

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 02/28/2023
Agenda Item: 5**

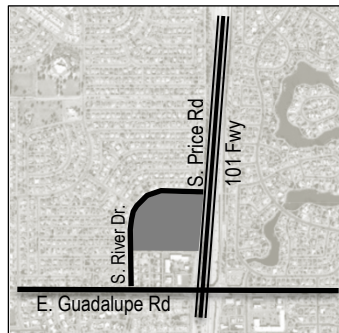
ACTION: Request a Use Permit to allow a private middle school for LEAD AZ SCHOOLS, located at 1602 South Priest Drive. The applicant is FM Solutions.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: LEAD AZ (PL230018) is requesting a use permit to allow a new private middle school in an existing tenant suite of an industrial office building. No new buildings are proposed for this use. The request includes the following:

ZUP230003 Use Permit to allow a 6-8th grade private middle school in the GID zoning district.



| | |
|--------------------|--|
| Property Owner | Kristin Boyd, Dental Enterprises AZ1, LLC |
| Applicant | Curtis Slife, FM Solutions |
| Business | Jacob Kashiwagi, Leadership Society of Arizona (LeadAZ) |
| Zoning District | GID, General Industrial District |
| Site Area | 7.36 acres, 320,680. s.f. |
| Building Area | +/- 4,997 s.f. |
| Vehicle Parking | 17 required for suites 101&102 for middle school use. 465 spaces provided on site |
| Bicycle Parking | 5 spaces minimum required, 6 spaces provided |
| Hours of Operation | 7:00am to 6:00pm M-F |

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner

Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

The site is located north of Broadway Road, on the west side of Priest Drive, the business center is on the north side of 17th Street and the suites proposed for the school use are on the north east corner of the site. Other uses within the center include an urgent care facility, several medical providers, a cosmetic company, a machinery company, an electronics company, a security company, a credit union and a computer technology research and development company. Outside of the subject site, Holdeman Elementary School is located on the east side of Priest Drive, Motel 6 is on the south side of 17th Street, Amazon and Carmax have facilities to the west of the site. North of the site is a center with several music industry uses including a youth choir performance center and studios, and Philly's restaurant. The site is located in the GID zoning district, there is PCC-1 commercial zoning to the south, R1-6 single-family to the east and R-3 multifamily to the south east. The Tempe Maker District and Broadway Innovation Hub is located on the east side of Priest Drive, although the site is outside of the district, introduction of a middle-school in an employment hub supports the objectives of a 20-minute city and the ability of employees to have children learn near where the parents work. The letter of explanation provides more details on the history and operations of the school.

PUBLIC INPUT

Upon completion of this report staff has received no calls of inquiry or concern on this request.

USE PERMIT The proposed use requires a Use Permit to allow a private school within the GID zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic;* The property serves a variety of office tenants with similar hours of operation. The site has 465 parking spaces provided, the proposed school would have 30-35 students who do not drive and a small staff on site from 7am to 6pm weekdays. The suite is 4,997 s.f. and requires 17 parking spaces for a middle school use. The primary times of traffic would be 7:00-8:00 am and 3:00-5:00 pm weekdays for vehicle drop off and students walking or biking to campus. This traffic is supervised by staff on site and a site circulation plan is provided to show queuing for student drop off and pick up. The proposed use would not significantly increase traffic beyond the original office use and design of the site.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* the area is located in an industrial office park and heavy employment hub near the freeway. Although the school will activate the site during weekdays, it is not anticipated that nuisances from this use will exceed that of the ambient conditions.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is 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 site has had a variety of tenants in the eight buildings. Having a private school serving grades 6 through 8 in a business park may serve employees of businesses within the center and provides school choice supporting families in the area.
4. *Compatibility with existing surrounding structures and uses;* the proposed school is planning to utilize existing building infrastructure at the north east end of the business campus and no new buildings are needed. The building to the south of this building is a medical office with urgent care, providing a convenient location for parents seeking healthcare and education for their middle-school students. The existing buildings were approved and built for office uses, classroom uses are compatible for these structures in this area. Holdeman Elementary School is across the street from this site, providing complimentary public-school services for younger siblings of the LeadAZ families.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* the school is contained within the building suites and has no exterior area. Students will be dropped off and picked up by parents under supervision of staff to help monitor behavior and assure safe arrival and departure of students. LeadAZ has 9 years of established experience working in private education providing small, individualized attention to serve student needs.

REASONS FOR APPROVAL:

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

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

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

1. If Building Permits are required, this Use Permit is valid after Building Permits have been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. No outdoor live entertainment or outdoor speakers shall be allowed.
4. Hours of operation shall be between 7:00 am and 6:00pm Monday through Friday.
5. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
6. **The existing 2012 Parking Model shall be updated by property management with current tenants, uses, square footages and suites for the entire property prior to issuance of building permits for this use.**
7. **The property management shall replace all dead or missing landscape trees along street frontages and in parking lot landscape islands; along with any other missing landscape material.**
8. **Provide bicycle park racks for a minimum of 5 bike parking spaces per City of Tempe Public Works Department bicycle rack detail T-578 standard (1 rack parks two bikes) near building entrances and out of required landscape or vehicle parking overhangs.**
9. Building Development Plan Review is required for any site plan, landscape plan or exterior building elevation modifications and Sign Development Plan Review and Sign Permit are required prior to occupancy of the campus.

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.

USE PERMIT:

- The Use Permit is valid for LEAD AZ SCHOOLS and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Any modifications to the site or landscape or building elevations requires planning entitlement approval through the Development Plan Review process.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- Specific requirements of the **Zoning and Development Code (ZDC)** 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, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

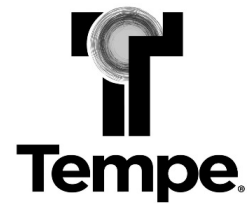
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

| | |
|--------------------|--|
| 1940s-1970s | Historic aerials show this site used for agricultural purposes |
| 1970s-2005 | Historic aerials show this site used for an industrial office use with one large building on site. The building was demolished in 2006 and the site redeveloped. |
| September 6, 2007 | City Council approved a Subdivision Plat for THE ENCLAVE ON PRIEST for one lot. |
| 2008 | The redevelopment included eight smaller office buildings in a business complex. |
| August 20, 2009 | City Council approved a Condominium Plat for The Enclave on Priest SBD09005 for 50 suites in 8 buildings. |
| September 22, 2011 | City Council approved a Lot Line Adjustment for THE ENCLAVE ON PRIEST (Priestly Properties Inc., owner and Hunter Engineering, Inc., applicant) located at 1602 South Priest Drive in the GID, General Industrial District. SBD11010 – Lot Line Adjustment for two (2) condominium units consisting of 5,092 square feet. The adjusted lot line will increase the size of Unit 102 to 3,055 square feet and decrease the size of Unit 103 to 1,018 square feet. |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-302, Permitted Uses in Office/Industrial Districts
 Section 6-308, Use Permit



DEVELOPMENT PROJECT FILE

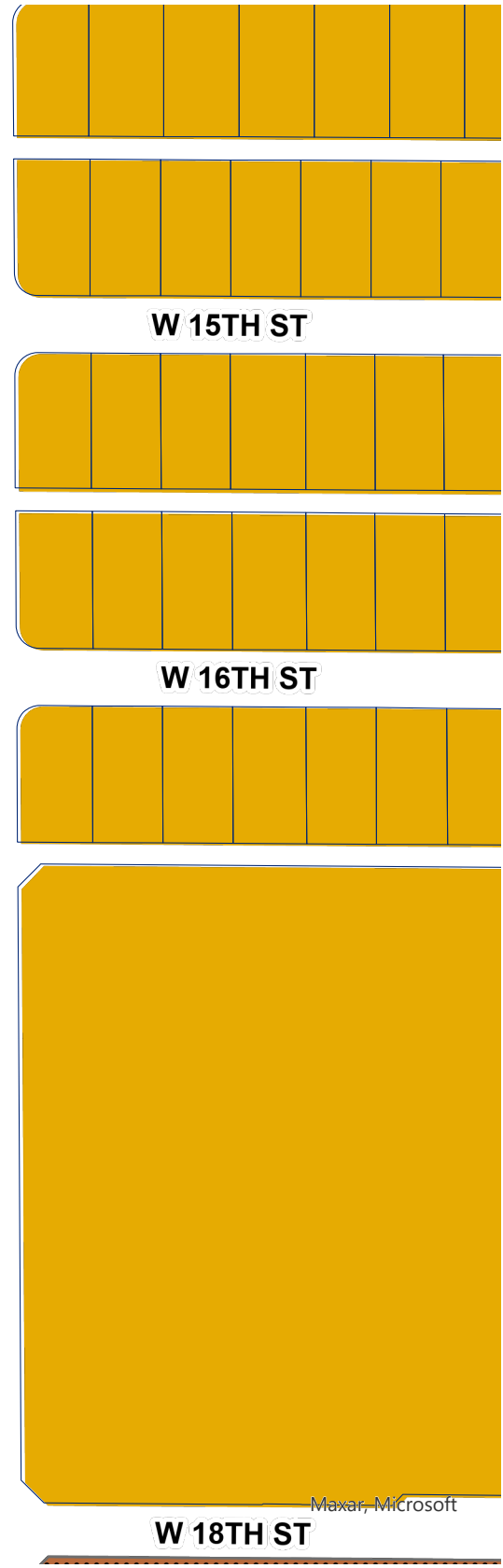
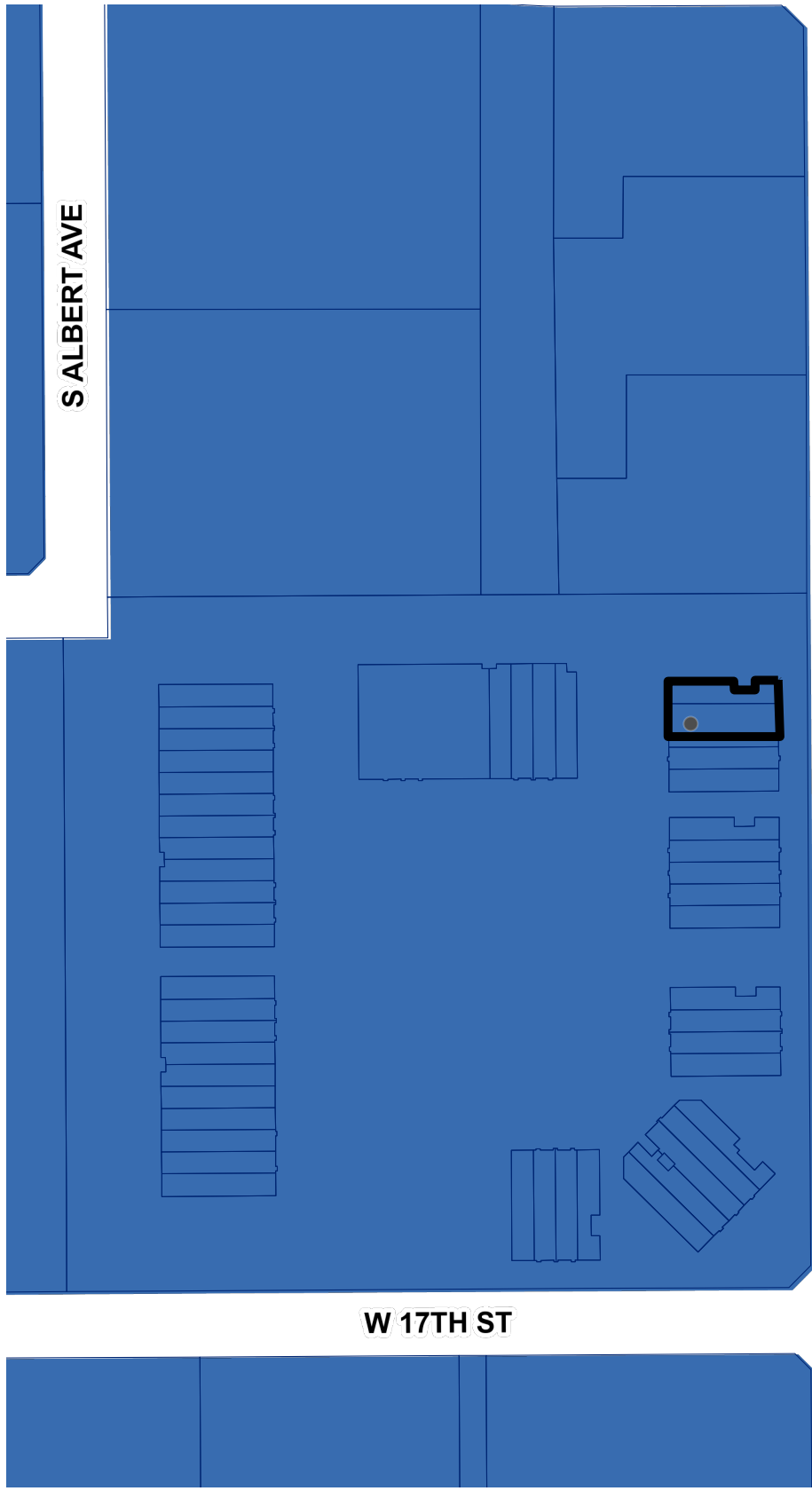
for

LEADAZ PRIVATE SCHOOL
(PL230018)

ATTACHMENTS:

- 1-5. Site Context (Location Map, Aerial, Site Photos, Aerial site details for solid waste and bike parking)
- 2-11. Applicant's Letter of Explanation & Deed
- 12-13. Site Plans with Traffic Circulation for student drop off and pick up and parking allocation
- 14-15. Floor Plans

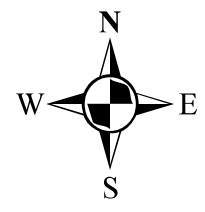
LEADAZ PRIVATE SCHOOL



- General Industrial District (GID)
- Single-Family Residential (R1-6)
- Multi-Family Residential Limited (R-3)
- Override 1

- Twelve Point**
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private

- Zoning District**
- Light Industrial District (LID)
 - General Industrial District (GID)
 - Heavy Industrial District (HID)



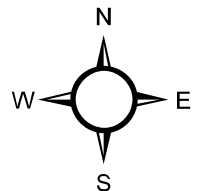
Maxar, Microsoft



LEADAZ PRIVATE SCHOOL



Aerial Map



To: City of Tempe
From: Leadership Society of Arizona, 501(c)(3)
Date: 2/3/2023
Subject: Letter of Explanation

Overview of Proposal

Leadership Society of Arizona (LSA) is requesting a USE permit to allow a middle school to operate at the subject property 1602 South Priest Drive, Suites 101-102, Tempe AZ 85281 in the Enclave Business Center. The property is 4,997 SF and is currently owned and operated by Benco Dental [Dental Enterprises AZ] primarily as a training facility.

Property Ownership Note: *It was identified during the USE permit review that there are two property owners for Suite 101 and Suite 102. This information is not updated in the county records. The county records show that Dental Enterprises AZ owns Suite 101 and Priestly Properties owns Suite 102. See attached Deed of ownership for both Suites 101 and 102 by Dental Enterprises AZ. The ownership error with the county will be resolved before the purchase of Suites 101 and 102 are finalized. Dental Enterprises AZ has full authority to sell both Suites 101 and 102.*

Founded in 2013, LSA is a 501(c)(3) non-profit education research organization that specializes in leadership development and social- emotional learning. LSA has developed over 300 hours of curriculum teaching students how to manage stress, improve social skills, grow in confidence, and gain a better sense of self-worth. LSA offers a range of programs including student leadership workshops, one-on-one coaching, teacher training, and curriculum design for diverse populations of students (Title I, Title VI, ESL/ELL, gifted, CTE, and more). All programs are founded on nearly 30 years of licensed professional development research sourced from ASU [2,000+ research projects valued at \$6.6 billion with 98% performance rating, 65 licenses (most at ASU)] and have produced phenomenal results over the past 10 years [10 years, 120+ programs, 17 schools/school districts, 3,000 students, 50% decrease in stress, 50% increase in confidence, 98 customer satisfaction, and 89% of parents identified a positive change in their child after 4 days].

LSA has grown and developed enough of a student base, that parents have requested it create its own private school. 2022 LSA decided to create a private school and began looking for properties near its close partner ASU.

Use of Business

The Enclave Business Center Suite 101-102 will be used as a space to house LSA's new middle school LeadAZ Private School. Characteristics of the school are as follows:

- Governed by the Leadership Society of Arizona Board.
- 6-8th graders [11-14 years old].
- Start August 2023.
- Expectation of up to 30 students max enrolled for the academic school year 2022-2023.
- 2 teachers.
- 6-12 support instructors and ASU college interns.
- School hours Monday – Friday from 8:00am – 4:00pm.
- Afterschool program hours Monday – Friday 4:00pm – 6:00pm.
- Maximum number of people at facility at one time will not exceed 50.
- 19 parking spots assigned to suites 101-102. No more than 6 slots will be utilized at any one time.
- Students will be dropped off and picked up by parents outside of normal business hours.

This request will not be detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and zoning and development code criteria Section 6-308(E).

Compatibility

We feel the proposed indoor middle school meets compatibility with existing surrounding structures and uses due to the diversity of businesses in the Enclave business center and proven success of these establishments. These businesses

include, but not limited to Public Elementary School, Apartments, Convenient Stores, Motel/Hotel, Fast Food Restaurants, Cremation Services, Medical Services [OB/GYN, Pharmacy, Urgent Care, Primary Care], Electrical Distributor and Manufacturer Representatives, Construction Safety Inspectors, Machine Tool Distributor, Law Office, and Men’s Beard Product Distributor. It should be noted that the Elementary school is directly east across the street from the subject location and a middle school, high school and ASU campus are within two miles toward the east. We propose that the subject location for an indoor middle school is within compatibility.

Instructional Days

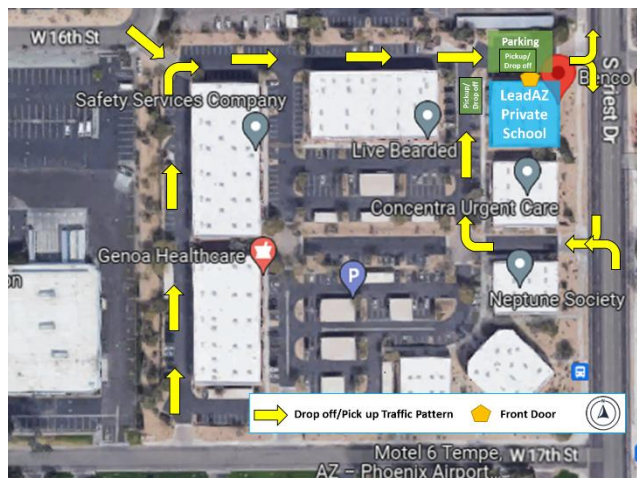
On instructional days, all students are required to attend school in-person. These days are designed to give students maximum learning support and peer interaction. While some days may vary in their time and scope, the average instructional day will adhere to the following schedule as seen in Table 1:

Table 1: Instructional Day

| Monday - Friday | Color Code |
|-----------------|------------------------|
| 8:00 - 9:00 | Free Time & Activities |
| 9:00 - 9:15 | Personal Development |
| 9:15 - 10:15 | Learning & Instruction |
| 10:15 - 10:30 | Free Time & Activities |
| 10:30 - 12:00 | Learning & Instruction |
| 12:00 - 1:00 | Free Time & Activities |
| 1:00 - 2:45 | Learning & Instruction |
| 2:45 - 3:00 | Personal Development |
| 3:00 - 6:00 | Free Time & Activities |

Vehicular Traffic/Parking

The property includes five locations to enter and exit the business center. To avoid parents picking up and dropping off students congesting the business center, there are two entrances [NW and SW] that follow the west and north perimeters that deposits them on the northeast exit by the subject location. In addition, drop off and pick up will be majorly outside of business hours [8:00am - 5:00pm] due to parents working. In this way, business center occupants and customers will be minimally impacted. Additionally, the site includes 19 parking slots on the NE side parking lots. We do not foresee any students needing bike parking. If there are students who need bike parking, we will provide it according to city code. Peak drop off time will be between 7:30am – 8:00am. Peak pick up time will be between 5:00pm – 5:15pm. There will be three parking spaces designated for pickup and drop off on the west side of the building during peak drop off times. There also will be 3 parking spaces blocked off on the North side to allow parents to pull up right next to the building and drop their kids off on the North side of the building. One staff member will be outside directing traffic and watching for the safety of the children during peak pick up and drop off times. The middle school will only have 35 students attending. The school will assign parents to drop off kids at either the North or West drop off areas to ensure equal distribution of traffic. Parents will be educated on the pickup and drop off protocols when students register for the school.



Behavior

Students will be under supervision from the time they are dropped off to the time they are picked up. School policy requires students to remain inside the subject location, unless a field trip is organized. At this time, students will be proctored by teachers, instructors and interns (4 to 1 student ratio) to enter vehicles in an organized and timely manner. Students will be briefed prior to exiting and entering the building to keep noise at a minimum. In addition, any noise created by students entering and exiting the building will be minimal and not disruptive, as they will be entering and exiting the building through a northside door that no other business is adjacent to.

Recreation / Play Areas

The students that will be attending are at an age that an outdoor playground on site or directly outside of the site are not necessary. The site floor plan will include multiple locations for students to relax, study, play, and socialize. See attached site schematic floor plan. Any additional recreation that students will participate in – not included onsite – will be conducted off Enclave business center premises at various locations in the Phoenix Valley. All offsite recreation will be considered a field trip. All field trips will be planned and coordinated ahead of time with appropriate parties to ensure no disruption of residents occurs. Field trips may consist of various Phoenix Valley parks, gyms, businesses, museums, and amusement establishments.

Nuisances [emissions of odor, dust, etc.]

It is LSA's expectation that nuisances will not exceed what is normally appropriate and conducted by neighboring residents.

Deterioration of Property and Neighborhood

It is LSA's expectation that little to no deterioration of the property will occur except the natural wear and tear of the facility in use. It is LSA's opinion that the private school, based on the prestige of LSA's international research and status in the valley, will add to the neighborhood and city's image and not take away.

Conclusion

It is with great humility and appreciation that we submit this letter of explanation. We have a great love for educating the rising generation and hope to do it in the City of Tempe.

Best regards,



Jacob Kashiwagi, PhD
Chairman of the Board | Leadership Society of Arizona 501(c)(3)
Managing Director | Kashiwagi Solution Model Inc.
Co-Director | Performance Based Studies Research Group (PBSRG)
Email: Jacob.K@leadaz.org | Cell: 480-577-3726

First American Title

WHEN RECORDED, MAIL TO:

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ch:

Dental Enterprises AZ. 1, LLC
295 Centerpoint Blvd.
Pittsion, PA 18640

1/5

458860

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PRIESTLY PROPERTIES, INC., an Arizona corporation ("Grantor"), does hereby convey to DENTAL ENTERPRISES AZ. 1, LLC, an Arizona limited liability company ("Grantee"), the real property and improvements ("Property") situated in the County of Maricopa, State of Arizona, more particularly described in Exhibit "A" attached to this Deed.

TOGETHER with all tenements, hereditaments and appurtenances to the Property.


SUBJECT TO all current taxes, patent reservations, all covenants, conditions, restrictions, reservations, easements and declarations or other matters of record or to which reference is made in the public records, any and all conditions, easements, encroachments, rights-of-way, or restrictions which a physical inspection, or accurate survey, of the Property would reveal, and the applicable zoning and use regulations of any municipality, county, state or the United States affecting the Property.

[Signatures on Following Page]

IN WITNESS WHEREOF, Grantor has executed this Deed as of the 15th day of December, 2011.

GRANTOR:


PRIESTLY PROPERTIES, INC., an Arizona corporation

By: 
Name: THOMAS R. KOWALSKI
Its: PRESIDENT

STATE OF COLORADO)
) SS. Unofficial Document
County of ARAPAHOE)

On DECEMBER 15, 2011, before me, Carol D. Linser, a Notary Public in and for said state, personally appeared THOMAS R. KOWALSKI, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public in and for said State

My Commission Expires:

9/3/2013

EXHIBIT "A"

PARCEL NO. 1:

UNIT 101 OF BUILDING 1, OF THE ENCLAVE ON PRIEST CONDOMINIUM, A CONDOMINIUM AS CREATED BY THAT CERTAIN DECLARATION RECORDED OCTOBER 07, 2009 AS 2009-0932762 OF OFFICIAL RECORDS, FIRST AMENDMENT RECORDED APRIL 19, 2011 AS 2011-0332844 OF OFFICIAL RECORDS AND SECOND AMENDMENT RECORDED DECEMBER 07, 2011 AS 2011-1006655 OF OFFICIAL RECORDS AND SHOWN ON THE PLAT OF SAID CONDOMINIUM RECORDED AS BOOK 1038 OF MAPS, PAGE 17, IN THE OFFICE OF THE COUNTY RECORDER OF, MARICOPA COUNTY, ARIZONA.

TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS AS SET FORTH IN SAID DECLARATION.

PARCEL NO. 2:

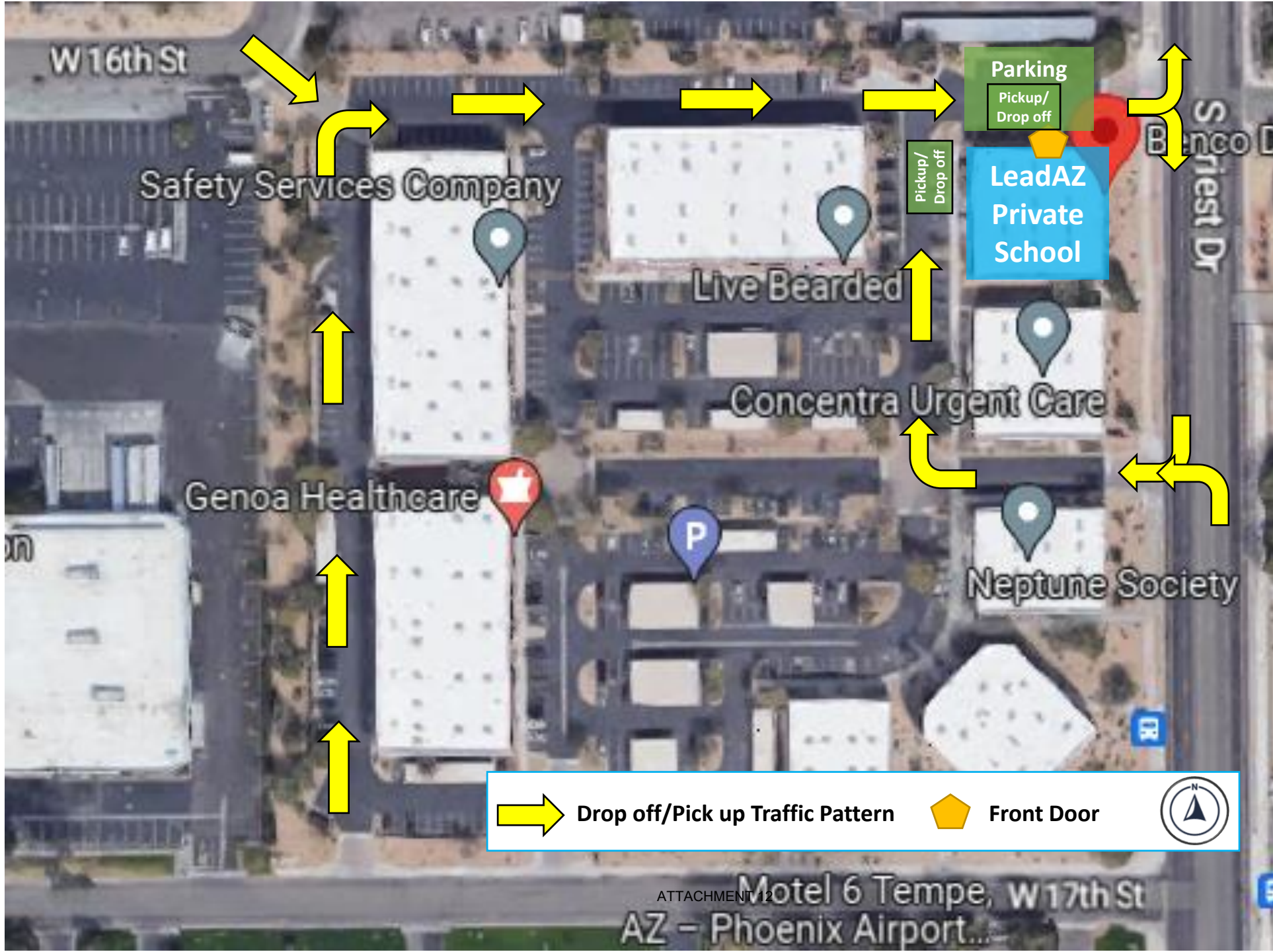
UNIT 102 OF BUILDING 1, OF THE ENCLAVE ON PRIEST CONDOMINIUM - BUILDING 1, A CONDOMINIUM AS CREATED BY THAT CERTAIN DECLARATION RECORDED OCTOBER 07, 2009 AS 2009-0932762 OF OFFICIAL RECORDS, FIRST AMENDMENT RECORDED APRIL 19, 2011 AS 2011-0332844 OF OFFICIAL RECORDS AND SECOND AMENDMENT RECORDED DECEMBER 07, 2011 AS 2011-1006655 OF OFFICIAL RECORDS AND SHOWN ON THE PLAT OF SAID CONDOMINIUM RECORDED AS BOOK 1098 OF MAPS, PAGE 40, IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA.

TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS AS SET FORTH IN SAID DECLARATION.

Unofficial Document

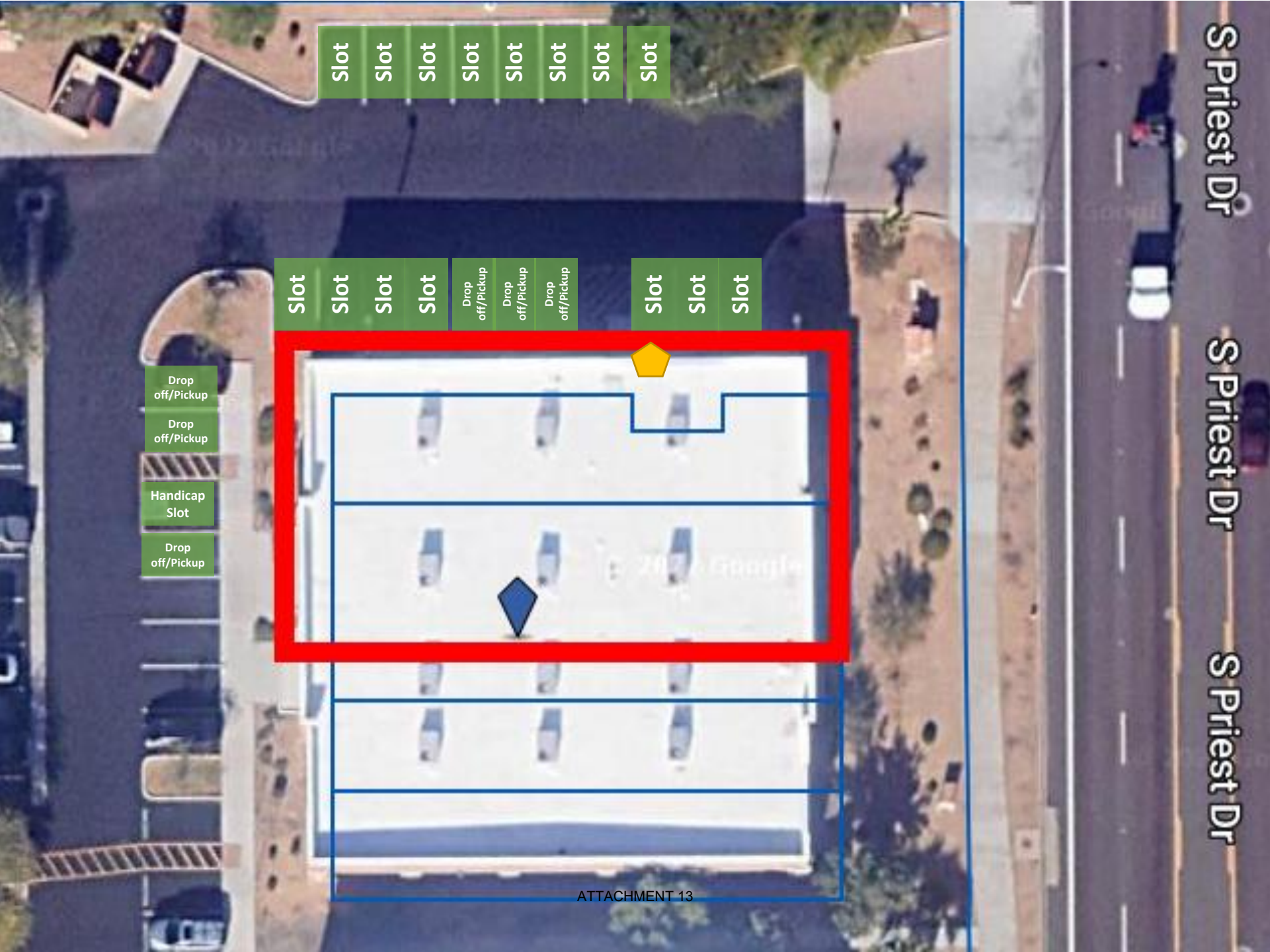
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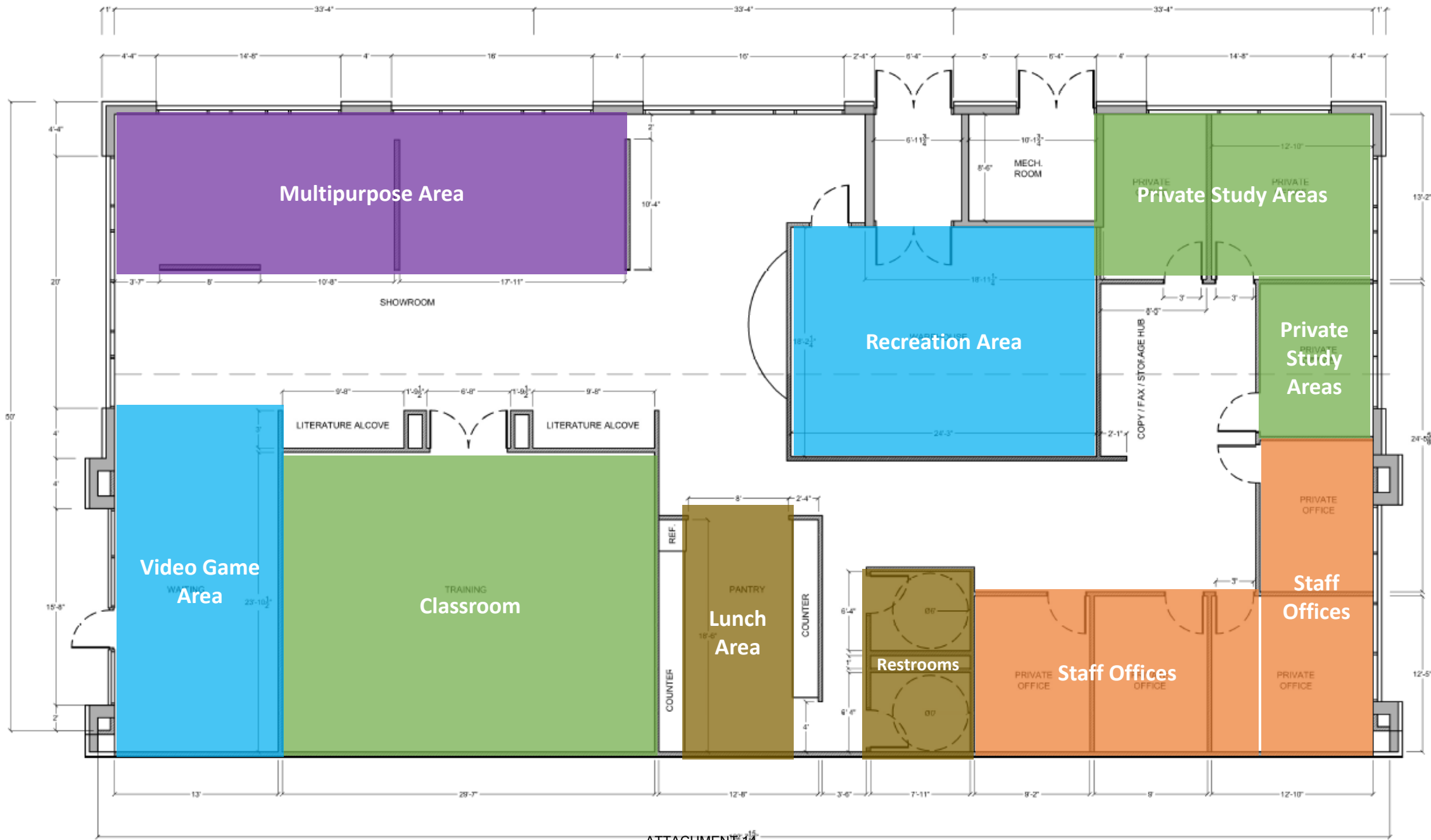
Traffic Flow



- Pickup and Drop off will be located on the west and north sides of building.
- 3 parking spaces will be designated each.
- Traffic flow will not be restricted to exit only for anyone outside of our school. Our parents will be educated to abide by the traffic flow.
- Equal distribution of traffic for each drop off and pick up location will be worked out with parents.
- The school is open to any flow of traffic the city feels is best. We are willing to do whatever is best, safest, with the least amount of hinderance to businesses and customers nearby.
- There will be 1 instructor outside directing traffic.

Parking Slots & Pickup and Drop off





ATTACHMENT 14

SCALE = 1/8" = 1' 0"

