

# Staff Summary Report

Development Review Commission Date: 8/11/09

Agenda Item Number: \_\_\_\_

SUBJECT: Hold a public hearing for a Use Permit for 2150 SOUTHERN CAMPUS, located at 2150 E. Southern Avenue.

DOCUMENT NAME: DRCr\_2150SoutherCampus \_081109

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for 2150 SOUTHERN CAMPUS MASTERPLAN (PL080282) (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) for a Use Permit to allow a charter K-8 school as part of a mixed-use campus consisting of a charter high school, on-line private school, commercial and educational offices and limited retail and residential uses. The phased development will eventually consist of approximately 191,564 s.f., on 8.78 net acres, located at 2150 E. Southern Avenue in the MU-2 Mixed Use District. The request includes the following:

ZUP09100 – A Use Permit to allow a charter K-8 school.

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

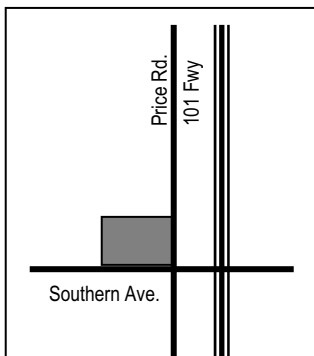
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

## ADDITIONAL INFO:



Gross/Net site area	9.95/8.87 acres
Total Building area	192,156 s.f. (after completion of phase III)
Lot Coverage	40 % - 76,862 s.f. (35-50% maximum allowed in R/O, R1-6 & CSS)
Building Height	20-65 feet depending on location on site (30-40 ft maximum allowed in R/O, R1-6 & CSS)
Density	9 dwelling units per acre (9 and 15 du/ ac maximum allowed by General Plan)
Building setbacks	0' front (Southern Avenue side), 0' street side yard (Price Road side), 30' side yard (west) and 30' rear yard (north) with actual buildings located 80' from the north and west property lines. (current zoning setbacks: 0-20' front, 0-10' street side, 0'-10' side, 10-15' rear minimum in R/O, R1-6 & CSS)
Landscape area	35% (15-30% minimum required in R/O & CSS)
Vehicle Parking	743 spaces (733 minimum required, 916 max. surface allowed)
Bicycle Parking	92 spaces (43 minimum required)

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. Location Map
2. Aerial Photo
3. Use Permit Letter of Explanation
7. Site Plan
8. School site location map
9. Parking Analysis Update

## 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 Use Permit to allow a charter K-8 school within the existing buildings and as part of the future phases of development on 8.78 acres as MU-2, Mixed-Use, Medium Density District.

The site is already approved for a Use Permit to operate a charter high school and a private on-line school on site and has a second Use Permit to allow live entertainment on site. The applicant is requesting the Development Review Commission take action on a third Use Permit. For further processing of phases II and III, 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 not required for this request, however the applicant did contact the primary neighborhood liaisons who were involved with the previous requests so that they would be aware that this application was being made. Staff has not received any public comments on this request.

## PROJECT ANALYSIS

### GENERAL PLAN

The proposed charter school use, in combination with the other uses on site, conforms to the projected mixed-use low density designation for this site.

### ZONING

The proposed charter elementary school use is allowed by Use Permit within the Mixed Use 2 zoning district.

### PLANNED AREA DEVELOPMENT

The site has an approved Planned Area Development

### Traffic and Parking

A revised Traffic Impact Study was provided by the applicant with this request. The elementary school will be replacing 12,000 s.f. of the office space. Elementary schools and offices require the same ratio of parking (1 per 300 s.f.) therefore there is no impact on the existing or proposed parking on site. The time of day use is similar to office in the morning, with school starting at 8am; however the school would end at 3:30, rather than at 5 as a typical office use. The report indicated that there would be no appreciable reduction in service with the proposed charter elementary school.

### USE PERMIT

The applicant was previously granted a Use Permit (ZUP08156), to operate a Charter School and a Private School within the MU-2 Mixed-Use District, with conditions of approval. The approved Use Permit conditioned the site for EdOptions to operate one charter high school (yet to be named) on the site owned by Tempe Educational Arts Center LLC, and for Blue Ridge Tempe Community Learning Center to operate one private school as described in the applicant's letter of intent with virtual classes and on-site testing. The charter school was restricted in size to no more than 400 students on site at the same time within one school day.

The applicant also previously received approval of a second Use Permit for live entertainment (ZUP08169) to allow indoor concerts, events, graduation ceremonies and other community activities to take place in the gymnasium and assembly hall. There were separate specific conditions of approval for this second Use Permit. Parking for the second Use Permit was contingent upon the availability of spaces remaining after the required school parking needs were met. A condition was included that 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. Further, a condition was included that any intensification of the site beyond what is approved within this request will require a new application for both Use Permits.

The proposed addition of a charter K-8 school to the site within the existing and proposed buildings does not intensify the development or use of the site. Parking requirements are the same for a K-8 school as they would be for general office or retail; this school would be a tenant within the existing and planned square footage with no additional square footage required for this use. It is no more intense than an office or retail use that might otherwise occupy this space. Therefore, the existing Use Permits with conditions remain in effect, and a new Use Permit is required specific to the Charter Elementary School.

The Charter School would be an elementary school serving up to 300 students between 8:00am and 3:30pm. The charter school will occupy 12,000 square feet of space on the existing campus, and will be kept in the future phases as a tenant of the new buildings. With the introduction of the elementary school, the campus would house educational uses for children from Kindergarten through 12<sup>th</sup> grade; with the addition of the Charter Elementary School the combined uses are similar to the former Tri-City Baptist School on site, which operated a private K-12<sup>th</sup> grade and a private post-secondary private college at this location. The property has classroom and playground facilities available that could immediately serve the school children. The applicant indicated to staff a desire to partner with a preschool provider for the campus; this use has not been yet realized. Daycare or preschool will not require a Use Permit; it would be one tenants of the remaining available space. This combination of uses would provide a unique educational environment in Tempe, serving families with multiple children of different age levels.

#### Section 6-308 E Approval criteria for Use Permit:

- a. 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 use is similar to existing uses and considered to have similar levels of traffic.
- b. 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 school would have recess time outdoors, similar to the former Baptist school, noise levels would be that typically found on a playground during school hours.
- c. The elementary school 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.
- d. 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.
- e. 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. On-site security during hours of operation is required. Phase II will add 10 residences to the site, which will increase security with staff on site at all times.

#### Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

#### REASONS FOR APPROVAL:

1. The proposed project meets the approval criteria for Use Permits.

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

#### ZUP09100 CONDITIONS OF APPROVAL

1. All conditions of approval previously required of Use Permits ZUP08156 & ZUP08169 remain in effect unless otherwise modified by the conditions below.
2. The Use Permit to allow one elementary charter school (yet to be named) on the site owned by Tempe Educational Arts Center LLC.
3. When any of the three schools are 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.
4. The school shall be limited in size to no more than 300 students on site at the same time within one school day.
5. Any intensification of the site beyond what is approved within this request will require a new application for the three Use Permits.
6. 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.

## HISTORY & FACTS:

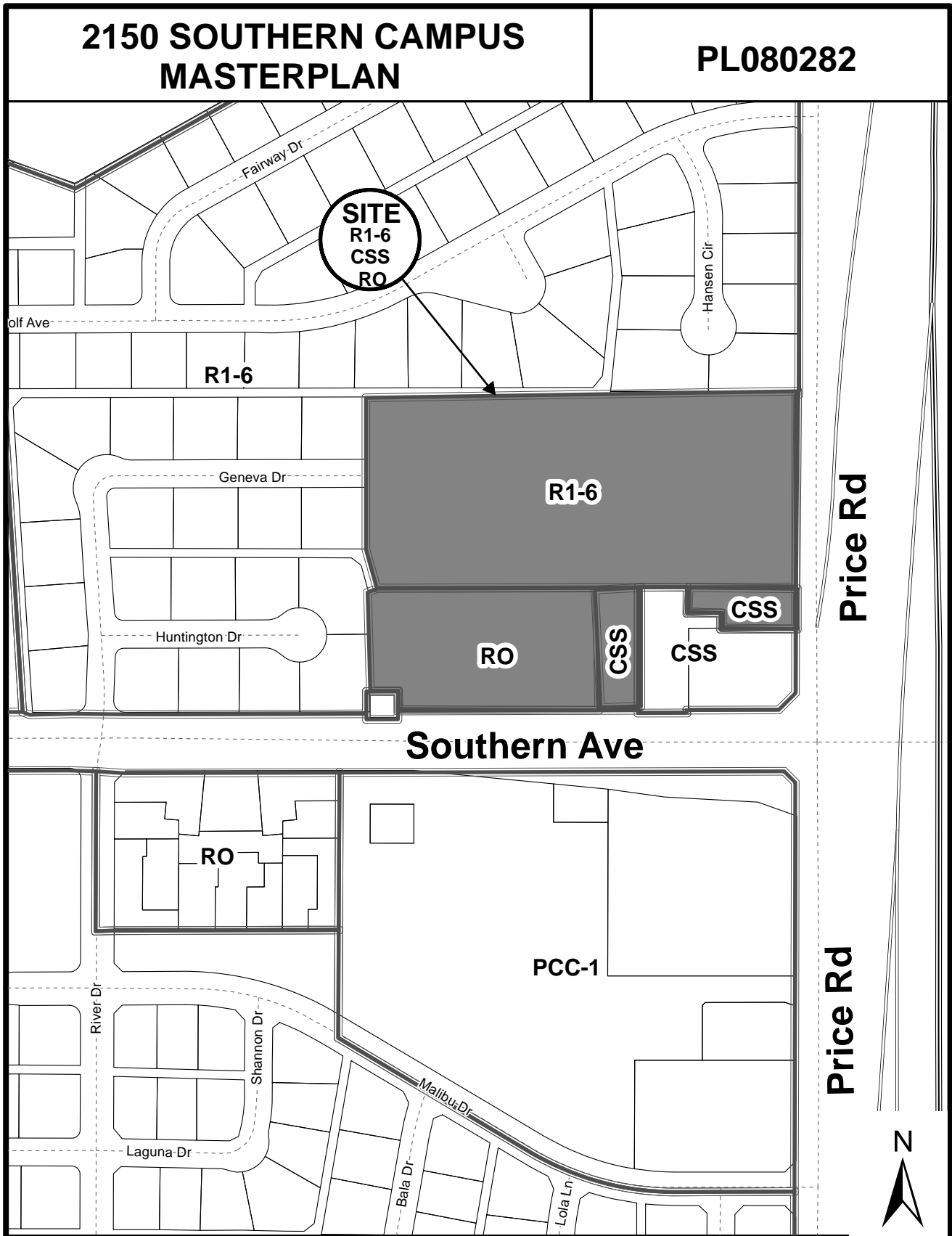
1970-1979	According to property record cards the property was used as a farm: residential and agricultural uses.
1972-2001	The site has a long history of incremental site changes and use modifications, including addition of a church, expansion from a day care to an elementary school, later to a high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

Development.

March 1, 2009	Development Review Commission recommended approval of the Zoning Map Amendment and Planned Area Development.
March 26, 2009	City Council introduced and held a first public hearing for the requested Zoning Map Amendment and Planned Area Development.
April 9, 2009	City Council held a second public hearing and approved the requested Zoning Map Amendment and Planned Area Development with conditions.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-308, Use Permit



**Location Map**





2150 SOUTHERN CAMPUS MASTERPLAN (PL080282)

## To Planning and Development Services:

Tempe Education and Arts Center, LLC and Educational Options, Inc. is requesting the addition of K-8 charter school to the existing campus which is already permitted to operate a Charter school and a Private school on the premises at 2150 Southern Avenue in Tempe.

At its hearing of January 13, 2009, the Development Review Commission approved the Use Permits for 2150 SOUTHERN CAMPUS MASTERPLAN for a charter high school and a private school (ZUP08156) as outlined below.

The existing use permit approved by the Development Review Commission and Tempe City Council, the 2150 Southern Campus Masterplan envisions a mixed-use campus that combines education, office and residential uses that are consistent with the General Plan 2030. The requested use permit helps fulfill that vision ahead of schedule.

This request is to add a K-8 charter school on the campus to replace existing office space. The K-8 school would be chartered for up to 300 students. The hours of operation would be from 8 am to 3:30 pm, Monday thru Friday. The K-8 charter school will occupy approximately 12,000 square feet of space. The space for the school will be subtracted from the square footage that was previously allocated for office space. It is expected that the K-8 School will continue to operate at the site as phase II and phase III of the project move forward, reducing the net space used for office by the amount used for the school.

Additionally, co-locating a K-8 school on the same location as the existing charter high school furthers our goal of making 2150 E Southern Ave. a site focused on education.

The schools would be restricted to eliminate the possibility of nuisance due to noise, vibration, smoke, heat or glare. These buildings have housed similar educational use 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 the addition of a K-8 Charter school to the site would further the goals of the community and serve a positive role in the neighborhood. By providing a positive educational experience to school students, these schools would discourage disruptive behaviors and would greatly benefit the City of Tempe.

## **ZUP08156**

The charter high school will serve approximately 200 grade 9-12 students in the 09-10 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. By having three small sessions per day, serving 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 charter school will employ 7-9 administrators, teachers, and support staff. Typical hours of operation will be from 7:00 AM to 9:00 PM.

The site was the previous home of the Tri-City Baptist Church and Academy. Tri-City ran a K-12 school and a 4 year college on the site for many years. Charter schools that replace the Tri-City academy would not produce any negative effect on the surrounding area.

The Blue Ridge Tempe Community Learning Center (private) will support individual high school and adult students that need to recover credit to graduate, earn a GED, or 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 remediation 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.

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.

Currently there are approximately 350 on-site parking spaces that historically served attendees of Tri-City Baptist Church services. These spaces have historically been adequate for existing church's school, and we feel they would be

sufficient. 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.

## **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:

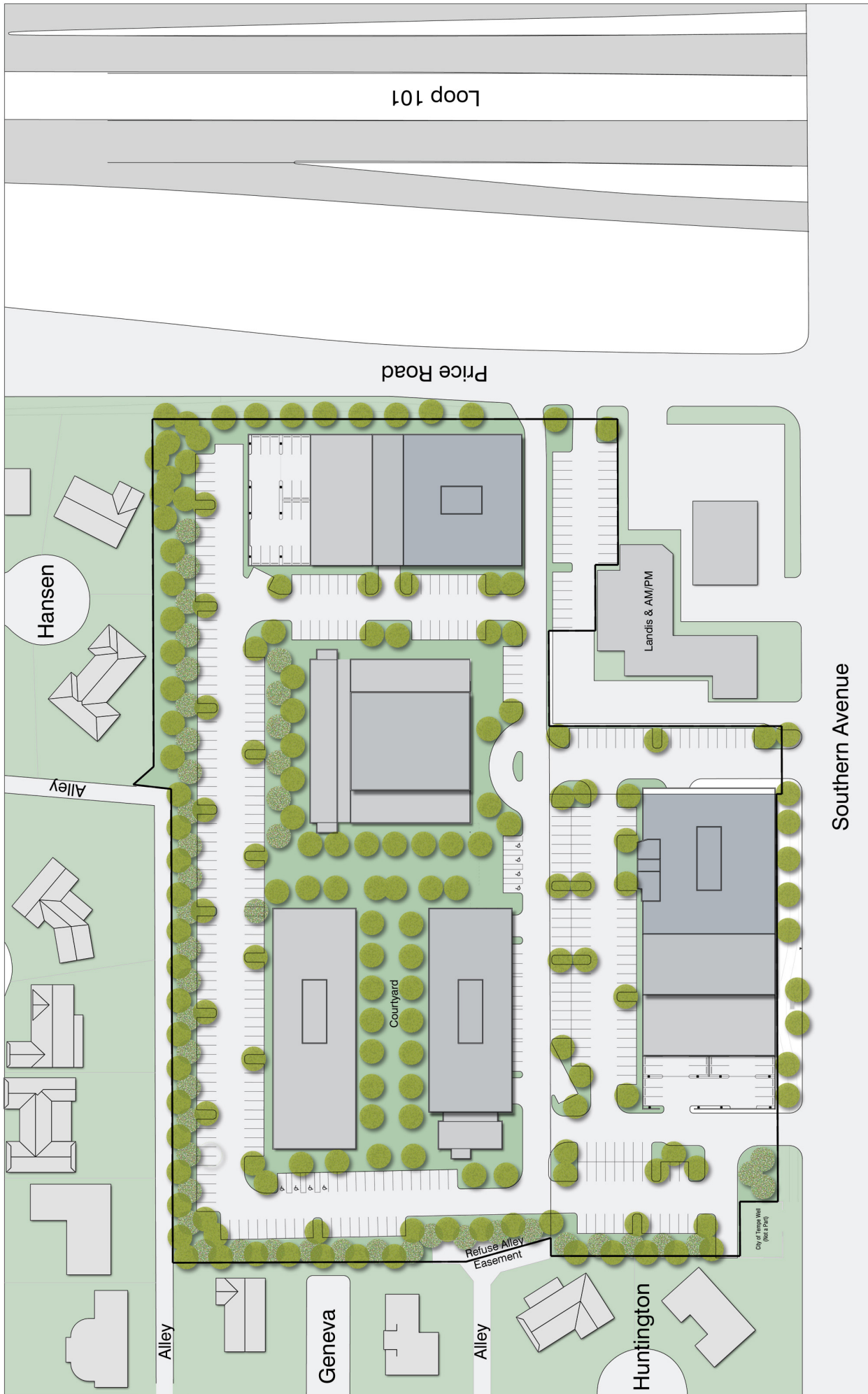
- Help schools meet NCLB requirements by providing access to highly-qualified and certified teachers;
- Provide students with the online flexibility for extra classes or credit recovery that brick-and-mortar institutions often cannot;



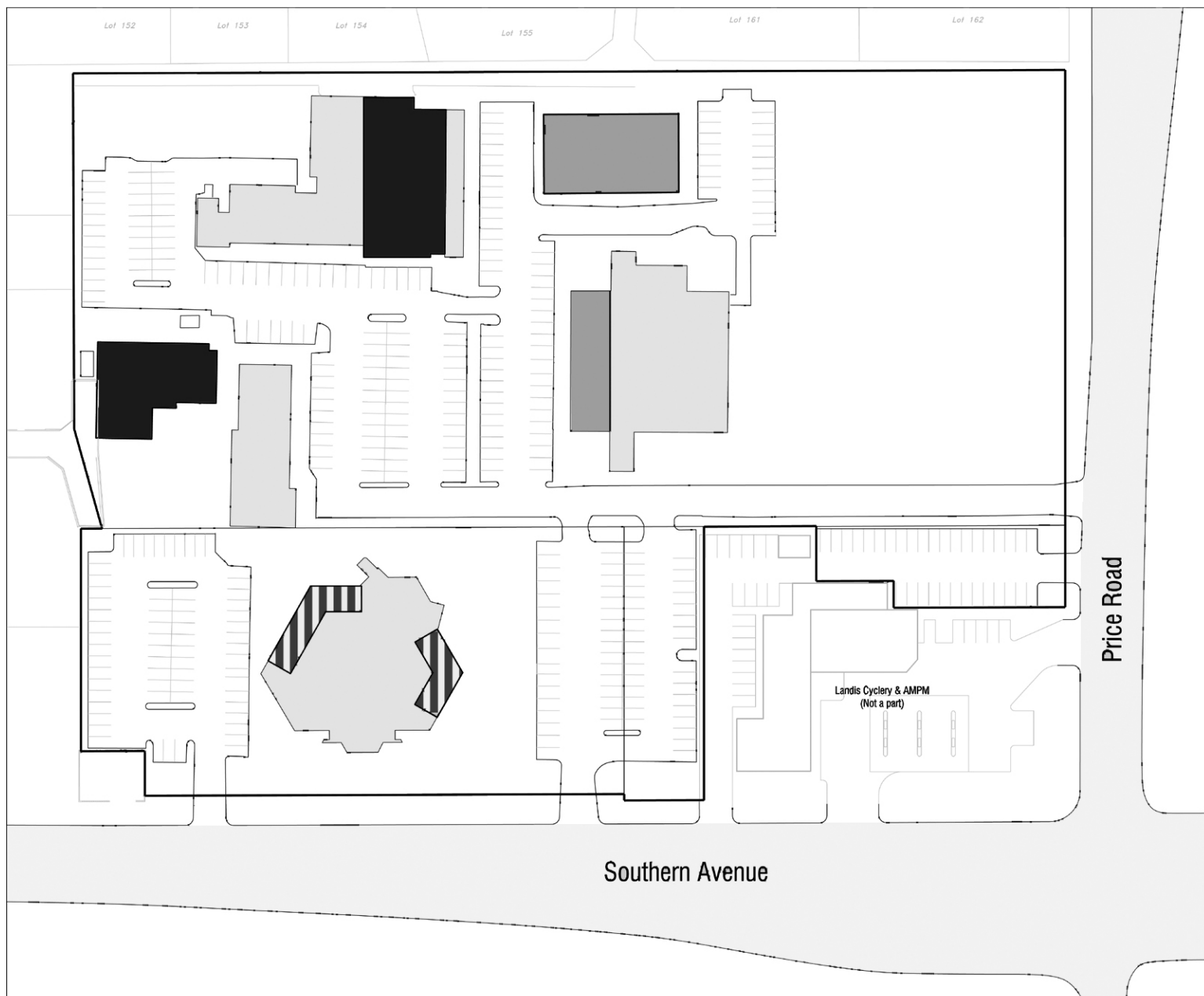


- Offer official transcripts that are recognized by education institutions nationwide; and,
- Award nationally-recognized high school diplomas and transferable credits due to its national accreditation by the Northwest Association of Accredited Schools (NAAS), the Southern Association of Colleges and 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.



# **PAD Siteplan** Page 1 of 3



## SCHOOL LOCATION MAP

- EdOptions charter high school
- K-8 charter school
- Flex classroom space

# Showing new proposed K-8 Charter Elementary School

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