

Staff Summary Report



Development Review Commission Date: 12/09/08

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Zoning Map Amendment with a Planned Area Development, Use Permits and a Development Plan Review for 2150 SOUTHERN CAMPUS MASTERPLAN, located at 2150 E. Southern Avenue.

DOCUMENT NAME: DRCr_Educationandartscenter_120908

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 191,564 s.f., on 8.78 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 – Planned Area Development Overlay to define setbacks: zero-foot front and street side, twenty-foot side and rear, with an actual building location 85 feet from the rear; building height to be 48 feet at rear of lot and 70 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 79 residences.

ZUP08156 – Use Permit to allow a charter school and private school in the Mixed-Use Medium Density District.

ZUP08169 – Use Permit to allow a live entertainment in the Mixed-Use Medium Density District.

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

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

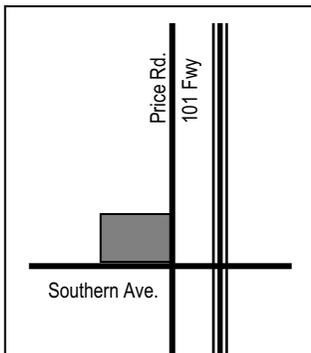
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

Gross/Net site area	8.78 acres
Total Building area	191,564 s.f. (after completion of phase III)
Lot Coverage	40 % (35-50% maximum allowed in R/O, R1-6 & CSS)
Building Height	48 ft on north half of site and 70ft adjacent to Price and Southern (30-40 ft maximum allowed in R/O, R1-6 & CSS)
Density	9 dwelling units per acre (maximum allowed by General Plan)
Building setbacks	0' front, 0' street side yard, 30' side and 30' rear yard (0-20' front, 0-10' street side, 0'-10' side, 10-15' rear minimum in R/O, R1-6 & CSS)
Landscape area	35% (15-30% minimum required in R/O & CSS)
Vehicle Parking	743 spaces (733 minimum required, 916 maximum surface allowed)
Bicycle Parking	92 spaces (43 minimum required)



A neighborhood meeting was held on November 3rd for this application.

- PAGES:**
1. List of Attachments
 - 2-7. Comments / Reasons for Approval
 - 8-10. Conditions of Approval
 - 11-13. Code Requirements
 14. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
1. Ordinance No. 2008.66
 - 2-3. Waiver of Rights and Remedies form
 4. Location Map
 5. Aerial Photo
 - 6-11. Zoning/PAD Letter of Explanation
 - 12-14. Use Permit Letter of Explanation
 15. Neighborhood Meeting Summary
 - 16-18. Staff Meeting Notes
 19. General Plan and Zoning Maps (G101)
 20. PAD Cover Sheet (G100)
 - 21-24. Phased Site plans (A100 existing, A200 phase II & A300 phase III)
 - 25-30. Floor plans (A210, A211, A212, A310.A & A310.B)
 - 31-34. Conceptual Building Elevations (A220, A221, A320.A & A320.B)
 - 35-37. Conceptual Building Sections (A230, A330.A & A330.B)
 - 38-39. Conceptual Landscape Plan (A201 & A301)
 40. Building setback and location diagram

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, educational and residential. This request includes a Zoning Map Amendment, a Planned Area Development and two Use Permits.

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 an actual building location 85' from the rear; building height to be 48' at rear of lot and 70' at front of lot; maximum lot coverage 40% and minimum landscape area 35%; maximum density not to exceed 9 dwelling units per acre, with 10 residences being built.

The first Use Permit is a request to operate a Charter School and a Private School on site. The second Use Permit would be to allow live entertainment on site. The applicant is requesting the Development Review Commission take action on use permits listed above, and provide recommendations to City Council for 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 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.

The project does not:

The project does:

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 and generally supportive of the concept. 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. 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. These conditions 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. The following changes have been made to the proposed project:

- Elimination of a driveway on Price Road.
- Perimeter trees along the north and west sides of the property will be planted 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 residences.
- The building façade is modified to provide 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.

See attached staff summary of comments and a meeting summary provided by the applicant for more information.

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 94 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 94 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 8.78 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 79 dwelling units. The proposed project would include ten units with one, two and three bedroom configurations for staff or teaching faculty for the school. Student housing is not being proposed because the majority of students are under 18 years of age, or adults attending part-time or off-site via internet courses.

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

1. 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.
2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan.

PLANNED AREA DEVELOPMENT

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 proposed PAD would modify the building height for the site from 40 feet to 70, with a restriction of 48 feet on the northern side of the lot. MU-2 allows up to 48 feet with a use permit; this was used as the determination for the height on the north side. All other development standards would be defined as shown in the table below. 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	Existing Conditions	Allowed by General Plan	MU-2 with Planned Area Development Overlay	MU-2 Zoning Code	PCC-1	R1-6	CSS	R/O
	8.78 acres		8.78 acres	8.78 acres	across the street	6.24 acres	.56 acres	1.98 acres
Residential Density	None	up to 9du/ac on 6.24 acres, up to 15 du/ac on remainder, including other parcels along Southern Ave.	9 du/ac	15 du/ac	15 du/ac (w/ use permit)	4 du/ac	20 du/ac (w/ use permit)	10 du/ac
Residential Units	None (existing zoning would allow 56 units)	56 units on 6.24 acres, & 38 units on 2.54 acres = 94 units	10 units	131 units		25 units	11 units	20 units
Building Height Maximum	35 feet	N/A	48 feet on north 1/2 70 feet on south	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)	30 feet (36 feet with a use permit)
Maximum Lot Coverage	16%	N/A	40%	NS	50%	45%	50%	35%
Minimum Landscape Area	34%	N/A	15%	NS	15%	NS	15%	30%
Front Setback (South)	20 feet	N/A	0 feet	NS	0 feet	20 feet	0 feet	15 feet
Street Side Setback (East)	20 feet	N/A	0 feet	NS	0 feet	10 feet	0 feet	10 feet
Side Setback (West)	16 feet	N/A	30 feet *	NS	20 feet	5 feet	0 feet	10 feet
Rear Setback (North)	9 feet	N/A	30 feet *	NS	30 feet (20 feet if adjacent to single family)	15 feet	10 feet (20 feet if adjacent to single family)	10 feet (20 feet if adjacent to single family)

* Buildings to be located 85 feet from north and west property lines.

The north and west setbacks are defined as 30 feet, with the building height step back requirement from the setback, the 48-foot tall buildings would need to be located at least 48 feet from the property line (18 feet from the setback). The building is 42 feet tall with a recessed mechanical penthouse. The 70-foot tall buildings would need to be located 70 feet from the property line (40 feet from the setback). The proposed building locations are 85 feet from the north and west property lines, providing parking and a 20' landscape buffer adjacent to the residences. The proposed setbacks and proposed building locations provide for a significant buffer from the proposed development.

Traffic and Parking

The table below illustrates the current use in comparison to the first phase of development, phases II and III are on the next page.

1994 data provided by Tri-City Baptist Church: Phase I Proposed use of the 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	6,820	23		Charter High School Classroom	6820	1/200 s.f.	34
Building C Classroom	13,528	45	Building C	Office	17,862	1/300	60
Building D Classroom	5,518	18	Building D	Storage (space for churches to lease)	5,597	1/500 s.f.	11
Building E Classroom	4,920	16	Building E	Classroom (Nursery use during church services)	5,712	1/300 s.f.	19
Building F Classroom	6,460	22	Building F	Office	6,487	1/300 s.f.	22
Offices	2,000	8					
		65,687	Existing surveyed built area:		68,098		351
					EXISTING PARKING PROVIDED:		351
Sunday use: 250 maximum Weekday use: 50 (8 students drove to school in 1994) Special event use: 170 spaces							

Proposed Phase II:

Proposed Phase III:

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	11800	1/200 s.f.	59
	Office	10,070	1/300 s.f.	34		Office	10070	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	17000	1/300 s.f.	57	Building H (south bldg)	Office	17000	1/300 s.f.	57
Buildign H (south bldg)	Residential	11,112			Buildign H (south bldg)	Residential	11,112		
	4 - 1 bedroom			1.7		4 - 1 bedroom			1.7
	3 - 2 bedroom			3		3 - 2 bedroom			3
	3- 3 bedroom			3.2		3- 3 bedroom			3.2
	Proposed square footage:	104,002		475.4	Building I (Southern)	Office	55,299	1/300 s.f.	184.33
	No reductions requested for overlap of staff residences also using office parking spaces				Building J (Price)	Restaurant (café)	1657	1/75 s.f.	22
						Office	52,485	1/300 s.f.	174.95
						Proposed Square Footage:	197,943		732.68
						No reductions requested for overlap of staff residences also using office parking spaces			
						PARKING PROVIDED:			743

A traffic study is being completed, and will be reviewed by traffic engineering staff. 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 733 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; 742 spaces are proposed to be provided. 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.

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

1. The proposed land uses: educational (primary use), commercial (secondary use), and residential (ancillary use) are allowable in Part 3.
2. The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by use permit in Part 4 will be conformed to for development of this site.
3. The proposed PAD is in conformance with provisions in Part 5
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

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 Charter School would be a high school serving up to 400 students by the third year. Students would attend one of three sessions on site: in the morning, afternoon or evening session between 7:00am and 9:00pm. The charter school will employ 7-9 administrators, teachers, and support staff. The evening sessions would have smaller student attendance. At peak time, approximately 210 parking spaces would be used.

The Private School would be The Blue Ridge Tempe Community Learning Center for individual high school and adult students that need classes to graduate or earn a GED, or work related courses. The courses are primarily web-delivered to the students. Approximately 20-25 students would be on site at any one time to take exams, or receive additional tutoring assistance from a teacher. However, students' primary coursework will be online and offsite. Students will be enrolled in Blue Ridge International

Academy based in Arlington, VA. Blue Ridge is a private, fully accredited web-based school that is owned by Educational Options, Inc. The community learning center will employ one full time administrator and two administrative assistants. The hours will be from 7:00 AM to 9:00 PM, with approximately 28 parking spaces used during peak time.

The proposed Charter and Private School uses are similar to the former Tri-City Baptist School on site, which operated a private K-12th grade and a private post-secondary private college at this location. According to the website, the junior high school was started in 1971, with gradual expansion to a Kindergarten through 12th grade program currently serving 200 families and 400 students, it is not clear if the school was operating at this site during this time. The International Baptist College was founded in 1980. The school also had an 800-seat auditorium and used the campus for band camps, summer camps, sports camps and community events, using 351 on-site parking spaces. The number of students and types of uses of the two proposed schools is very similar; the age of the students will be older with no K-8 classes proposed with the new development.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed uses will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. The use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The proposed schools will initially operate out of existing buildings, with no significant change to the site. Phase II will modify the site, increase parking, remove the buildings closest to existing adjacent residential and build new buildings farther into the site, approximately 85 feet from the nearest residence.
2. There is no significant increase in vehicular or pedestrian traffic. All circulation and parking is self-contained within the site, with no vehicular or pedestrian access to the neighborhoods adjacent to the site. The described uses are similar to existing uses and considered to have similar levels of traffic. Although the Baptist School had grades K-9, which did not drive to school, they had parents dropping off and picking up younger students, adding to peak traffic. The proposed staggered school schedule for students driving themselves will reduce peak levels of traffic and spread it out throughout the day.
3. There will be no foreseen nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The proposed schools will continue to operate as the site has previously operated, without recess time due to the older grades served. Primary activities will be indoors, sporting activities contained within the gymnasium and the sports field.
4. The charter and private schools will not contribute to the deterioration of the neighborhood or to the downgrading of property values, the proposed educational uses are not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan. The combined uses proposed will implement the General Plan by creating a sustainable mix of uses compatible to the residences and retaining the commercial frontage along Southern Avenue and the commercial viability of the site.
5. Compatibility with existing surrounding structures and uses. The site has been used as a private school for the past 28 years. Existing structures will be used until Phase II, at which time new structures will be moved farther into the campus, away from residences, making the site more compatible with the surrounding area.
6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. Staff will be on-site during school operating hours of 7am to 10 pm. On-site security will be required by condition of approval. Phase II will add 10 residences to the site, which will increase security with staff on site at all times.

The proposed use requires a use permit for live entertainment on site.

Live entertainment would include use of the auditorium (former sanctuary) and gymnasium for other charter schools, community groups, churches and non-profit groups to use the spaces for school ceremonies, plays, recitals, choral performances, holiday events, religious services, and similar events. The use permit would restrict outdoor music performances, but would not restrict the use of the sports field for sporting activities. The use permit would also restrict live entertainment from being scheduled with multiple events on the site simultaneously, to assure sufficient on-site parking. The events would be limited to 5pm-10pm weekdays, and 7am to 10pm on weekends and holidays. Events will be restricted in size to assure adequate parking for school activities on weeknights. The described uses are similar in nature to the existing use of the site.

Conclusion

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 Amendment, Planned Area Development and Use Permits. This request meets the required criteria and will conform to the conditions.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The PAD overlay process was specifically created to allow for greater flexibility, to allow for increased heights.
4. The proposed project meets the approval criteria for Use Permits.

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
	8.78 acres
Residential Density	9 du/ac
Residential Units	10 units
Building Height Maximum	48 feet on north 1/2 of site and 70 feet on south half of site
Maximum Lot Coverage	40%
Minimum Landscape Area	15%
Front Setback (South)	0 feet
Street Side Setback (East)	0 feet
Side Setback (West)	30 feet *
Rear Setback (North)	30 feet *

* Per approved site plan, building location to be 85 feet from north and west property lines.

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. Provide an 8’ cmu screen wall along the north and west perimeter of the property within 1 year of occupying the property. Work with residents on the schedule and implementation of construction of the replacement of walls impacting yards.
6. Retain as many mature trees on site as possible in phase I, for phases II & III, provide a plant inventory identifying all existing trees to remain with the new landscape.
7. The applicant shall provide notification of Development Plan Review for phases II and III following the same process used for a this hearing (sign postings, mailings and a neighborhood meeting) in compliance with the Zoning and Development Code requirements for hearings: Section 6-402 Neighborhood Meeting requirement and Section 6-404 Public Hearing requirements.
8. A building permit shall be obtained on or before January 19, 2012 or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
9. 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 February 08, 2009, or the Zoning Amendment and PAD approval shall be null and void.
10. 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.
11. 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.
 12. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
 13. The developer must provide a final traffic impact study prior to any submittal for a building permit for phase II.
 14. 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.
 15. An updated Traffic Impact Study shall be completed prior to Development Plan Review process for phase III.
 16. This development will not have high density housing or student housing as part of any phase of the development.

CONDITIONS FOR FUTURE DESIGN:

17. All stairwells shall be enclosed or internal to the buildings and not visible from the perimeter of the site.
18. There shall be no upper story exterior circulation paths adjacent to or facing single-family residences.
19. Staff housing shall be located on the south east building of phase II, away from existing residences.
20. The building façade shall have architectural variation to break up the massing.
21. Parking islands shall be spaced 1 per 10 parking spaces on the north and west side of the site.
22. 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 (0 footcandles) at the north property line.
23. No loud speaker or public announcement system shall be installed or used on the property.

ZUP08156 & ZUP08169 CONDITIONS OF APPROVAL

24. A security plan is required for this request.
25. On-site security is required during school hours and during all events.
26. The use permit for live-entertainment is for indoor events only and prohibits the use of the site for outdoor performances.
27. The use permit prohibits live entertainment from being scheduled with multiple events on the site simultaneously that would exceed available on-site parking within each phase (351 spaces, 475 spaces and 743 spaces).
28. Events are limited to 5pm-10pm weekdays, and 7am to 10pm on weekends and holidays.
29. When school is in session, events are restricted in size to the remaining available parking to assure adequate on-site parking within each phase (124 spaces in phase I, 150 spaces in phase II), when other businesses are added within phase III, events shall be restricted to the remaining available parking after all on-site parking requirements are met.

30. The school shall be limited in size to no more than 400 students on site within one school day.
31. Any intensification of the site beyond what is approved within this request will require a new application for both use permits.
32. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.

CODE/ORDINANCE REQUIREMENTS:

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

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

(http://www.tempe.gov/itd/Signal_booster.htm) and if needed contact Information Technology Department (480-350-8364) to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this condition.

- FIRE:
 - Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.
- ENGINEERING AND LAND SERVICES:
 - Commencing with phase II, power lines on or adjacent to the site to be undergrounded as part of the new development. Underground utilities requirement excludes high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Commencing with phase I, clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Commencing with phase I, verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - With all three phases, 100 year onsite retention required for this property, 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:
 - 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.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-308, Use Permit

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 8.78 acres.

LEGAL DESCRIPTION

(Insert legal description here)

TOTAL AREA IS 8.78 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. : _____

2150 E Southern Avenue, Tempe AZ

(Legal Description and Address)

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.

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

Dated this _____ day of _____, 2009.

(Signature of Owner) (Printed Name)

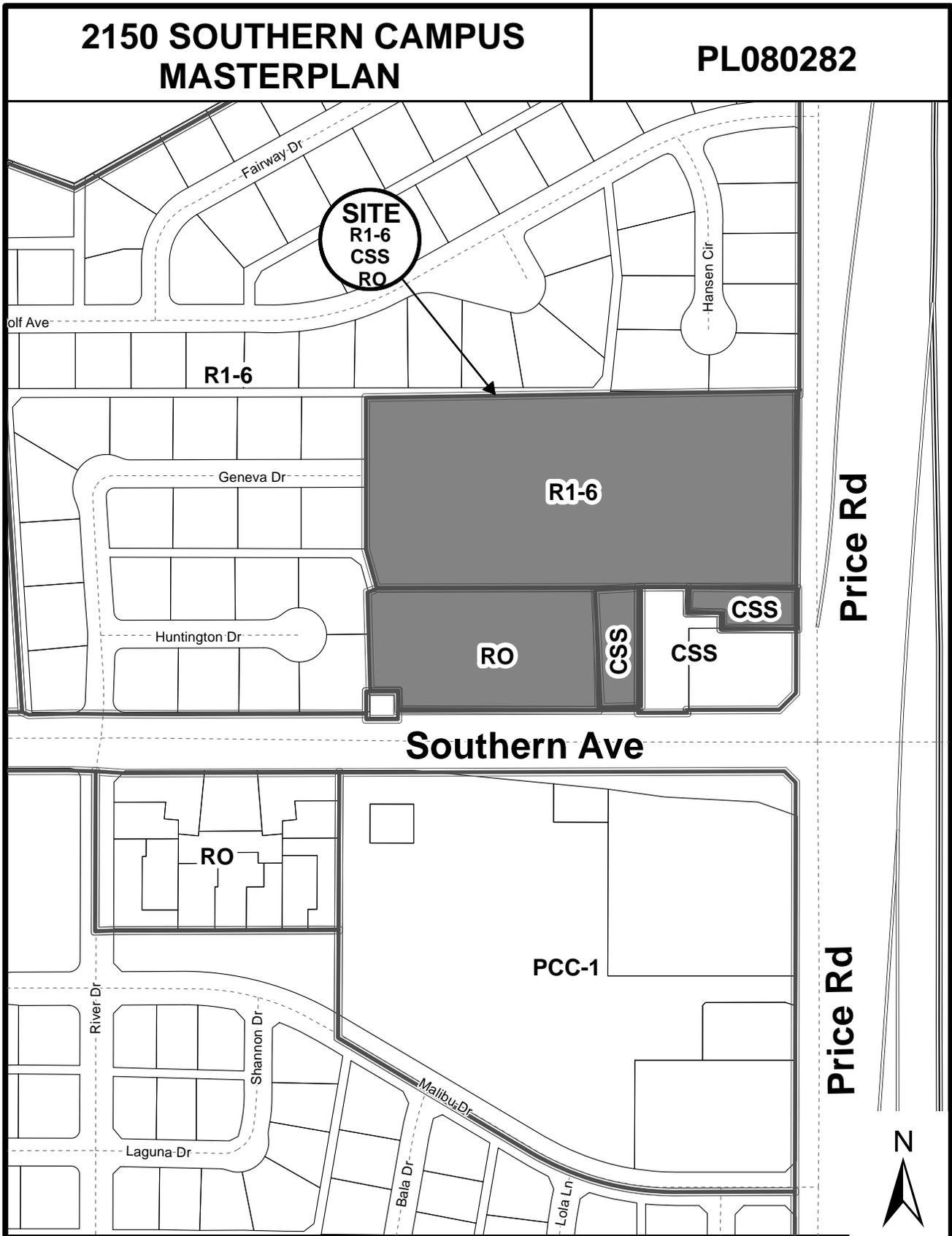
(Signature of Owner) (Printed Name)

State of Arizona)
) ss
County of _____)

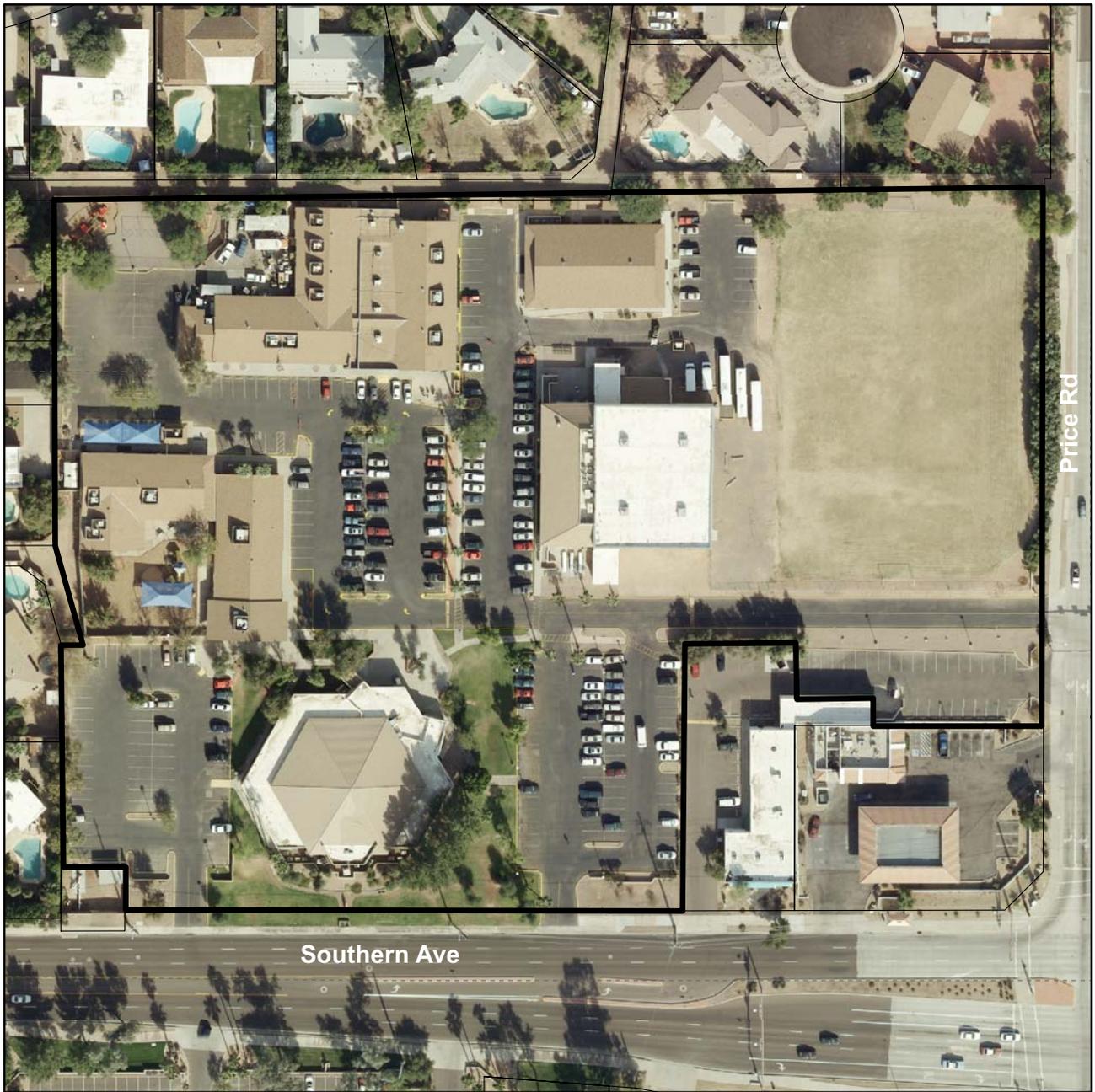
SUBSCRIBED AND SWORN to before me this _____ day of _____, 2009, by

(Signature of Notary)

(Notary Stamp)



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 of International and Trans-Regional Accreditation (CITS). 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.

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 proposal also requests a Use Permit to allow Charter and Private Schools on the premises and to allow events such as school graduation ceremonies, plays, recitals, choral performances, holiday pageants, Sunday services, and similar events, to be held in the existing gym and auditorium buildings. Detailed descriptions of the Use Permits are attached in a separate document. 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 moved 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 new signage, repainting (touch-ups in the existing color scheme), and the removal of items currently stored outside by the current owner, and replacement of missing screening trees.

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 than 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.

During this phase, the existing sanctuary would continue to be used for assembly, performances, lectures, etc, and would be available for community groups to rent. New building construction in Phase II would be limited to areas more than 200 feet from the Southern Avenue and Price Road right-of-ways.

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. Phase III construction would occur along the south and eastern portions of the site within 200 feet of Southern and Price Roads.

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. 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 on the north and west sides 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 6.24 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 the adjacent commercial development which includes the Landis Cyclery and AM/PM gas station.

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 and Use Permit is to organize and simplify the patchwork of existing zoning classifications on the site in a manner which is consistent with the General Plan, 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 on the site is consistent with what the neighboring community has experienced for many years. The MU-2 zoning district, with a density not to exceed 9 dwelling units per acre, would respond to the neighborhood's concerns by restricting density on the site to the lesser of the two densities called out for the site in the General Plan. MU-2 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 (areas more than 250 feet from the Southern Avenue and Price Road right-of-ways), while limiting buildings within 250 feet of Southern and Price to 70 feet. Additionally, a height restriction of 30 feet is proposed for areas closer than 85 feet to the adjoining SFR district. 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.

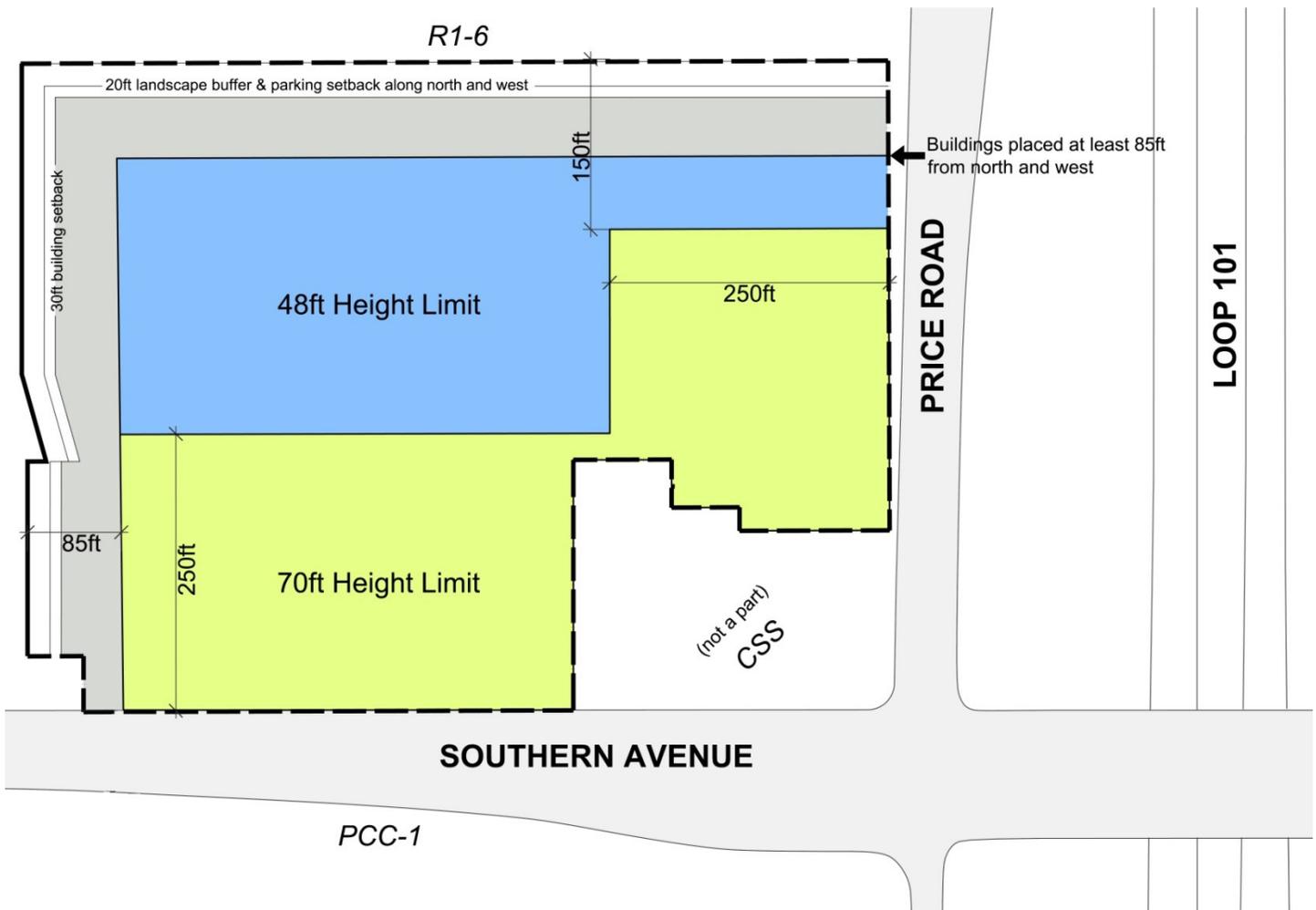
The site is adjacent to the R1-6 single family residential district on the north and west sides, and faces the PCC-1 commercial district to the south (across Southern Avenue). PCC-1 also exists directly to the east, although the Loop 101 freeway effectively buffers the site on that side.

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 standard would include zero foot front and street side setbacks (sides facing Southern Avenue and Price Road, respectively) in order to enhance the pedestrian experience, and 30 foot side and rear setbacks (sides facing west and north, respectively). These building setbacks are significantly greater than would be required in the R1-6 district, and are similar to the PCC-1 standards.

With respect to height, a building height maximum of 70 feet is proposed, with a 48 foot height restriction on portions of the site more than 250 feet from the Southern Avenue and Price Road right-of-ways (see accompanying illustration). 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. A height limit of 30 feet is proposed for areas within 85 feet of the adjacent SFR district.



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.

Standard	MU-2 with PAD	MU-2	R1-6	PCC-1	Existing Conditions
Residential Density	Low to Moderate Density (up to 9 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	70 feet	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)	0 feet	NS	20 feet	0 feet	20 feet
Street Side Setback (East)	0 feet	NS	10 feet	0 feet	261 feet
Side Setback (West)	30 feet	NS	5 feet	20 feet	16 feet
Rear Setback (North)	30 feet	NS	15 feet	30 feet	9 feet
Parking Setback	20 feet	20 feet	NS	20 feet	5 feet

Respectfully submitted,



Jason Comer
development manager

For William J. Sawner, Applicant

ARCHITEKTON

464 S. Farmer Ave, Suite 101, Tempe, AZ 85281
T 480 894 4637 F 480 894 4638 C 480 229 4239
www.architekton.com

To Planning and Development Services:

Tempe Education and Arts Center, LLC / Educational Options, Inc. ("EdOptions") is requesting two Use Permits, one to operate Charter and Private school and one to allow Live Entertainment on the premises at 2150 Southern Avenue in Tempe. The schools will be co-located with the EdOptions Western Office. The live entertainment use would allow events such as school graduation ceremonies, plays, recitals, choral performances, holiday pageants, Sunday services, and similar events, to be held in the existing gym and auditorium buildings.

USE PERMIT FOR CHARTER AND PRIVATE SCHOOL

The charter high school will serve approximately 200 grade 9-12 students in the 2009-10 school year. Then increase enrollment to 300 the second year and to 400 by the third year. Students would be on site for a morning, afternoon, or evening session (8:00 AM to 12:00 PM, 12:30PM to 4:30 PM, or 5:00 PM to 9:00 PM respectively). By having three small sessions per day, serving approximately 150-200 students per session, instead of one large session, peak traffic demands would be substantially reduced as traffic would be more evenly spread throughout the day. The evening session would be scheduled with fewer students than the morning and afternoon sessions. The charter school will employ 7-9 administrators, teachers, and support staff. Typical hours of operation will be from 7:00 AM to 10:00 PM.

As a reference, the Tri-City Baptist Church and Academy has operated a K-12 school and a college program on the site for many years. Tri-City Academy's website indicates that they employ 25 instructors and 4 support staff. The student/teacher ratio is 25 to 1. Current operating hours for the Tri-City Academy are from 6:15 AM to 6:00 PM.

The Blue Ridge Tempe Community Learning Center is a private school for high school and adult students that need to original credit or credit recovery to graduate, earn a GED, or for work related courses. The course content will be primarily web-delivered to the students. The primary use of the physical learning center will be to provide a location that students can take a proctored mid-term or final exam, or receive additional tutoring assistance from a teacher. However, students' primary coursework will be online and offsite. Based on other site locations, it is estimated that 20 to 25 students would be on campus at any one time.

Students will be enrolled in Blue Ridge International Academy based in Arlington, VA. Blue Ridge is a private, fully accredited web-based school that is owned by Educational Options, Inc. The community learning center will employ one full time administrator and two administrative assistants. The hours will be from 7:00 AM to 10:00 PM.

The site has many positive attributes: ample parking, bus stops in front of the property on Southern Avenue, and is directly adjacent to a freeway exit. The community learning center should not significantly increase traffic. The learning center will be a quiet place for students to study and test, so it should not negatively impact the area.

We believe a community learning center that partners with local schools and adult education programs will provide a great benefit to the local neighborhood and the city as a whole. Our goal is to help student earn a better education so they can move into higher education or the workforce.

USE PERMIT FOR LIVE ENTERTAINMENT

The applicant also requests a Use Permit to allow live entertainment on the premises, Monday–Friday from 5:00 PM to 10:00 PM and on weekends and holidays from 7:00 AM to 10:00 PM. As the previous home of the Tri-City Baptist Church and Academy, the site currently contains an auditorium space (the former sanctuary) and a gymnasium suitable for performances and events. A phased redevelopment plan anticipates these structures remaining on the site for some time as other existing buildings are replaced. Facilities of this nature are currently in high demand in this area by other charter schools, community groups, churches, and non-profits for events such as school graduation ceremonies, plays, recitals, choral performances, holiday pageants, Sunday services, and similar events. The applicant requests a Use Permit that would allow events of this nature. The Use Permit would specifically exclude outdoor performances of popular music such as rock, rap, country, R&B, alternative, techno, dance, or similar. Although there are two possible locations on the site where these events could occur (the auditorium and the gymnasium), events would be scheduled so that only one of these facilities would be in use at any given time in order to limit parking demand.

All phases of the site meet the parking standards set forth in the Tempe zoning code, and the effective parking ratios at a given point in time are likely to exceed those standards. For example, the office use is likely to see peak parking demand between 7:00 AM and 5:00 PM on weekdays, while the Use Permit limits live entertainment to between 5:00 PM and 10:00 PM on weekdays and 7:00 AM and 10:00 PM on weekends and holidays. Occasional visitors to the site who may be attending a school graduation in the evening, for example, would be able to park

in spaces normally used during the day by office workers. Also, on weekdays between 7:00 AM and 5:00 PM, parking spaces provided for the auditorium and gymnasium could be used by students and/or office workers. Since the school day would be divided into three sessions, total attendance at any one point in time would be unlikely to exceed 200 pupils (which is less than half the total student population of the current user), so the neighborhood is unlikely to perceive an increase in traffic to and from the site due to the School and Live Entertainment uses.

Currently there are approximately 350 on-site parking spaces that have served attendees of Tri-City Baptist Church services and Tri-City Academy school events for a number of years. These spaces have historically been adequate for occasional events, and we feel they would be sufficient for such events in the future. The site's location directly adjacent to a freeway exit would serve to limit traffic flow into the neighborhood itself, and there are no plans to add direct public access from the site into the adjoining neighborhood to the north and west. It would be extremely inconvenient and counter-intuitive for visitors to park in the surrounding residential neighborhood during such events, and the risk of overflow parking is minimal.

Events would be restricted to the gymnasium and auditorium (the former sanctuary) to eliminate the possibility of nuisance due to noise, vibration, smoke, heat or glare. These buildings have hosted similar events in the past without posing a nuisance to the surrounding neighborhood, and have exhibited their compatibility with the neighborhood for many years.

By promoting education and community involvement, allowing this Use Permit would further the goals of the community and serve a positive role in the neighborhood. By providing a positive outlet for the creative energies of school children and community members, these events would discourage disruptive behaviors and would greatly benefit the City of Tempe.

Educational Options, Inc.

Educational Options, Inc. is a ten-year-old educational technology firm that is operated by individuals with extensive experience in the design, development, and successful use of an educational technology-based curriculum. These individuals have been joined by a number of former school administrators and classroom teachers who understand the need for innovative learning strategies for today's youth.

The company is headquartered in Arlington, Virginia and hosts its web-based curriculum from secure data vaults in Maryland and Virginia. The company's



Western Regional office is located in Tempe, Arizona. The Stars Suite™, Educational Options' powerful delivery system, provides an online-delivered high school curriculum of 39 high school and middle school courses. Last year, Educational Options provided a high-quality, cost-effective, web-assisted curriculum to students in more than 1200 school systems in 35 states. Our record of success in traditional classrooms and for at-risk, credit recovery, state exam preparation, and summer school programs is unparalleled. More than 250,000 students have used our on-line curriculum to stay in school and to achieve credits. The program has helped thousands of students who might otherwise have failed, graduate with a high school diploma or GED.

In addition, Educational Options partners with the United States Army through their "March 2 Success" program which helps soldiers prepare for state exit exams. In local government, Educational Options works with Arlington County Correctional Facilities to help inmates receive diplomas.

The Stars Suite™ also serves as the delivery system for our subsidiary, Blue Ridge International Academy (Blue Ridge). Blue Ridge is our innovative, triple-accredited virtual school that can:

- Help schools meet NCLB requirements by providing access to highly-qualified and certified teachers;
- Provide students with the online flexibility for extra classes or credit recovery that brick-and-mortar institutions often cannot;
- Offer official transcripts that are recognized by education institutions nationwide; and,
- Award nationally-recognized high school diplomas and transferable credits due to its national accreditation by the Northwest Association of Accredited Schools (NAAS), the Southern Association of Colleges and Schools (SACS), and the Commission on International and Trans-Regional Accreditation (CITA).

Educational Options as a company is approved by the Commission on International Trans-Regional Accreditation (CITA) and is accredited by the Northwest Association of Accredited Schools (NAAS). In May 2006, Educational Options was selected as the "National Small Business of the Year" by the U.S. Chamber of Commerce. Educational Options is a service-disabled, veteran-owned small business.

Memorandum

TO: DIANA KAMINSKI, CITY OF TEMPE

FROM: ERIC EMMERT, DORN POLICY GROUP
JEFF SAWNER, EDUCATIONAL OPTIONS

DATE: NOVEMBER 12, 2008

SUBJECT: NEIGHBORHOOD OUTREACH AND MEETING

Educational Options has worked diligently to engage neighbors surrounding the Tri-City Baptist Church as plans for property improvements proceed. 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. Over the past two months, Educational Options has engaged in the following outreach efforts:

- 12 letters were sent to adjacent property owners explaining the project and included contact information – (8/19)
- 6 phone calls were made to known numbers of adjacent property owners to discuss the project – (8/27 and 8/28)
- 4 home visits with adjacent property owners to discuss the project in detail – (8/27, 9/9, 10/24, 11/12)
- 42 letters were sent letters to property owners within 300 feet – (10/17)
- 10 phone calls were received from neighbors interested in discuss the project – (9/1, 9/8, 9/10, 9/18, 10/17, 11/3)
- 38 residents attended the required neighborhood meeting
- 2 phone calls were made to residents with concerns to schedule an additional meeting – (11/9 and 11/10)

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 will continue to discuss and meet with neighbors in a comprehensive and ongoing neighborhood outreach effort. Educational Options strives to fit into the neighborhood – not change it.

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.

Staff summary of Neighborhood Meeting

November 3, 2008 7:00 p.m. to 9:30 p.m.

3280 S. Country Club Way.

Approximately 38 residents were in attendance.

The property owner Jeff Sawner of EdOptions provided an overview of his company services, and a list of what this project

would not do:

and would do:

Does not change the General Plan	Openly communicate with neighbors during process
Does not open access to Geneva Drive	Clean up and improve the property
Does not build high-density condominiums	Comply with the General plan by requesting a zoning change to allow the combination of uses
Does not include student housing or dorms	Continue the educational use on this site
Does not add bright sports lighting to the practice field	Requests a Planned Area Development to set the standards for new development: which would include larger setbacks on the residential site and staggered height away from the residences.
Is not designed yet, so there is no Development Plan Review or request for building permits	With new construction, would bring the site up to compliance with current codes; including an 8' wall, a minimum 20' setback and a landscape buffer with trees adjacent to residences.
Does not allow outdoor entertainment events or loud concerts	With new construction, would cluster the new buildings in a more efficient layout, away from the residences to the north and west.
Does not build close to the property line adjacent to the residential neighborhood.	Provides all required parking on site, no reductions requested
Does not have an outdoor PA system	Includes a request to rent the facilities to select groups such as 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.	Provides an alternative schedule for students seeking a high school education, either by an on-site charter school or a private school on-line.

Concerns raised by residents:

Who owns the property, who operates the charter school and private school, what is the relationship of the schools to property owner: EdOptions owns the property and operates a private on-line school; they wish to expand to include a charter school that would be operated by a non-profit foundation, this is done for licensing and funding purposes. The private school would serve off-campus students taking internet classes. This is the first time EdOptions has pursued a charter school, they are applying for a license to operate grades 9 through 12, through a non-profit organization funded by EdOptions.

Where would the students be coming from, what kind of students, demographics of those served, are these kids with behavioral problems: Students enrolled in private school could be from anywhere in state, because classes are on-line. Students attending the charter school would come from the immediate surrounding areas such as Tempe, Mesa, Gilbert, Salt River Pima and Gila Communities. State law requires that students attend at least 4 hours of classes a day. As a charter school, they must comply with the state rules of accepting students and cannot discriminate on admissions. However, the format of the classes is designed to attract students who would choose a different school format from the traditional public. Some students want smaller classroom sizes for more personalized instruction, other students want classes not offered in their public school, some students are working part time and need a different time available for classes, some are attending a community college or vocational school somewhere else and want classes to fit around their other educational activities. The curriculum is designed to provide classes for students preparing for college or a trade school somewhere else. Some students want an alternative class schedule. They may be on campus and work at home with on-line classes. The demographic sought are highly motivated students seeking to further their education in a charter school setting. All state regulations will be met with

regards to admissions, with accommodations made as necessary, and those who we are not required to take, we will not admit, such as those with criminal backgrounds.

Kids coming from other places will need to drive, concern about traffic, congestion on Price Road, access to the site, and driving behavior of teenagers: The charter school will have 2 or 3 shifts of class periods, from 7am to 11am, noon to 4pm and 5pm to 9pm. These shifts will provide off-peak demand for the site. The maximum number of students on campus at any one time would be 200-220. Some students may also be riding the bus or biking to the site.

Concern for parking, existing school has overflow into the neighborhood: the site will meet the City requirements for parking, there is no intention to reduce the number of spaces. With the shifts in class periods, the existing 350 parking spaces meets the proposed 200-220 student and 12 staff parking demand for the site. The existing school has had as many as 400 students on site plus staff, who either drove themselves, or were dropped off, which added to the traffic. The site also has a hole in the wall into the neighborhood area, the walls will all be replaced with 8' high cmu, no pedestrian connections, so it would be very inconvenient to park in the neighborhood and walk to the site.

Concern about market demand and what happens if the project changes: EdOptions plans to use this site for there offices and private school, which has a proven track record with over 200,000 students nationwide. If the charter school does not work, either the space could be leased to another charter school, or the space could convert to commercial office uses.

Concern about building heights proposed and views from residential areas: The site plan and Planned Area Development would restrict building heights to 48 feet (30 feet allowed in current zoning) at the north end, and 70 feet at the south end. The setbacks would be increased from 15 (current zoning) to 20, and the actual location of the building would be 85 feet from the north and west property lines, to minimize the visual impact of the buildings. Request was made to lower the buildings to 30 feet, to match the current allowed height. Request was made to provide a massing illustration of what is being proposed. Concern by applicant that a massing diagram may show one site configuration, but not all the possibilities within the allowed standards, did not want to mislead people into thinking there was one solution to the project. A lot of thought went into the orientation and location of the buildings to minimize impacts to residents. The existing zoning standards would allow a 30 foot building 15 feet from the north property line, which did not seem desirable. The applicant will look at the proposed building heights and locations again and take the comments into further consideration.

What is proposed on the existing athletic field and how tall would that be: The athletic field would be kept in phases one and two, and possibly developed in phase three to include 2 floors of parking and 2 floors of offices. This last phase would be dependant on demand for this additional use, and how it functioned with the other uses and development on site, so that parking and retention still works.

Concern about use of the land, what happens if EdOptions fails at this location and decides to sell all or part of the site, with the new mixed-use zoning: The General Plan shows this property as mixed-use, anticipating sometime in the future a combination of uses. Zoning to MU-2 follows the General Plan land use, and would allow a variety of commercial and residential uses. But any other development would be restricted by the Planned Area Development on the building heights, setbacks and locations. The density is also proposed to be reduced through this PAD. Any change from the proposed plan would require an amendment to the PAD. If it is a significant change from what is proposed, it would require a new hearing process.

Concern about change of owner and plans, and potential opening of Geneva: The site plan is approved with this PAD, any change to the PAD would require staff review and could require a public hearing. It is not likely that staff would support opening this street to a dissimilar use, such as commercial or mixed use, but this discussion would involve traffic engineering and whatever plan was being presented to assure that circulation functioned without impacting neighborhoods.

Concern about the housing component proposed, who will live here: The mixed-use designation requires a combination of residential and commercial, but does not have a set ratio of the proportions of these uses. In this proposal, the site would be predominantly educational, with some commercial office, and 8-10 company owned (EdOptions) apartments for their faculty and staff. The concept is a new one, but it is intended to address the affordability of housing in Tempe for teachers and administrative staff. As an incentive to work here, they could also live on site. There would be no housing for students.

Has EdOptions done a charter school somewhere else before? No, this is the first time

Concern about lot coverage, the current site has 16% of the lot covered with buildings, the proposed PAD shows 40% lot coverage: Comparison was made between the different zoning categories on site currently, and what is being proposed. The existing R1-6 allows 45%, and the CSS allows 50%. The existing condition is a series of buildings built at different times, and includes a large athletic field. The proposed PAD is within the existing allowed level of lot coverage, and provides a more efficient use of the land, with a larger 20' buffer at the residential perimeters. To reduce lot coverage would require increasing the building heights, and the applicant was trying to balance the need for lower building profiles on the site.

Concern about refuse access, has staff reviewed the proposed alley opening to the property, and would we allow this to be opened, concern about traffic using alley: The proposed plans indicated an alley access but was not provided in detail. Staff requested additional information and is waiting to receive this so that traffic, police, fire and refuse can review the proposed alley/refuse solution. This could be a gated solution. Nothing has been determined at this time; input is appreciated for considering this concept.

Hours of operation: 7am to 10pm

Price Road congestion, will this be redesigned, problems with back up and cut through on golf and streets further north, want a traffic study: staff will check with traffic engineering.

Entertainment Use Permit, what is this for: EdOptions wants to use the existing gymnasium and sanctuary space to rent out to other schools, church groups, or community groups for graduations, music recitals, basketball games, church assemblies, etc. No outdoor music would be permitted with this use permit.

Number of students: EdOptions is seeking a charter license for 200 students total for the first year, 300 for the second year, and 400 for the third year. All students would be enrolled for one of the three sessions, with no more than 200-220 at any one time period.

Concern about GED component, is there an age restriction or do they pay if they are adults: The GED provision is a small part of the entire service offered, it is part of the private on-line school currently, and follows the regulations for obtaining a GED. If there are restrictions on age, EdOptions would follow those for the charter school.

Request was made to keep existing zoning – The proposed uses and development would require a change in zoning.

Concerns about height and building design, window locations and privacy – Examples of other properties were given with questions about their heights for comparison. Discussion about floor to ceiling heights, required mechanical parapets, parking level heights, possibility to put parking underground rather than in structures. Design has not been finalized, this request does not include design because the first phase uses all the existing buildings. Phase two and three will require returning to the DRC for development plan review, which is a meeting, not a hearing, which means that notification is not required. Staff suggested that the applicant may choose to condition this PAD request to include a provision for notification during the design phase of the project. Residents requested the opportunity to review proposed building elevations. Architect said he hoped to work with residents to resolve their concerns, and gave several suggested design solutions to mitigate privacy issues. Applicant said he was willing to continue working with residents through the entitlement process and provide early input on the design.

Request for more information on the student demographics and the EdOptions business: contact information was provided to provide further opportunity to discuss.

Concern about the name, Tempe Education and Arts Center sounds like it is part of the Tempe Center for the Arts, consider changing the name to avoid confusion: Applicant will consider this.

Can residents get copies of what was presented at this meeting: Yes, we can, but it might be more helpful if we make the revisions after tonight's meeting, and give you the proposed solution that staff will be reviewing. Staff suggested that the report and all attachments could be forwarded to the residents when it is available on line, a week prior to the meeting. Anything earlier than that would not have had time for review from other departments, and may not be accurate.

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 EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

BY: _____ MY COMMISSION

NOTARY PUBLIC _____

EXPIRES _____

TEMPE EDUCATION AND ARTS CENTER, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY:

BY: _____

WILLIAM JEFFREY SAWNER
WESTERN REGION VICE PRESIDENT

ITS 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 625.00 feet;
Thence North 00 degrees 00 minutes 21 seconds West parallel with the East line of said Section 25 a distance of 294.00 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;

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

EXCEPT 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 Record Book 121 of Maps, Page 47, and running thence North 00 degrees 00 minutes 21 seconds West along the East line of said Section 25, a distance of 264 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. 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, there;

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 198.72 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

GENERAL NOTES
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 ("ECoOptions"). ECoOptions 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

PROJECT DESCRIPTION
This application requests approval for a Zoning Map Amendment from the Residential/Office (RO), 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 remediated or replaced over time with several new buildings. This proposal also requests a Use Permit to allow Charter and Private Schools on the premises and to allow events such as school graduation ceremonies, plays, recitals, cultural performances, holiday pageants, Sunday services, and similar events, to be held on the premises and on the adjacent streets. The proposed description of the project and its uses are attached in separate documents. 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 moved to their new facilities in Chandler, ECoOptions 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 new signage, repainting (touch-ups in the existing color scheme), replacement of missing landscape elements, and the removal of items currently stored outside by the current owner.

Phase II - Renovation & Expansion of Gym, Replacement of existing office and school buildings
Some time after ECoOptions has established operations on the site, a renovation would commence on two 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 facade articulation will be addressed through the Development Plan Review process required prior to any new construction.

Phase III - Partial 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 conform to the needs of the market at that time. Phase III construction would occur along the south and eastern portions of the site within 200 feet of Southern and Price roads.

PROJECT DATA
PLANNED AREA DEVELOPMENT STANDARDS

Residential Density	Low to Moderate (up to 9du/ac)
Building Height Maximum	70 feet
Maximum Lot Coverage	40%
Minimum Landscape Area	15%
Front Setback (south)	0 feet
Street Side Setback (east)	0 feet
Side Setback (west)	30 feet
Rear Setback (north)	30 feet
Parking Setback	20 feet

Phase I

Building A	15,500 SF
Building B	16,940 SF
Building C	17,862 SF
Building D	5,997 SF
Building E	5,712 SF
Building F	6,487 SF
Building G	68,098 SF

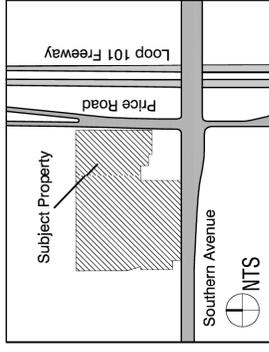
*No new construction in Phase I, existing buildings to remain

Phase II (full built out)

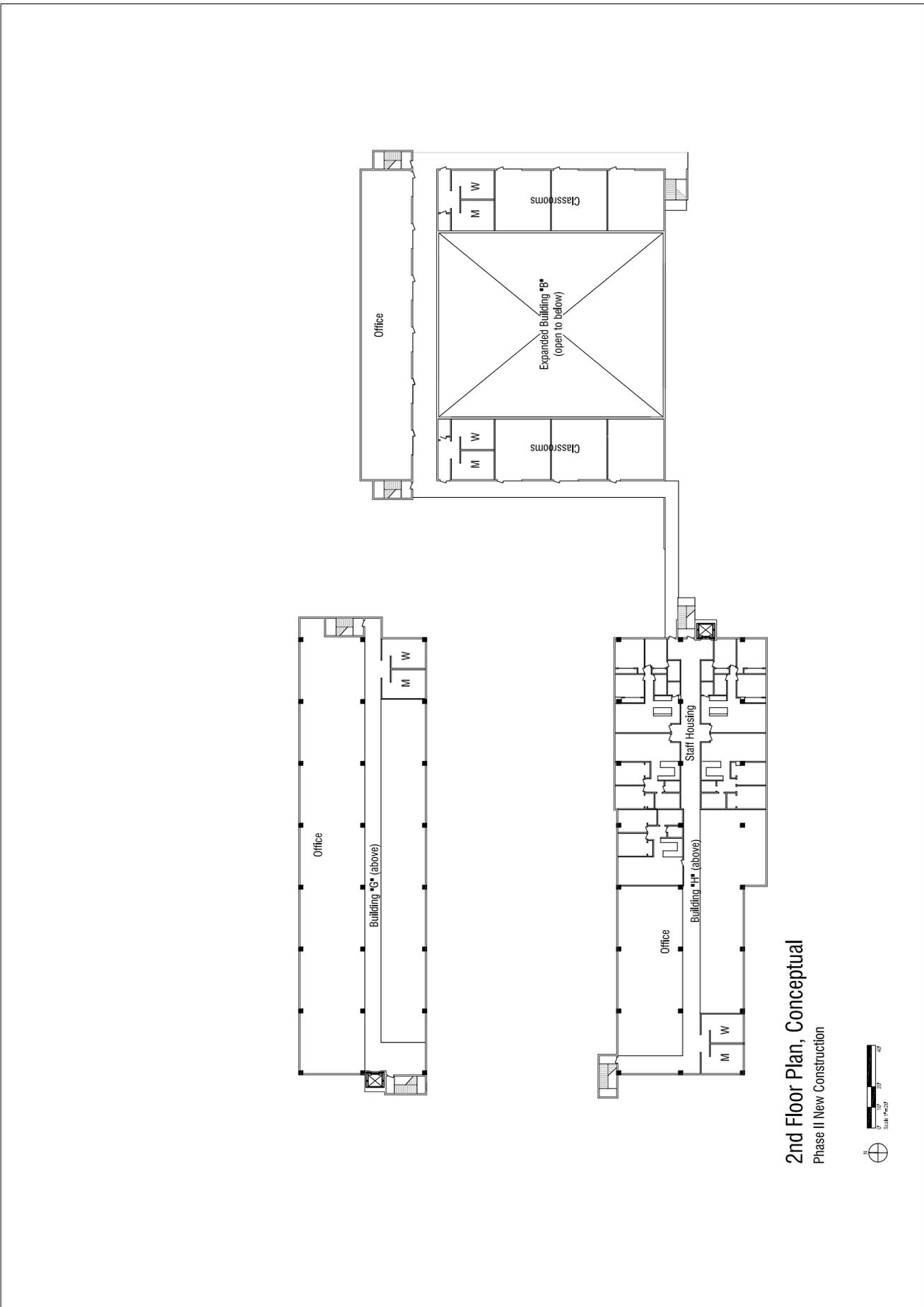
Building A	15,500 SF
Building B	31,980 SF
Building C	Removed
Building D	Removed
Building E	Removed
Building F	Removed
Building G	28,400 SF
Building H	28,112 SF
Building I	56,965 SF
Building J	52,485 SF
	197,943 SF

For building uses and parking analysis, see sheet G100

VICINITY MAP

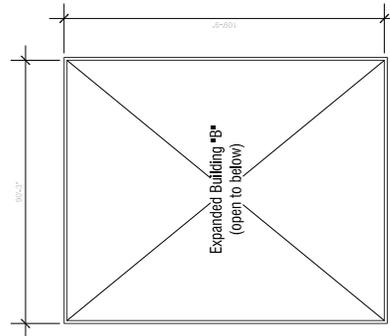
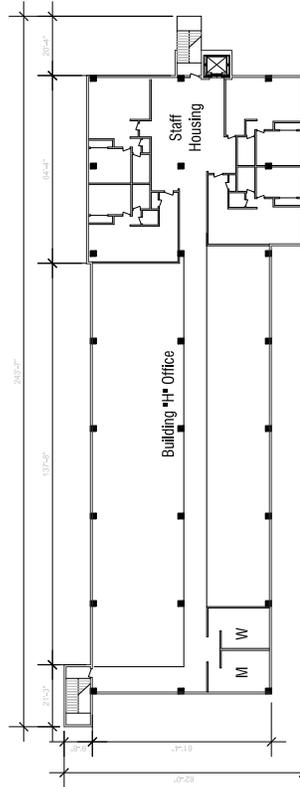
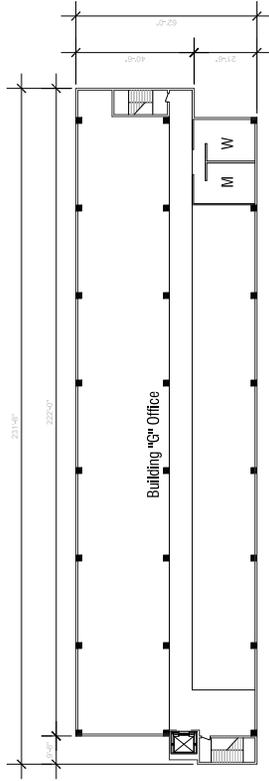


CONDITIONS OF APPROVAL

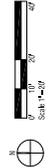


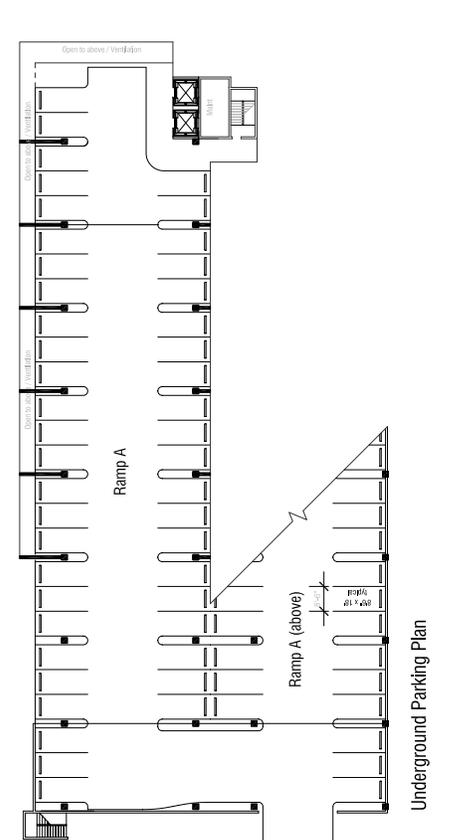
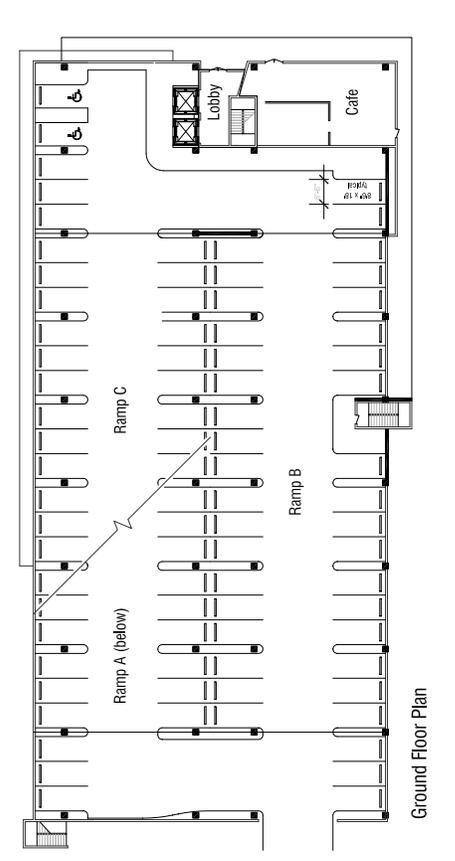
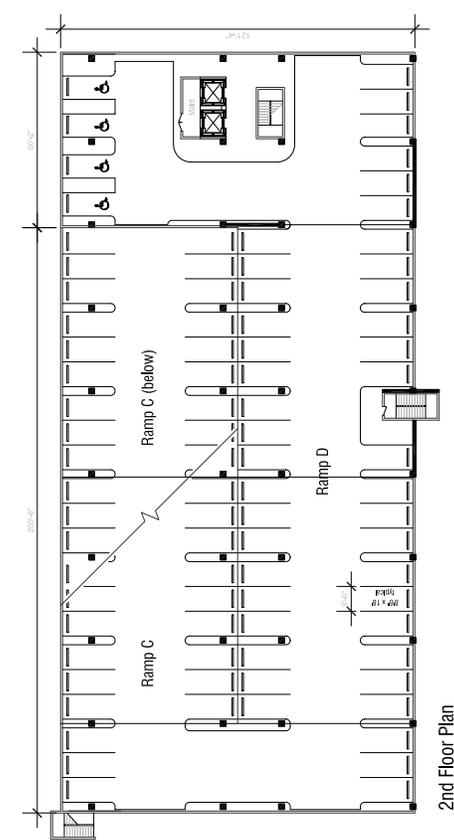
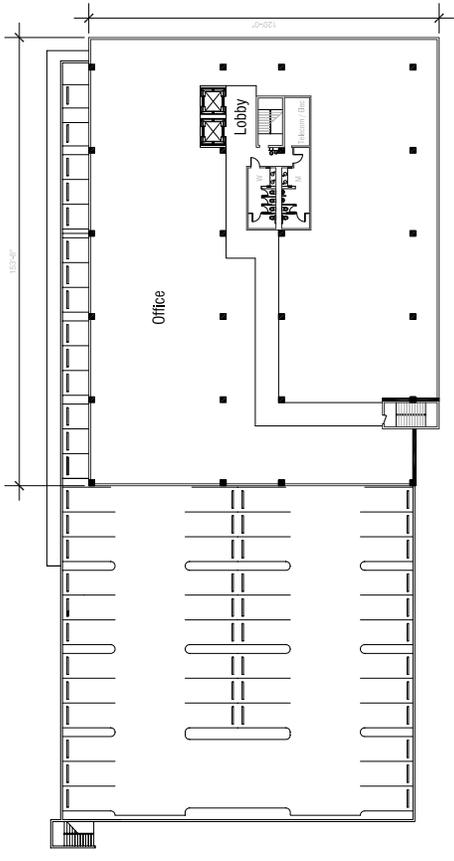
2nd Floor Plan, Conceptual
 Phase II New Construction





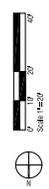
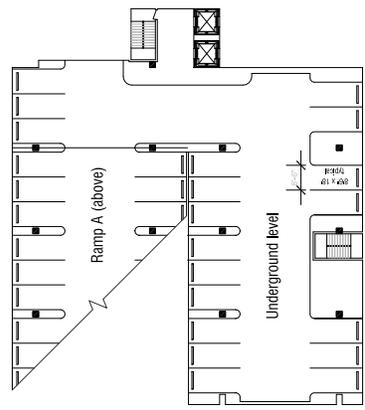
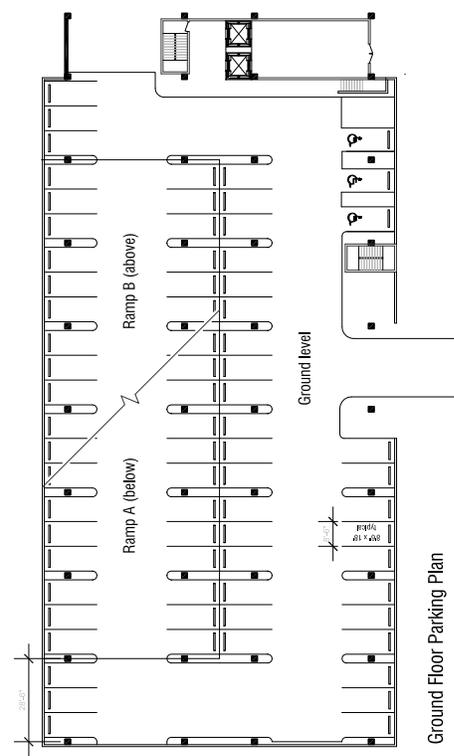
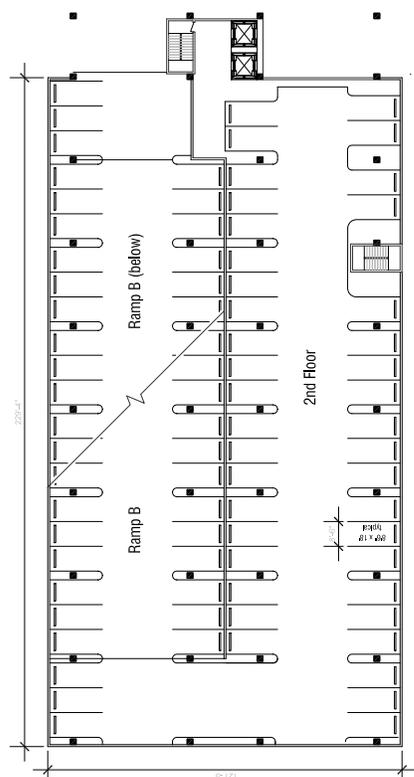
3rd Floor Plan, Conceptual
 Phase II New Construction





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



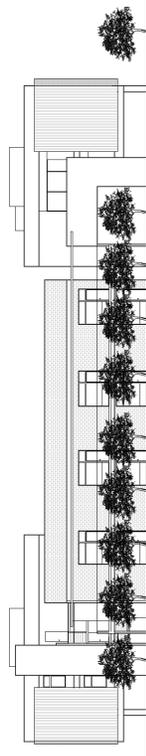


Office Building along Price Road, Building "J"
 Conceptual Plans



Building "G"

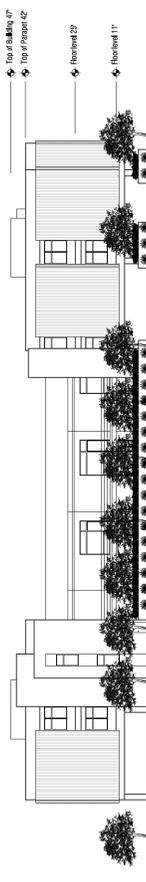
Building "I"



East Elevation, Conceptual

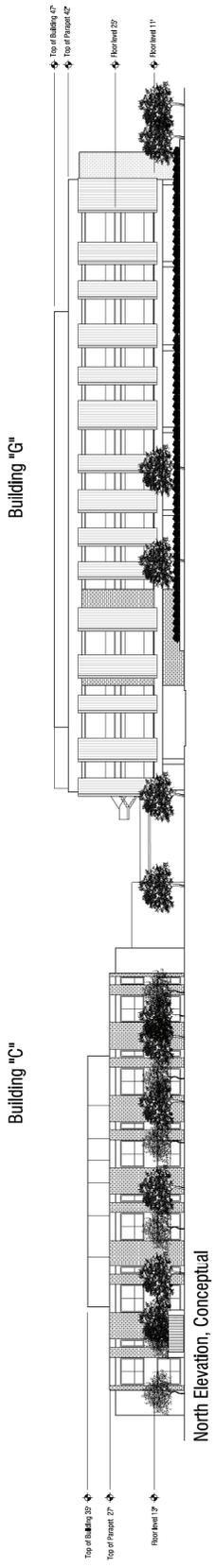
Building "I"

Building "G"

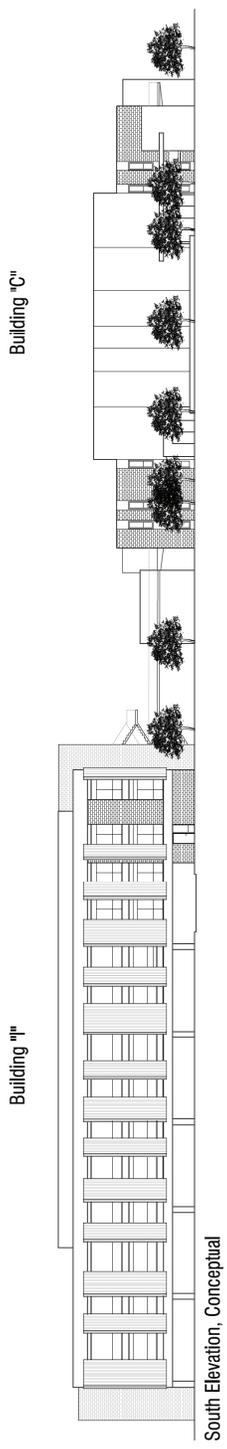


West Elevation, Conceptual

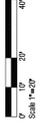


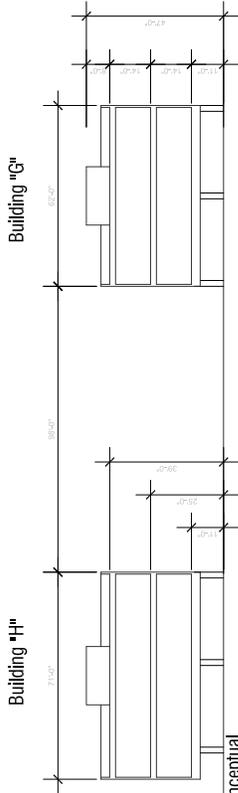


North Elevation, Conceptual



South Elevation, Conceptual

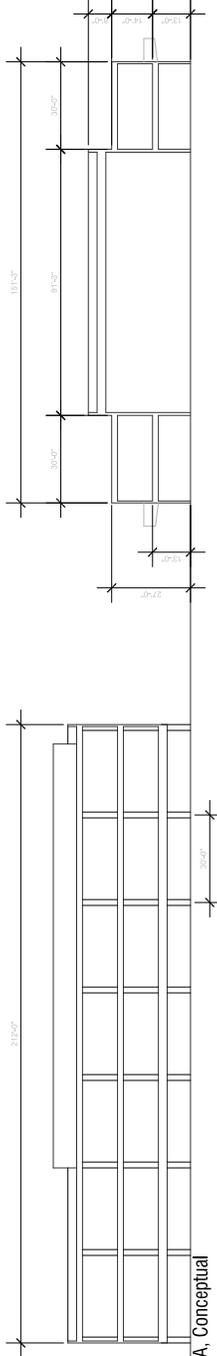




Building "G"

Building "H"

Section B, Conceptual

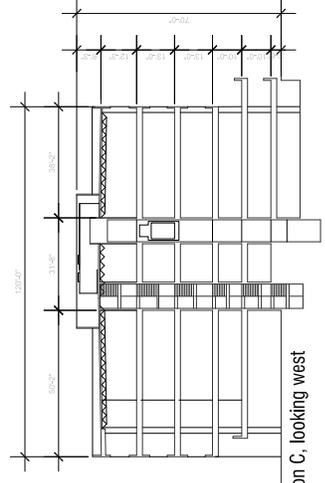


Building "I"

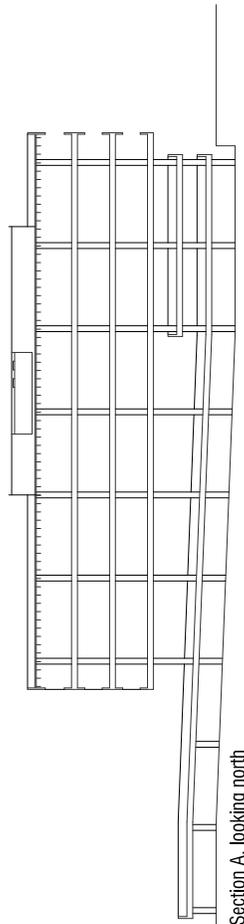
Building "C"

Section A, Conceptual

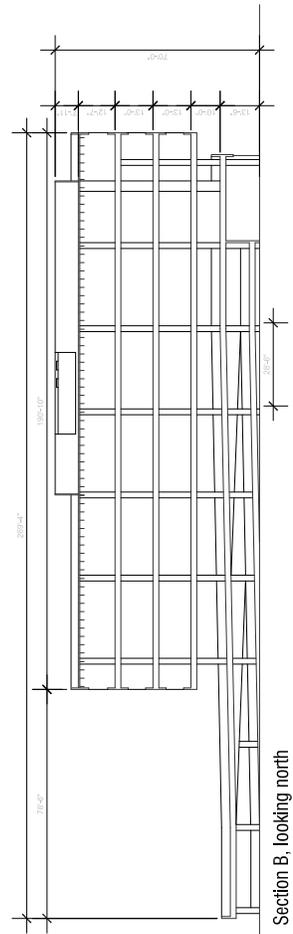




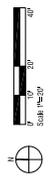
Section C, looking west



Section A, looking north



Section B, looking north



Office Building along Southern Avenue, Building "I"



PLANT LEGEND

EXISTING TREES TO REMAIN

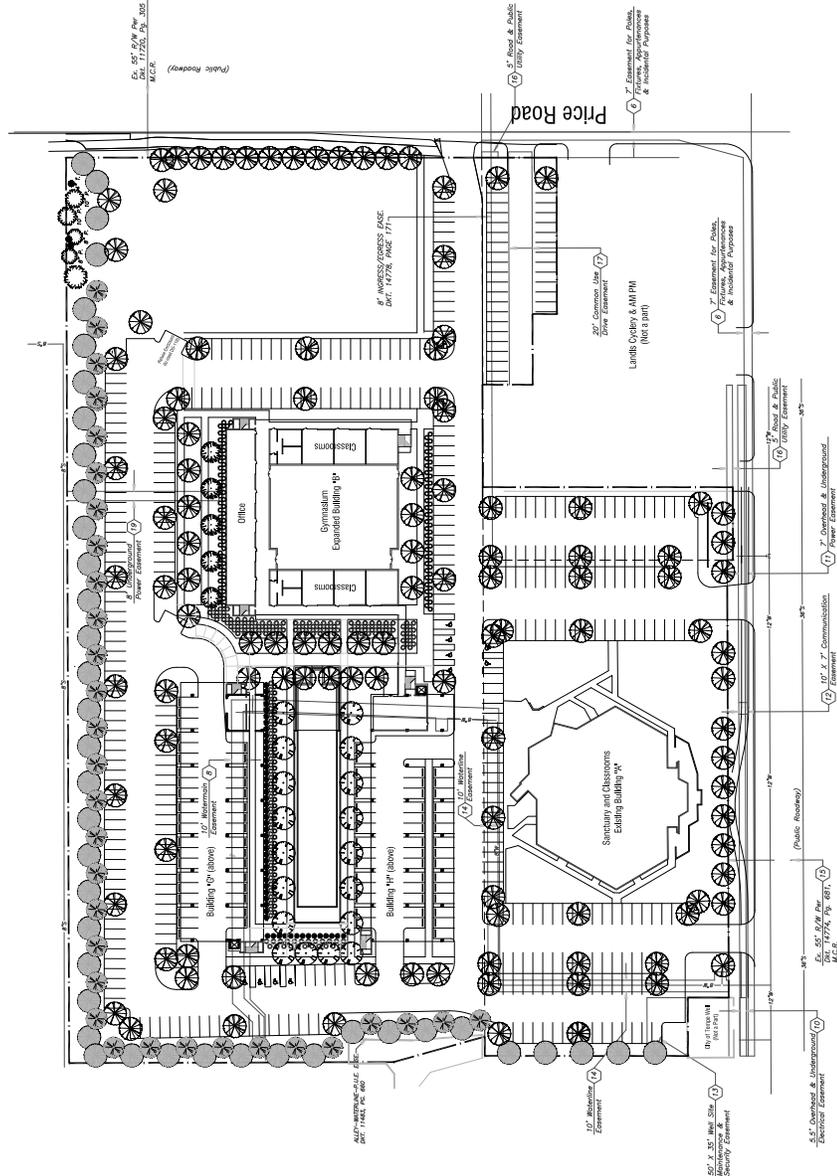
Botanical name	Common name	Qty.	Size
Pinusaceae	Pine Tree	7	Varies
Olea europaea	Olive Tree	9	Varies
Chamaecyparis humilis	Fan Palm	3	Varies
Unknown Variety		17	Varies

PROPOSED TREES

Botanical name	Common name	Qty.	Size
Dalbergia sissoo	Sissoo	34	36" Box
Ulmus parvifolia	Evergreen Elm	41	36" Box
Cercidium	Desert Museum Palo Verde	117	36" Box
Cercidium proteox	Palo Brea	5	36" Box
Platanus latifolia	Chinese Platane	18	36" Box

SHRUBS AND ORNAMENTAL GRASSES

Botanical name	Common name	Qty.	Size
Senna attenuoides	Green Featherly Senna	28	5 GAL
Muhlenbergia carmoisa	Deer Grass	347	5 GAL
Dasylirion wheeleri	Desert Spoon	14	5 GAL

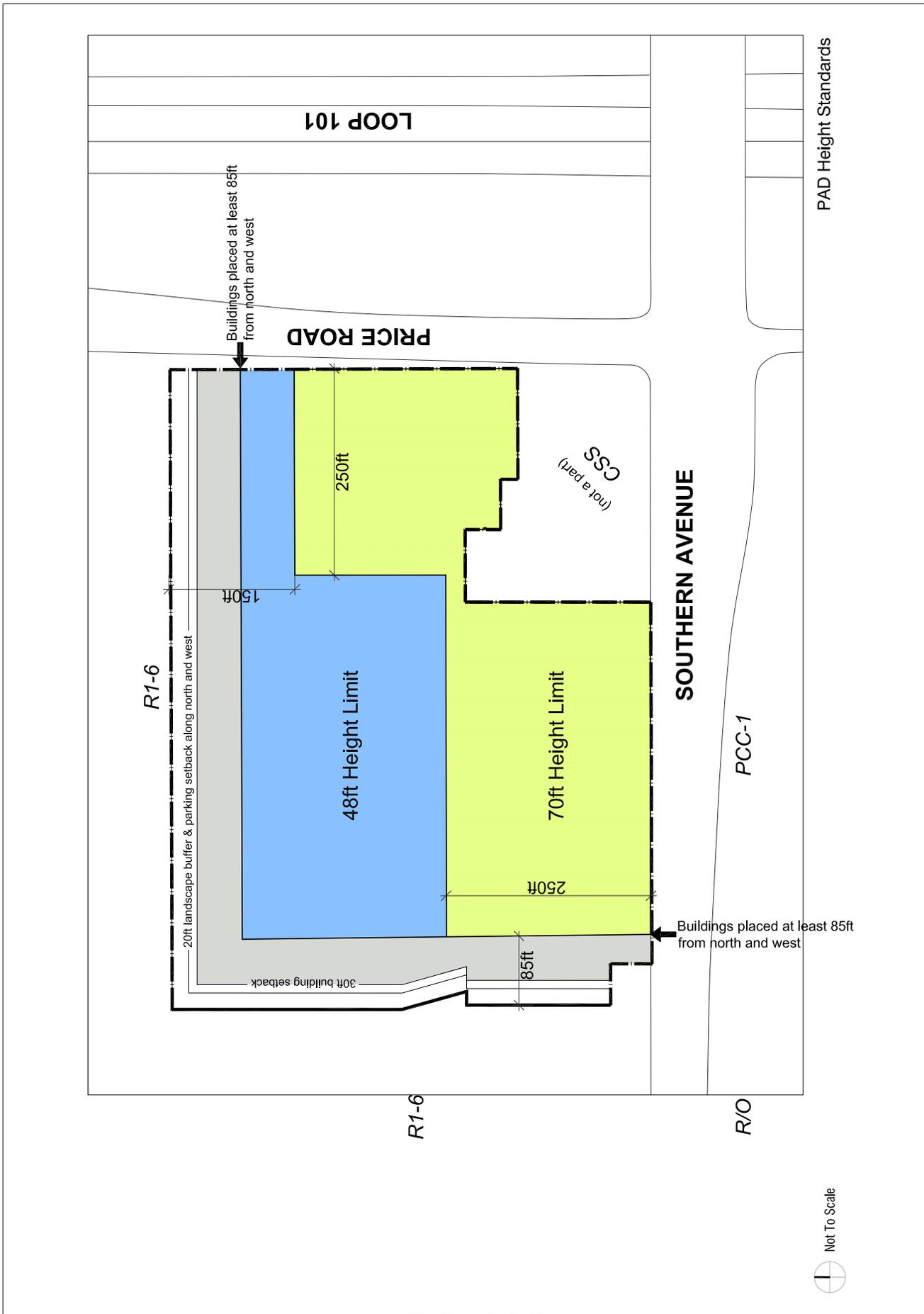


Phase II Conceptual Landscape Plan



ARCHITEKTON

08101



Not To Scale

11/25/09 Meeting Notes:

Question about ownership of property and contingencies on the sale of the land, like the need for new zoning.

Answer: EdOptions owns the property, there are no contingencies to rezone, purchase was made with the property and its existing zoning.

Question about business ownership being an LLC.

Answer: Tom Sawner, Jeff's older brother owns the company.

Question about wife's role in the property and the business.

Answer: Tom's wife has a part ownership in the site, but she had no prior involvement with the property before it was purchased.

Neighbors met on Saturday to discuss concerns.

Diana and Eric thought that the purpose of the meeting on Saturday was to create a list of issues to share with the City and EdOptions, so that these issues could be addressed prior to the DRC meeting. No formal list of issues was taken at the meeting or presented at this meeting.

Question about operations of the schools, how the charter school operates and number of students.

Answer: Charter school requires a state application to form a charter, request is phased to have 200 students the first year, 300 the second year, and a maximum of 400 by the third year, and no more than that. The Private school is an on-line program offering classes to students all over the country and world.

Concern about value of homes when charter school goes in, resident experiences with high schools in neighborhoods were that independence of students driving to school, parking in neighborhood, wandering around, hanging out. What kind of students will the charter school have and how will they be controlled or contained on campus. Are these at risk kids?

Answer: Can't answer for behavior of other schools in other areas, but this charter school functions differently in that students are on site for a specific block of time, for a specific block of classes, 4 hours. Because of the staggered schedule and limits on the numbers of students coming, they will be able to park on site, and would have no need to park elsewhere. There would be no purpose to going into the neighborhood, when class is over, they leave for the day.

BIGGEST CONCERN: Building heights of 48' and 70' are too tall, this is excessive height for this area, it is out of character with the area, there are privacy concerns, view concerns, the majority of the issues raised by neighbors have been about the height of the buildings. If the buildings were taken down to 30 feet, as is allowed in the existing zoning, then the other concerns would go away, they would not be issues.

Concern about hours of operation of the school and security.

Answer: Classes end at 9pm at night, campus closes at 10pm to allow for groups using the campus for events. There will be a security plan for the property, there is not one currently.

Concern about transportation of students and where they would come from.

Answer: As a charter school, they could come from anywhere, they could take the bus, bike, walk or drive if old enough. As a charter school they cannot discriminate on the students who apply, but they have to follow the rules of the school.

Concern about intensity of the development.

Reviewed zoning classifications and what would be allowed with the existing zoning, density and building heights.

Concern about keeping kids out of the neighborhood.

Answer: We can make this part of the rules of the school, if that would help. Not sure why they would need to go into the neighborhood, it is not like a traditional school with a lunch break or recess, they leave the site.

Concern with Zoning Change, this opens the door up to anything, 2, 3, 5 years from now, a new owner could buy the property and the neighborhood is at risk of new development not a part of EdOptions. If it is not immediately built out as shown on the plan it could be speculatively sold off after the rezoning, because that is where the money is. What assurances do we have that this will not happen.

Answer: EdOptions is using this site as their western headquarters, operating not only the charter school but their existing on-line private school, they do not intend to leave. The Planned Area Development also defines the standards for the site, so that whomever bought the site would still have to follow the overlay standards for the property, or go through another hearing process to change it.

Resident recollection of a meeting with Steve Venker and Bill Kersbergen on 9/9/06 where staff indicated no city support for buildings at these heights in this location. That only 2-3 story buildings would be ok, to keep the character of the neighborhood. The final plan from Utah a few years ago changed as a result of the neighborhood input and petition and after several versions was no more than 3 stories tall, but then they left and didn't build.

Answer: No one in the room was at the meeting, nor familiar with the case, it is possible that the staff response was specific to that case.

Concern that phasing of project adds to the risk of speculation.

Height does not fit the character of the neighborhood.

Afternoon traffic on Price road is bad, this will only add to a bad situation. Cut through traffic is felt by some to have increased, while others noted it has gone down. General feeling was that it didn't matter what was built because the problem already exists.

Concerns about zoning and building height were two most primary concerns, all others would go away if the zoning and building height went away. Keep the existing zoning.

Question about EdOptions and what they do.

Answer: handed out a brochure, explained that this was discussed at the neighborhood meeting, EdOptions sells computer software to schools for use on their sites. That is where the reference to at risk students came from. The software is used by schools all over the country, including schools in correctional facilities, kids that are at risk of not graduating. They have no other affiliation other than using software purchased from EdOptions. Blue Ridge International Academy is the on-line private school. This operates 100% online and has virtual classes with students from all over the world. The Charter school would be owned and operated by a Foundation, as is required by state law. Ed Options fully funds the foundation. Students targeted are motivated learners who want to have extra time for additional educational opportunities. The 4 hour requirement is a state requirement that they must be on campus for a minimum of 20 hours per week. There is no lunch period, no recess or breaks. The classes are broken up into 4 hour increments, in three time periods, enabling students to pick a schedule that works with other pursuits. This charter school is intended to serve highly motivated students who want more time to pursue specialized careers, or get ahead. They may not like the traditional large public school environment and want a more concentrated work period. This allows students to go to East Valley Institute of Technology, or a specialized training program elsewhere in the valley, or even to work to earn money for college while getting their high school diploma. This would be the first charter school that EdOptions has operated or owned.

Concern about food service on campus.

Clarification, with no food service on campus students will leave the site to eat, 4 hours is a long time to not eat, kids are going to hang around or hang out.

Answer: There is no recess or lunch break. They can eat meals prior to or after coming to class, there may be vending machines on site, they may bring their lunch or snacks with them. When they are done with classes, they may leave the site to get food. There might be a small deli in the third phase of development, serving the office workers, they might get something there. Seating area in the courtyard of the building will enable them to sit and eat if they have a dietary need to eat more frequently than 4 hours that they are in class. EdOptions has no desire to provide food service, a cafeteria or other form, they are in the business to educate in core class areas.

Protect us from the exceptions (kids who choose to hang out and stay and not leave)

Answer: this can be accommodated in the school rules.

Notices of the meeting change from 11/18 to 12/9 did not arrive until 11/18 or the next day, that is insufficient time to notify people of the change.

Answer: The notices went out on time, it was estimated that they would arrive on Saturday or Monday. Not sure what happened with the mail, but no neighbors showed up on 11/18. The case was postponed to allow more time for neighbors to work with the applicant on their concerns.

What is the maximum height that residents would agree to on this site?

3 stories, anything above that is a problem.