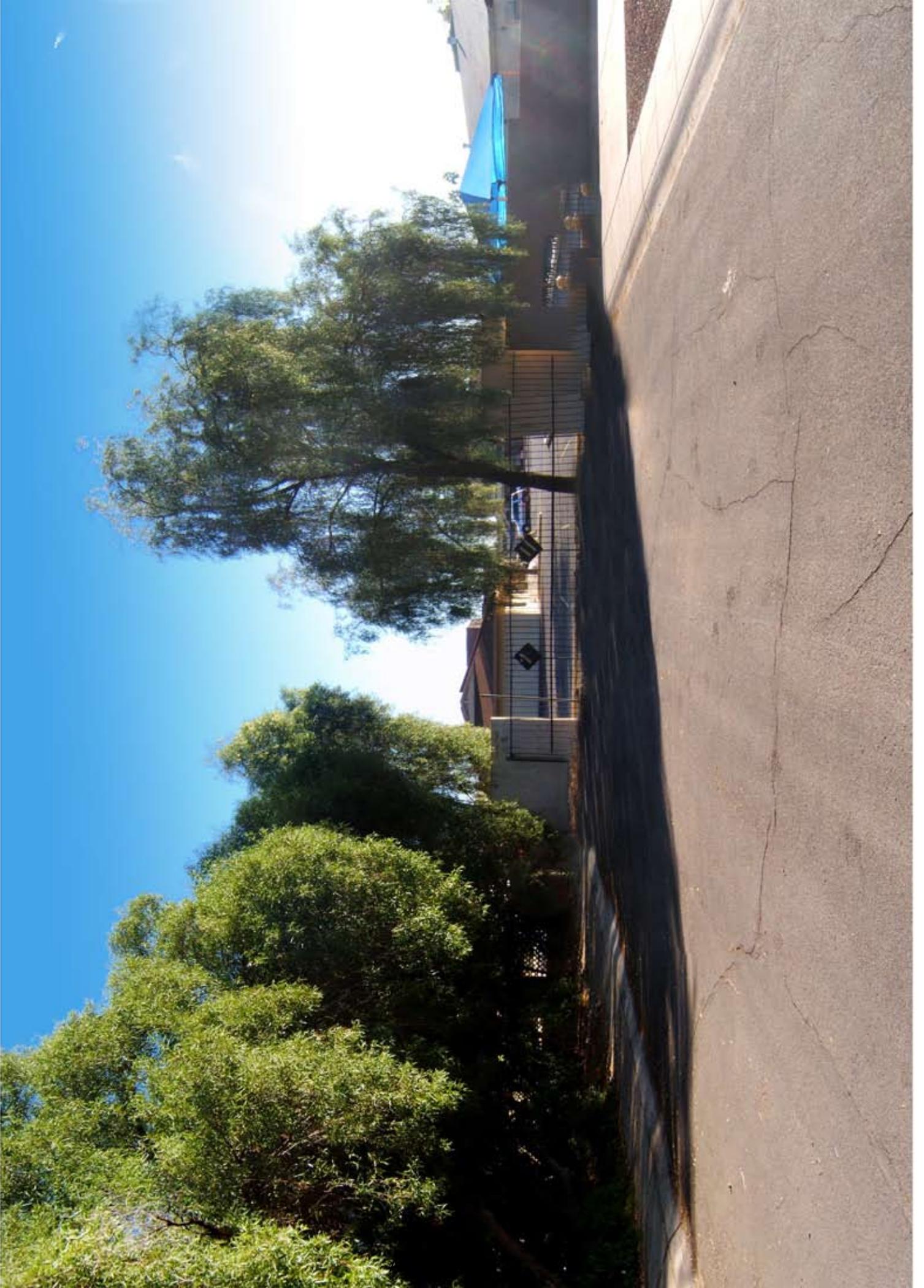


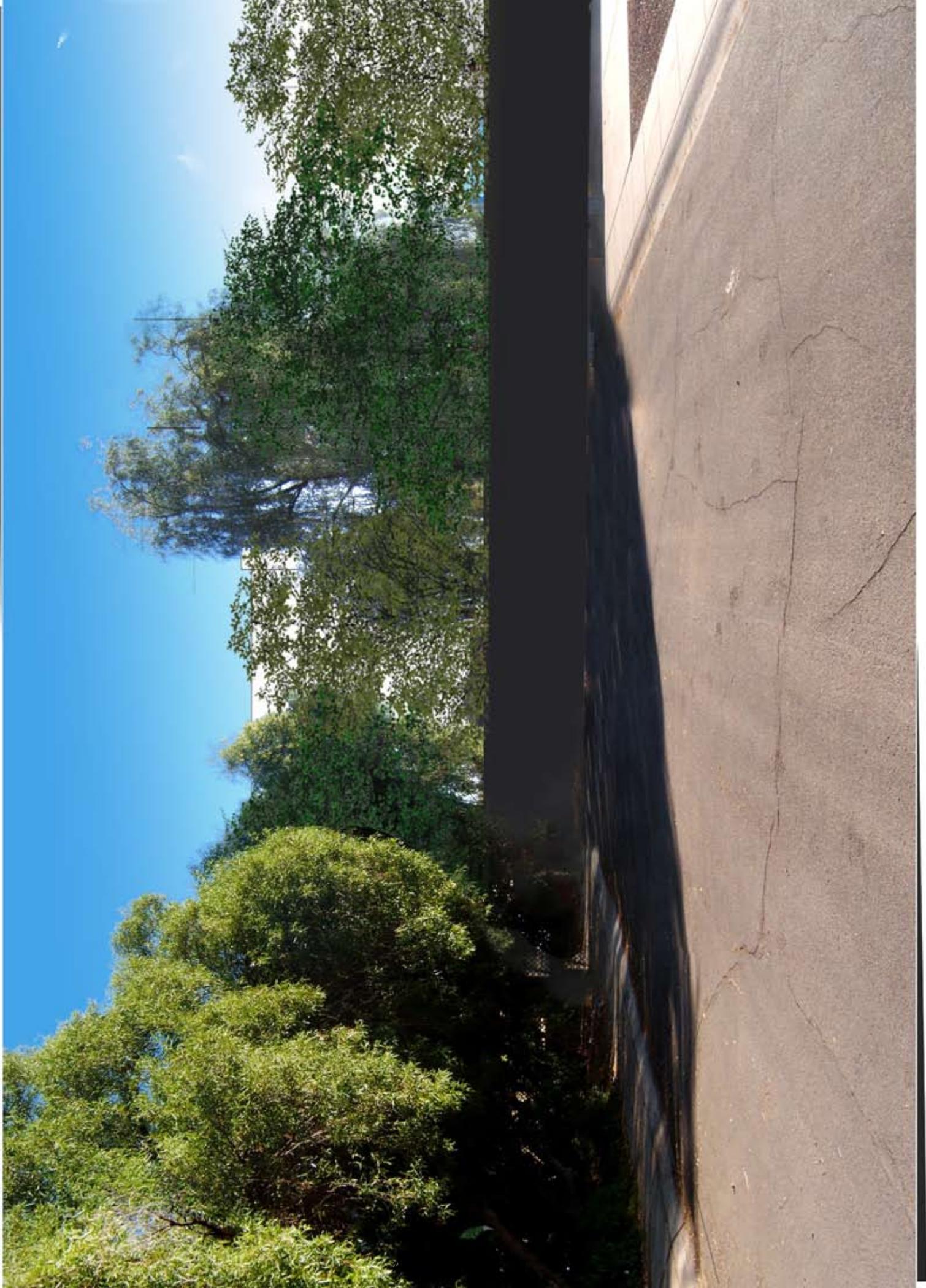


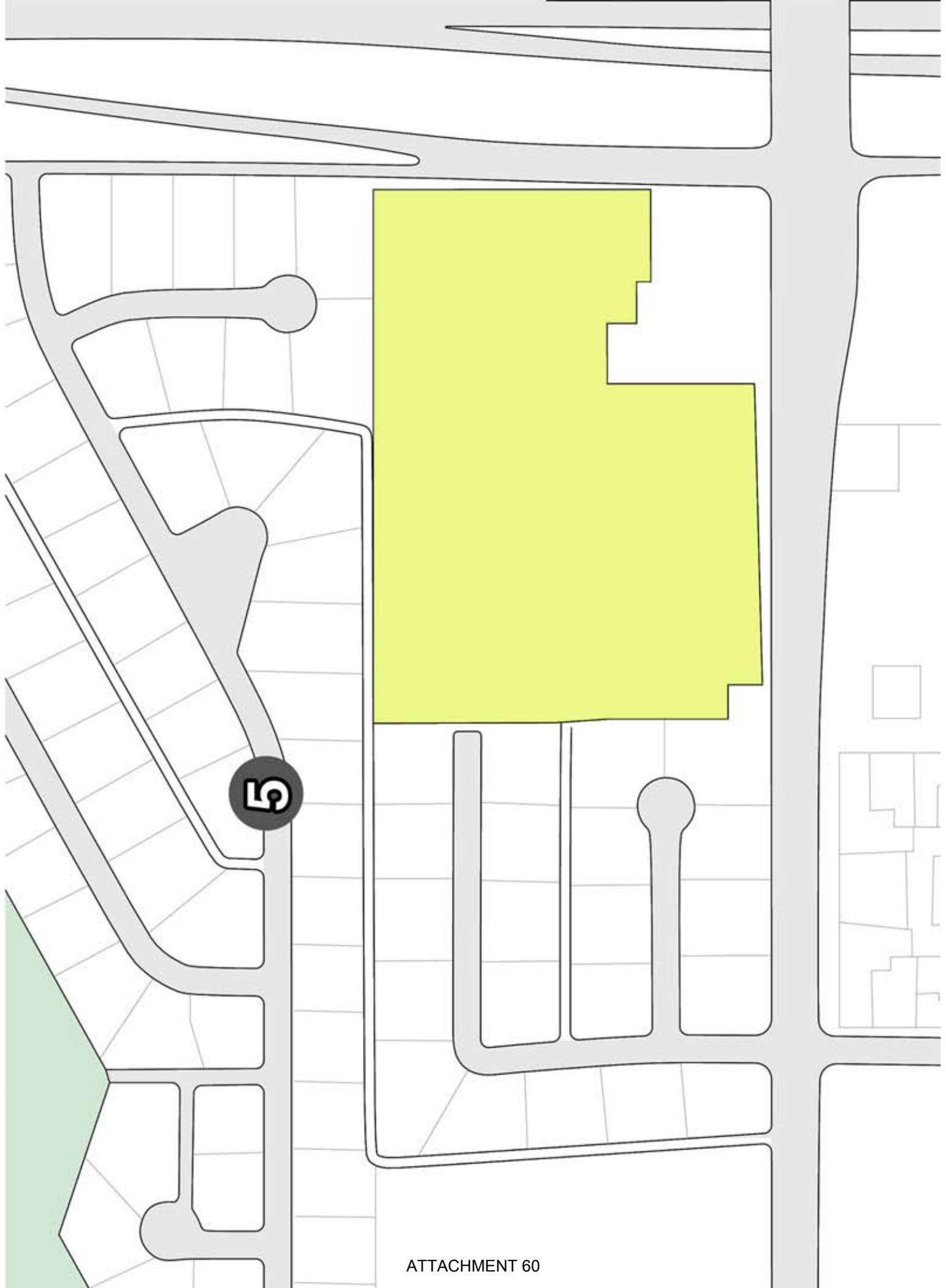


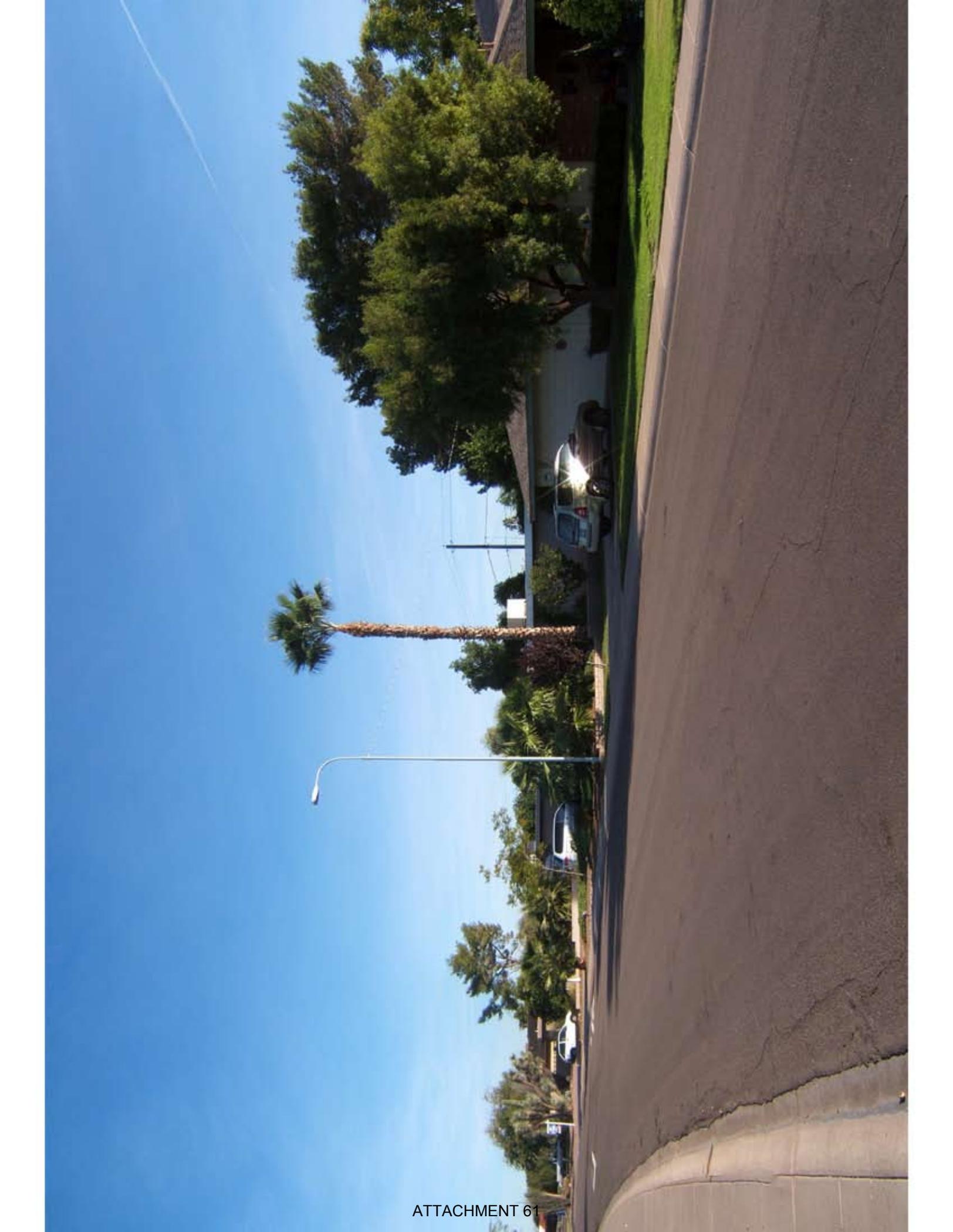


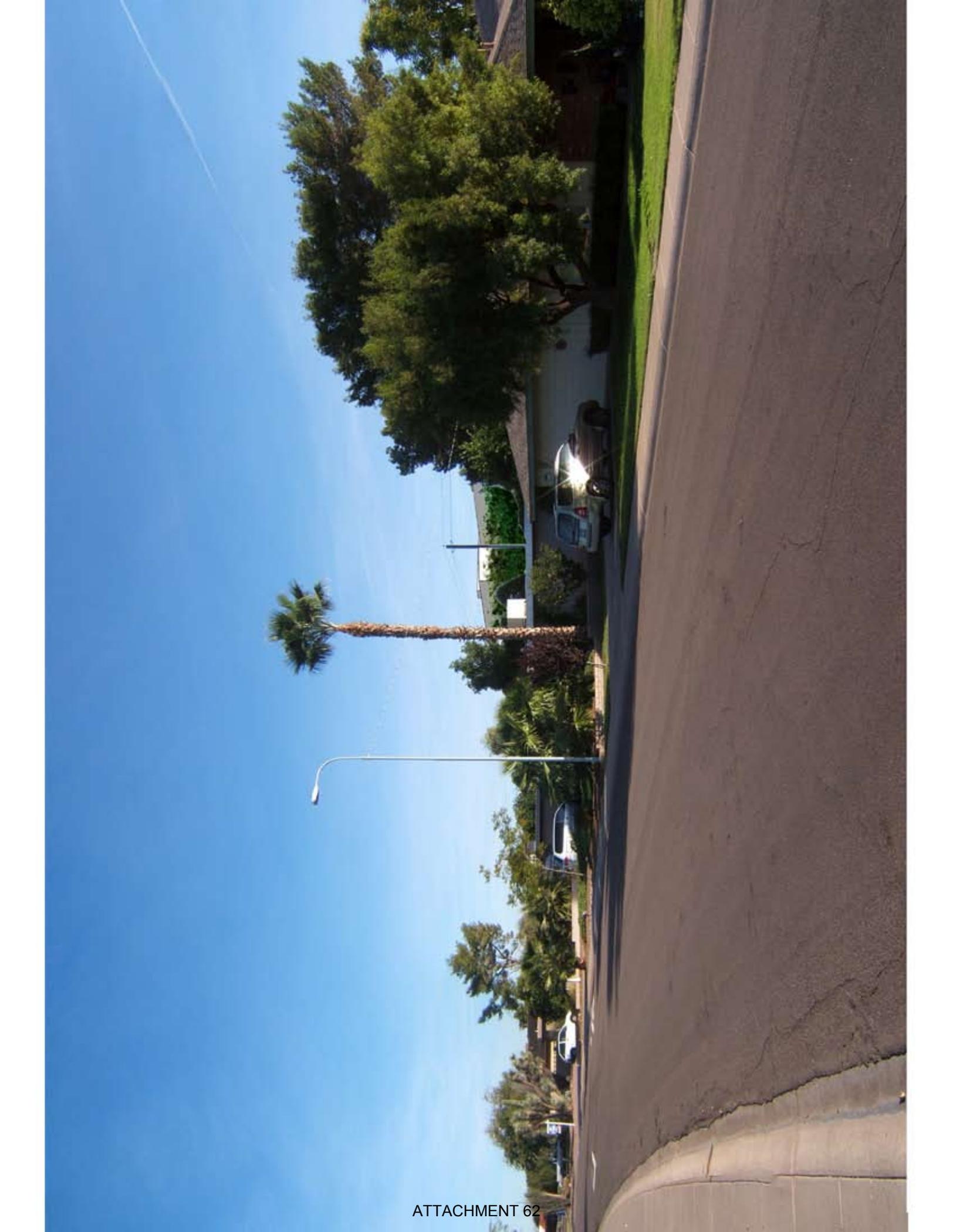


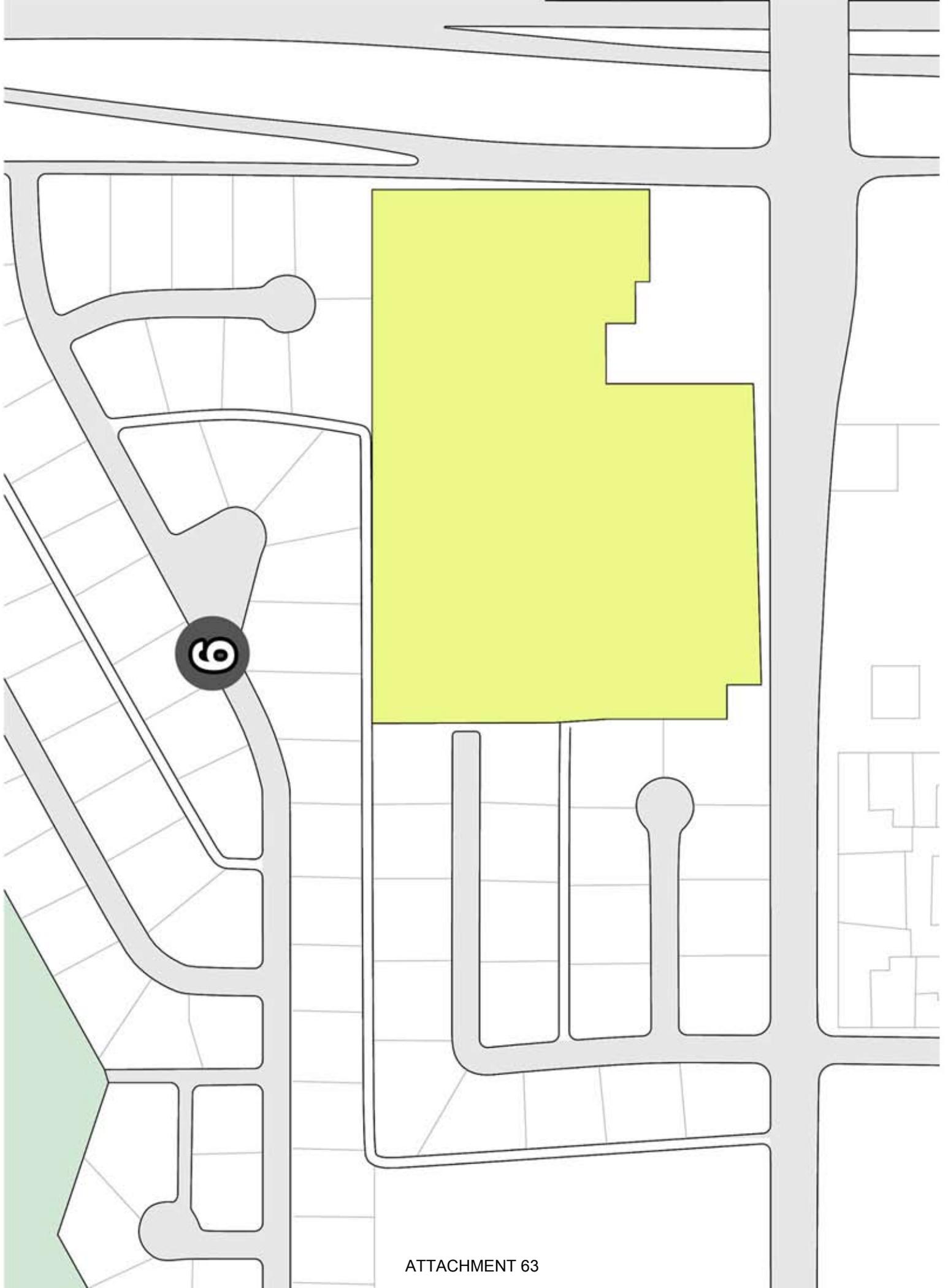


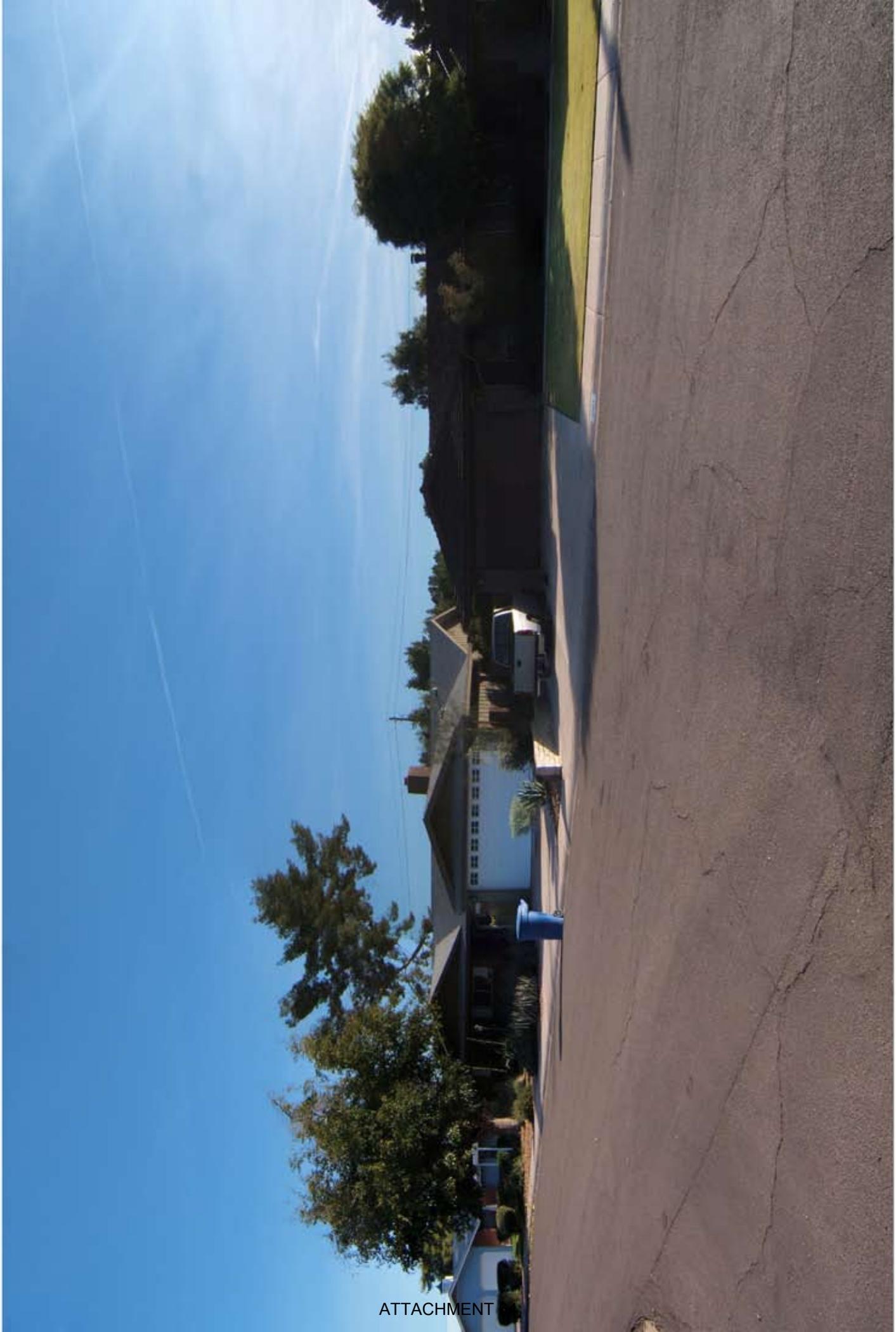




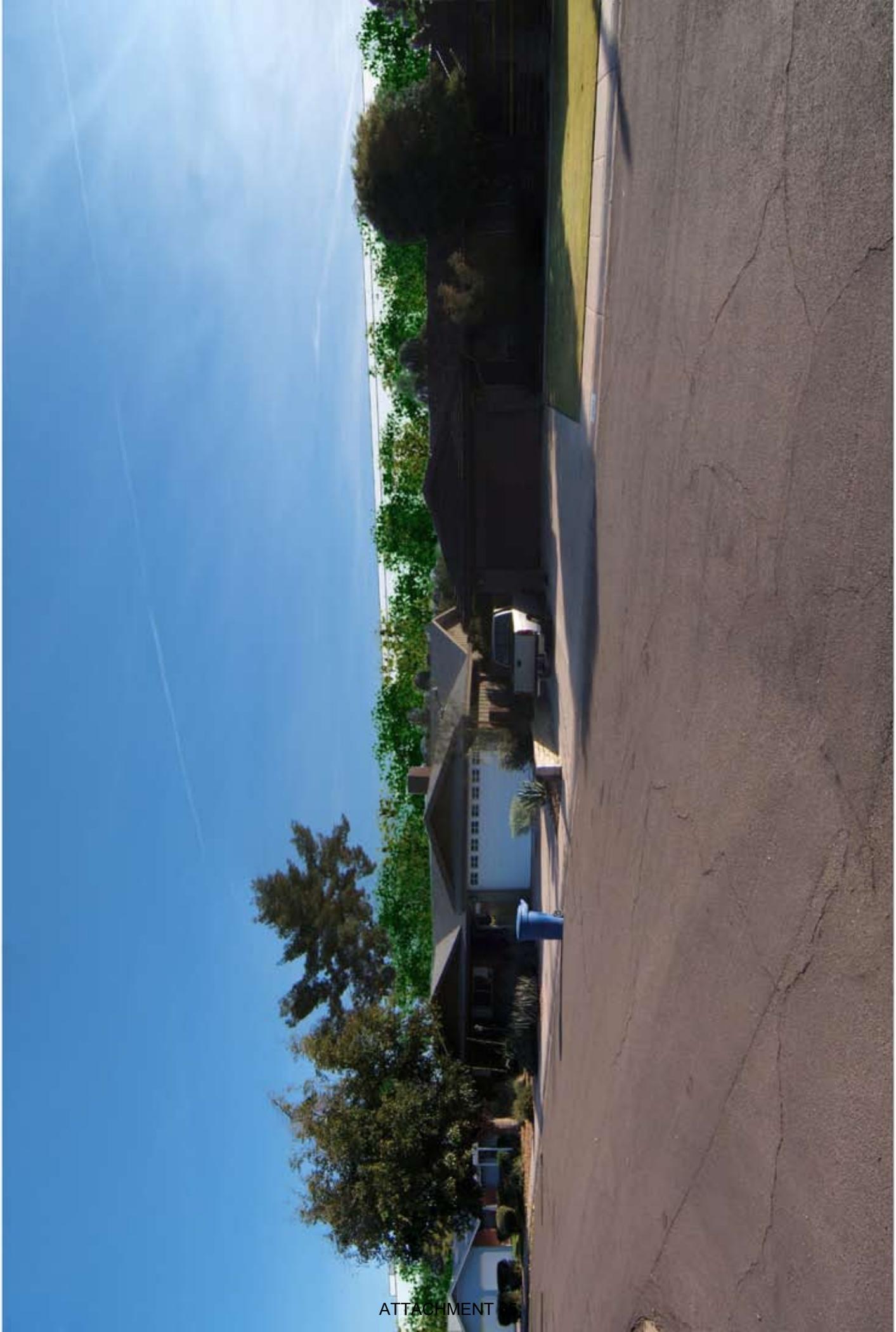


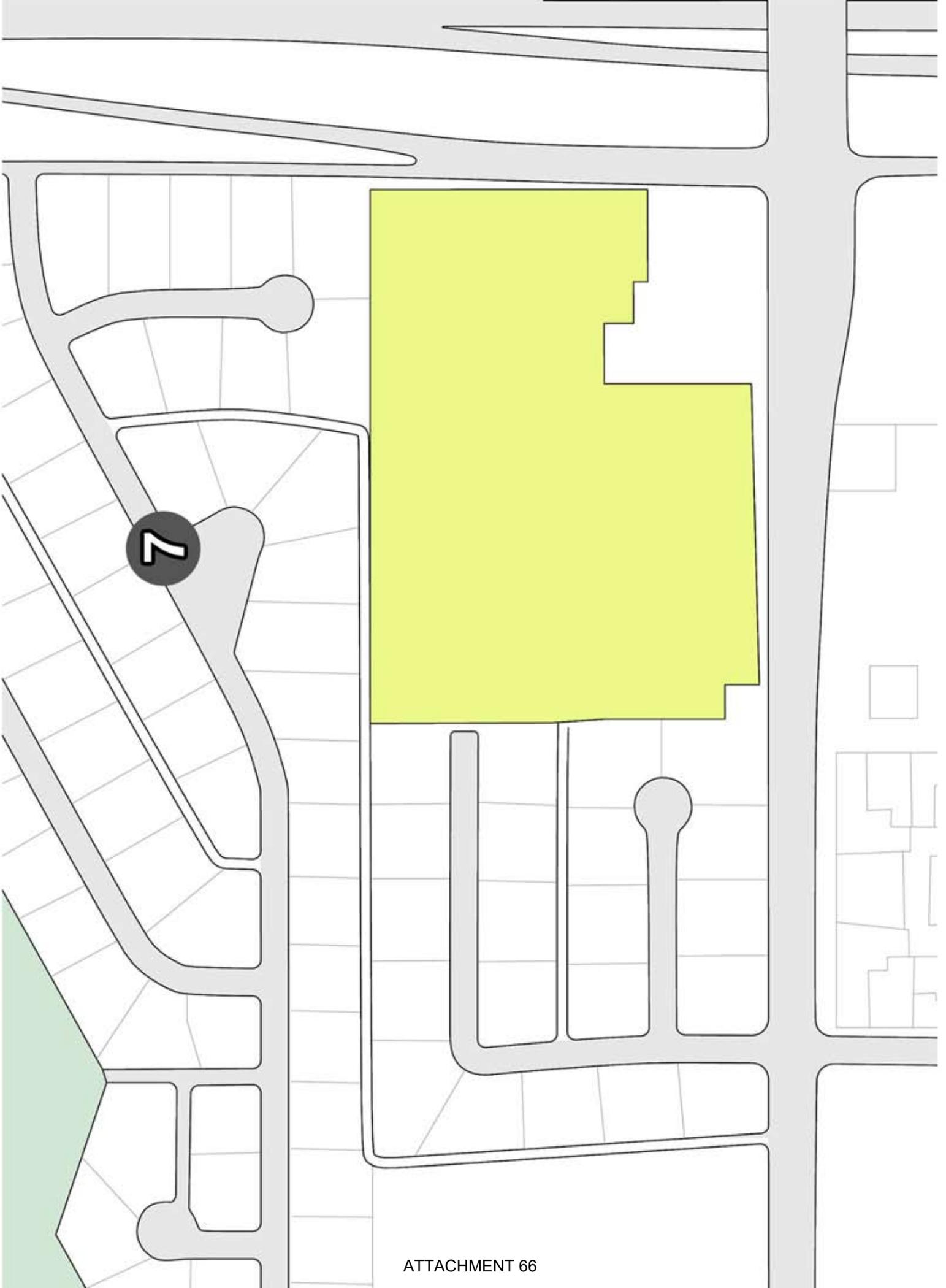






ATTACHMENT

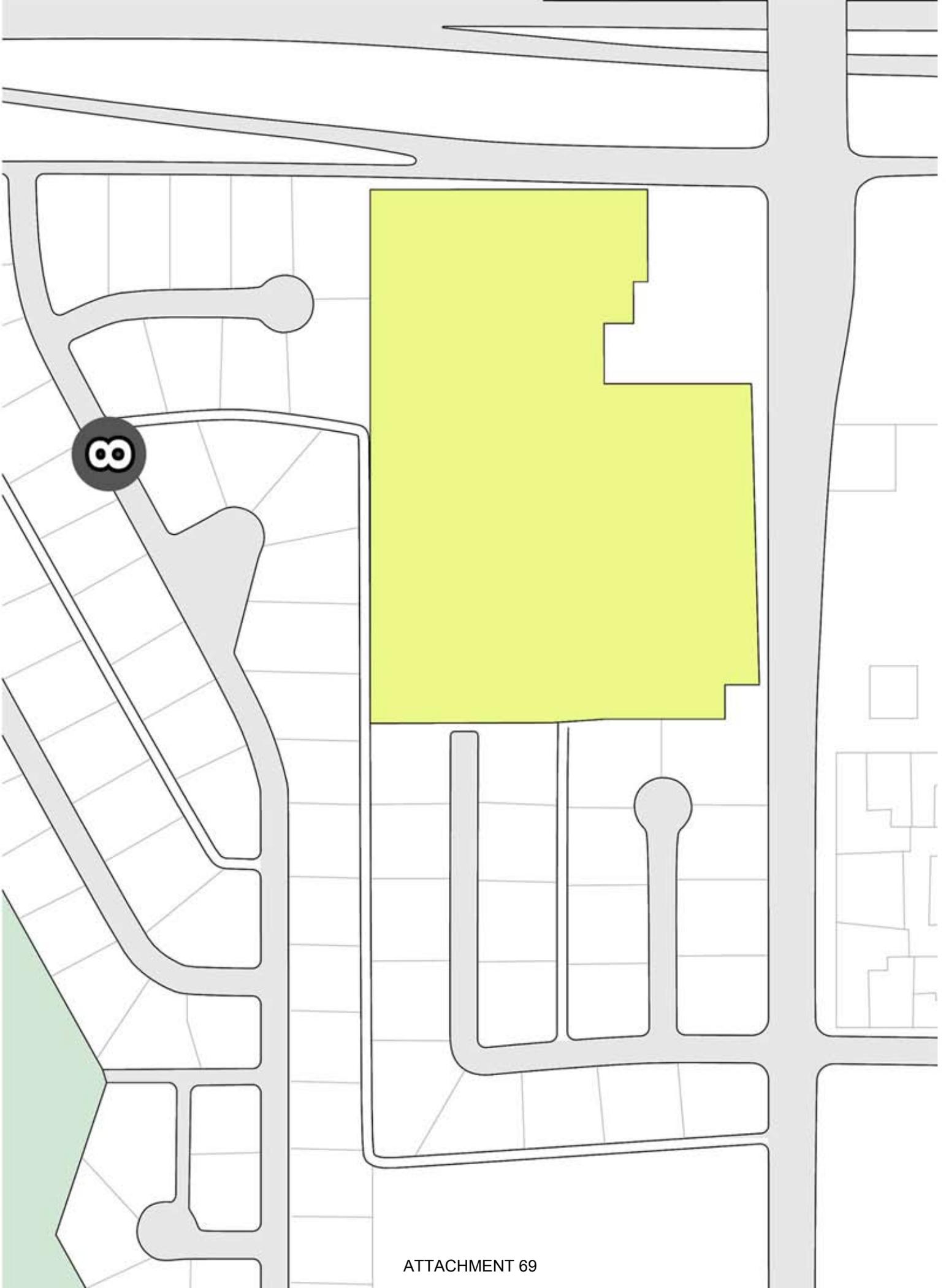


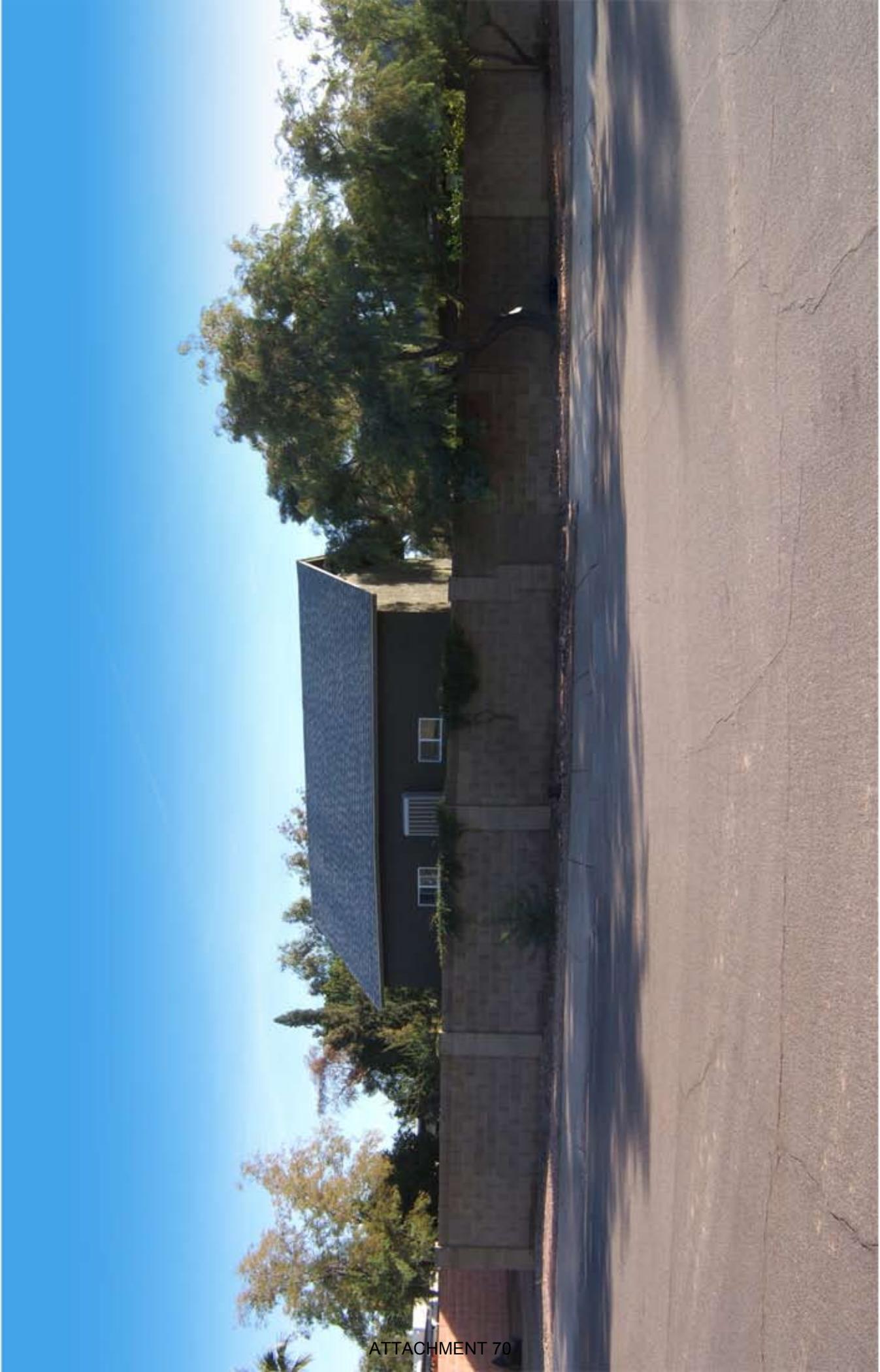


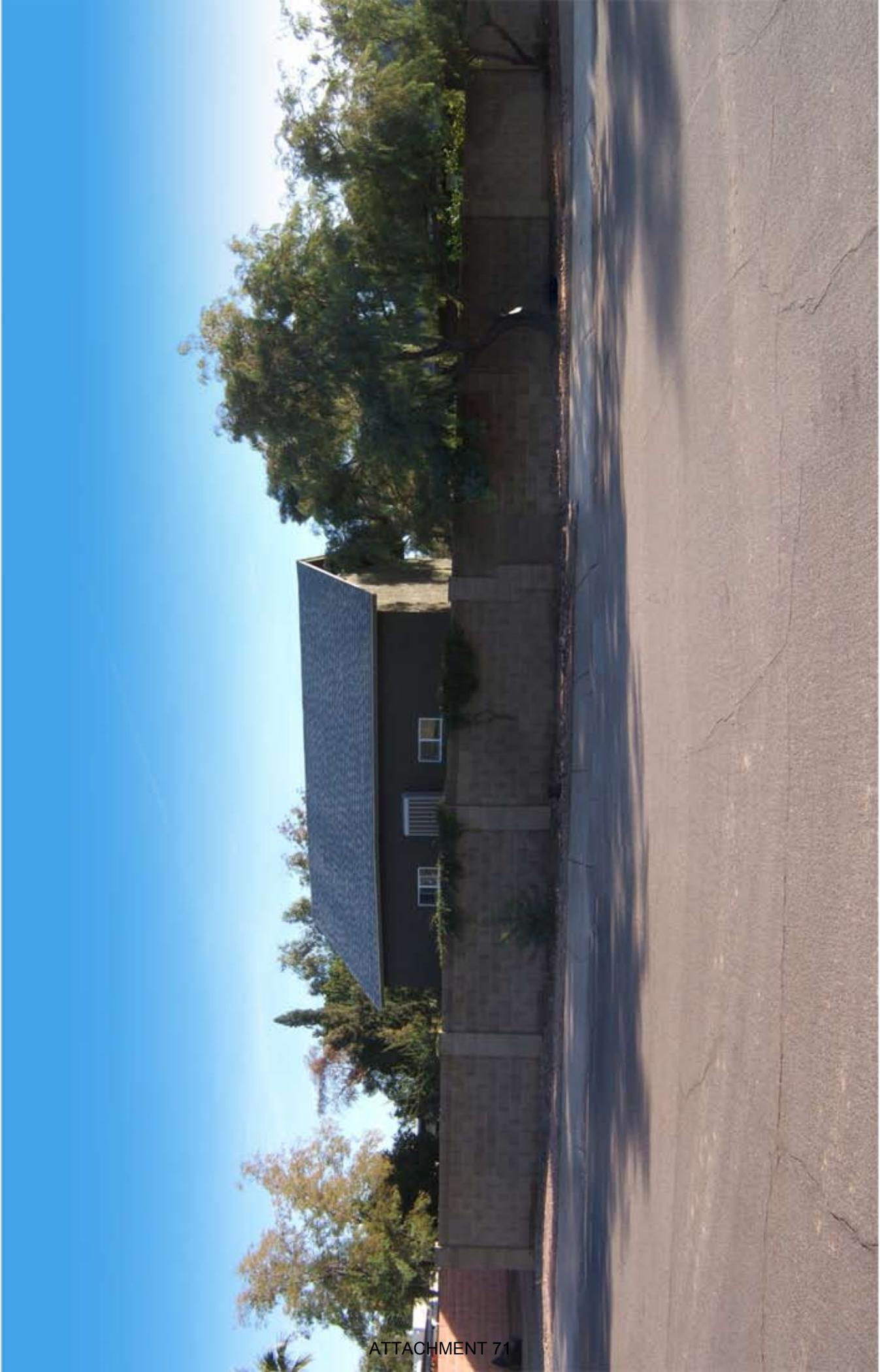
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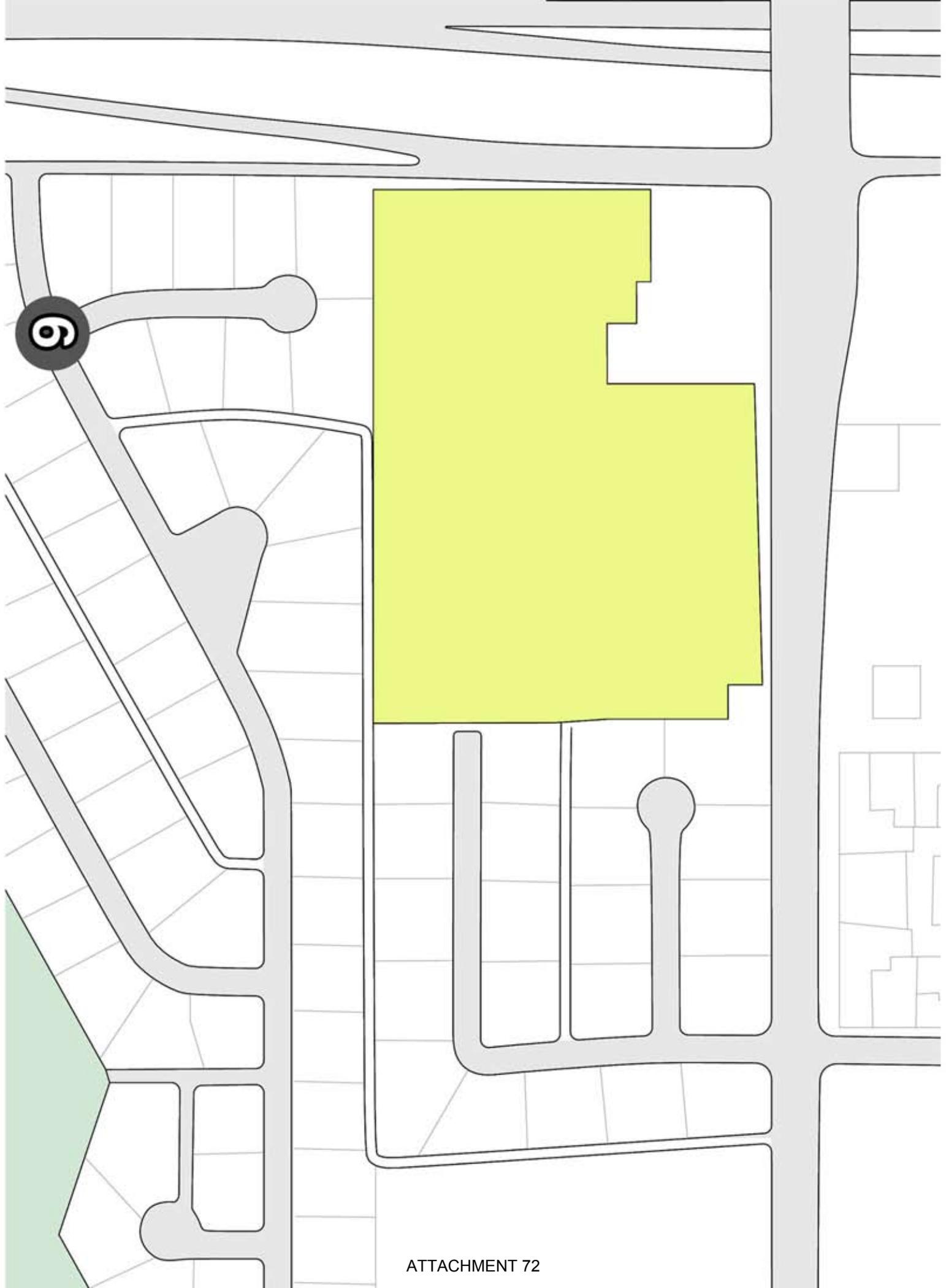






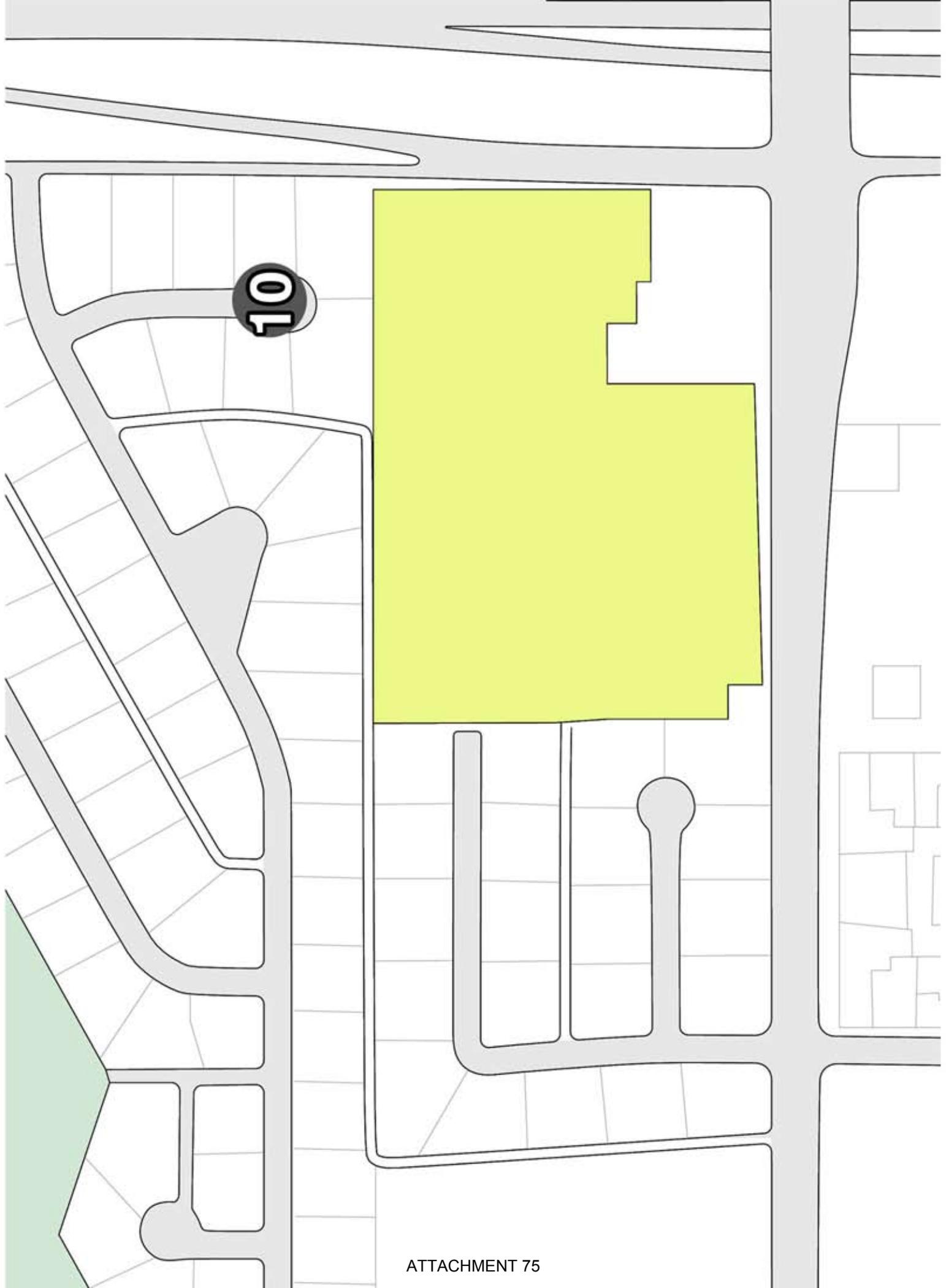


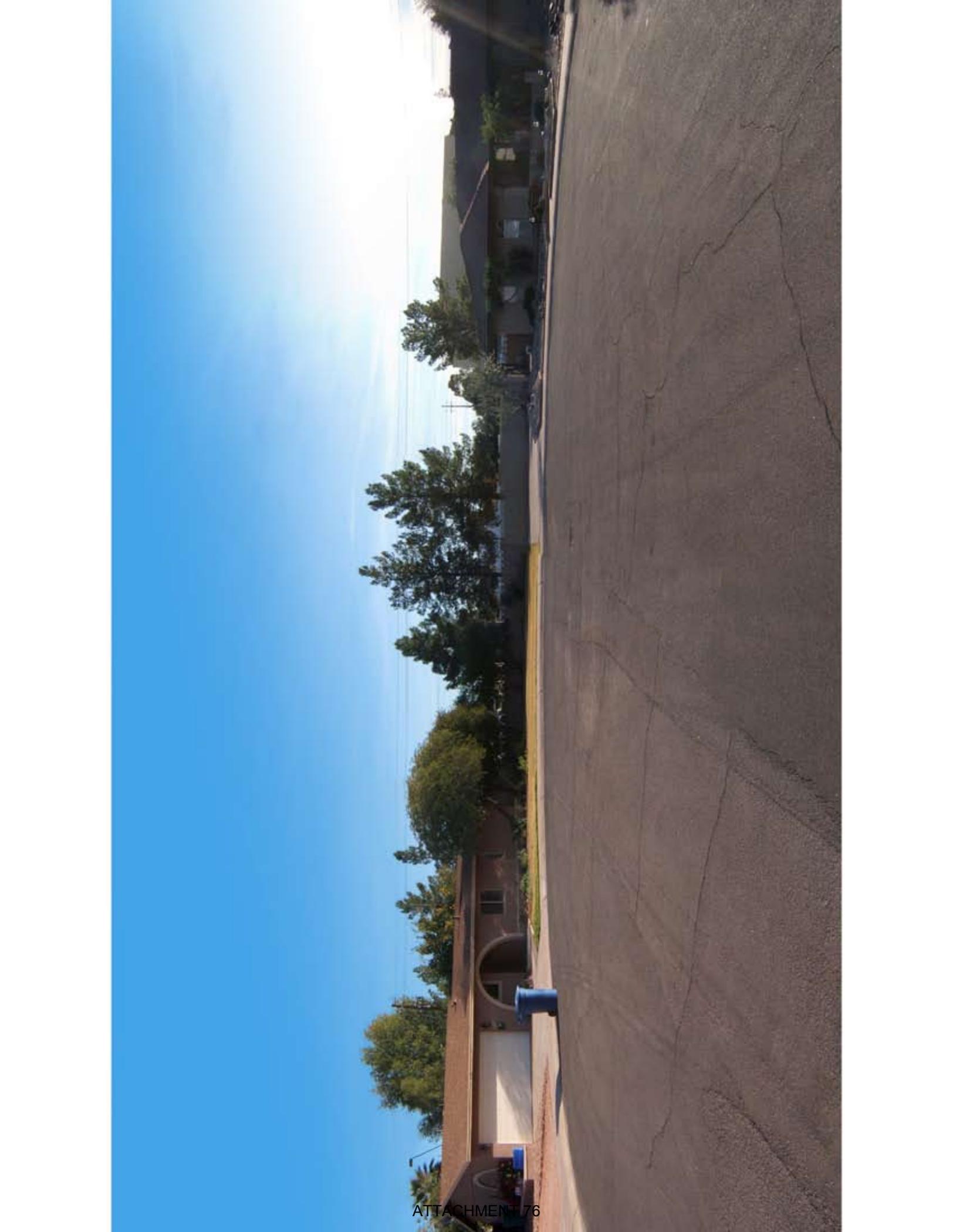


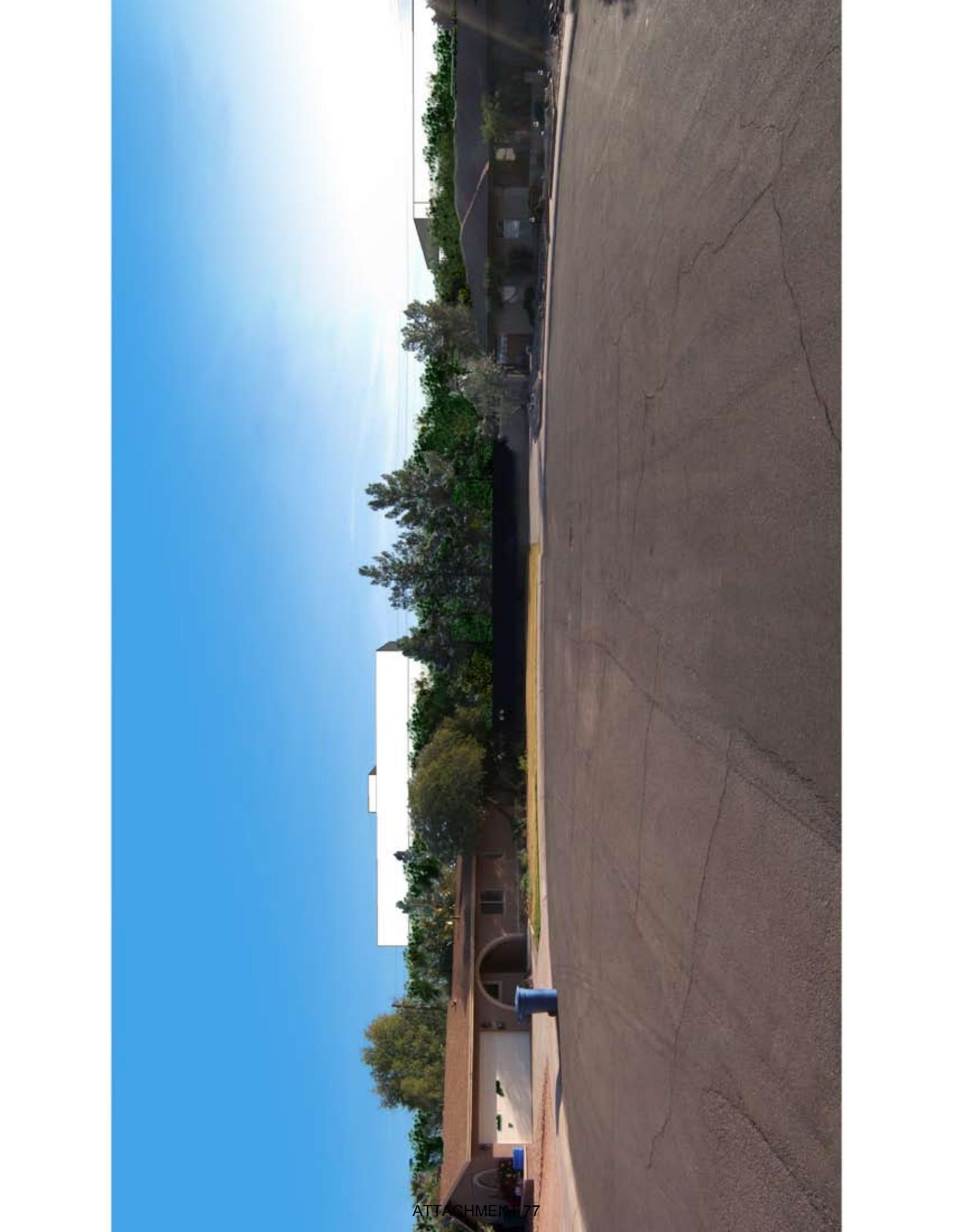












10 March 2009

TO: Members of the Development Review Commission
City Staff

Attached you will find a schematic and rendering for the Southern Campus Masterplan site at 2150 East Southern Avenue. It is being presented to you for consideration as an alternative to the plans presently before you, proposed by developer, Educational Options.

It is respectfully submitted, jointly, by the Shalimar and Bradley Hacienda neighborhoods, for consideration, discussion and review, by the Development Review Commission, Staff, the site's owner/developer, Educational Options, and the architecture firm of Architecton.

It reflects the kind of design that both the Shalimar and Bradley Hacienda neighborhoods feel would be acceptable in addressing the critical issues of building height and setback. It also offers the potential of eliminating the need for several additional buildings.

It addresses several ideas previously offered to the developer, Educational Options, and their architect firm, Architekton, on several occasions, those being:

the concept of "clustering" the building around the existing commercial development located at the Southern Ave and the 101/Price Freeway frontage road intersection;

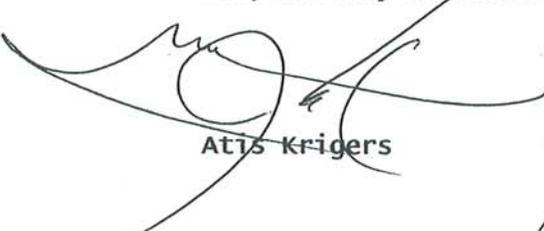
the concept of "stepping up" or "terracing" of the major building so that it appears to ascend as it approaches the intersection, thus minimizing the impact of height on adjacent neighborhoods to the north and west;

and finally,

the concept of providing a dominant and visually pleasing building as a gateway into the City of Tempe.

Be it clear to the Development Review Commission, Staff, Architecton and the owner/developer, that the consideration of additional height is only for this design proposal. It is not be construed as a tacit acceptance of building heights or site design that have been proposed at this, or any other, time by the developer. Building height, building appearance, site design and the PAD are still of major concern at this time to both the Shalimar and Bradley Hacienda neighborhoods.

For the Shalimar and Bradley Hacienda neighborhoods,
Respectfully submitted,



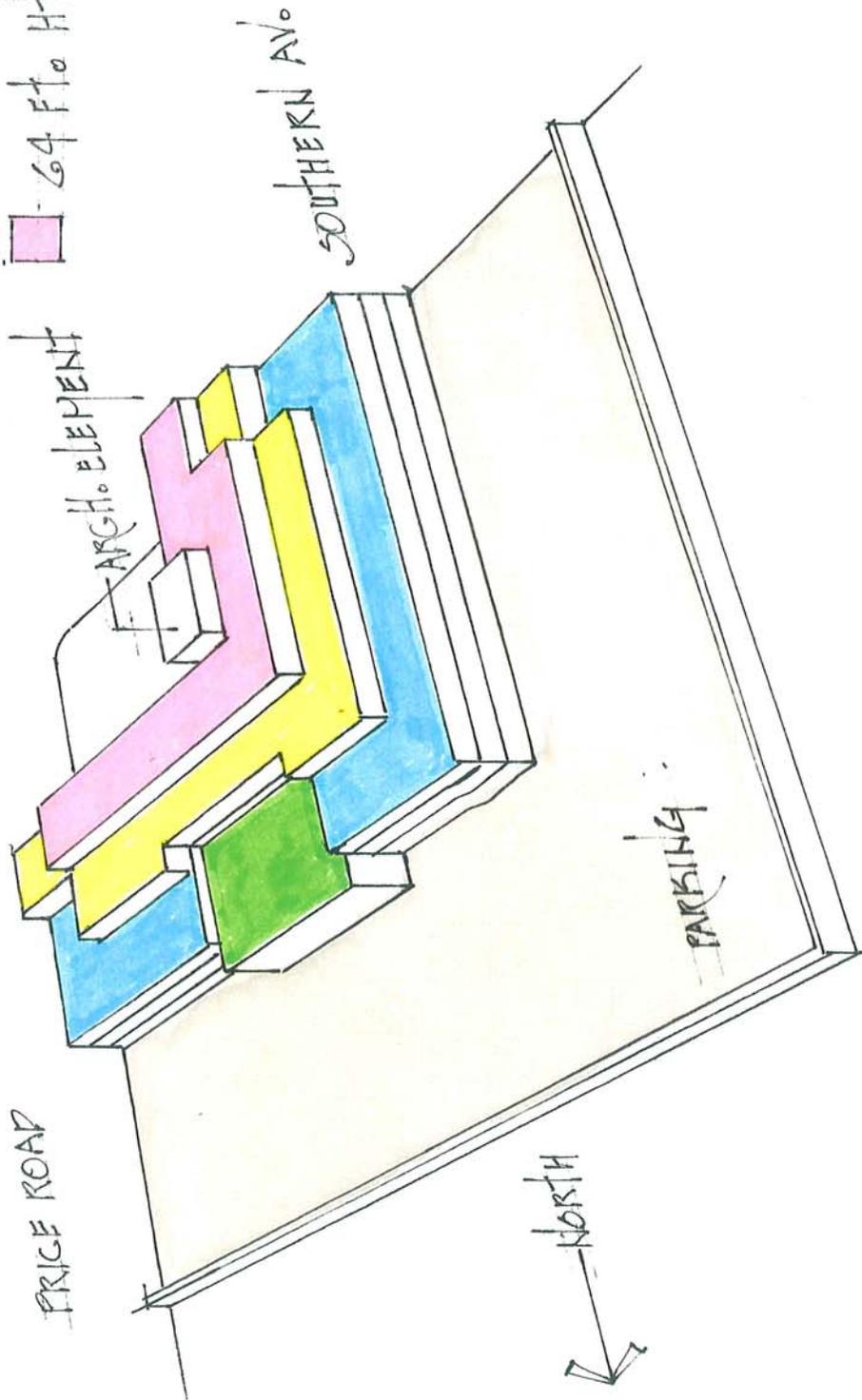
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Basilio Coracides

SCHEMATIC MASSING 2.3.09
P.C. ARCHITECT

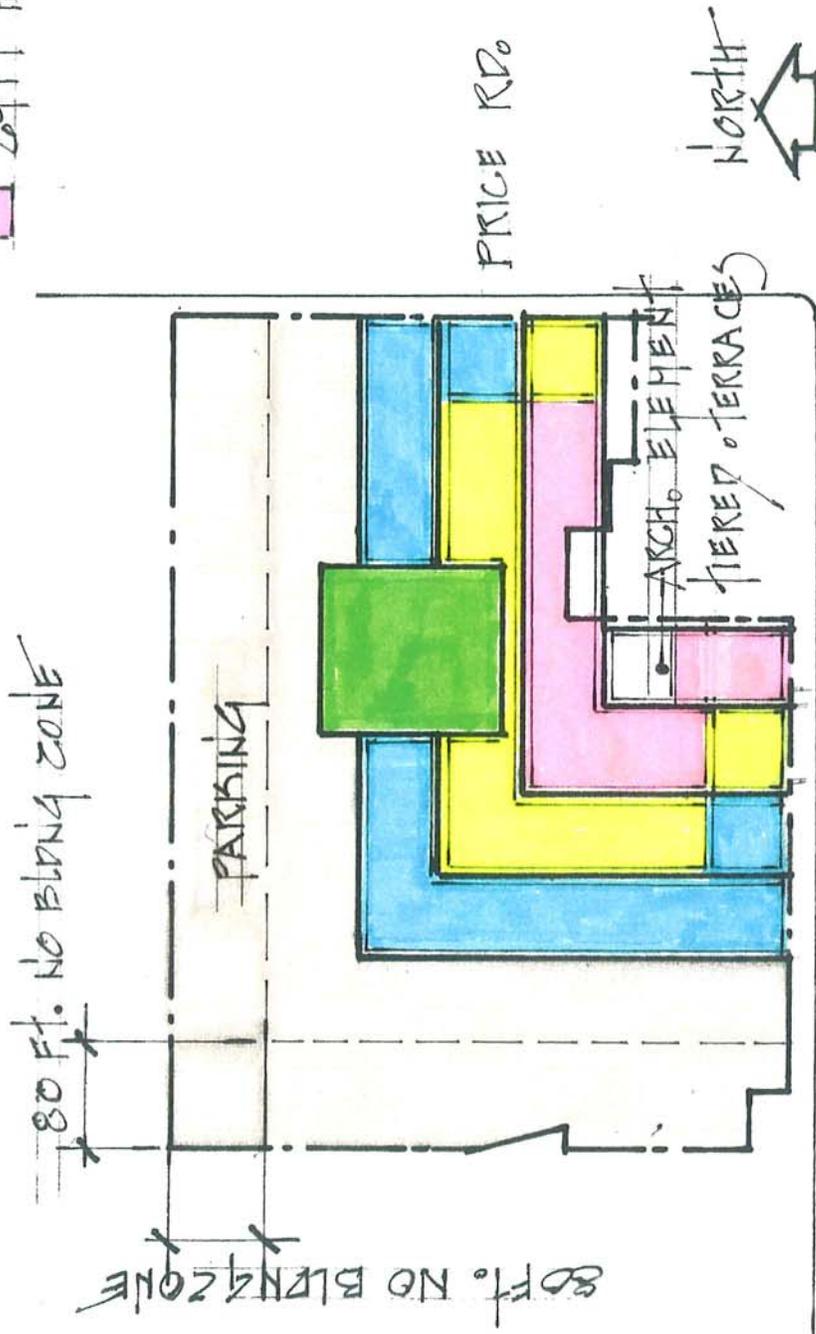
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SCHEMATIC
P.C. ARCHITECT

MASSING 2.3.09

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- 64 FT. HT.



SOUTHERN AVE

PROPOSED EDUCATIONAL SOLUTIONS CORPORATE HEADQUARTERS AND CHARTER SCHOOL

Educational Solutions, a Tempe based company, desires to relocate into a larger facility and build its corporate headquarters at 2150 E. Southern Avenue in Tempe.

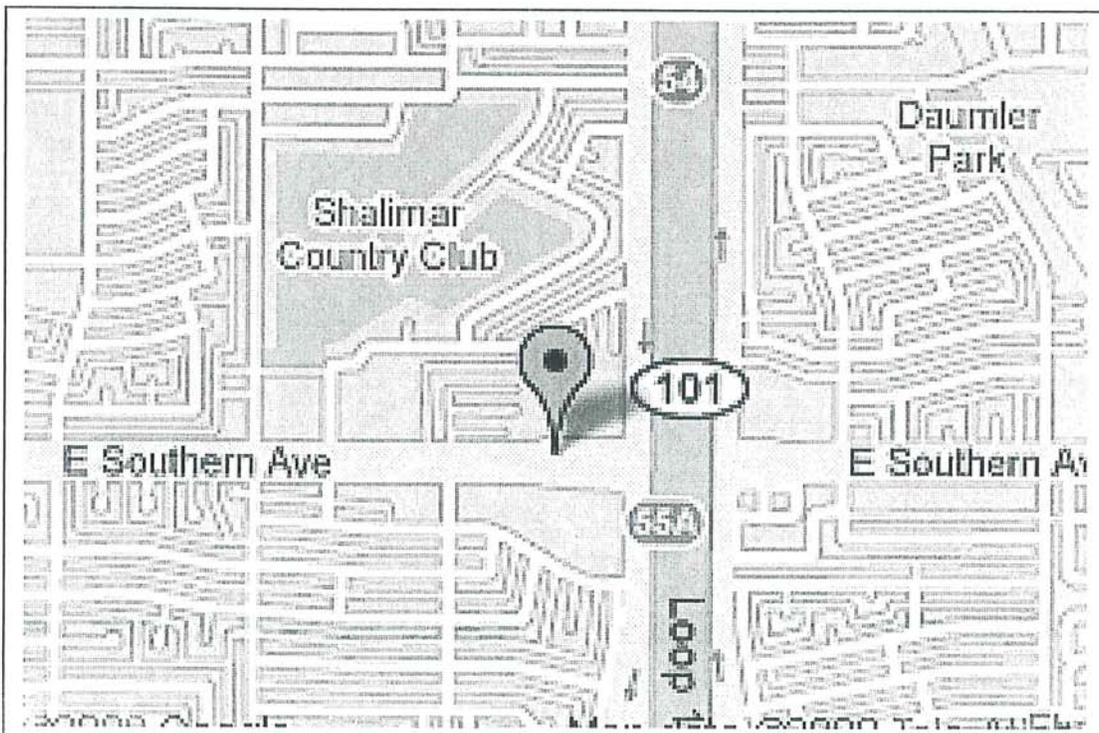
Educational Solutions currently services over 200,000 students with its academic programming in web based technology and online classes to local schools. By moving to their new proposed facility, they will be able to grow and expand.

Educational Solutions will be seeking a zoning change to change what Tri-City Baptist Church is currently into:

- 1) Educational corporate headquarters.
- 2) 9-12 charter high school to operate on the premise.

Phase 1 will consist of a Zoning Change.

New Site of Educational Solutions:



2150 Southern Master Plan

EdOptions has met with neighbors in numerous occasions in order to gain feedback and in order to create a development that will be a true asset to the community. Some neighbors have addressed certain issues to EdOptions, and EdOptions takes these issues seriously. Below are the following issues that have been raised, as well as EdOptions plan and changes to its plan in order to accommodate the neighborhoods desires.

The upgrades planned for the former Tri-City Baptist Church site (NE corner of Price and Southern) will include a charter school, flexible office space and on-site staff housing. Educational Options, the new owners, have requested a zoning change to mixed use to match what was approved by Tempe voters in the General Plan 2030.

The requested zoning will allow Educational Options, Inc. to expand its western regional office, the Educational Options Foundation, a non-profit foundation that supports education, and the EdOptions Charter High School to locate on the site.

The plan is designed to help insulate the surrounding neighborhood from the traffic and noise of the Southern and 101 intersection. The rear of the property will be dominated by the school, the area closest to the Southern and 101 intersections will be used for office space.

Neighborhood Issue #1

Building Height

The primary concern stated by the neighborhood about the re-zoning was the height of the proposed, new buildings on the site which were 70 feet. By reducing the height, Educational Options is sacrificing 26, 000 square feet in order to gain neighborhood support.

In response, a Planed Area Development will be created that regulates the height of the buildings on the property. This will protect the neighborhood in the extremely unlikely event the property is sold.

The revised height of the buildings is 42 feet, 2 stories of office over 1 level of parking, on the rear of the site, and 52 feet, 4 stories of office, on the front of the site closest to the Southern Ave. and 101 freeway intersections. A small mechanical area will be placed on top, near the center, of each building.

The distance from the property lines to the buildings will provide added protection for the neighbors directly adjacent to the project. Proposed buildings are a minimum of 85' from the property lines on the north and west side of the site.

Neighborhood Issue #2

Traffic

A traffic study was completed that looked at the traffic flow around the property. The study found there would be; "No appreciable reduction in the Level Of Service (LOS) will occur due to this project . . .". Traffic around the property will remain the same through all phases of the project. Owners of Tri City Baptist Church did a study as to the amount of traffic in and out of the property and found that there will be less traffic with this new development.

Neighborhood Issue #3

Property Line, Trees, and Fencing

The first building on the Northwest corner is placed 85 foot away from the property line. EdOptions will place as many trees as possible in Phase 1 prior to development, to allow for maturation quickly. Trees will be Chinese Elm and Sisso and will be between 6' and 10' to start to ensure neighborhood privacy. Also EdOptions will IMMEDIATELY repair the fence between the neighborhood line and the property so that there are no holes or room for anyone to walk back in the ally.

We are working with City staff to determine the best trees to include in the 20 foot landscape buffer. The current recommendations are the Sisso and the Chinese Elm that are 15 – 20 feet in height. There will be a 20 foot landscaping buffer separating the Educational Options development from the 8 foot wall and adjacent neighbors.

Neighborhood Issue #4

Parking

All phases of development meet the onsite parking requirements. Careful planning was done to insure that the required number of car parking spaces, handicapped parking spaces, and bicycle parking places were included or excided. The current property requires 351 parking places and 351 parking spaces are provided. Phase II, as proposed requires 475 spaces and 475 are included in the proposed plan. The proposed phase III plan requires 713 spaces. The phase III plan includes 731 spaces, 18 spaces over the required number. The site is designed to keep parking for all activities onsite.

Neighborhood Issue #5

EdOptions High School

The mission of EdOptions High School is to make a positive difference in the lives of our students and the community by providing a high quality educational experience in a school environment that recognizes the needs of students and blends technology and instruction into a teacher managed educational experience that provides each student superior opportunities for success.

EdOptions High School will be located at 2150 E. Southern Ave, Tempe and will target grade 9-12 students located within a ten-mile radius of the school's location. EdOptions High School to provide students with a proven curriculum that aligns to state standards, scheduling flexibility, and an educational environment of high expectations and individual success.

The Educational Options Foundation, a not-for-profit Arizona Corporation, will own and govern the school.



December 5, 2008

Tempe Design Review Commission
Tempe City Council
31 E. Fifth St.
Tempe, AZ 85281

Dear Friends:

For more than five years, Educational Options has operated a quality education content delivery service in Tempe. Tempe residents and businesses are fortunate to have such an innovative company as part of its business community. Serving more than 200,000 students in school districts throughout the country, Educational Options is expected to significantly expand over the next decade.

In 2006, Educational Options won the US Chamber of Commerce Small Business of the Year award. This prestigious title is a testament to Educational Options commitment to quality in its products and services.

As a member of the Tempe Chamber, Educational Options has repeatedly demonstrated its commitment to our community. Tempe has greatly benefited from Educational Options sponsorships and volunteerism in many civic organizations throughout the community. The Chamber looks forward to the expansion of Educational Options business in Tempe.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Miller".

Mary Ann Miller
President/CEO

Joseph Harris

2131 E Geneva Dr. Tempe, AZ 85282

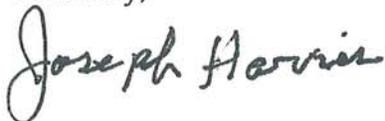
December 5, 2008

Design Review Commission
City of Tempe
31 E. 5th St.
Tempe, AZ 85281

Members of the Tempe Design Review Commission:

Jeff Sawner with Educational Options and Eric Emmert with Dorn Policy Group have shared with me the details of the development of the property at 2150 E. Southern. Since purchasing the property, Educational Options has demonstrated a willingness to work with area neighbors. I am amenable to project concept and look forward to working with Educational Options as neighbors for years to come.

Sincerely,



Joseph Harris

Petition of Support for 2150 Southern Campus Masterplan

I support approval of the zoning change and use permit for the following reasons:

- The continued use of the property as a center for education, and the home of a new charter high school.
- The active investment in the revitalization of a major corner that is a gateway into Tempe.
- The creation of high-quality jobs in Tempe.
- The plan exactly matches the voter approved use of the property as defined in the Tempe 2030 General Use Plan.
- The tax base for the city will be enhanced, providing increased funding to the city.

Therefore, as a Tempe resident, I respectfully request approval of the zoning change and use permit for the 2150 Southern Campus Masterplan.

Sincerely,

Christa Werner
(Name)

1840 E. Senini Dr.
(Address) Tempe, AZ 85283

Design Review Commission and City Council
City of Tempe
31 E. 5th St.
Tempe, AZ 85281

Members of the Tempe Design Review Commission and City Council:

I received information regarding the proposed improvements to the property at 2150 E. Southern. As a Tempe resident living near the property, I am supportive and amenable to the project concept and look forward to working with Educational Options as neighbors for years to come.

Sincerely,

SIGNATURE:  _____
NAME: Eric Perez
ADDRESS: 1874E Aspen Dr.
CITY/STATE/ZIP: Tempe AZ 85282
PHONE: ☎ 480 367 3023
EMAIL ADDRESS: etperez1@gmail.com
DATE: 03/07/09

Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 8:19 AM
To: Lathrop, Lisa
Subject: FW: EdOptions

From: Richard Lim [mailto:richardlim@cox.net]
Sent: Thursday, March 05, 2009 9:35 PM
To: Kaminski, Diana
Subject: EdOptions

Ms. Kaminski, please forward the attached letter to the appropriate Commissioners and Council Members. Thank you.

Richard and Mary Lim
2443 E. Malibu Drive
Tempe, AZ 85282

March 5, 2009

Re: Educational Options - 2150 East Southern Campus

Dear Commissioners and Council Members:

We urge you to support the Campus Master Plan submitted by Educational Options at your upcoming hearing on March 10th. I believe that the revised project will stand to enhance public and private education opportunities in Tempe.

As we understand EdOptions has made the necessary adjustments to the plan to meet the immediate neighborhood concerns.

Additionally the EdOptions campus plan will bring jobs and revenue to Tempe. While many other businesses are struggling in a challenging economy, EdOptions is growing and hiring new employees. A growing and reputable company like EdOptions is an asset to Tempe that will also provide Tempe residences who live east of Price Road who now send their children to various Mesa schools the opportunity to send their children to a school within the city boundary.

Again we urge you to support the EdOptions proposal as submitted. Thank you.

Sincerely,

Richard Lim
Mary Lim
2443 E. Malibu Drive
Tempe, AZ 85282
(480) 839-1895

Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 8:51 AM
To: Lathrop, Lisa
Subject: FW: Support of EdOptions Zoning Change

From: Robertson, Chris [mailto:Chris.Robertson@sheraton.com]
Sent: Friday, March 06, 2009 1:13 PM
To: Kaminski, Diana
Subject: Support of EdOptions Zoning Change

Dear Commissioners and Council Members:

I am writing to ask you to support the 2150 Southern Campus Masterplan submitted by Educational Options at the upcoming DRC hearing on March 10th. The project as resubmitted will enhance public and private education opportunities in Tempe while providing safeguards for area residents in a freeway corridor.

EdOptions has made numerous changes to their proposal in response to neighborhood concerns. Most notably, EdOptions removed an entire floor from each of the tallest buildings on the site in the most recent submittal. This generous reduction in height will place the buildings at an acceptable 55 feet plus a mechanical apparatus.

The EdOptions campus plan will bring jobs and revenue to Tempe. While many other businesses are struggling in a challenging economy, EdOptions is growing and hiring new employees. A growing and reputable company like EdOptions is an asset to Tempe.

The zoning change EdOptions is requesting matches the General Plan 2030. Tempe voters approved a mix of uses in this freeway corridor and the proposal matches it perfectly. The use permit you wisely approved in January will continue the educational focus of the property and benefit the entire community.

For these reasons, I ask you to vote in support of the EdOptions proposal as submitted.

Thank you,

Chris Robertson

Tempe Resident

Chris Robertson | Manager of Space Optimization - Sheraton Phoenix Downtown Hotel

340 North Third Street | Phoenix | Arizona | 85004

telephone 602.817.5315 | facsimile 602.817.5325

sheraton.com/phoenixdowntown

Sheraton | Belong

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Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 8:50 AM
To: Lathrop, Lisa
Subject: FW: Support for EdOptions

From: Loetscher, Angela [mailto:angela.loetscher@tricityministries.org]
Sent: Friday, March 06, 2009 12:49 PM
To: Kaminski, Diana
Subject: Support for EdOptions

Dear Commissioners and Council Members:

I am writing to ask you to support the 2150 Southern Campus Masterplan submitted at the upcoming DRC hearing on March 10, 2009 by Educational Options.

The changes EdOptions has made to their proposal is in direct response to the residents of the Shalimar neighborhood. During these difficult economic times, a growing and reputable company is hard to find. EdOptions is one of those companies, and their willingness to work with the concerns of the neighborhood shows that they care about Tempe. Their campus plan will bring jobs and revenue to this great city, while enhancing education opportunities.

I am excited to see what EdOptions will do with the campus at 2150 E Southern Avenue, and for the tax dollars their business will generate for the City of Tempe. It is refreshing to see a company that is so willing to work with the desires of the neighbors, while still seeking to improve property values and education.

Please vote in support of the EdOptions proposal as submitted.

Thank you,
Angela Loetscher
Tempe Resident
480-838-5430 ext 217
480-208-4897

Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 9:17 AM
To: Lathrop, Lisa
Subject: FW: Request for support at DRC hearing on March 10th

From: laurindamordh@aol.com [mailto:laurindamordh@aol.com]
Sent: Friday, March 06, 2009 4:06 PM
To: Kaminski, Diana
Subject: Request for support at DRC hearing on March 10th

Dear Commisioners and Council Members:

At the upcoming DRC hearing on March 10th, please support the 2150 Southern Campus Masterplan submitted by Educational Options.

Educational Options has been sensitive to the feedback from the neighbors, even to the point of revising their master plans to lower their building heights in order to accommodate some of their concerns. The leadership of Educational Options has been awarded nationally for their contributions to the workforce. I believe that Educational Options is a good company and in this new location will continue to expand and be an asset to our Tempe community.

According to the information that I have received, the zoning change that Educational Options is requesting is in alignment with the General Plan 2030 and the approved use of this freeway corridor. Therefore, I am asking you to support the proposal as submitted for the zoning change requested by Educational Options.

Thank you for your representation and work on our behalf,

Laurinda Mordh
Resident of Tempe

Worried about job security? [Check out the 5 safest jobs in a recession.](#)

Lathrop, Lisa

Subject: FW: EdOptions

From: Carol [mailto:carolnphx2@cox.net]
Sent: Thursday, March 05, 2009 1:30 PM
To: Kaminski, Diana
Subject: EdOptions

Dear Commissioners and Council Members:

I am writing to ask you to support the 2150 Southern Campus Masterplan submitted by Educational Options at the upcoming DRC hearing on March 10th. The project as resubmitted will enhance public and private education opportunities in Tempe while providing safeguards for area residents in a freeway corridor.

EdOptions has made numerous changes to their proposal in response to neighborhood concerns. Most notably, EdOptions removed an entire floor from each of the tallest buildings on the site in the most recent submittal. This generous reduction in height will place the buildings at an acceptable 55 feet plus a mechanical apparatus.

The EdOptions campus plan will bring jobs and revenue to Tempe. While many other businesses are struggling in a challenging economy, EdOptions is growing and hiring new employees. A growing and reputable company like EdOptions is an asset to Tempe.

The zoning change EdOptions is requesting matches the General Plan 2030. Tempe voters approved a mix of uses in this freeway corridor and the proposal matches it perfectly. The use permit you wisely approved in January will continue the educational focus of the property and benefit the entire community.

For these reasons, I ask you to vote in support of the EdOptions proposal as submitted.

Thank you,

Carolyn Nielsen
946 West Manhattan Dr
Tempe, AZ 85282

480-894-0050

Lathrop, Lisa

Subject: FW: EdOptions

From: BILL NIELSEN [mailto:gunsmithbill@hotmail.com]
Sent: Thursday, March 05, 2009 1:43 PM
To: Kaminski, Diana
Subject: EdOptions

Dear Commissioners and Council Members:

I am writing to ask you to support the 2150 Southern Campus Masterplan submitted by Educational Options at the upcoming DRC hearing on March 10th. The project as resubmitted will enhance public and private education opportunities in Tempe while providing safeguards for area residents in a freeway corridor.

EdOptions has made numerous changes to their proposal in response to neighborhood concerns. Most notably, EdOptions removed an entire floor from each of the tallest buildings on the site in the most recent submittal. This generous reduction in height will place the buildings at an acceptable 55 feet plus a mechanical apparatus.

The EdOptions campus plan will bring jobs and revenue to Tempe. While many other businesses are struggling in a challenging economy, EdOptions is growing and hiring new employees. A growing and reputable company like EdOptions is an asset to Tempe.

The zoning change EdOptions is requesting matches the General Plan 2030. Tempe voters approved a mix of uses in this freeway corridor and the proposal matches it perfectly. The use permit you wisely approved in January will continue the educational focus of the property and benefit the entire community.

For these reasons, I ask you to vote in support of the EdOptions proposal as submitted.

Thank you,

William Nielsen
946 West Manhattan Dr
Tempe, AZ 85282

480-894-0050

Hotmail® is up to 70% faster. Now good news travels really fast. [Find out more.](#)

Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 8:20 AM
To: Lathrop, Lisa
Subject: FW: Support Educational Options

From: Petermordh@aol.com [mailto:Petermordh@aol.com]
Sent: Thursday, March 05, 2009 11:12 PM
To: Kaminski, Diana
Subject: Support Educational Options

Dear Commissioners and Council Members:

I am e-mailing our Tempe City leadership to request your support for the 2150 Southern Campus Master Plan being re-submitted by Educational Options at the upcoming city council hearing on March 10th. The changes they are re-submitting will improve public education along with private educational opportunities in our city of Tempe. Tempe has always been a city that encouraged Education!

Educational Options has made several modifications to their plan in response to their neighbor's apprehensions. I understand that Educational Options even removed an entire floor from each of the buildings on the site in their most recent submittal.

The Educational Options campus plan will add variety, employment, and tax revenues to Tempe. While many other businesses are struggling in this deteriorating economy, Educational Options is increasing in growth, expanding the number of people they are affecting, even hiring new employees! How can we as a progressive community not get excited about this growing company becoming an integral part of the Tempe Community?!

As we objectively reflect on the General Plan 2030, the requested zoning changes by the above stated group match the freeway corridor approved uses. I hope that our City Council Leadership will continue to give our city's endorsement upon the worthy educational use of this unique piece of property. Please support the Educational Options proposal as submitted.

Sincerely, Peter Mordh (5108 S. Birch St. - Tempe, AZ)

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Lathrop, Lisa

From: Kaminski, Diana
Sent: Monday, March 09, 2009 8:19 AM
To: Lathrop, Lisa
Subject: FW: EdOptions

From: Sharon Hanlen [mailto:shanlen3@cox.net]
Sent: Thursday, March 05, 2009 10:29 PM
To: Kaminski, Diana
Subject: EdOptions

Dear Commissioners and Council Members:

I am writing to ask you to support the 2150 Southern Campus Masterplan submitted by Educational Options at the upcoming DRC hearing on March 10th. The project as resubmitted will enhance public and private education opportunities in Tempe while providing safeguards for area residents in a freeway corridor.

EdOptions has made numerous changes to their proposal in response to neighborhood concerns. Most notably, EdOptions removed an entire floor from each of the tallest buildings on the site in the most recent submittal. This generous reduction in height will place the buildings at an acceptable 55 feet plus a mechanical apparatus.

The EdOptions campus plan will bring jobs and revenue to Tempe. While many other businesses are struggling in a challenging economy, EdOptions is growing and hiring new employees. A growing and reputable company like EdOptions is an asset to Tempe.

The zoning change EdOptions is requesting matches the General Plan 2030. Tempe voters approved a mix of uses in this freeway corridor and the proposal matches it perfectly. The use permit you wisely approved in January will continue the educational focus of the property and benefit the entire community.

For these reasons, I ask you to vote in support of the EdOptions proposal as submitted.

Thank you,

Sharon Hanlen
1318 E Secretariat Dr
Tempe, AZ 85284

480-838-2776

Memorandum

Human Resources



Date: March 20, 2009
To: Mayor and Council
From: Jon O'Connor, Deputy Human Resources Manager (ext. 8423)
Through: Charlie Meyer, City Manager (ext. 8884)
 Renie Broderick, Human Resources Manager (ext. 8407)
Subject: **Voluntary Separation Incentive Program**

A draft Retirement/Resignation Incentive Program was provided to Council on February 27th prior to the March 3rd Special Budget Session discussion. Based on feedback from the Council and employees, including SEIU and TSA members, an additional option is being presented for your review that would provide an enhanced incentive to less-tenured employees, addressing the major concern that was raised with regard to the package being focused primarily on retirement.

The only difference between Plan 1 and Plan 2 is that under Plan 2, separating employees would be paid the higher of either 3 months of pay at their base rate OR 1% of their base pay x their years of service. Under this plan, approx. 90% of the employees considering an incentive package would receive a higher payout with a total additional program cost of approx. \$700,000.

Staff is also recommending Council's consideration of not limiting the program to a total of 86 packages as originally proposed. To date, 94 employees have expressed interest in participating in the program should it be approved by Council.

Plan 1: (this is the original plan presented to Council in the February 27th memo)

Eligibility: All regular (benefitted) part time and full time employees not participating in the Public Safety DROP program.* Employees must retire or resign no later than June 30, 2010.

Incentive payment: 1% of base pay for each year of service AND 50% additional payout of accrued sick leave. The incentive payment would be capped at \$50,000.
This plan accounts for length of service and provides a higher benefit for employees with more tenure and more likely to be retiring than resigning.

Other payment: separating employees currently receive up to 50% payout of accrued sick leave and 100% payout of accrued vacation leave under City personnel rules.

Cost: Average incentive payout: \$ 16,000
Average total payout with accrued leave: \$ 33,000

Approximate total cost for 100 incentive packages: \$1,600,000
Approximate total program cost including accrued leave: **\$3,300,000**

Plan 2:

Eligibility: All regular (benefitted) part time and full time employees not participating in the Public Safety DROP program.* Employees must retire or resign no later than June 30, 2010.

Incentive payment: 1% of base pay for each year of service **OR** 3 months of base pay (whichever is higher) AND 50% additional payout of accrued sick leave. The incentive payment would be capped at \$50,000.
While this plan accounts for employee tenure, providing a higher payout to employees with 25 or more years of service, it also provides a significantly higher incentive than Plan 1 to employees with less tenure who may be considering resignation.

Other payment: separating employees currently receive up to 50% payout of accrued sick leave and 100% payout of accrued vacation leave under City personnel rules.

Cost:	Average incentive payout:	\$ 23,000
	Average total payout with vacation leave:	\$ 40,000

Approximate total cost for 100 incentive packages:	\$2,300,000
Approximate total program cost including vacation leave:	\$4,000,000

***DROP program:** Council had requested staff to research if Public Safety employees had the option under PSPRS to leave the DROP program and thereby become eligible to participate in the City's incentive program. PSPRS does not allow its members to leave the DROP program for any reason once they have enrolled, so this would not be an option.

Attached to this memo is a revised Program Information document to be provided to employees with any adjustments based on the Council's final approval.

The City has been advised by the Arizona State Retirement System that payout of incentives to employees retiring may result in the assessment of additional contribution monies due from the City. This is a result of employees either retiring earlier than would have been the case or having retirement payments calculated on a higher base salary with the incentive included. These potential additional costs to the retirement system are mandated to be paid by the City under A.R.S. 38-749. ASRS can only provide costs after they have received details of the specific employees retiring and the amount of their incentive payment.

2009 Voluntary Separation Incentive Program



What is the Voluntary Separation Incentive Program?

The voluntary separation incentive program is open to all regular (benefitted) full time and part time employees and provides an incentive payment (in addition to the usual payout of accrued leave provided for under current City personnel rules) for those employees retiring or resigning from employment no later than June 30, 2010.

The intent of the program is to assist in downsizing the City workforce and to provide placement opportunities for employees whose positions are targeted for elimination which is an integral part of an overall budget reduction strategy.

While employees may choose any separation date between the time the program is approved by City Council and June 30, 2010, the program will be open for application only thru May 1, 2009 and will not be opened again after that date.

What is the Incentive?

Employees approved for the program will receive the following monetary incentive:

- One percent (1%) of current base pay* per year of verifiable City of Tempe service. (part-time service will be pro-rated) **OR 3 months of pay at base pay – whichever is higher;**
- 100% of accrued medical (sick) leave (*regardless of years of service***);
- The **total incentive payment** is capped at a maximum of **\$50,000**, and shall not be exceeded under any circumstances.

(NOTE: Usual accrued vacation leave payout of 100% and the first 50% payout of accrued sick leave do NOT fall under the cap.)

(*Base pay is base hourly rate annualized - including skill blocks for those Water Utility Department employees under the skill based pay program - but excluding any other components of pay or additional pay such as temporary detail, max staffing, bi-lingual pay, etc.)

(**Under current City personnel rules, only employees with at least 10 years of service are eligible for payouts of up to 50% of accrued medical leave depending on whether they are retiring or resigning.)

Who qualifies for an incentive package?

- **The program is open to all full time and part time regular (benefitted) employees.** Public Safety employees in the PSPRS DROP program, or who elect to sign up for the DROP program during the time the incentive program is in place, are not eligible to apply. NOTE: PSPRS regulations do not allow DROP participants to rescind their participation in that program.
- Employees wishing to be considered for a voluntary separation incentive package must submit an application that includes an intended retirement or resignation date to Human Resources no later than **May 1, 2009**
- Employees may apply to retire or resign on any date after the program is approved as long as it is **no later than June 30, 2010.**

- Employees seeking to retire under the program must meet **ASRS** retirement eligibility which is defined as:
 - Early retirement (reduced benefit):
At least age 50 with 5 or more years of credited service
 - Normal retirement:
Age 62 with 10 or more years of credited service
Age 65
Any combination of years of credited service and age totaling 80 points or **PSPRS** retirement eligibility of 20 years of credited service.
- Employees who have already retired from City service but have been rehired will only be permitted to count post-retirement service time for purposes of calculating the incentive payout.

Is anything else included or allowed?

- Employees will receive 100% payout of accrued vacation leave as is current policy and 100% payout of any accrued compensatory time as required by law. These payouts, and the initial 50% payout of medical leave are NOT included in the incentive cap of \$50,000.
- Employees approved for the program will not be required to repay the City any monies reimbursed to them through the Tuition Reimbursement Program in the 12 months prior to their retirement or resignation.
- Employees approved for the program will not have to repay the City 2 weeks of vacation if they have utilized sabbatical leave prior to their retirement or resignation date as long as that is no later than 6/30/2010. Sabbatical leave cannot be utilized to run out time.
- Employees approved for retirement through the program and who are eligible under ASRS or PSPRS to have vacation run out qualify towards credited service shall be permitted to run out any vacation or converted medical leave as long as their retirement date is no later than 6/30/2010.
- Retiring employees will receive a retirement bonus check and plaque as is current policy.
- *Employees retiring under the program by June 30, 2009 will be considered part of OPEB Group 1 for the purposes of retiree health benefits. Those retiring after June 30, 2009 will be considered part of OPEB Group 2.*
- *Employees who have less than 10 years of service as of June 30, 2009 and who resign or retire after that date and after completing 10 years of service, will be considered part of OPEB Group 3.*
(NOTE: Changes to retiree health plans are still proposed and are pending final Council approval)

What happens after the application is submitted?

Human Resources will contact employees within two (2) weeks of their application being submitted and reviewed. A Memorandum of Understanding including details of the incentive payout and other payouts (e.g. vacation) will be provided to the employee for their review. Employees will then have 7 days to confirm their retirement/resignation date and accept the voluntary separation incentive in writing by signing the MOU, or withdraw their request. Once the employee accepts and signs the MOU, the decision to retire/resign is irrevocable.

How will the Incentive be paid?

- **Run out of time:** Only employees retiring who have the option under ASRS or PSPRS rules to run out vacation leave as credited service will be permitted to do so – and only accrued vacation and up to 50% of accrued medical leave may be used for run out. Employees running out time from their last day of work through to their actual retirement date will not be eligible for additional leave accruals or any type or holiday pay. The incentive payment and any remaining leave balances will be paid in a lump sum included in the employees last paycheck.
- Employees not eligible for the run out option must work through their specified retirement/resignation date and will receive a lump sum payout of their incentive payment and any other leave balances.
- Employees may elect to contribute payout amounts to their 401K and/or 457 deferred compensation plans only to the maximum allowed employee contribution for the calendar year of their retirement/resignation.

Re-employment with the City of Tempe

Those retiring or resigning through the program will not fall under the lay-off policy and so will not be placed on any lay-off list. Employees who accept an incentive payout for retirement or resignation will not be eligible to be rehired by the City into any regular or temporary position or as a contract worker for three (3) years from the date of their separation, unless under extraordinary circumstances as approved by the City Manager. NOTE: All separations under this program will be considered voluntary and as such will not be eligible for unemployment benefits.

Is Further Information Available?

Employees may contact Human Resources for further information regarding the program. It is strongly recommended that employees considering the incentive option schedule an appointment with HR Benefits staff to review their specific situation. General information sessions will not be held.

Contact Numbers

City of Tempe, Human Resources	(480) 350-8278
Arizona State Retirement System	(602) 240-2000
Public Safety Retirement System	(602) 255-5575
City of Tempe, Payroll	(480) 350-8264
Great West	(480) 921-2885

The City reserves the right to change or end the voluntary separation incentive program at any time.