

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 4/28/2020
Agenda Item: 6**

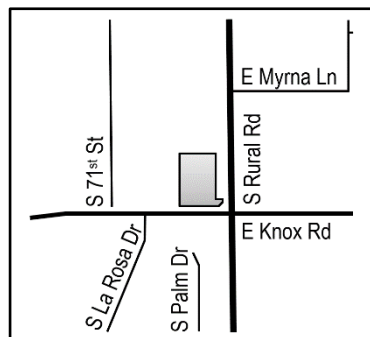
ACTION: Request a Use Permit to allow an instructional school (life skills for cognitively disabled individuals) for TRANSITIONS TALLY HO FARMS, located at 850 East Knox Road. The applicant is Ramirez Architects.

FISCAL IMPACT: N/A

RECOMMENDATION: Deny, (conditions of approval shall apply if affirmative approval action is taken)

BACKGROUND INFORMATION: TRANSITIONS TALLY HO FARMS (PL200042) is proposing to operate an instructional school for developmentally disabled adults on Lot 13 of the Tally Ho Farms subdivision, located on the northwest corner of East Knox Road and South Rural Road in the AG, Agricultural District. The school will operate within the existing 3,610 square-foot single-family residence and the van fleet will be parked in the 3,350 square-foot detached garage. A separate surface parking area for employees and visitors is proposed behind the garage, adjacent to the required street side yard. This request was originally scheduled to be heard at the March 24, 2020 Development Review Commission; however, due to the COVID-19 global pandemic, the hearing was postponed to April 28, 2020. The request includes the following:

ZUP200009 Use Permit to allow an instructional school (life skills for cognitively disabled individuals) in the AG, Agricultural District.



Property Owner / Operator	Dennis Karp, Transitions
Applicant	Art Ramirez, Ramirez Architects
Zoning District	AG
Site Area	62,732 s.f. (1.44 ac)
Building Area	6,960 s.f.
Lot Coverage	11% (25% max. required)
Landscape Coverage	71% (No Standard)
Building Height	17'-0" (30'-0" max. allowed)
Building Setbacks	35' front, 20' side, 12' street side, 183' rear, 25' parking (35', 20', 12', 35', 25' min. required)
Vehicle Parking	17 spaces (14 min. required)
Bicycle Parking	8 spaces (8 min. required)
School Hours	8:30 a.m. to 3:30 p.m., M-F
Building Code Occupancy Current	R-3 (Residential)
Building Code Occupancy Proposed	B (Business)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486 or Lee_Jimenez@tempe.gov

Department Director: Chad Weaver, Community Development Director
 Legal review by: N/A
 Prepared by: Lee Jimenez, Senior Planner
 Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The operator, Transitions for the Developmentally Disabled, is a state licensed agency that provides instructional and care-giving services to cognitively disabled individuals with disorders such as autism, cognitive disabilities, epileptic seizures, and cerebral palsy. Their clientele consists of individuals who have graduated high school special education but do not have the necessary skills to be employed at a job full-time. The school offers these individuals a place to learn social, emotional, and daily living skills while interacting with their peers to learn about and participate in their community. Per the State of Arizona's Division of Developmental Disabilities, the maximum staff to student ratio is two (2) staff for every nine (9) special needs individual. Transitions plans to have six (6) to eight (8) staff and two (2) supervisors working at the site.

PUBLIC INPUT

A neighborhood meeting is not required for the requested entitlement. As of the publishing of this summary report, staff has received four (4) public inquiries, forty-one (41) comments in support, and twenty-four (24) comments in opposition. The inquiries received questioned if the proposed use is even allowed in the AG zoning district. The inquirers also identified a Tally Ho South Deed of Restrictions from 1964, and a Development Agreement for Tally-Ho (South) from when the subdivision was annexed into the City in 1993. The deed of restrictions is not within the City's purview since it is considered a private contractual matter between the owners of the properties in Tally-Ho South; therefore, it is not enforceable by the City. Those in support shared positive experiences with the facility and its mission; however, only four (4) comments are from the vicinity. Those in opposition are concerned about the operation's compatibility with adjacent residential uses, and the precedence that may be set for future commercial uses in Tally Ho Farms South should the use permit be approved. All comments in opposition are from the neighborhood. In fact, Zeitlen & Zeitlen, P.C., whom represents some property owners of Tally Ho Farms South, is prepared to enforce the recorded Declaration of Restrictions which restricts the use of the property to single family residential property. They request that the City not process planning entitlement applications that require a Court's determination of recorded restrictions. In spite of Zeitlen & Zeitlen's request, staff processes entitlement applications without specific regard to assertions of private party agreements being violated.

USE PERMIT

The proposed use requires a Use Permit to allow an instructional school in the AG zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is expected to generate more vehicular and pedestrian traffic than a single-family use, but less than other trip generators located within the vicinity such as Arizona Community Church, Arizona Christian Academy, Corona Del Sol High School, and Kyrene de la Mariposa Elementary School. While the special needs students will not be driving to the school, the number of trips created by the transporting of students by company van and commuting employees will surpass typical levels of single-family uses. Site ingress and egress from Knox Road will not impact the adjacent Tally Ho Subdivision since South 71st Street terminates at East Knox Road. Nevertheless, the proposed use will increase traffic levels beyond what is typically generated by the existing and adjacent single-family uses.
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 proposed use is not expected to generate emissions significantly greater than ambient conditions given the fact that the site is located at the intersection of a major arterial and collector street. However, any planned outdoor activity is expected to generate more noise than what exists today. Nevertheless, the operator is required by Code to provide a land use buffer between adjacent single-family uses along the western and northern property lines which will consist of an 8'-0" high masonry wall and a 6'-0" wide landscape area with trees planted 20'-0" on-center. Alternative wall/fencing types, heights, materials, and finishes may be used subject to the preference of each adjacent property owner(s).
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 proposed use is not expected to downgrade property values nor conflict with the goals, objectives or policies of the City adopted Corona South Tempe Character Area Plan and the Tempe General Plan 2040. The proposed use will repurpose a single-family home located on an intersection of a major arterial and collector street that has experienced ownership turn-over on multiple occasions within the past 10 years.

Furthermore, the proposed use is permitted in the AG District subject to a use permit which is consistent with the designated residential land use of the General Plan 2040.

4. *Compatibility with existing surrounding structures and uses;* exterior changes to the site include the installation of land use buffers along the west and north property lines, and the employee and visitor parking lot, located behind the home and garage, setback 25'-0" from South Rural Road. The existing single-family home and garage will remain unaltered. The proposed use is compatible with the church, learning academy, and high school located across Rural Road while a land use buffer will be provided between the adjacent single-family uses along the west and north property lines to provide sound mitigation. The adjacent neighbors are concerned about the required land use buffers which will make the site look commercial-like and not in character with the rest of Tally Ho Farms South.
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 combination of a) being located on an intersection of a major arterial and collector street, b) being located on a 1.44 acre lot with generous minimum building setbacks, c) providing land use buffers, and d) the nature of an instructional school for adults with special needs, reduces the potential for disruptive behavior that would otherwise create a nuisance to the surrounding area and general public.

REASONS FOR DENIAL:

Based on the information provided by the applicant, the public input received, and the above analysis, staff does not support approval of the requested Use Permit. The request does not fully meet required criteria #1 and #4. Furthermore, numerous property owners of Tally Ho Farms South, including all three (3) adjacent property owners, are concerned about the introduction of a commercial use to Tally Ho South Farms and the impact that it will have to the character of the neighborhood.

SHOULD AN AFFIRMATIVE APPROVAL 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. The Use Permit is valid only after a Building Permit has 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. Minor modifications may be reviewed through the building permit plan check process; major modifications will require a new Use Permit.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
4. **Typical hours of operation shall be limited to Monday through Saturday from 7 a.m. to 5 p.m. with occasional extended evening hours until 8 p.m. for life skill classes (maximum of two (2) occurrences per week).**
5. **The maximum number of on-site clients and staff shall be limited to thirty-six (36) clients and ten (10) staff; total number of clients and staff shall not exceed occupant load per final certificate(s) of occupancy.**
6. **To reduce impacts regarding visual, sound, privacy and/or glare to and from the proposed use, the operator shall provide the following:**
 - a. **A land use buffer consisting of a minimum 8'-0" high masonry or concrete wall and a landscape screen at least 6'-0" clear in width with trees (of the non-deciduous variety) provided with a maximum spacing of 20'-0" on-center shall be provided along the west and north property lines. Subject to each adjacent property owner, alternative heights and types of walls/fencing along with additional plant materials such as hedges and/or shrubs may be substituted in lieu of masonry or concrete wall requirement. Details to be approved through building safety plan check review.**

- b. **Parking lot surface consisting of a stabilized, dust-proof, porous material (e.g. decomposed granite); no concrete or asphalt.**
 - c. **Parking lot lighting shall consist of full cutoff light fixtures with a combination of switches consisting of photocell, timer, and motion-detection.**
7. **Life skill overnights are permitted once a month from Saturday evening through Sunday morning.**
 8. **The operator vehicle fleet shall be parked and stored within the garage, outside of operating hours and days.**
 9. **No signs shall be permitted.**
 10. **Return to the appropriate decision-making body for review of compliance with conditions of approval within six (6) months. The timing for the six-month review period to commence begins when the business is in full operation. Advise Community Development staff in writing when in full business operation.**

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 Transitions Tally Ho Farms and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- 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.
- 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.

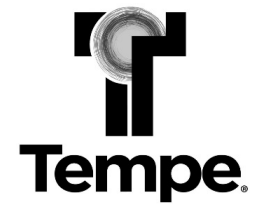
HISTORY & FACTS:

- March 13, 1996 City Council approved the annexation of Tally-Ho Farms Subdivision (Ordinance No. 93-02).
- December 29, 2003 Board of Adjustment approved the following for the EDEL RESIDENCE (BA030268), located at 850 East Knox Road in the AG, Agricultural District:
 - a. Variance to reduce the east side yard setback from 20 feet to 12 feet.
 - b. Variance to reduce the front yard setback from 40 feet to 35 feet.
 - c. Variance to allow a detached accessory building to be located in the front half of the lot.
- June 14, 2019 Building Safety Division expired out the building permit for group home (6-10 occupants) due to a lack of required inspections for SEMPERCARE TALLY HO FARMS (BP171887), located at 850 East Knox Road.
- March 24, 2020 Development Review Commission public hearing is postponed to April 28, 2020.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-102 Permitted Uses in Residential Districts

Section 6-308 Use Permit



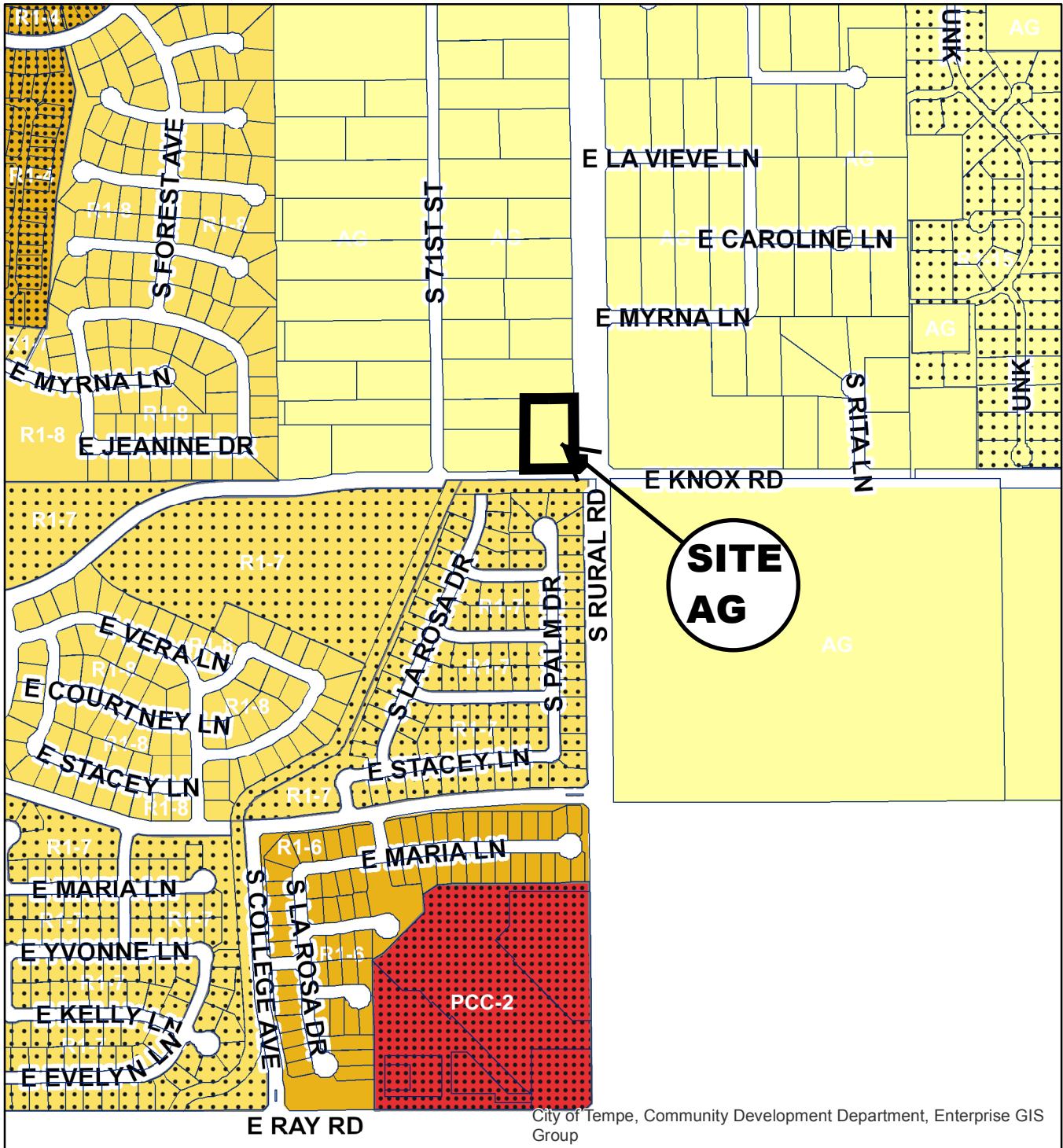
DEVELOPMENT PROJECT FILE
for
TRANSITIONS TALLY HO FARMS
(PL200042)

ATTACHMENTS:








1. Location Map
2. Aerial
- 3-7. Letter of Explanation
8. Site Plan
- 9-10. Floor Plans
- 11-18. Site Context Photos
- 19-124. Public Input Received (as of 11:59pm on 4/20/20)

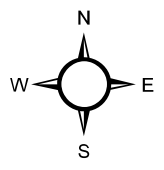
850 EAST KNOX ROAD

PL200042



City of Tempe, Community Development Department, Enterprise GIS Group

-  Planned Commercial Center General (PCC-2)
-  Single-Family Residential (R1-7)
-  Agricultural (AG)
-  Single-Family Residential (R1-6)
-  Single-Family Residential (R1-15)
-  Single-Family Residential (R1-4)
-  Single-Family Residential (R1-8)

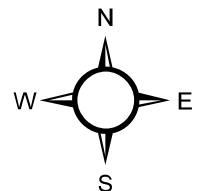


850 EAST KNOX ROAD

PL200042



Aerial Map





Letter of Explanation for Use Permit at 850 East Knox Road

TRANSITIONS FOR THE DEVELOPMENTALLY DISABLED

TRANSITIONS for the Developmentally Disabled is a State of Arizona Department of Economic Security/Division of Developmentally Disabled licensed agency that provides instructional and care-giving services to cognitively disabled individuals (www.TransitionsAZ.org). For the past 15 years TRANSITIONS has been providing Instructional Programs, Assisted-Living Residences, Habilitation, Attendant Care, and Respite services Valley Wide.

TRANSITIONS Instructional Programs are dedicated to working exclusively with individuals with Special Needs - Autism, Cognitive Disabilities, Epileptic Seizures and Cerebral Palsy. Our clientele are individuals who have graduated High School Special Education yet do not have the necessary skills to be employed at a job full time. We offer them a place to learn social, emotional and daily living skills and interact with their peers to learn about and participate in our community.

TRANSITIONS currently has 2 Instructional Programs located in Tempe on property that we lease: **McClintock Farm** has been operating for 11 years and is located at 8150 S. McClintock Drive, Tempe in an AG Zoned residential house. The **Delta Center** has been operating for 10 years and is located at 206 W. Julie Drive, Tempe in an I-2 zoned commercial building. Our students attend our programs Monday – Friday from 8:30am to 3:30pm.

TRANSITIONS would like to open a Special Needs Instructional Facility at 850 E. Knox, Tempe. Our intention is to combine both of the programs we currently operate in Tempe and move them to 850 E. Knox Road.

LIFE IN THE COMMUNITY

One of TRANSITIONS primary missions in working with developmentally disabled adults at our State of Arizona DES/Division of Developmental Disabilities *Day Treatment & Training, Adult* programs (DTA's) is including them in the local community. Community inclusion is the belief that people of EVERY ability should have the right to contribute to, and be a part of, their community. Through education and exposure to new experiences in the community, our Special Needs individuals can attain a higher sense of self-esteem, a richer quality of life, build relationships with the people around them, and feel accepted in the world.

Our program at Tally Ho Farm in Tempe makes it easy for our participants to stay involved in the Tempe community. Tempe offers an inclusion-rich environment that TRANSITIONS' DTA's have taken full advantage of. Whether it's a visit to Kiwanis Park, to City of Tempe Fire Stations, Tempe Town Lake, Arizona Mills Mall, volunteering at Elderly Assisted-Living Facilities, Tempe Beach Park, or riding the Light Rail to Downtown Tempe, our supervised groups are able to learn about life and experience kindness, respect, acceptance and friendship in the Tempe community.

Inclusion doesn't only benefit the disabled individuals, it benefits the community as well. Our Special Needs enrich lives and put smiles on faces everywhere they go in the community. Community inclusion is essential for general population to learn about and accept those with Special Needs. If you've ever come across our groups on an outing experiencing life in Tempe, you know that our DTA's make Tempe a better place to live.

Our connection to Tempe is strong. Currently, 5 DTA attendees live with their families in Tempe. Many of our DTA attendees graduated from Corona Del Sol High School across the street from Tally Ho Farms. Many members of our student's families work and have strong ties to Tempe with our 2 DTA's, as well as the owner's purchase of 850 E. Knox Road. Being part of the Tempe community as part of their DTA for over 10 years have given our members strong ties to the City.

Inclusion of those with developmental disabilities in our community is not only necessary for quality of life, it is mandated by federal and state law. The Federal "Developmental Disabilities Assistance and Bill of Rights Act of 2000" states that *"All people, regardless of disability, deserve the opportunity for a full life in their community where they can live, learn, work, and play alongside each other through all stages of life.* People with intellectual and/or developmental disabilities¹ (I/DD) need varying degrees of support to reach personal goals and establish a sense of satisfaction with their lives." State of Arizona has numerous policies that prioritize empowering individuals with developmental disabilities to lead self-directed, healthy and meaningful lives through inclusion in the community.

By interaction with individuals who are intellectually disabled, the community is helping someone with special needs to conquer the daily challenges life can throw their way. As they grow older, inclusion in the community can help these individuals find their place in the world.

"Commercial" vs. "AG" Residential Property

TRANSITIONS currently operates the Delta Center DTA in a commercial setting and McClintock Farm in an AG zoned residence. Our participants LOVE the McClintock Farms DTA. It is a super-rich learning environment. With protected, open grassy areas, an organic garden, trees, chickens, rabbits and a couple pygmy goats, "The Farm" is a setting that's alive. The house and classrooms have a natural "at home" feel that our Special Needs students can relate to and feel comfortable in. Caring for the garden and animals gives them a sense of purpose, self-importance, and makes them want to come to the DTA each and every day. The population we serve is very sensitive to noise and a DTA in a residence is a quiet place to be and learn. There is something about being close to nature that makes our population happy and at peace. When potential new participants tour both our DTA's in Tempe, they almost always choose McClintock Farms.

The Delta Center, by comparison, is in a commercial area. It is a more sterile and less colorful environment. There are more cars, noise, and people around and our participants don't have the same safety, freedom, or desire to go outside. Though we make it as comfortable and learning-rich for our participants as possible, it doesn't compare to the uplifting feeling of the Farm. The environment doesn't promote as much socialization because participants are more confined to their classrooms and common areas.

The difference these two settings have on our students is clear. The Farm is where our participants are happiest, more social, and are better able to learn more about themselves and the world. That is why we want to move our DTAs to Tally Ho Farms.

850 E. KNOX ROAD

TRANSITIONS purchased the residence at 850 E. Knox Road, Tempe to open a DTA Instructional Facility. We plan on having 32 Special Needs students attend the program at Tally Ho Farms. Our general hours of operation will be from 8:30 am to 3:30 pm Monday to Saturday with occasional evening life skill classes to 8:00 pm. There will not be anyone living on the property and we will not have any overnights there.

The property has a total of 67,732 sf with a Single Family residence on site that is 3,610 sf, 7 bedrooms and 4 baths. A detached garage is 3,350 sf with an attached Guest Room that is approximately 536 sf. The property also has a covered car port between the house and garage. Extensive interior remodel work has already been done on this property by the former owner, Semper Care Tally Ho Farms, for the purpose of getting a Group Home Use Permit on the property.

The intent is to leave the existing exterior property unchanged. This existing structure is typical in design to the existing residential homes in the Tally Home Farms subdivision. The compatibility with the existing surrounding structures and uses will be maintained. There is absolutely no nuisance arising from the emission of odor, dust, gas noise, vibration, smoke, heat or glare at any level exceeding that of ambient local conditions.

The site improvements made and currently planned will increase the property value of this facility and to the surrounding neighborhood. The improvements made to the property are in conformance with the goals, objectives and policies of the City's adopted General Plan.

VEHICLE FLOW

One of the reasons TRANSITIONS picked this location is because it provides safe and easy vehicle entry and exit from the property. The driveway is not on the fast-moving Rural Road side of the property, but on the first driveway on Knox Road with a dedicated turn-lane to access that driveway. No additional vehicular or pedestrian traffic will flow into the Tally Ho Farms subdivision. With our proposed parking area in the back, vehicles entering and exiting the property will not have to "back out" of the driveway onto Knox Road, but will have plenty of room to turn around and drive forward out of the driveway.

Our Special Needs students do not drive nor own cars. TRANSITIONS transports our students to the site and home with 2 vans we own. The only cars that will be parked on our property are that of 5-7 staff. Their cars will remain on the property all day until their shift is over. Only the 2 vans will enter and exit the driveway during the day.

There are only 2 other residents in the Tally Ho Farms subdivision that access their property by car from Knox Road; everyone else accesses their property from the Warner Road side of the subdivision.

Across the street from our property on Knox is a block wall that conceals the backside of the houses on the opposite side of the street, so we don't anticipate traffic concerns with neighbors on the south side of the street. Corona High School and a Church are right across the street on the east side of Rural Road.

SEPARATE GARAGE STRUCTURE FOR COMPANY VANS

TRANSITIONS 2 vans will pick up individuals at their homes, transport them to the facility, and transport them home after the program is over. These vans are also used to transport our Special Needs individuals out into the

community and to planned activities. Vans will be parked and stored inside the 3,350 sf garage, which has 4 “roll up” doors to enter and exit the structure. The storage and parking of the vans will not be visible from the street.

There is plenty of room to turn around in the garage structure so there will be no “backing up” through the roll up doors or out onto the street. Since the vans will be parked and stored in the garage, we do not need extra parking spaces for them in the outdoor parking area.

OUTDOOR PARKING AREA FOR EMPLOYEES

A separate parking area will be provided to employees and visitors to park their vehicles outside of the garage. TRANSITIONS will create a separate parking area for employees and visitors to park (1) ADA parking stall and 16 vehicles per the site plan. Employee vehicles will enter the driveway and drive straight through a two-way covered “car port” to a parking lot directly behind the garage. Vehicles will have plenty of room to park, turn around and exit through the other side of the covered car port and drive straight onto Knox Road.

TRANSITIONS plans to cover the parking area in a stabilized, dust-proof, porous material (e.g. decomposed granite) for dirt mitigation. All 16 parking spaces will be adequately marked and the paved area will be properly drained and kept free from dust or loose particles at all times. Per the City of Tempe ZDC 4-706, this on-site parking area adjacent to streets will be screened from street view by a screen wall, existing trees and a large set back from Rural Road. Refer to the existing landscape buffer in the site plan aerials. There is ample clear vision in and around the parking area per ZDC 4-702(G). The minimum number of accessible parking spaces shall conform to ADA requirements per parking regulations.

NUMBER OF PARKING SPACES

Since none of our students drive and our vans will be parked and stored in the garage, we only need parking for on-site staff and the occasional visitor.

TRANSITIONS requires parking for 6 Staff that will teach and supervise 27 Special Needs students, as well as 1-2 Supervisors. The State of Arizona’s Division of Developmental Disabilities has strict requirements for the number of Staff versus the number of Special Needs Members and that ratio is 1 Staff for every 4.5 Special Needs members (1:4.5). Note that the 1 to 4½ ratio is not a typo. It is so 9 individuals can be with 2 staff. With 27 students, we need 6 staff. We will also have 2 Supervisors that will manage and run the facility for a total of 8 employees working at the site.

Our students are closely supervised at the DTA. With 1 trained and experienced staff member for every 4.5 special needs members, the adequate control of disruptive behavior both inside and outside the premises is a nonissue. TRANSITIONS will not create any nuisance to the surrounding area or the general public.

TRANSITIONS is indicating a parking lot with 16 standard parking spaces at an area just north of the garage and (1) ADA accessible parking space next to the building’s secondary entrance.

The facility consists of 6 original bedrooms and where each of the instructional rooms will be approximately 1,015 SF. Instructional activities will occur in in each of the original bedrooms while the rest of the main house will be common areas for group activities, dining, entertainment, storage, etc. The Guest Room that is part of the garage is where the office will be located (536 total sf). Though there is a total of 3,610 sf of livable space on the property, only 1,551 sf will be for instructional areas and offices.

TRANSITIONS will utilize the original bedrooms as instructional areas. The Guest Room in the Garage will be used as an office and all other space will be used as common areas. With a new parking area for 16 vehicles, a garage for our 2 vans along with (1) ADA accessible parking spot we have met the parking requirement for this facility.

PARKING AREA DIMENSIONS

Per the attached site plan the parking area will be approximately 4,080 sf and located on the north side of the garage. Per Section 4-606 - Parking Area Dimensions the parking spaces will be 90 Degrees with a one-way aisle width of 24', and 18' stalls.

LANDSCAPE BUFFER

Per the attached combination site plan / Google aerial of 850 E. Knox and the Tax Information aerial, there are existing landscape/land use buffers around the perimeter of the property, especially in the south (front) and sides (East-West) of the property. TRANSITIONS will plant more trees on the northern side of the property for our own privacy as well as for the privacy of our neighbor. Currently there are 3 trees spaced out on the north side. We plan on planting an additional 2 trees for full landscape buffer coverage.

CONCLUSION

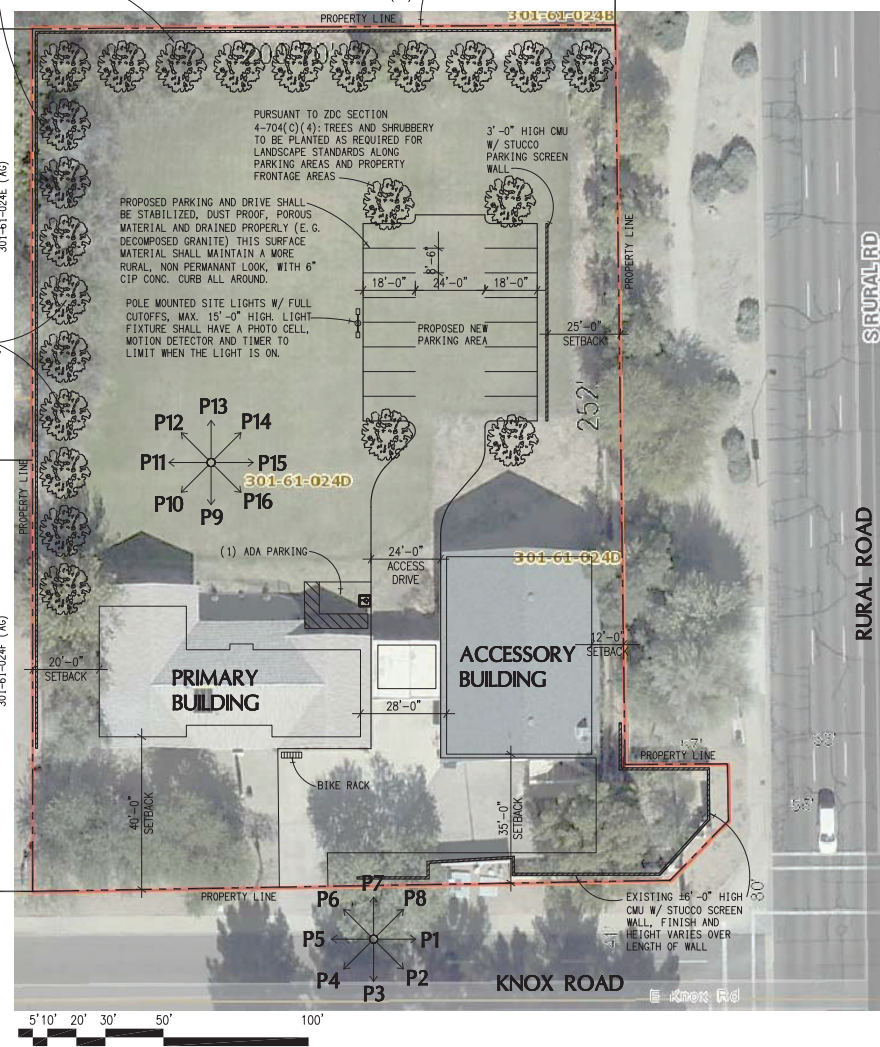
For the past 11 years, TRANSITIONS DTA's have called Tempe home. Our DTA's have an important role in the Tempe community and the Tempe community has an important role in the lives of our individuals. Our individuals would miss Tempe as much as the Tempe community, organizations, and businesses would miss us.

Our greatest wish is have a DTA at Tally Ho Farms and continue to call Tempe home.

8'-0" HIGH CMU SCREEN WALL AT PROPERTY LINE. FINISH TO COMPLEMENT STRUCTURES.
OPTION: 6'-0" TALL STRAIGHT WROUGHT IRON FENCE WITH SHRUBS AND TREES. PER ZDC SECTION 4-704(C)(4)

NON-DECIDUOUS TREES AT 20'-0" O.C. ALONG PROPERTY LINE

PLEASE NOTE: APPROXIMATELY ON 3/2/2020, A NEW CHAIN LINK FENCE WAS INSTALLED ALONG THE NORTH PROPERTY LINE AND PAID FOR EQUALLY BY THE NORTH PROPERTY OWNER AND TRANSITIONS. THE PROPERTY OWNER NORTH OF THE TRANSITIONS PROPERTY IS HAPPY WITH THIS FENCE.



NO EXTERIOR MODIFICATIONS PLANNED. THE EXISTING HOME IS IN CONFORMANCE AND STYLE OF A TYPICAL HOME IN TALLY HO FARMS.

NO SIGNAGE IDENTIFYING "TRANSITIONS" WILL BE INSTALLED.

REFERENCE SITE PLAN (AERIAL)
SCALE: 1"=20'-0"

PROJECT DATA

ARCHITECT: Ramirez Architects
3020 North Central Avenue
Suite 120
Phoenix, Arizona 85004
TRANSITIONS
850 East Knox Road
Tempe, Arizona 85284

TENANT:

PROJECT INFO.

OWNER: Transitions
ARCHITECT: Ramirez Architects
EXPLANATORY TITLE: Use Permit for an educational development facility for developmentally disabled adults.
PROJECT ADDRESS: 850 East Knox Road
Tempe, Arizona 85284

PARCEL NUMBER: 301-61-024D
CONSTRUCTION TYPE: TYPE V8
ZONE: AG

CURRENT OCCUPANCY TYPE: R3 (Residential)
PROPOSED FUTURE OCCUPANCY TYPE: B (Business)

LOT AREA: 62,732 S.F. (1.55 Acres)
LOT COVERAGE: Building: 6,960 s.f. (11%)
Paving: 11,025 s.f. (18%)
Landscape: 44,747 s.f. (71%)

MAX. BUILDING HEIGHT: 30' Max.
EXIST. BUILDING HEIGHT: 17'

BUILDING AREA: Primary Building (Occ.): 3,610 s.f.
Garage Building (Occ.): 3,350 s.f.
Covered Porch: 811 s.f.
Total Under Roof: 7,771 s.f.
Total Occupiable (Occ.): 6,960 s.f.

OCCUPANT LOAD: Primary Bldg (B): 1/150 s.f.
3,610 s.f. / 150 = 24 Occupants
Accessory Bldg (B): 1/150 s.f.
336 s.f. / 150 = 2 Occupants
Total (B) occ: 4,146 s.f. = 28 Occupants

REQUIRED EXITS: (2) Required at each Building
(3) Provided at Primary Building
(3) Provided at Accessory Building

FIRE SPRINKLERS: Yes

FIRE ALARMS: Yes, Where Required

EMERGENCY LIGHTING: Yes, Where Required

SEISMIC ZONE: Section 1627 as amended

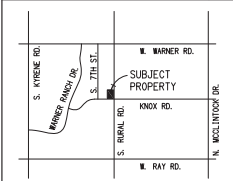
PARKING REQUIRED: 300 s.f. / Parking Space
3,610 s.f. / 300 = 14 P.S. Req'd

PARKING PROVIDED: 16 Standard Parking Spaces Proposed
1 ADA Accessible Parking Space
17 p.s. Total

VAN FLEET PARKING: THE ACCESSORY BUILDING (GARAGE) HAS SPACE FOR (5) STANDARD SIZE VANS, EACH VAN SHALL OCCUPY A 8'-6" WIDE x 22'-0" LONG PARKING SPACE.

BICYCLE PARKING: 1/500 s.f. / Bicycle Space
3,610 s.f. / 500 = 8 P.S. Req'd
(1) Rack / (8) Bicycles

VICINITY MAP



RAMIREZ ARCHITECTS

TRANSITIONS
850 East Knox Road
Tempe, Arizona 85284

Date	Description

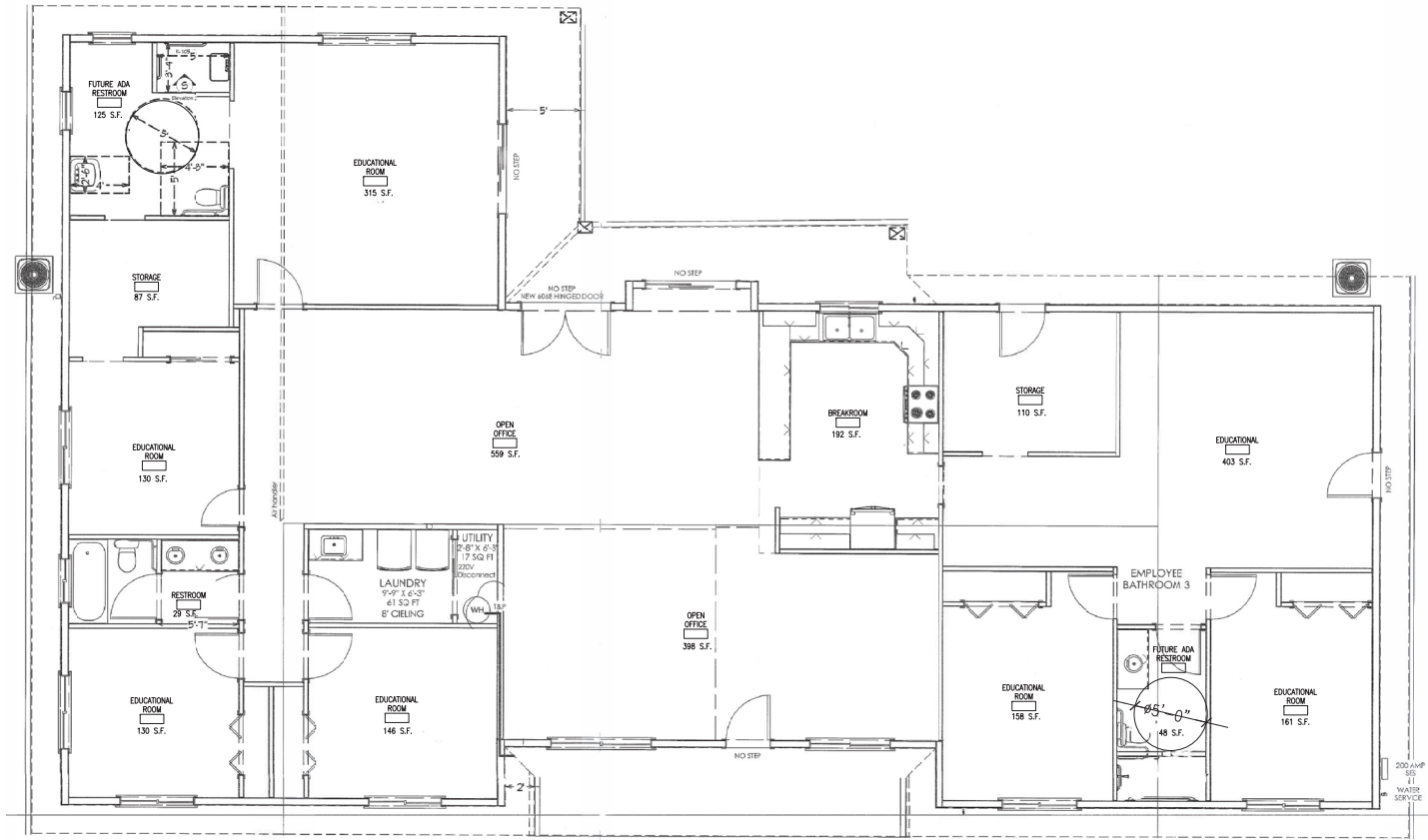
Scale	Drawn By	Date Drawn	Checked By
1"=20'-0"	PWR	2/17/20	AR

Project Description
TRANSITIONS for the Developmentally Disabled

REFERENCE SITE PLAN

Proj. No. #####.###
Date 02/17/20

Sheet No. **A0.1**



REFERENCE PRIMARY BUILDING FLOOR PLAN

SCALE: 1/4"=1'-0"



RAMIREZ ARCHITECTS

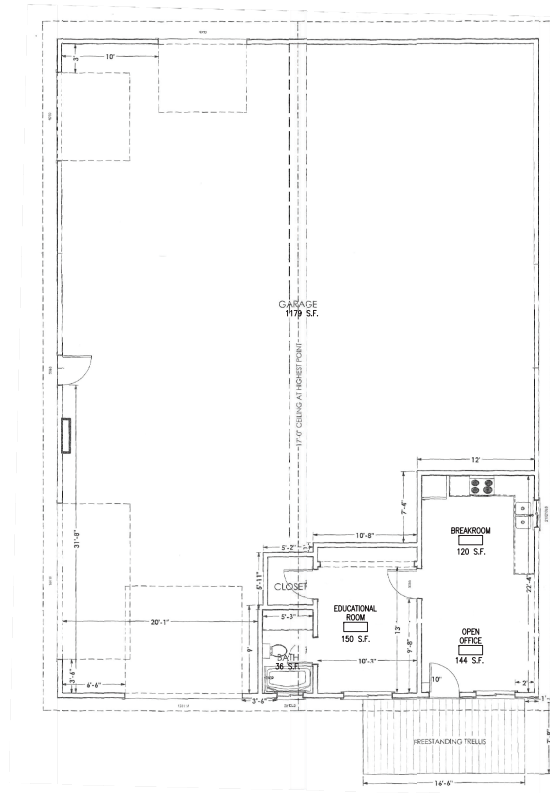
TRANSITIONS
850 East Knox Road
Tempe, Arizona 85284

Revisions	Date	Description

Scale	1/4"=1'-0"	Drawn By	PWR	Date Drawn	2/17/20	Checked By	AR
Project Description	TRANSITIONS for the Developmentally Disabled						
REFERENCE PRIMARY BUILDING FLOOR PLAN							

Proj. No.	#####
Date	02/17/20

Sheet No. **A1.0**



REFERENCE ACCESSORY BUILDING FLOOR PLAN (GARAGE)

SCALE: 1/4"=1'-0"



RAMIREZ ARCHITECTS

TRANSITIONS
 850 East Knox Road
 Tempe, Arizona 85284

Revisions	Date	Description

Scale	Drawn By	Date Drawn	Checked By
1/4"=1'-0"	PWR	2/17/20	AR

Project Description
TRANSITIONS for the Developmentally Disabled
 REFERENCE ACCESSORY BUILDING FLOOR PLAN (GARAGE)

Proj. No.	Date
#####	02/17/20

Sheet No.
A1.1

**CONTEXT PHOTOS FOR PROPERTY @ :
850 EAST KNOX ROAD TEMPE, ARIZONA 85284**

















Todd Stevens
Stevens Holdings LLP
13001 South 71st Street – APN# 301-61-024 H
13019 South 71st Street – APN# 301-61-024 B
Tempe, Arizona 85284

February 14, 2020

Re: Transitions for the Developmentally Disabled
Pamela and Dennis Karp
850 East Knox Road
Tempe, Arizona 85284

To Whom It May Concern,

I own and reside in property adjacent Pamela and Dennis Karp, Transitions for the Developmentally Disabled, 850 East Knox Road, Tempe, Arizona

I support their mission and feel their proposed use of the property located on Knox Road is appropriate and a welcome addition to the neighborhood.

Please feel free to contact me if any additional information is needed.

Sincerely,



Todd Stevens


tstevens@encantahomes.com

Jimenez, Lee

From: Debbie Keller <dkellerpublicity@aol.com>
Sent: Wednesday, March 11, 2020 12:10 PM
To: Jimenez, Lee
Subject: Transitions Tally Ho Farms (PL200042)

Hi Lee,

This Debbie Keller Neighborhood Association lead for Tally Ho Farms South. I know you have a couple of my neighbors inquire about the Transitions school at Knox & Rural.

I don't want to gobble up your valuable time but I have several of my neighbors coming to me with all kinds of questions.

I lived here at Tally Ho Farms for 40 years and have been the Neighborhood Association lead since our NA was created with the City. I work with Shawna and Elizabeth in Neighborhood Service, Dean Miller in planning and Shawn Thompson in Landscape Maintenance .

Over the years we have had to face everything from people buying lots in our subdivision to build apartments to commercial prospects. I'm happy to say it doesn't happen that often. Here we are again with Transitions. I met with the owners yesterday. They told me they bought the house with no intention of ever living in it. They bought the house to consolidate their other two schools into the one on Knox. They told me their business hours would be 8:00 - 3:30 M-F. Outside of that the house would be empty. We have several large lots up for grabs and my concern is allowing this to happen would open the door for other problems down the road.

I plan to be at the meeting on the 24th. Can the meeting be postponed or does it have happen on the 24th? My other question is, would the City council except a petition signed by everyone on my street, or do they all have to appear at the meeting? My neighbor Todd Stevens told me last night that he wished he would have looked at the situation a little closer before he wrote the letter saying it was okay with him. Can he reverse his stance even though he wrote the letter?

I know what happens on this street when things like this happen. My goal is to get the correct information out to my neighbors and let them make up their minds without everyone driving you crazy.

Feel free to contact me via e-mail or my cell at 602-714-7060.

With appreciation,
Debbie Keller

Jimenez, Lee

From: Jack Hodgson <jackhodgson@cox.net>
Sent: Monday, March 16, 2020 1:05 PM
To: Jimenez, Lee
Cc: 'Dennis'
Subject: Transitions Tally Ho Farms PL200042

Dear Mr. Jimenez:

As a resident of Tally Ho Farms I am interested in attending the Development Review Commission hearing on March, 24th. In view of all the cancellations occurring due to the virus I was wondering if this hearing will be delayed.

Rgs.,

Jack Hodgson

██████████ S. 71st St.

Tempe, AZ 85284

Cell # ██████████

Jimenez, Lee

From: Dennis Cling <dcmc1202@cox.net>
Sent: Monday, March 16, 2020 9:52 AM
To: Jimenez, Lee
Subject: Case # PL200042, Transitions Tally Ho Farms

Good morning Lee,
Coronavirus:

With so many things closing or shutting down in Tempe we are wondering if the Public Hearing use permit is on schedule or will it be rescheduled to a future date? One reason we are asking is because some of our older residents are older from ages 65 to 85 that would like to be at the meeting. They do not want to go in public do to coronavirus. Please take this into consideration & maybe reschedule.

Thank you,
Dennis Cling
[REDACTED] S. 71st ST

March 17, 2020

Dear Tempe Development Review Commission-

My name is Patti Mamalis. I am a long time Tempe resident, a retired, after twenty seven years, Tempe Elementary School teacher, and the mother of Benjamin Pompa, a 28 year old adult that has down syndrome. I am writing this letter to you to request very serious consideration to allow 850 E Knox Rd in Tempe to be the location of Transitions DTA.

My son, Ben has attended this program since 2012 when he graduated from high school. Finding the appropriate match for a DTA program and my son's abilities, personality, and skill level was one of the hardest things as a parent that I have ever done. I interviewed many directors, took tours of several different sites, dissected the programs they offered, and really took a hard look at all of my options. Then I found Transitions for the Disabled and I knew right then and there this was the place for Ben to go to as an adult with a disability.

The staff are a group of the nicest, most knowledgeable, capable adults that I have ever met. They meet the needs of each client/member and treat them all with the utmost respect and dignity that they deserve. Genuine, caring, understanding and excellence is exhibited by all staff at all times.

The program is amazing and cannot be compared to any other program like this. There truly are no comparisons. Believe me I tried to compare many other programs to Transitions for the Disabled and couldn't do it. From individual client goals to group outings, to social skills, to life skills, to self help skills, to house duties and even farm duties the learning in a small group setting is outstanding. Ben was very depressed in high school and just kind of going through the motions. Once he got involved in this program he blossomed and once again let his light shine.

The setting- a house specifically the house on 850 E Knox has seven rooms that provide the perfect place for small groups with a leader and very directed learning. There is also room for whole group activities which create bonding with the other members and clients. A home environment is

perfect to instill safety. It makes for a comfortable setting where learning is accelerated, and a sense of pride happens because it feels “like home.”

As far as the neighborhood.... I would love to have this program be my neighbor. They are quiet. They are only there Monday through Friday from 9:00 to 4:00 so weekends and evenings no noise, no people no activity. What better neighbors could you ask for? The owners Dennis and Pam Karp are amazing people that hold the entire program to the highest degree of integrity and excellence that I have ever seen and have ever been involved in. An added benefit to having this program in the neighborhood is you just might get to have a little interaction with the clients and members and find out first hand what great people they are. Also 850 E Knox is right smack dab on the corner of Rural and Knox so would not be bothersome to the residents in any way shape or form.

I hope this letter makes your decision, which is not to be taken lightly, easier and you have a better understanding of what really happens at the DTA. I would be happy to answer any questions you might have.

Respectfully Submitted,

Patti Mamalis

plynnp@cox.net



March 17, 2020

Dear Tempe Development Review Commission-

My name is Larry Mamalis and I have been a Tempe resident for the last 5 years. I am the step father of Ben Pompa and I have a great interest in your decision to allow 850 E Knox in Tempe to be the future site of the DTA for Transitions for the Disabled.

Ben absolutely loves going to the DTA and on holidays is quite upset with staying home. When he is home he spends most of the time in his room watching Netflix or listening to his radio. He gets a great deal out of the program, the activities they provide, the learning and the projects that he comes home with to mention a few. The socialization piece that this program provides is amazing. He has friends and is around others with special needs also. During a recent hospital stay a staff member and another client came to visit him in the hospital. That is what this caring community does for Ben.

I know this hearing is about giving permission for a business to be in a residential community. This is the perfect location to have this program. The inside has enough space to spread out and have small groups. The outside has enough property to have some animals and a garden which both activities transfer to incredible learning opportunities for Ben and the other clients.

I personally recommend that you adjust the zone and allow this program to occupy at 850 E Knox Rd in Tempe.

Sincerely,
Larry Mamalis

Skyler Pham



Sky.berd04@gmail.com

17th March 2020

Dear Mr. Jimenez,

I want Transitions to obtain the Use Permit for Tally Ho Farms. Even though I don't go to the transitions myself, I do know that my sister loves going to the DTA everyday and that she also loves the new location. There's more space like bigger classrooms, outside walking space, and a bigger yard. More space is beneficial because there won't be a lot of crowding, and more space to take care of animals for the educational portion. Even people who are interested in going to transitions might want to go because of how spacious it is.

Sincerely,

Skyler Pham

Lindsey Pham



lindseyyphamm@gmail.com

17th March 2020

Dear Mr. Jimenez,

I am writing this letter in support of the Transitions obtainment of the Use Permit for Tally Ho Farms. I do not personally go to Transitions, but I know how important this is for my sister, Carol Nguyen, who currently attends Transitions. My family is not always home to take my sister out to experience new things due to school and work, so Transitions is a crucial component to my sister's day to day. Everyday she comes home from the program and tells me all of the fun things she's done in the day. She's always excited to go to Transitions and never debates going.

She is eager to move to Tally Ho Farms especially for the amount of space she will have to walk around. Transitions moving to Tally Ho Farms will give the attendants the space they need in order to learn. Their previous classrooms were small compared to the amount of people that attended, so the use of Tally Ho's space will be a wonderful improvement. The activities that Tally Ho will provide will be a great improvement to their quality of learning. They will be able to have a big yard to help take care of animals and spend time outside. It is important that my sister and her friends have a safe space for them to walk around and be outside and Tally Ho Farms will provide that space.

Transitions moving to a residential area will also improve the attendants' connection to a greater community rather than a secluded area in a commercial setting. Transitions moving to Tally Ho Farms will be a beneficial addition to the Tempe community because it shows that Tempe is a diverse and supportive area. Transitions' move could even bring in more people interested in attending and volunteering because it is a little closer compared to their previous farm. The DTA is a huge part of my family's lives and the obtainment of the Use Permit would not be something the community would regret.

Sincerely,

Lindsey Pham

Carol Nguyen



17th March 2020

Dear Mr. Jimenez,

My name is Carol and even though I have a disability I never let anyone get on top of me because I am my own person. I love who I am today and everyday because I know the people at Transitions is there to support me. The Transitions use of Tally Ho Farms will be good for me because there will be bigger classrooms for us to walk around and learn, we can go outside more, and will let us have more activities to do.

Sincerely,

Carol Nguyen

Jimenez, Lee

From: Susan Holmes <2515read@gmail.com>
Sent: Wednesday, March 18, 2020 9:25 AM
To: Jimenez, Lee
Subject: D.T.A. Program facility Tally Ho Farm

Dear Lee,

On behalf of Sam Brumand, who has Down Syndrome and I have known and worked with for twenty years, I am asking you to do all that you can do to see that the property at 850 E. Knox Road in Tempe, AZ be used for the Tally Ho Farm so that people with disabilities have a place to go to pursue their dreams.

Sam has been going to an excellent program, Transitions, that he just loves! It makes me so happy that such an awesome program is available for this special population where they can learn, socialize and lead fulfilling lives.

I think this would be a most positive move for them and once again, please do your part in giving them this amazing possibility to grow.

Thank you!

Susan Holmes

██████ S Desert Foothills Pkwy Unit ██████

Phoenix, AZ 85048

Jimenez, Lee

From: roejoeaz@cox.net
Sent: Wednesday, March 18, 2020 9:34 AM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org
Subject: CITY OF TEMPE USE PERMIT HEARING
Attachments: photo.JPG

I am writing in support of the request for Tally Ho Farm property (850 E Knox Rd) to be approved for Transitions' Day Treatment program.

My adult daughter who has Down Syndrome has been involved with the Transitions program since she graduated high school in 2009! For over 10 years the programs facilitated by the Transitions organization have been a blessing to our family. The opportunity to have my daughter attend a safe, caring, LOCAL program has been invaluable. By having Suzie attend during the day, I am able to work full time knowing my child is in an enriching environment instead of just being watched somewhere. She is safe, well cared for and growing in independence. She feels she is part of a community. The Transitions organization has a loving, caring staff who support our objectives of learning life skills, social skills, academics and independence. Suzie is achieving her full potential through this program. She is part of the community and not "warehoused" in some industrial or commercial setting. This new neighborhood facility is a home away from home during the day for her and others.

This new facility will afford even more opportunities to all who attend as the home and grounds are much larger than her current location in Tempe.

PLEASE let your committee decision be inclusive of all. In light of these trying times, an attitude of "Not in my neighborhood" cannot be tolerated. Community diversity is a value to be upheld by all.

Thank you for listening how important this new facility will be to so many lives.

Rosanne Sabo



Jimenez, Lee

From: Ruth <ruth@sterlingcasemanagement.com>
Sent: Wednesday, March 18, 2020 10:44 AM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org
Subject: Transitions - Tally Ho Farm DTA

Mr. Jimenez,

Please consider my endorsement for the rezoning of 850 E. Knox Road, Tempe as a location for Tally Ho Farm DTA. Tally Ho Farm DTA will allow the expansion of Transitions to create meaningful opportunities for their Special Needs clients to learn and grow their abilities.

Certainly, for my son, Tally Ho Farm will give him many additional opportunities to continue his growth and quality of life. Your support in this matter is much appreciated. Please let me know if you have any questions.

Regards,

Ruth Georgina Covey
Vice President, Operations
Sterling Case Management & Fiduciaries of Arizona
7493 N. Oracle Rd. #105
Tucson, AZ 85704
Mobile: [REDACTED]
Office: [REDACTED]
www.sterlingcasemanagement.com

Jimenez, Lee

From: Lisa Elkin <lisaelkin11@gmail.com>
Sent: Wednesday, March 18, 2020 12:59 PM
To: Jimenez, Lee
Cc: dennis@transitionsaz.org; roejoeaz@cox.net
Subject: Fwd: FW: CITY OF TEMPE USE PERMIT HEARING
Attachments: photo.JPG

Dear City of Tempe Senior Planner Mr. Jimenez,

My name is Lisa Elkin. I am an attorney based out of Phoenix, Arizona. I am writing to voice my support of the Transitions organization's request for the City of Tempe to zone 850 E. Knox Rd. Tempe, AZ 85284 appropriately so that the property may be used as the Tally Ho Farms D.T.A. program.

My older sister Suzie has Down Syndrome. Attached is a photograph of her. Down Syndrome is a genetic disorder that caused when abnormal cell division results in an extra full or partial copy of chromosome 21. This genetic abnormality causes lifelong intellectual disability and developmental delays that vary in severity from person to person. But there is nothing down about it! While many individuals with Down Syndrome may face challenges due to their disability, they are all incredible people who deserve to be included in everyday society. My sister is the most loving person that I know, and having her in my life has taught me so many invaluable lessons and I am truly thankful and blessed to be her sister.

Suzie is older than me by three years, but in many ways I am her "big sister" as her developmental disability has always caused her to struggle with some areas of life that have been easier for others. She graduated from Hamilton High School in Chandler in 2009, after attending high school for as long as she was possibly able to. Suzie began attending Transitions and their D.T.A. program shortly after she graduated high school in 2009. My mom has always been a strong advocate for my sister, and has worked tirelessly to make sure that Suzie has the best opportunities in life to succeed and be as integrated into mainstream society as possible. As Suzie's graduation from high school approached over ten years ago, my mom spent countless hours looking for programs that would be able to facilitate Suzie and that would also be able to provide her continuing education opportunities for life skills. It was a stressful time for our family as we wanted to be sure that Suzie would be in a program that would cater to her special needs, but also give her the opportunity to gain practical living skills and continue her education. Not many of these programs exist, and to have a program that included transportation and was close to our home in Chandler was very important, as my mother worked full time and I was attending college out of state. After meeting with countless different programs and weighing all of the options, my mom found that D.T.A. program offered by Transitions was the best opportunity available. My sister began attending Transitions' D.T.A. program, and has continued to attend the program for almost eleven years.

All of the programs that the Transitions organization offers have been a blessing to our family. The D.T.A. program, however, is the most crucial to my sister's ability to thrive as a member of society. At the D.T.A. program, Suzie is able to be in a setting with her friends and peers while the D.T.A. staff all work hard to ensure that the environment is not only fun, but also educationally enriching. The opportunity to have my sister attend a safe, caring, and local program has been invaluable. By having Suzie attend during the day, my mom is able to continue to work full time knowing my sister is in an enriching environment instead of just being watched somewhere. At the D.T.A., she is safe, well cared for, and growing in independence. Suzie feels that she is truly part of a community thanks to Transitions. Suzie is achieving

her full potential through this program. It is so rewarding to see that she has a sense of belonging and is not “warehoused” in some industrial or commercial setting, but rather has an opportunity to learn and continue to grow.

These programs are few and far between for members of our adult community who have intellectual or developmental disabilities. Transitions is one of the few organizations that have such programs available. Our adult citizens with intellectual or developmental disabilities, not just those in the City of Tempe but in the entire Arizona community, have a right to participate in our society and continue to learn and grow, regardless of whatever disabilities they may have. Transitions has created a program where these adults are able to thrive while also receiving the necessary care and attention that they required. Through the living skills that they gain at these programs, many of them are able to contribute to society in meaningful ways. My sister, for example, also works part time in several hospitals collecting recycling. The skills that she has learned through attending her D.T.A. program have enabled her to be successful at her job and be a productive and contributing member of society.

The current D.T.A. facility is a home away from home during the day for my sister and countless others. The new proposed facility will afford even more opportunities to all who attend, as the facility is much larger than their current location. Allowing the property to be zoned for the creation of a D.T.A. program will not only enable my sister to continue to learn and succeed, but will also create opportunities for even more adults to attend the program, further enriching the lives of these individuals, their families, and their communities. Inclusion is so important to these individuals, who can sometimes feel as though they are "different" and don't fit in with normal society. Transitions and their D.T.A. program provide these individuals with the inclusion that they deserve. Community diversity is a value to be upheld by all. The City of Tempe has made significant strides at celebrating diversity and encouraging inclusion, through its programs such as the Regional Unity Walk and the creation of the Access Tempe Web Map. My hope is that these values of inclusion and diversity will be continued to be upheld, and that the City of Tempe will permit the use of 850 E. Knox Rd. Tempe, AZ 85284 as a D.T.A. program.

Thank you for listening how important this new facility will be to so many lives. Please do not hesitate to contact me if any additional information is needed.

Sincerely,

Lisa Elkin, Esq.
Alcock & Associates, P.C.
lisaelkin11@gmail.com

Jimenez, Lee

From: Trish Nedberg <tnedberg@cox.net>
Sent: Wednesday, March 18, 2020 11:43 AM
To: Jimenez, Lee
Cc: dennis@transitionsaz.org
Subject: zoning for Tally Ho Farm DTA

My name is Trish Nedberg, and although a Scottsdale resident, I have owned and operated Arizona Speech Pathology in Tempe since 1997. I worked in Tempe with the previous owner since 1984. I have a strong history of serving the children and adults in need of speech and Language support. Although I'm now at an age of retirement, I still work with this population who attend the DTA and other facilities in the east valley. Our need for strong, active programs that allow our disabled adults to thrive is a complete necessity. For these individuals DTA settings increases the quality of their life and continued social growth. Family home settings and farm settings provide the best environment for this population. Being able to work outside and be involved with the animals available in these settings is paramount to their health. Ultimately, we who work with this population and the neighbors in these areas are the fortunate individuals who get to be enriched by these beautiful souls. I'm grateful every day for being touched by my clients. This neighborhood has that same opportunity by allowing Tally Ho Farms to open their doors. Sincerely, Trish Nedberg

City of Tempe

March 18, 2020

Dear Lee Jimenez, Senior Planner;

Please, greatly consider, allowing the Transitions DTA program to operate at 850 E. Knox Road. My family member has been an attendee of this program for many years. I can attest this program is a well-run, maintained, and necessary program for those in our community, who are disabled. The Owners, Dennis and Pamela Karp, have put their hearts and souls into making this program, exemplary, for these citizens. The space at 850 E. Knox Road, and the cleanliness, are very much needed for Transitions, which is currently in a cramped, small-business shared, old building. The additional space would not only increase the safety of the members, but also allows the program to expand, in the areas it is unable to now, because of the current location. I have asked about, and heard of, the plans for a robust learning platform, for the benefit of its attendees. Some of these plans are just not feasible in the current location, nor in any other commercial location. Being that 850 E. Knox Road is in a residential area, is exactly what these members need, if they are to learn how to live as independently, as possible. I feel the Transitions program will leave a very inconsequential footprint to the surrounding area. Please use your unbiased, ethical decision to approve the zoning for the Transitions program, to this location.

Kind Regards,

Marilyn Airdo

Jimenez, Lee

From: TINA CHARON <tina.charon@cox.net>
Sent: Wednesday, March 18, 2020 6:10 PM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org
Subject: Recommendation to allow the use of 850 E. Knox Road Tempe, AZ 85284 as a D.T.A. Program facility

Dear Lee -

I would like to offer my strong recommendation to allow the use of 850 E. Knox Road Tempe, AZ 85284 as a D.T.A. Program facility. I am guardian for my adult brother, who has enjoyed this program since his move to Arizona more than a year ago.

I feel the location and space are ideal for the program managed by "Transitions for the Developmentally Disabled" and will allow them to continue to offer a well managed program for all participants without adding any disruption to the neighboring homes and neighborhood.

Thank you for your consideration -

Tina Charon



Jimenez, Lee

From: Mary Brumand <mbrumand@yahoo.com>
Sent: Wednesday, March 18, 2020 6:51 PM
To: Jimenez, Lee
Subject: Public Hearing for Tally Ho Farm DTA

Dear Mr. Jimenez-

My name is Mary Brumand and I am writing to you in regard to the public hearing for Tally Ho Farm DTA that is taking place on Tuesday, March 24, 2020. My son is a 26-year-old young man with Down syndrome. He has been attending a DTA since he aged out of high school at 21 years old. This program is currently at the Delta Center in an industrial complex in Tempe and is run by Transitions for the Developmentally Disabled. Once an individual like my son is too old to go to school and doesn't have job skills, he needs a place to go during the day to improve his skills of daily living and learn job skills.

I have toured the facility at Tally Ho Farms and am so excited for this opportunity for my son. There are so many opportunities for the clients at this location. The clients will benefit from being in a neighborhood instead of an industrial area. It is quieter and safer for the clients. More to that point, the residents will benefit and enjoy have a DTA in their neighborhood. This DTA is much more like a big family than a business. They only attend on Monday through Friday during the day so there won't be noise or traffic on evenings and weekends. The clients are transported on vans so there will not be much traffic generated. The location is right off of Knox Road so these vans will not need to drive through the neighborhood and disturb the residents. The property has been beautifully remodeled and will be kept up very nicely to be the pride of the neighborhood. The clients plant flowers and gardens and the upkeep of the property is part of their daily activities. Increased crime will not be a concern with this type of facility and this population. My son and his peers are kind and simple and a joy to be around.

I hope you will see the benefit of having the Tally Ho DTA in this neighborhood in Tempe. It is a win-win for all involved.

Please don't hesitate to contact me if you have any questions or would like to discuss this further. Thank you for your time and attention and I hope to see you on Tuesday!

Mary Brumand
Retail Pharmacist and mother to a 26-year-old young man with Down syndrome
[REDACTED]

Jimenez, Lee

From: Joyce Hinrichs <rjoy1879@msn.com>
Sent: Thursday, March 19, 2020 9:42 AM
To: Jimenez, Lee
Cc: Dennis Karp
Subject: Support for Transitions for the Developmentally Disabled

Mr. Jimenez,

I am Dr. Joyce Hinrichs writing this email in support of the plans for Transitions for the Developmentally Disabled opening of a new facility at 850 E. Knox Rd, Tempe.

I have lived in Tempe since 1978. I have two degrees from ASU. I have always been proud to call Tempe my home. The intellectual, caring, forward-thinking and diverse environment of Tempe suits my own ideals. I have retired from a career in education as a teacher, high school principal, and special education consultant.

I have worked for the last 15 years with Transitions to provide weekend respite "camps" for their clients called Just Friends. Often young disabled adults have little opportunity for positive social interaction with peers once they are out of school, leaving them without much to do but sit at home watching TV. As the name implies, Just Friends provides young developmentally disabled adults two weekends per month with planned social activities and peer interactions in a supervised, cooperative and positive environment. As a staff, we love doing Just Friends and our clients do too.

Over the years, I have developed a respect for Transitions, their goals and their commitment to the disabled in our community. I know that Dennis and Pam Karp and their staff sincerely care for their clients - I've seen direct proof of it in their interactions with Just Friends clients.

I understand concerns of neighbors living in the area of the proposed new facility, especially those with little personal knowledge of the developmentally disabled population, but I know that their beautiful neighborhood will not suffer for offering a daytime home for these well-supervised and organized programs. And I do support providing day programs for disabled individuals in an environment that is as homelike and non-commercial as possible. We recognize that our clients are people, not mere customers.

I plan to attend the council meeting on March 24th.

Thank you for your thoughtful and caring consideration,

Dr. Joyce Hinrichs

Dear city of Tempe

I am excited for the new. DTA

fairly no farms. I cant wait for

our new class rooms. lots

of room for jam seasons.

W

we'll keep high hops. so it

opens.

Please vote to open

fairly no farms

Suzie Elcin

ps. it go to Delta

Center now

Jimenez, Lee

From: Gerry McLarney <gerrymcl39@gmail.com>
Sent: Thursday, March 19, 2020 2:50 PM
To: Jimenez, Lee
Subject: Transitions program: Just Friends

My husband and I are the parents/guardians to a young man with Down Syndrome. The Just Friends program has been very beneficial for him. It teaches life skills, gets him out in the community and gives him valuable social skills that he can't get elsewhere.

He has not participated in the Day Treatment Programs that Transitions offers so we can't comment on that.

We have seen the benefit of Just Friends first hand. Our son has learned many valuable life skills through this program. We have seen young adults attend this program for the first time who have almost no social skills. They don't know what it is like to work as a group or be part of a team. They blossom in this setting.

Our hope is that this program will continue at the new facility in Tempe. This program treats a vulnerable segment of our population. We hope that they can be treated with fairness and respect.

Sincerely,
Geraldine A, McLarney
Joseph D. McLarney

cc: Dennis@transitionsaz.org

Jimenez, Lee

From: CenturyLink Customer <molnar89@q.com>
Sent: Thursday, March 19, 2020 6:32 PM
To: Jimenez, Lee; Dennis@transitionsaz.org

Mr. Jimenez,

My son Zachary attends a day treatment center run by Transitions for the Developmentally Disabled. He is Autistic and visually disabled. The center that is run by Transitions has been a such a positive experience for our family and Zachary. He has grown immensely I the 8 years he has attended!

This place is such a help to families like mine. Our children learn valuable life skills and how to become more valuable members of our community. These individuals did not ask for their disability, I believe it is pursuit as a society to look after those that need our help.

This center causes very little traffic, especially compared to the high school and elementary school which are nearby. Allowing this property to operate as a day center will be a positive addition to the community by teaching these sweet people the life skills they need to be contributing members of society.

My family and I implore you to allow this center to open. It would mean a lot to my families and families like mine.

Eileen Molnar

MOLLY and TRACY COLLINS

4129 E. Piñon Way, Gilbert, AZ 85234 | [REDACTED]

March 19, 2020

TO: City of Tempe, c/o Senior Planner Lee Jimenez
RE: Approval of DTA facility at Tally Ho Farm

Dear Mr. Jimenez:

We are writing to you today in support of Transitions and the group's effort to gain a permit to operate from Tally Ho Farm at 850 E. Knox Road in Tempe.

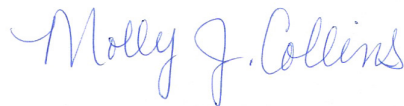
Transitions has been a good citizen of Tempe and represents the community extremely well to all of us in the East Valley who are fortunate enough to be able to have our special needs children receive their services. Their work in providing continuing education, training and social development for those attending is so important to the lives of so many with special needs, and their immediate and extended families. It is life-enhancing for all of them, and life-changing for many. That Tempe can boast such a program is a credit to the community.

The one thing that has troubled us as parents in the past has been that the settings for this work have not always been ideal. For example, our son currently attends in a location in the middle of an industrial park, where even the ability to take a walk means dodging delivery trucks, including 18-wheelers. The location also is cramped and a hindrance to all of the activities that are tailored to the different skill levels of those present.

All of these problems are solved by the opportunity to move to Tally Ho Farm. The location includes outstanding teaching spaces for the young adults, and room for activities that would not impede on the neighborhood or the neighbors. In short, it's a godsend — improved location, improved facilities, and greatly improved safety.

We hope you'll approve the necessary permits to allow these deserving young adults a place to thrive without encroaching on others. And we hope Tempe is able to show its true self, an inclusive community that takes the right step without bending to unfounded fears.

all the best.



Molly J. Collins



Tracy A. Collins

Jimenez, Lee

From: Smith, Janet <Janet.Smith@NGIC.COM>
Sent: Friday, March 20, 2020 6:26 AM
To: Jimenez, Lee
Cc: 'dennis@transitionsaz.org'
Subject: Move

Mr Jimenez

Writing this letter in regard to Transitions.

I have worked for Transitions for 10yrs with Intellectual Cha11enge.

These people have taught to be responsibility and respect for one another.

With Transitions moving to 850 E Knox. These special needs people will be given more

Teaching skills to live independent.

The program Just Friends give them social skills to be with there peers.

So they can live as responsible adults.

Thank you for your consideration

Janet Smith

Note: Please be aware that unencrypted electronic mail is not secure. For this reason, please do not send any sensitive personal information such as your address, driver license, policy number, Social Security Number, or claims information by unencrypted electronic mail. The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

In our initial search for a place that would be a great transition option for our son from high school, the search was exhaustive and challenging. There are limits on who and where these services were being offered and then the process for the best fit for my son took time as well. We had to test out and try a number of different places that could best fit our son, to ensure he would be happy, and in a place that took his needs and fit them into priorities for his personal and social growth and development. We found that correct blend of personal caretaker and professionalism with the Transitions team. We loved how they cared for each person and identified how to make their life experiences more satisfying through community engagement and partnerships. The current location is presently in an industrial park that is loud and busy. It is not ideal, but the staff has made it work and done a tremendous job given the surroundings. It is important to note that our son has challenges with, and anxieties that are affected by loud sounds and unfamiliar settings. That is why when we heard about the possibility of the group moving to a more rural setting with exposure to less external stimuli and room to experience outdoors more frequently, we were thrilled. This is the type of environment that allows our son to be at his best and supports his development and growth at his pace. My son doesn't normally have expressive gestures but when we attended a recent open house to see the potential new site he, my son, was non-stop exploring and doing things that quite frankly we hadn't witnessed in him in quite some time other than at a place like Disneyland. The idea that there is less exposure to loud sounds and noises is something my son needs to be able to develop and enjoy his world. I was frankly shocked to hear opposition to the approval of this from neighbor(s). It felt dismissive and segregationist like. Just because there is a disabled person(s) living next to your house doesn't diminish the property values to my understanding. It's as if the message being relayed is that these aren't the type of "people" we want in our community. Whose values do we serve anyway. The individual who is uncomfortable or the communities who receive tremendous benefit from the diversity being offered through the lens of others who just happen to have a specific disability? Under the Law of IDEA 2004 they have every right to live in the same area even if accommodations are necessary for their wellbeing. So do we send the message that we are more comfortable with hiding our most needy and vulnerable and would rather not see them publicly or are we more progressive in our standards and realize that a community is better off by having them enrich our lives with their presence. I choose to see it as the latter.

We also couldn't be happier to comment on the team at Transitions and how amazing they are with the community they serve. They are great stewards for what they do and would make a great asset to any community they serve amongst and are inclusive in how they interact with everyone in addition to those of the kids, staff and parents. I could make the argument that a community enriches its value when served in conjunction with an organization such as Transitions. In fact, I believe we have...

Respectfully,

David & Betsy O'Neill

Jimenez, Lee

From: Beth Marcotte <bethmarcotte@cox.net>
Sent: Friday, March 20, 2020 8:58 AM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org
Subject: Letter for Tally Ho DTA Hearing

March 20, 2020

To: Mr. Lee Jimenez

Re: Tally Ho Farms DTA: 850 E. Knox Rd., Tempe, AZ. 85283

Dear Mr. Jimenez,

My husband and I have lived in Tempe for more than 35 years where we both graduated from ASU, were married (over 33 years ago), raised our 5 children, including our special-needs son, Joseph, and are active in our church and community. I am currently the nurse at McClintock High School, and my husband works for a Catholic parish here in Tempe.

Our special-needs adult son, Joseph, has been a member/client in Transitions DTA, specifically at The Delta Center, since he graduated from McClintock High School in 2011, and it has been an incredible blessing. Prior to his graduation, we researched many other DTA options and chose Transitions based on their commitment to creating a safe, peaceful, welcoming, happy, vibrant environment. Transitions DTA is focused on caring for these precious, warm, loving special-needs young adults and has created a special place where they can make friends, participate in group activities, learn new skills, solidify achieved skills, take fieldtrips out into the community and master skills that will allow them to become more independent and contribute to their community.

Transitions DTA currently has 2 sites in the East Valley: McClintock Farms (located in a residential area) and The Delta Center (located in an industrial park). For the past 9 years, our son, Joseph, has participated in The Delta Center. While the Transitions staff at the Delta Center has done a remarkable job in providing an environment for learning, growing and forming a community, they have been severely limited in the opportunities that can be provided and have outgrown the site in the industrial park. The site at Tally Ho Farms DTA is ideal! It allows the clients at both McClintock Farms and The Delta Center to come together at a central location. It provides a warm, welcoming, refreshing environment that will provide the clients with new opportunities to work together in ways that were not available to them at The Delta Center. We are so excited about the potential that this site has to offer and what it will mean for our son.

We have heard that some of the neighbors are resistant to having a DTA open in their neighborhood, and completely respect their caution. However, please know that the staff and clients of the Transitions "family" are happy, joyful, respectful, responsible and very kind. They would like to become part of the neighborhood and, as such, would be an asset. Transitions is contracted, and partially funded, by DDD (Department of Developmental Disabilities) and as such, must meet strict criterion and regulations. In our case, our son is covered by DDD/ALTCS (Arizona Long Term Care System). This means that Joseph has an ISP (Individual Support Plan) complete with learning goals that are worked on during his time at the DTA. We meet quarterly with his DDD Case Manager to

review his goals, progress and needs and then she makes a report to the State. Funding for our son's participation, including transportation, is provided by DDD/ALTCS.

Please support the vision of Tally Ho Farms DTA for our extra-special young adults. As a program that has a contract with the Department of Developmental Disabilities, it must meet strict codes and regulations. Tally Ho Farms DTA will provide a quiet, safe, comfortable, stable environment with opportunities for learning, growing, and developing skills and relationships. It will be a blessing to the neighborhood.

Thank you,

Beth and Bill Marcotte
[REDACTED] E. Palmcroft Dr.
Tempe, AZ. 85282

Jimenez, Lee

From: ANDREW CALLES <acalles@cox.net>
Sent: Friday, March 20, 2020 9:38 AM
To: Jimenez, Lee
Cc: dennis@transitionsaz.org
Subject: DTA's moving to Tally Ho Farms

Dear Mr. Jimenez,

As a parent of a 27 year old Autistic member of DTA, I would like to encourage you to please consider the Tally Ho Farms as the future location for the Transitions for the Developmentally Disabled.

Throughout my son's life he has had a very hard time fitting in, he had been bustled around from one elementary school to another and then the same when he was in high school. When my son was no longer eligible to attend school, we had researched many adult programs to help develop his social and independent skills... We were overwhelmed when we found DTA.

DTA Transitions Center has been one of the most positive experiences that has shown a very effective result in helping my son cope and deal with life's day-to-day challenges. I believe that it is in part due to the people who work there and the compassion they show to developmentally disabled adults that others in our own cities would prefer to ignore they exist.

My son benefits a great deal by just socializing with others who accept him with his limitations. Those are the folks at Transitions. I have visited the program many times and was excited to hear about there future move to the new location on Knox in Tempe. I believe the new location gives them the room needed as their need expands to include more activities, including a big outdoor area to enjoy our beautiful weather. Since I work in downtown Tempe, I pass by the Tally Ho Farms everyday on my way to and from work and feel that it would make a great location for my son and others who desperately need more space.

That is why I please encourage you to grant them the permit so that they can continue their great work and support what this community needs.

Please feel free to personally contact me anytime at [REDACTED].

Respectfully Yours,

Andrew Calles

[REDACTED] S. 11th Way/Phoenix AZ/85048

(Proud Parent of Duncan Calles)

Jimenez, Lee

From: Felicia Kaufmann <Lefa720@aol.com>
Sent: Thursday, March 19, 2020 7:22 PM
To: Jimenez, Lee
Subject: support of DTA

We have been South Tempe residents over the last 40 yrs. WE live near Rural road and Knox road. We are surrounded by three churches and two schools. We have never had any issues or problems with these establishments in our neighborhood.

Anything that promotes learning and betterment of the community, improves our neighborhood. We are familiar with the location and can't imagine there is a better or more ideal spot for the center. We have been witness to the positive benefit of having a DTA service first hand : our neighbors son for example. We totally support having this residential location rather than a commercial setting.

Sincerely,

Larry and Felicia Kaufmann.

Sent from [Mail](#) for Windows 10

Jimenez, Lee

From: Jill Brumand <jbrumand@yahoo.com>
Sent: Friday, March 20, 2020 11:23 AM
To: Jimenez, Lee
Subject: Letter to support Tally Ho Farm DTA

Dear Mr. Jimenez-

My name is Jaleila Brumand and I am writing to you in regard to the public hearing for Tally Ho Farm DTA that is taking place on Tuesday, March 24, 2020. I have a brother named Sam that has Down syndrome. He has been attending a DTA since he turned 21 years old. He is now 26 years old. This program is currently at the Delta Center in an industrial complex in Tempe and is run by Transitions for the Developmentally Disabled. If my brother didn't have a place to go after he finished high school, he would not be able to work as he does not have specific job skills. He needs a place where he can socialize outside of the home and practice and learn job and life skills. Without this, he would not thrive.

I am instructor employed by Arizona State University in Tempe and believe this could also be a beneficial opportunity to students who may want to work with this special population through their studies.

Tally Ho Farms affords beneficial opportunities for both participants and for residents of the community. The location is much quieter and safer than an industrial location. However, this is also beneficial to residents as the participants are kind-hearted and part of their work is to beautify and support the facility such as planting flowers, tending a garden and making artwork. Since the participants arrive by vanpool, their operations would not add additional traffic.

I hope you will see the benefit of having the Tally Ho DTA in this neighborhood in Tempe. It is a win-win for all involved.

Please don't hesitate to contact me if you have any questions or would like to discuss this further. Thank you for your time and attention!

Jaleila Brumand


ASU Instructor and sister to a 26-year-old young man with Down syndrome

Jimenez, Lee

From: darius brumand <dbrumand@yahoo.com>
Sent: Friday, March 20, 2020 12:11 PM
To: Jimenez, Lee
Subject: Public Hearing for Tally Ho Farm Tuesday March 24, 2020

- Dear Mr. Lee Jimenez-

I am writing to you in support of the use of 850 E. Knox Rd., Tempe for a Day Program for disabled individuals. My name is Darius Brumand and my 26-year-old son with Down syndrome has been attending a day program (DTA) with Transitions for almost 5 years. It has helped him to improve his skills of daily living as well as spend time and socialize with his peers. He not only enjoys this program but he is learning to integrate into society. In a neighborhood environment like Tally Ho Farm both the participants in the DTA and the neighbors will benefit. I am sure that the DTA will be the best neighbors for the families that live nearby. The program is during the day so there will not be any noise or traffic at night. The clients are transported in by van so there will not be much traffic coming and going. There will be no crime or disturbances in the neighborhood by this population, please remember these are disabled individual not criminal and need the society help. I would support a program like this in my neighborhood or be happy to move to a home next door to a DTA.

I ask for your support to allow Transitions to open their DTA at 850 E. Knox Rd at Tally Ho Farm.

Thank you,

Darius Brumand

- dbrumand@yahoo.com



Jimenez, Lee

From: seymann@cox.net
Sent: Friday, March 20, 2020 12:46 PM
To: Jimenez, Lee
Cc: dennis@transitionsaz.org
Subject: Transitions Tally Ho Farm Use Permit

March 20, 2020

Mr. Lee Jimenez

Senior Planner

City of Tempe

Sir

I'm writing in support of Transitions application to get a Use Permit to provide DTA services to special needs young adults at Tally Ho Farm, 850 E Knox Rd. Our son is currently in the DTA program provided by Transitions. He has special needs that Transition has successfully provided for several years. The move to Tally Ho Farms would provide a setting that would encourage his development.

The building they are currently using for this does not provide any real space for outside activities. The small, paved parking lot is not appropriate for anyone, especially special needs people. Many of these folks are developmentally equivalent to grade school children. They need to be able to get outside and do the things that we encourage all children to do in grade school. The commercial setting that they are in, does not allow this. I see no downside to the neighborhood by allowing this for the limited number of people that would be present.

As you know, Transitions has been a part of Tempe for quite some time. I am aware of no issues or complaints that have occurred during this time. The owners and staff are very caring to all the clients as well as being a good neighbor, in any place they have been.

If you have not been around special need people, you would find them to be a diverse group of regular people, save their disabilities. I know that Tempe is a welcoming place to diversity in the community. This site would enhance that reputation.

With the Corona Virus on everyone's mind, we will not be able to attend the meeting on Tuesday, but want you to know that we are very much in favor.

Yours truly,

Steve and Deb Eymann

(our son, Brett Eymann is in Transitions)



March 20, 2020

Lee Jimenez
Senior Planner, City of Tempe
Lee_jimenez@tempe.gov

Dear Mr. Jimenez,

I write in support of TRANSITIONS to obtain a Use Permit that allows them to provide Day Treatment & Training, Adult (DTA) at their site, Tally Ho Farm, located at 850 E. Knox Rd. in Tempe.

I am with DSNetwork and we are located in Tempe. We provide support to 2500 individuals and their families with Down syndrome. Our mission at DSNetwork is to educate, support and advocate for those in our community touched by Down syndrome. DSNetwork achieves this through an open, supportive and collaborative network that connects individuals and their families with needed resources and information.

DTA's programs provide much needed support to individuals with Down syndrome and their families. They build upon the knowledge of their participants and promote self-sufficiency in a supportive setting. Transitions services are designed to teach life skills and improve overall success of individuals with developmental disabilities.

Down Syndrome Network supports Transitions desire to have a DTA located in the Tally Ho Farms Community in Tempe.

The City of Tempe's values of respect and diversity "with diversity comes strength" are the values we withhold in the Down syndrome community and Transitions contributes to diversity. It would be great to provide diversity in our community by supporting Transitions in providing an Adult Day Treatment & Training Program at Tally Ho Farm.

Sincerely,

Jen Hayes

Jen Hayes
Director of Volunteer and Program Services
Down Syndrome Network

www.dsnetworkaz.org support. connections. advocacy. opportunities

Jimenez, Lee

From: Shari K <sharinboys@gmail.com>
Sent: Friday, March 20, 2020 3:28 PM
To: Jimenez, Lee
Cc: dennis@transitionsdta.org
Subject: Transitions DTA

Mr. Jimenez,

I am writing this email to ask for your support in allowing Transitions to open a new facility on Knox Road in Tempe. My son Logan has been a client at Transitions for about 7 years. He loves the group he's with, and the staff. Transitions staff create a welcoming, fun, nurturing, and safe environment for my son. He has enjoyed the McClintock farms location because he likes to be and work outside in the garden and with the animals

I love the fact that the new facility is in a private neighborhood, and not a commercial location. I believe these kids benefit from a place that is more like home. Less traffic, both people and auto, means a safer environment for the clients. And having these kids in a neighborhood teaches us all love, respect, tolerance, and patience. They are an amazing group of people that I feel the City of Tempe is blessed to have.

Thank you for your consideration.

Shari Kelso

Jimenez, Lee

From: Hanh Pham <hanhp@cox.net>
Sent: Friday, March 20, 2020 4:19 PM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org; shannon@transitionaz.org
Subject: Public Hearing for Tally Ho Farm DTA

Dear Mr. Jimenez,

My name is Hanh Pham and I have been a resident of south Tempe for 17 years. My son has Down's Syndrome and utilizes the DTA services of TRANSITIONS on a weekly basis. TRANSITIONS has helped him develop vital life skills, friendships, and communication skills. Their current location on McClintock Rd is familiar to him as a residential property and it would be disruptive to change to a commercial setting. A residential setting is much more quiet, less disruptive, and would be more comfortable for him and his fellow attendees.

My son currently uses transportation services to get to and from his day program. If the center were to be moved to 850 E Knox Road, we may be able to teach him how to walk to his program. This will allow him to develop independence. It would also free up transportation services to other program participants.

Transitions is a great community partner to the City of Tempe and provides a vital service to many people. The program also increases the diversity of the city by providing visibility for people with disabilities through community outings. It would be a shame if the program was not able to start at 850 E Knox.

Thank you for your consideration in granting a Use Permit for Transitions to provide DTA services at 850 E Knox.

Hanh Pham
[REDACTED] S Kenneth Place
Tempe, AZ 85284

Jimenez, Lee

From: jimwang@cox.net
Sent: Friday, March 20, 2020 4:46 PM
To: Jimenez, Lee
Cc: Dennis@transitionsaz.org
Subject: Use permit, 850 E. Knox Road Tempe, AZ 85284

I am writing in support of approving a use permit for Tally Ho Farm as a D.T.A.

I have lived nearby at [REDACTED] S Kenneth Place for the past 30 years. Prior to that also in Tempe, AZ.

Location.

The immediate neighborhood is a large intersection and this property is located essentially on the corner of Knox and Rural, across from Corona Del Sol High School, and a nearby large park (Hanger) area. This seems ideal for the operation of a DTA Program Facility. It is not located within the middle of a purely residential neighborhood. This property as well as adjacent ones are on extremely large lots, keeping things isolated.

The Community.

Transitions for the Developmentally Disabled (DD) provides a very important service for our community – providing day treatment and training for the DD adults. The Tempe community should be very supportive of this needed and helpful service.

One of our friends has utilized Transitions DTA and their DD adult son has been trained and even was connected with a job working in a grocery store last year. He has been a productive Tempe citizen and enjoys his job to this day. This was possible only because of Transitions. I hope that they can perform their same magic for others!!!

I am just writing to show support of the user permit request.

Thank you for your consideration.

James Wang
[REDACTED] S Kenneth Place
Tempe, AZ 85284

Jimenez, Lee

From: Mary Lundell <send2mary@cox.net>
Sent: Friday, March 20, 2020 5:33 PM
To: Jimenez, Lee
Cc: dennis@transitionsza.org
Subject: Transitions DTA - Supporting Request for Use Permit in Tally Ho Farm (Hearing March 24, 2020)

Importance: High

Dear Mr. Jimenez:

My name is Mary Lundell, and my husband, Russell, and I are urgently writing to express our strong support and plea to the City that Transitions be granted its request for a Use Permit that will allow them to provide DTA services at 850 East Knox Road in the Tally Ho Farm community here in Tempe.

We have lived in Tempe since the early 1970's and our son, Joseph, has been a client at Transitions' DTA program since graduating from McClintock High in 2011. I cannot say enough good things about the topnotch people who responsibly own, run and manage Transitions and the staff who work there. I honestly don't know what our families would do without this extremely valuable community program that has been such a critical and important part of so many lives for many years in the City of Tempe.

Participants and their families are kind, loving and hard-working individuals that without question deserve to have the opportunity to spend their daily lives in this wonderful setting that will clearly be a joy to so many, and will be in everyone's best interest. The fresh air, daylight, quiet, safe and spacious grounds will be an enormous benefit and provide a much improved quality of life for our young adults who so badly have needed a location such as this for years, versus the current commercial industrial park. The home is undoubtedly the perfect setting and even appears to have been built specifically to suit their needs. Our students are active, bright, eager to learn and please those around them, and will capture the hearts of anyone who has the privilege to spend time with them. My husband has worked in the past with one of the nearby neighbors who himself has expressed how much he loves our young adults and how pleased he would be for them to be there to enjoy his horses.

My family and I have lived, attended school and worked in Tempe for many years. One of the key reasons we have remained in Tempe is based on our firsthand experience that the City has a culture of caring and has always been very family-oriented, appreciating and supporting the diversity of our population, especially those with special needs.

I also cannot emphasize enough how excited our son Joseph has been about the new location. This is all he talks about. Several times a week he begs his Dad and I to bring him to the new property so he can walk around the grounds and enjoy the beauty and greenery that surrounds it. Joseph is a very high functioning, responsible and caring young man who is anxious to work in the garden, take care of the animals and the grounds. I shudder to think what will happen if he discovers that the move will not take place. I can't even think about that.

I have had the pleasure of directly working with many City employees, especially in the City's Treasury Department, over many years' time. I've been very impressed with the down to earth manner of City staff and their true, personal commitment to ensuring and supporting the quality of lives of all of our residents. As a nearby homeowner to this new location in Tally Ho Farm, my husband and I are personally thrilled for the opportunity to welcome Transitions into the area.

We sincerely look forward to meeting with you and City staff to further discuss our urgent plea and strong request for the City to grant approval of our desperately needed Tally Ho Farm DTA for the sake of our community, families, neighbors and participants.

Respectfully yours,

Mary and Russell Lundell-Rowlands

send2mary@cox.net

 S. College Ave., Tempe

Jimenez, Lee

From: rpituch@cox.net
Sent: Friday, March 20, 2020 6:54 PM
To: Jimenez, Lee
Cc: Dennis@transitions.org
Subject: Support for Transitions for the Developmentally Disabled

Mr. Jimenez:

We are Alan & Rosemary Pituch, writing in support of Dennis and Pam Karp's plan to open Transitions for the Developmentally Disabled at 850 E. Knox Road in Tempe.

We have lived in the area since 1995 and appreciate the diverse environment it offers. We fully support the opening of the new location and know from personal experience that it will be an extremely well supervised and organized program. We have witnessed this first hand as our autistic son, Dylan, has been involved with the "Just Friends" program within Transitions for many years. It has been a wonderful experience and we have seen him make friends as well as make great improvement in the areas of social skills and language. This program gives him a chance to interact with peers and participate in social activities and we have been so thankful for this opportunity. We have always felt that Dylan was respected as an individual, and his best interests were a priority.

We understand the trepidations some neighbors may have, but we feel that denying this program to move forward because of a lack of understanding and knowledge or any level of discrimination would simply be wrong. We would encourage any concerned neighbor to become more familiar with Transitions and the developmentally different population. We believe this would minimize their apprehension and perhaps they might then embrace or even support these important efforts in the future.

Thank you for your consideration.

Alan and Rosemary Pituch

3/20/20

Dear Mr. Jimenez

I been with
transitions for 15 years

they taught me
to cope in life and
~~per~~perpered
me for life to be
independent. I have
special needs too.

Cordially
Michael Smith

March 20, 2020

SENT VIA E-MAIL

Mr. Lee Jimenez, Senior Planner

City of Tempe

31 E. 5th Street

Tempe, AZ 85281

Re: Proposed Use Permit for Tally Ho Farms DTA

Dear Mr. Jimenez:

We are requesting the City approve the Use Permit for the proposed Tally Ho Farm Day Treatment & Training, Adult (DTA) facility located at 850 E. Knox Road in Tempe.

The DTA is owned by Transitions (for the Developmentally Disabled). Transitions has been providing services for the developmentally disabled for many years. Transitions currently has two DTA centers in Tempe, and wants to consolidate into one center at Tally Ho Farm to better serve the development disabled.

Our daughter, Alison, is autistic and has been attending the Transitions' DTA in Tempe since 2011

We encourage the City approve the Use Permit at Tally Ho Farm because:

1. The Tally Ho Farm location provides a residential setting, which we believe is a positive for the developmentally disabled as it is quiet, safe, and provides a more comfortable setting than a commercial development area.
2. Our daughter is unable to be alone. She must be in the care of responsible people, such as Transitions, that provide a nurturing and safe environment. When not at Transitions during the day, Alison lives with us, her parents.
3. Transitions has been a good neighbor in the City of Tempe for many years.
4. The Transitions DTA facilitates and supports community diversity.

We all have a social responsibility to help the developmentally disabled in our communities.

In closing, we support approval of the Use Permit application for the Tally Ho Farm DTA.

Thank you.


Larry and Peggy Hanson

██████ E. Goldenrod Street, Phoenix, AZ 85048

cc: Dennis Karp, Transitions

Jimenez, Lee

From: Debbie Keller <dkellerpublicity@aol.com>
Sent: Saturday, March 21, 2020 6:59 PM
To: Jimenez, Lee
Subject: Transitions Tally Ho Farms (PL200042)

Hi Lee,

Wow, I have had so many neighbors coming to me concerned about the hearing and not being able to attend in person. I have assured them that you want to know how they feel and you will relay it. Because of COVIT-19 we are not going to do the petition but hopefully they will each reach out to you with their concerns.

For the record, my husband and I are against the approval for the following reasons:

- I was told 10 - 15 students not 30
- Does not comply with Tempe's home small business guidelines
- Not 2 transport vans as I was told, but 5
- 30 students, 8 staff, 2 supervisors and 2 office staff, 42 people is an excessive request
- A paved & lighted 4,080 sf parking lot with 16 parking spaces for 8 employees and visitors
- The traffic impact on the corner of Rural & Knox
- Safety issues with horses in close proximity and the possibly of getting loose
- Setting a precedent for future business type requests in Tally Ho Farms

I can't imagine any AG residential neighborhood wanting this in their backyard.

Thank you very much,

Tally Ho Farms Neighborhood Association Lead
Debbie & Terry Keller
[REDACTED] S. 71st
Tempe, AZ 85284

Jimenez, Lee

From: Ivanbockern@cox.net
Sent: Sunday, March 22, 2020 1:33 PM
To: Jimenez, Lee
Subject: Tally Ho Farms & Transitions Use Permit

Mr. Jimenez:

This e-mail is in regards to Transitions for the Developmentally Disabled Proposed Use Permit. I am a homeowner in Tally Ho Farms at [REDACTED] S. 71st St., Tempe, AZ 85284. After reading the Letter of Explanation for Use Permit, I suggest that it is denied for the following reasons:

- 1) This is clearly a business. The real trigger for me? Putting in 16 parking spaces. Wow, that's a full business with a parking lot. I think they are trying to appear as an in-home business with minimal to no disruption to the home appearing as a home, but a parking lot is NOT a home anymore – that's clearly a business.
- 2) I think we get a soft spot because the business is for developmentally disabled. If it were any other reason, such as a full day care, it probably would not have even been considered.
- 3) I wonder why Transitions looks for homes rather than light industrial buildings/offices with parking lots already set up? Why go in and turn a home into a business and request to disrupt the neighborhood; they're looking for a fight with the neighbors. For example, at Guadalupe & McClintock (NW corner) there is a large empty suite that used to house a high school that went out of the business. It has a huge parking lot. Why wouldn't they go there? There's also the Albertsons that went out of business at Guadalupe & Rural (NW corner) – that is in desperate need of a business in there.
- 4) In these troubled times, does it even matter? Are we re-arranging the deck chairs on the titanic? However, at some point, we need to follow the rules. Within chaos we still need rules.

For me, they have stretched the limits of an in-home business to a full blown business with a parking lot that is not appropriate for a home community.

Sincerely,

Lisa VanBockern

[REDACTED]

Jimenez, Lee

From: marc kovan <marckovan@gmail.com>
Sent: Monday, March 23, 2020 11:13 AM
To: Jimenez, Lee
Cc: Weaver, Chad; dkellerpublicity@aol.com
Subject: Proposed school at 850 East Knox

Dear Mr. Lee,

Regarding the property at 850 East Knox, Tempe Az 85284: I would like a delay in the use permit proposal for the school for developmentally disabled adults for the following reasons. First of all there was a notice to a public input meeting and the proposal that came to us in early March, certainly not enough time to do any due diligence, especially with all that is going on as our lives have been altered due to the virus. The meeting for the public is set for this Tuesday so we would be able to voice any objections, however, due to these days of quarantine mandates, the meeting will take place without attendance. In this time of crisis that we are in and all the circumstance it brings there has not been satisfactory time to talk as a community about the proposal. Steamrolling this through would certainly bring litigation. We are asking for a delay in the so we as a neighborhood can digest the facts in order to make a proper choice.

I strongly have issue with many items that were evaluated on the documents for the meeting for 3/24. Per section 6-308 E Approval criteria for use Permit, a claim that this will not contribute to the deteriorate of the neighborhood or to the downgrade of property values, however that claim is not backed up with any facts nor reports proving otherwise and we would like an impact survey stating that fact and a statement in writing that our property value will not be affected. It seems to me that once we give permission to a commercial zoning, this will absolutely have a negative impact as now anyone in Tally Ho Farms can apply for a commercial permit and a domino effect may alter what is now a strictly AG zoned community. Please tell me that if a proposed school with 38 people, 16 cars and 5 vans with a parking lot with lighting were to open right next to your home that your property value would not be affected. What is to stop the property from changing hands and another commercial entity build a completely different type of business on the site? The statement that traffic would not be an issue to Tally Ho Farms, is true due to the barrier on 71st street, however, failure to mention that making a left hand turn from the property is illegal so traffic is forced to go west on Knox then go through the Warner Ranch property on S La Rosa Dr or make a U-turn on Knox to go east to Rural. This impacts their neighborhood. Once again, we would like to see an impact study to back your claim. One issue left out of the PL200042 were safety concerns. Safety protocol for special needs so close to, as is stated in the documents as, "at the intersection of a major arterial and collector street" need to be addressed before approval. The was a reported incident at one of the other facilities run by the Transition operators where a student left the property and was found next door lying in the backyard grass of a neighbor. At the adjacent west side of the property there are a horse and donkey that may pose danger to an individual with a developmental disability not to mention the heavy traffic on Rural.

Stated that there are 3 opposed and 11 in favor. The 11 in favor are not true stockholders in the neighborhood and therefore this proposal has no impact to their property whatsoever. In fact, none of the 11 live anywhere near the proposed site and one lives as far as Tucson.

Please delay the meeting so the community can better understand the impact this school will have on their community.

Thank you for your time,

Marc Kovan

Jimenez, Lee

From: macling@cox.net
Sent: Monday, March 23, 2020 11:59 AM
To: Jimenez, Lee
Cc: Weaver, Chad
Subject: regarding Tally Ho Farms Proposal

Hello Lee and Chad,

I live in Tally Ho Farms neighborhood and have for past 24 years. I join lots of the people on my street that do not want the new owners of property located at Knox and Rural to start up a Transitions School for 30 some students. I don't have their names or the exact address but think you understand what I am speaking about. I think the proposal is PL200042. Since the Corona Virus has made it impossible for homeowners to attend the March 24th meeting for consideration, I also think that meeting should be re scheduled for a later date. There are various reasons the whole community does not want this "business" to start up in our community. I think the foremost one is that if these new homeowners get to have this business, others like it will be able to as well. We did not buy a home in this area to see it go commercial even to this extent. This is "Home on the Range" type living. We wish it to stay that way. We are not governed by a Homeowners Association but are connected as a Neighborhood that looks out for each other. Our CC&R's are not demanding. We only require that you cannot build more than one house on an acre property.

It is my suggestion these people wanting to run the school for that many students find a location more suited for that need. They do not even plan to live on the property in the house that is located there. This is not in keeping with the design of our neighborhood community. For the record I am against their intent.

Respectfully,
Marie A. Cling
[REDACTED] S. 71st St.
Tempe, AZ 85284
[REDACTED]

Jimenez, Lee

From: Brenda Litzinger <blitzinger3@gmail.com>
Sent: Monday, March 23, 2020 11:22 AM
To: Jimenez, Lee
Subject: Tally Ho Farms PL200042

I am opposed to the Transitions Tally Ho Farms Proposal (PL200042). In addition I request that the Public Hearing [this Tuesday, March 24th](#), be delayed until the Public can be in attendance.

As a long time resident of Tally Ho Farms and a third generation Tempean I think it is a extremely unfair that our homes , the investment we have in our homes , our lifestyles be jeopardized by a potential new neighbor who clearly does not have the same values that my family and my neighbors do. It is because of the shared values that our neighbors have had a very peaceful coexistence especially in the absence an HOA .

It is also preposterous that non residence of the neighborhood should have any vote at all as this will not a affect or directly impact their homes and families and the 11 "for" votes should be disregarded .

Thank you for your attention to this matter .
Brenda Litzinger

Sent from my iPhone

Jimenez, Lee

From: Annie <annfrederick@cox.net>
Sent: Monday, March 23, 2020 11:45 AM
To: Weaver, Chad; Jimenez, Lee
Cc: Debbie Keller
Subject: We are both Opposed Transition Tally Ho Farms Proposal (PL200042)

My name is Ann Frederick and my husband is Chris Frederick. We are both opposed to the Transitions Tally Ho Farms Proposal (PL200042). In addition I request that the Public Hearing this Tuesday, March 24th, be delayed until the Public can be in attendance.

We live in Tally Ho at [REDACTED] S. 71st St Tempe, AZ 85284

Thank you
Ann & Chris Frederick

Jimenez, Lee

From: fuelfresh@aol.com
Sent: Monday, March 23, 2020 12:08 PM
To: Jimenez, Lee; Weaver, Chad
Subject: tally ho zoning

attn:
mr weaver
mr jimenez

i have been a resident on 71st st for 30 years....quite awhile before tempe took over our county island of horse properties. accordingly, i have a pretty good idea about the lay of the land around here.

this request by the TRANSITIONS SCHOOL / PL200042 needs to be DENIED. over the years, several attempts have been made to change our neighborhood character....one way or the other. none of them respected our CC&Rs (and/or city code/zoning). as a matter of fact, the same property which TRANSITIONS has submitted for was in the spotlight a few years ago for variance to join the garage to the house proper. that party (a developer/flipper) simply wanted to make money by making a larger residence.....it did not fly.

please delay the scheduled public hearing (tomorrow) for a few months until this corona threat has passed. who would risk their health (life?), even at a 1% chance of contracting this virus, for attending a hearing? no way.

much obliged,
mark sherman
tally-ho resident

I am opposed to the Transitions Tally Ho Farms Proposal (PL200042). In addition I request that the Public Hearing this Tuesday, March 24th, be delayed until the Public can be in attendance.

March 23, 2020

ATTN: Lee Jimenez City of Tempe Senior Planner

RE: Transitions request for Use Permit in Tally Ho Farms (PL20042)

My name is Kathy Woodward and I live at 13025 S 71st Street, Tempe 85284 in Tally Ho Farms. My property is adjacent to 850 E Knox Rd, which is owned by Dennis Karp. I am currently Opposed to the use of this property for Instructional School for Cognitive Disabled Adults. The information provided in the Agenda documents does not match what Mr Karp had explained to me in person and by telephone conversations. He has downplayed the extent of use.

I am most concerned about the following:

1. The number of clients is now up to 36. I was told by Mr. Karp the max would be 15.
2. Staffing is at 8-10, which now brings the total people on this single family residence to 46.
3. Parking spaces for 17 cars, plus the use of up to 5 vans to transport clients.
4. New parking would be lighted. We strive to keep our neighborhood dark at night to enjoy the open skies and stars, etc. Keeping the country feel to Tally Ho Farms. (AG)
5. The effect on my property value as I share a border with this property. I have lived here for 30 years with my husband - who recently died of cancer. Steve taught at CDS for 29 years.
6. The added traffic westbound down Knox and into Warner Ranch and side streets which as you know already has congestion with Corona Del Sol HS, and the AZ Community Church at peak hours. We have wonderful walking and bike riding paths to Harelson Park, and other facilities in the area which will see more cars.
7. Allowing a For Profit Commercial Business into Tally Ho Farms is not why we live here. Our neighborhood is unique to Tempe and everyone in Tempe knows it should be preserved.

I do not trust this process, especially because the public is not allowed to attend the meeting due to COVID-19 restrictions, yet Mr. Karp and his team will be present.

Please contact me with any questions.

Respectfully,

Kathy Woodward



Public Hearing Notice:
Case #PL200042
Case Name: Transitions Tally Ho Farms
Site Location: 850 East Knox Road

QUESTION: In the past Tempe was shutting down Grade Schools on both sides north and south of I-60 due to an overabundance of them. If Tempe still had excess space in one of these schools wouldn't this be a perfect place for this Instructional School for Disabled Individuals? Might Tempe have another facility for this school?

This property is zoned AG Agricultural District. I don't see this Use Permit being used for an Instructional School (life skills for cognitively disabled individuals) for 30 plus students. In addition, 7 staff, 2 supervisors & 2 office staff for a total count of 41 plus 5 transport vehicles have no place in a zoned AG neighborhood especially for a **For Profit Business**. Tempe has guide lines for small businesses that are **For Profit Business** out of the home. This Use Permit does not even come close to Tempe's home small business guide lines. I would consider it a mid-size **FOR PROFIT BUSINESS**. Plus, a 4,080 SF, 16-place asphalt lighted parking lot.

Tally Ho Farms is a very unique area in Tempe with AG zoning where many people love to walk & bicycle. It provides minimal traffic without exhaust fumes. Many of these people do not even live on 71st. We are not a cookie cutter home sub division. For the most part we have no concrete walls plus we have lots of animals such as horses, chickens, Guinea fowl, goats, dogs, rabbits and cats that people enjoy.

Following are reasons to NOT allow this Instruction school in Tally Ho Farms.

- A. Increased traffic especially with the **hundreds** of vehicles that come & go at Corona High School, Arizona Community Church & the Community.

NOTE: Traffic Impact Study

The said property sits on the north west corner of Rural & Knox & Corona High School sits on the south east corner of Rural & Knox. Its opposite to the corner from Corona High School. In addition, a very large and very actively attended church Arizona Community Church sits on the north east corner of the same intersection. Has anyone performed a **Traffic Impact study** on this corner for the Use Permit? It should be shocking to find a school with disabled students so close to this very busy intersection.

- B. The essential character of the neighborhood.

This AG neighborhood is used to wide open areas with see through fencing to contain our horses, cows, chickens, goats etc. Plus, we all watch out for each other.

NOTE: The said property will have a 6' block wall built around it. The first thing the 6' block wall does is creates heat which is not good for the environment thus air circulation is cut down. Schools always have open fencing in the recreation areas.

C. Negative impact on our Property Values:

Keeping up the AG zoning & keeping out Use Permits has helped maintain the property values in Tally Ho Farms.

D. Health & Safety threat.

Our AG neighborhood has a lot of animals, horses, cows, goats, rabbits, chickens etc. If any disabled person might get out of the facility and into a fenced in area or pen and gets hurt or killed by a 1500 lb. horse, the owner of the horse could be sued for damages. Is that a chance you want to take? There are horses right next door to the said property. We as an AG neighborhood recognize these threats and avoid them. This is not a good environment for disabled people.

EXAMPLE: One evening some horses got out of their pasture and were running around the neighborhood. They ended up in our front yard. We had irrigation a few days before. The horse's hooves were leaving deep holes in our yard. We called our neighbor Debbie Keller & her husband who are experienced with horses to calm the horses and get them back into their pasture. Horses can get spooked and then they are out of control until someone with experience can calm the horse down.

The neighborhood is concerned for the safety of the disabled people around and near these animals. Just remember: People can stray away from their environment & get into trouble.

NOTE: IRRIGATION WATER LINES:

There are 2 irrigation lines that run across the said property feeding the property to the west. An easement needs to be made for these 2 irrigation lines.

Summary: Once a Use Permit has been issued things can change. It could clear the way for businesses such as a school for Drug Rehab or some other type of rehab which has no place in AG zoning.

We sympathize for the need of this school for Disabled Students but feel it should be located in an area NOT designed for individual homes. Therefore, we are not in favor of the Use Permit in our AG neighborhood. Remember this is a mid-size **FOR PROFIT BUSINESS** making thousands of dollars off of the Tempe tax payers. Unfortunately, this might be the reason the City of Tempe would be in favor to allow this business into our neighborhood.

Thank you,
Dennis Cling
[REDACTED] S 71st ST
Tempe AZ 85284
[REDACTED]

Jimenez, Lee

From: Alicia Brown <azcajun4@cox.net>
Sent: Monday, March 23, 2020 12:34 PM
To: Jimenez, Lee
Subject: Tally Ho

I am opposed to the Transitions Rally Ho Farms Proposal (PL200042). In addition I request that the Public Hearing this Tuesday March 24th, be delayed until the Public can be in attendance.

Best regards,
Alicia Brown

Sent from my iPad

Jimenez, Lee

From: Beth Fruth <bethannfruth@yahoo.com>
Sent: Monday, March 23, 2020 12:50 PM
To: Jimenez, Lee

I am opposed to the Transitions Tally Ho Farms proposal (PL200042) In addition I request Public Hearing Tues. March 24th be delayed until the public can be in attendance.

Thank you,
Beth Fruth

Jimenez, Lee

From: Michael Spallek <mikes@transitionsaz.org>
Sent: Monday, March 23, 2020 12:55 PM
To: Jimenez, Lee
Cc: Dennis Karp
Subject: Letter of recommendation for 850 E Knox Rd. in Tempe

Mr. Jimenez. Dennis did not see this letter in the attachment from your email this morning. Can you please add this to the list?

From: ERIC A GRENDALL <eagrendell@msn.com>
Sent: Wednesday, March 18, 2020 7:30 PM
To: leejimenez@tempe.gov
Cc: Dennis Karp <dennis@transitionsaz.org>
Subject: Re: Issuance of Use Permit for Tally Ho DTA (Transitions)

To: Development Review Commission, City of Tempe

Re: Issuance of Use Permit for Tally Ho DTA (Transitions)

Dear Mr. Jimenez,

I am writing this as a concerned parent of a multiply handicapped child . Cory, our son, has been attending the DTA day program owned and run by Transitions for the Developmentally Disabled for 14 years . Cory is now 38 years old and still loves the atmosphere and staff of all the Transitions-run entities.

There have never been any problems with the day program being in a residential setting. Actually just the opposite. The residential setting , as opposed to a commercial setting, is a quiet, safe and comfortable setting. It is a richer learning environment with positive effects on students.

So , as a parent, I am strongly urging the Commission to consider the needs of these wonderful young adults that attend the DTA Day program of Transitions.

Please realize that this is an essential thing in their lives. It would be terribly unfair to lose Transitions new Tally Ho DTA program because of one neighbor's complaint or concerns.

The loss of this wonderfully rewarding and necessary learning activity would very negatively affect the life of our son Cory and many other young adults just like him.

Please approve this new Use Permit.

Sincerely,
Eric and Kathy Grendell

Sent from [Mail](#) for Windows 10

Dear Tempe Development Review Commission,

I am writing this letter to express my complete support of TRANSITIONS using their residential property at 850 E. Knox Rd as a new Day Treatment and Training site for the instruction of Developmentally Disabled Adults. I was recently promoted and currently work in TRANSITIONS main office. For 10 years prior to this I was the Day Treatment and Training Manager for TRANSITIONS three Instructional Facilities (Two in Tempe and One in Glendale). In addition, I have a 20-year-old son named Michael who has Cerebral Palsy. Our family resided in Tempe from 2008 to 2012.

TRANSITIONS Day Treatment and Training Schools are of immense importance to the individuals and families they serve. Almost all our individual's families work full time and depend on our instructional facilities to facilitate their child's continued development while they're at work. After aging out of the public-school system at 22 years old, these adults need a place to continue developing skills until they are ready to enter the work force. Many of them will not reach a level where they can work independently as most of us do. Nevertheless, they too need a place where they can receive continued instruction to lead the most independent life and be active members of the community. TRANSITIONS is a "Top Notch" company that exists to render care and support to the developmentally disabled community. We have been operating in Tempe for the past 11 years without issue. We've always had good rapport with our neighbors who enjoy meeting and interacting with the individuals we serve. We are professional, respectful, and well organized. Our greatest desire is to provide the highest standard of care and support to families with developmentally disabled children/family members. The property at 850 E. Knox Rd. in Tempe is a great fit and would aid us in our mission.

The property at 850 E Knox Rd in Tempe is a fabulous upgrade to our current location which is in a Commercial/Industrial area in the vicinity of Guadalupe and Kyrene in Tempe. As the Day Treatment and Training Operations manager for 10 years, I know firsthand how much more a residential setting can offer our individuals than a commercial setting can. A residential setting is all around safer, more wholesome, peaceful, comfortable, and welcoming. This property would afford us an incredible outside area where our individuals can safely enjoy the outdoors. Being outdoors promotes good physical and mental wellness for everyone. Our members love to be outside and it is a highlight of their day. These important aspects of supporting the developmentally disabled population cannot be achieved in a Commercial/Industrial area.

The instructional facility at 850 E Knox Rd would be a great addition to the community. We virtually conduct ourselves according to the same values as the City of Tempe. TRANSITIONS is honest, accountable, creative and trustworthy. We provide the highest quality service and welcome individual differences. We believe that treating the individuals we serve with the utmost dignity, courtesy, and sensitivity are paramount and that our diversity is our strength.

Please allow TRANSITIONS to open and operate a new Instructional facility at 850 E Knox Rd. in Tempe

Sincerely,

Mike Spallek

Jimenez, Lee

From: Darcy Callers <darcycalleja@yahoo.com>
Sent: Monday, March 23, 2020 1:02 PM
To: Jimenez, Lee
Subject: Transitions Tally Ho

I am opposed to the Transitions Tally Ho Farms Proposal (PL200042). In addition, I request that the public hearing this Tuesday, March 24, 2020, be delayed until the public can be in attendance.

Thank You,

Darcy Calleja
(Concerned Tally Ho resident)

Sent from my iPad

Jimenez, Lee

From: Cynthia Lines <cynthia.lines@gmail.com>
Sent: Monday, March 23, 2020 1:39 PM
To: Jimenez, Lee; Weaver, Chad
Subject: Transitions "School" Application 24 March

We as homeowners (██████ S 71st Street) and residents of Tally Ho Farms since 1984 very much regret that current public health concerns prohibit the public forum to discuss the above mentioned issue affecting our neighborhood. There is strong opposition in our neighborhood to the City of Tempe granting the use permit for the property at 850 Knox for the following reasons:

The Public Notice of March 6 has not given our neighbors adequate time for due diligence to investigate the impact of the proposed Use Permit on our neighborhood.

A For- Profit "School" requiring a large paved and lighted 16 car surface parking lot is not compatible with our neighborhood setting.

Of the 11 people who have sent positive support to the city for this proposal, NONE are home owners in Tally Ho Farms. Many are related to one another, and one is a Tucson resident.

I am opposed to the Transitions Tally Ho Farms Proposal (PL2000042). and would add my signature to the petition stating such if able to do so. Since I am tending to a family matter out of state, please add my name to those who have been able to personally sign the petition.

Cynthia Lines

Jimenez, Lee

From: Vera Nehls <wvnaz2@gmail.com>
Sent: Monday, March 23, 2020 1:46 PM
To: Jimenez, Lee
Subject: Transitions - PLEASE READ

This Transitions Business does not come close to a small business guidelines. We do not need a paved and lighted parking lot in our neighborhood. The traffic at that corner already has more than its share of school, church and elementary school traffic .

You have school students walking the sidewalks for church, schools, both elementary and high school. This would be creating an unsafe situation.

The property is bordered by horse property on one side and an irrigation ditch on another side. The fence is a field fence over 50 years old, also irrigation pipes running under property are over 50 years old.

You are setting a precedent for business type requests in Tally Ho Farms.

Wendell and Vera Nehls live down Knox Rd. to the west about 400 feet from this property. We have resided on Lot 15 for 52 years. Although we assumed that some changes would occur in Tally Ho over the years, this "COMMERCIALIZATION" OF LOT 13 goes far beyond what residents ever expected the City of Tempe to consider. Your help in assisting Tally Ho with this matter would be greatly appreciated.

Wendell & Vera Nehls

█ S. 71st Street

Tempe, Az 85284


Jimenez, Lee

From: Margaret Wright <2margaretwright@gmail.com>
Sent: Monday, March 23, 2020 1:54 PM
To: Jimenez, Lee
Subject: Transitions Tally Ho proposal

Mr. Jimenez,

I am a resident of Tally Ho Farms please consider my request below. I do not support this change.

I am opposed to the Transitions Tally Ho Farms Proposal (PL200042). In addition I request that the Public Hearing [this Tuesday, March 24th](#), be delayed until the Public can be in attendance.

Thank you,
Margaret Wright


Jimenez, Lee

From: Todd Stevens <tstevens@encantahomes.com>
Sent: Monday, March 23, 2020 2:03 PM
To: Jimenez, Lee
Cc: Weaver, Chad
Subject: CASE# PL200042 - Traditions for The Developmentally Disabled

Mr. Jimenez and Members of the Development Review Commission,

I am an adjacent property owner to the proposed Transitions instructional Facility on 850 East Knox. On February 14th I wrote a letter of support for this use because I support the work they do.

HOWEVER,

THERE NEEDS TO BE REASONABLE LIMITS PLACED IN THE USE PERMIT REGARDING THE NUMBER STUDENTS, ACTIVITIES AND OPERATING HOURS IN ORDER TO NOT CHANGE THE CHARACTER OF THE NEIGHBORHOOD, NEGATIVELY IMPACT EXISTING PROPERTY OWNERS FROM NOISE, DECREASE PROPERTY VALUES AND CREATE A USE THAT IS INCOMPATIBLE WITH THE SURROUNDING RESIDENTIAL PROPERTIES.

I continue to support this Use Permit Application ONLY if the following limitations / stipulations are included in the approval.

I also support my neighbor's request that the Public Hearing on March 24th be delayed until the public can be in attendance.

Maximum Number of Daytime Students – 20

The City of Tempe's Group Home rules allow up to **10** residents.

Allowing more than double this amount would change the character of our neighborhood, decrease property values and create a use that is incompatible with the surrounding single family residential properties.

Maximum Number of Students Outside at Any Given Time – 10

Although the Applicant states "No formal outdoor group activities will be planned at this location" It is unreasonable to assume the students will not be outside at some point.

Based on The City of Tempe Group Home rules allowing up to **10** residents, the amount of students allowed outside at any time should be limited to **10** as well.

To allow more than 10 students outside at any given time would subject neighbors to noise, a lack of privacy and diminished use and enjoyment of their property.

This is important to not decrease property values and create a use that is incompatible with the surrounding single family residential properties.

Maximum Number of Students After Regular Hours / Overnight or Weekends – 10

Based on The City of Tempe Group Home rules allowing up to **10** residents, the amount of students permitted on the property after regular hours, overnight or weekends should be to be limited to **10** as well.

Landscape Buffer

The Applicant intends to construct an **8' tall masonry wall** as part of the 'Landscape Buffer'
The proposed 8' tall masonry wall is not in character with our neighborhood and the surrounding properties. A wall of this height is something you would find around a commercial shopping center, not in a residential neighborhood.

As an adjacent neighbor I do not want this 8' tall masonry wall constructed on or adjacent to my property line.


I request that the masonry wall be replaced with hopseed or other appropriate bush planted 3' on center and supplied with automatic irrigation.

I support the applicants plan to plant trees 20' on center.

Thank you for considering my concerns and requests for this application.

Sincerely,

Todd Stevens


13001 and 13019 South 71st Street
Tempe, Arizona 85284

To: Lee Jimenez

Senior Planner, Community Development, City of Tempe

CC: Chad Weaver

Director, Community Development, City of Tempe

From: Jack Hodgson and Tally Ho Farms South Neighbors, Tempe, AZ 85284

Date: 3/22/20

Re: Transitions Tally Ho Farms, PL200042

Dear Mr. Jimenez:

Thank you for your responsiveness regarding the above referenced matter. We must quite candidly tell you we were nonplused by your e-mail which said this important meeting is closed to the public because of the corona virus. Some of us are personally in a critical risk category, but due to the impact this project has on our local community we believe, with proper social distancing, the risk is not that great. My question is: will the owner pitching this project be able to attend, but not us? You said in your comments: "a neighborhood meeting is not required for the requested entitlement." Obviously, you know the law better than we do but this hardly seems fair to us. We feel a delay in this meeting is appropriate given the current crisis and the need for our local community to study this initiative which will have a huge impact on the surrounding neighborhoods. You told us in an e-mail that while the City is cancelling major meetings meanwhile the Development Review Commission (DRC) meeting is "an exception because they take legal action on matters of immediate need to the business community." As small businesses are failing all over this City because of the corona virus we find it ironic that the City must immediately push ahead with this initiative to cater to the business needs of Transitions. We implore you to utilize the Development department's influence to delay this meeting.

We would like to comment on the staff summary report your department has submitted to the DRC and is now part of the public record. While your comments are thoughtful and constructive we take issue with many of the suppositions and conclusions contained within the report and rely on your forbearance to hear us out on this long list of differences we have with the report which we will spell out to you.

COMMENTS Section:

The report states: "The school offers these individuals a place to learn social, emotional, and daily living skills. . ." We would like to state that after speaking with many of the neighbors we support the advancement of our community's disadvantaged. The real point is why is it necessary to compromise an old legacy neighborhood development to accomplish this aim by a "for-profit" business. With empty schools, modern office space and large abandoned gold courses in this immediate region you have to ask why Tally Ho Farms. At the risk of sounding cynical we believe "for-profit" business owners have

light pollution, increasing automotive emissions and other environmentally deleterious aspects associated with the project.

From an environmental standpoint doesn't it make more sense to use existing unused space such as previously mentioned abandoned golf courses, mothballed public schools or attractive unoccupied office space? I do not think these environmentally prudent space utilizations could be construed as "warehousing" students.

Neighborhood deterioration and property value downgrades: The neighborhood deterioration argument is admittedly subjective but we don't know how a busy school with upwards of fifty people on this plot can be an enhancement to the neighborhood. Remember once this school is in then anything can happen down the road. The owner may be well intentioned but may change his mind on uses later on or sells the school to new owners who may not be as well intentioned. Already this owner has approached some residents saying the school will have 10-12 students. Before the Use Permit has been granted it appears the number of students and employees has tripled.

We strenuously disagree with the assertion that the business "is not expected to downgrade property values." We have no idea how the report objectively came up with this statement. If you have evidence to support this we would like to review it. We're speculating that the staff has no way to empirically prove the property values will not be degraded but it is presented to the DRC as an affirmative position. Let's just say your opinion and ours are arrived at anecdotally and cannot be proven at this time. This is why we object to the Staff Report statement regarding the matter of property values. Also, the fact of ownership turnover is a complete non-sequitur to the subject of property values.

Compatibility: This school is in no way compatible to the overwhelming residential character of the area. Just because there are churches and public schools in the area does not make a "for-profit" business school compatible with the area.

We have reviewed the Corona/South Tempe Character Area report and see so many conflicts that this project represents such as Limited Density and Peacefulness just to name a few. The Corona Principles contained in the report even has a section called "Respect Traditional Residential Qualities" and calls out for retaining opportunity for equestrian and ranch lifestyles. Did you know that horses are legally kept on the adjacent property? What happens if some of students inadvertently wander onto this horse property? We cannot conceive how this Use can be compatible with the Character Area report that the City put together in good faith not too long ago.

In terms of Compatibility we predict that others will view the granting of a Use Permit to this business as precedence for granting Use Permit for other nonresidential purposes on Tally Ho Farms Property as well as trying to rescind the AG zoning status. This is one of the many reasons for opposing this business being established on the land bounded by, Knox, Rural, Warner Roads and the eastern boundary of Warner Ranch which was defined over 50 years ago as AG zoned property under valid legal property documents and firmly established in contractual law.

purchased this property as their low cost alternative and are utilizing an altruistic argument to open this school in our neighborhood. We have no problem with any businesses making money but we do have a problem with a business making money at the expense of my neighborhood especially when they are trying to portray it as purely altruistic project. We are well aware that some of the opponents to this project will be subject to severe criticism that we are uncaring people who not sympathetic to those of us who are disadvantaged. But if you unpack the underlying issues in this project you can observe the objectives of the business owners benefit themselves first while compromising the character and future of the surrounding communities.

PUBLIC INPUT Section:

Your assertion that you have received eleven letters of support is, while probably not intentional, downright misleading. First of all four of the letters come from the same family members so it doesn't seem fair to count them as individual letters of support. You may have also noticed that the letters of support come from individuals not connected to our immediate South Tempe neighborhood. This project impacts our neighborhood not someone who is friends with the owner. Most of the support e-mail submitted to you have the owner copied. Aren't you a bit skeptical that the owners asked friends/supporters to submit positive letters to your office to aid in seeking approval for his project from the DRC and the City? The report citing letters of support is misleading.

USE PERMIT section:

Traffic: You say the school will not create more than any other trip generators such as churches, Corona HS and Mariposa Elementary. We're not sure you grasp your point here . . . just because their traffic profile is similar, it's not okay . . . this school will add traffic at critical hours in the morning and afternoon weekday hours, not complement other traffic generators.

If the school abides by traffic rules it cannot cross double lines on Knox Road. Consequently it dictates a right turn out of the facility and causes more traffic spilling into the Warner Ranch neighborhood and competing with the already frantic traffic around Mariposa Elementary during school hours.

As you may already be aware City Police had to crack down on parents dropping their children off in the middle suicide lane on Rural Road because the traffic is so congested during school hours. It seems imprudent to increase traffic by adding a school catty corner to Corona HS.

Before the DRC arrives at a conclusion about this Permit, as it relates to traffic, wouldn't it be wise to consult with City Staff such as the Traffic Engineer to get an expert opinion.

Nuisance: We disagree that this project would not increase odor, dust, gas noise, heat or glare or other environmental conditions. Here we have an open green space which enhances the neighborhood and community and the local environment. We find it puzzling that in a City such as Tempe which touts itself, by fiat, to be environmentally proactive is now contemplating approval for erecting more masonry walls, paving over green space for parking lots, putting up high light stanchions, creating more

Adequate Control: The staff report uses the term “reduces the potential disruptive behavior.” With a business injecting a school into a residential neighborhood with 50 people and the potential for more, along with weekend events, there no way that this business can guaranty the peace and quiet that the surrounding neighborhood presently enjoys. The immediate residential area will be altered significantly and permanently if this business is granted a Use permit.

REASONS FOR DENIAL

We applaud the staff’s efforts for proffering Conditions for Approval to reverse Denial, but for all the reasons given above we do not believe it will assuage the communities’ serious concerns. We firmly believe that the establishment of this business will forever gravely alter the characteristics of the surrounding residential community.

Jimenez, Lee

From: ashokc@yahoo.com
Sent: Monday, March 23, 2020 2:32 PM
To: Jimenez, Lee
Cc: Weaver, Chad
Subject: Change of Zoning for 850 Knox Road

To
Mr Jimenz
City of Tempe Sr. Planner

Sir

As a resident of Tally Ho farms, I am very concerned about what I am hearing about the proposed conversion of 850 Knox road. First, and foremost, no decision should be made during this crisis. Any postings, hearings, administrative hearings etc. should happen after the situation has returned to normal. The residents of this area should have the ability to challenge inconsistencies, verify facts and ensure that everything is consistent with the law and previous rulings. Further more, the voice of the people in the community should be prevail, not people who have little or no connection with facility or have an commercial interest in the business.

I oppose this business in my community, I request that I have full ability to examine and verify the facts myself. Given the present norms of social distancing, it would be imprudent and callous to insist that it be done now and that I and others will not have reasonable time to present rebuttal of any statements that may have been made to you. With due respect, going ahead with a decision to provide approval in this scenario might be construed arbitrary and capacious.

I appeal to you do the right thing for the community.

Thank You

Ashok Chandrasekhar


ashokc@yahoo.com

Jimenez, Lee

From: Paul Lines <dr.paul.lines@gmail.com>
Sent: Monday, March 23, 2020 2:46 PM
To: Jimenez, Lee; Weaver, Chad
Subject: RE: Tally Ho Farms Proposal (PL200042).

Dear Sirs:

My name is Paul Lines, and I live at [REDACTED] S 71st St, Tempe, AZ 85284, and have for more than 35 years. I am very much apposed to the granting of a use permit as requested by the owners of the property on the northwest corner of Knox and Rural Roads.

There are many inaccuracies and pieces of different information that have been put out there by the newest owners of this property.

This application, calling the services to be rendered as 'instructional schooling' is a thinly veiled attempt to rename what is in reality a day care group home for persons with disabilities, which would require a different use permit. If it is indeed a 'school' to teach individuals skill sets to be employed (as their letter for use permit claims), then in reality this is a vocational school, which is absolutely not permitted in this location.

An outside parking lot to hold 16 cars is hardly in accordance with the One plus acre of horse properties in Tally Ho Farms, and constitutes parking facilities for commercial use, not even being in compliance in that regard, not being in an enclosed building. It would look like a used car parking lot, that hardly belongs in this rural home owners environment.

The additional traffic caused by 5 buses and 16 cars driving into and exiting this property so close to Rural Road, with its very high traffic

volume, and being the first entry/exit slot west of Rural, is a high risk venture for traffic accidents.

I feel this commercial venture was extremely poorly thought out, and planned totally inappropriately to blend into the adjacent and surrounding residences. No resident is going to want a used car parking lot next to their domicile.

I would highly encourage the City of Tempe to not allow a use permit for this applicant in this location.

Sincerely, Dr. Paul A. Lines

Jimenez, Lee

From: Sudha Chandrasekhar <drsudhaaz@gmail.com>
Sent: Monday, March 23, 2020 3:03 PM
To: Jimenez, Lee; Weaver, Chad
Cc: Ashok Chandrasekhar
Subject: Objection to Tally Ho Farms Proposal PL 200042

I am completely shocked that the City of Tempe is planning a public meeting for the residents of Tally Ho Farms on March 24 in flagrant violation of the "shelter in place/social distancing" guidelines issued by the CDC as we battle the COVID19 pandemic. As a Pediatrician, I consider this irresponsible act a blatant disregard of public safety and civic duty.

I am opposed to the Transitions Tally Ho Farms Proposal PL 200042 which is a poorly thought proposal with many unanswered questions and gaping informational lacunae. This hearing should be delayed till the city can collect better data on the feasibility of the proposal and allow the residents of Tally Ho to participate without jeopardy to their health and safety.

I can be reached via email drsudhaaz@gmail.com or my cell phone [REDACTED] if additional information is required.

Thank you for your kind consideration to this urgent matter.

Sincerely

Dr Sudha Chandrasekhar
([REDACTED] S 71st St)

*Sudha Chandrasekhar MD
Phoenix Childrens Pediatrics
San Tan Village Gilbert
Phone: [REDACTED]*

Jimenez, Lee

From: Jane Bou <pjbou@cox.net>
Sent: Monday, March 23, 2020 3:50 PM
To: Jimenez, Lee
Subject: Transitions Tally Ho Farms Case #PL00042

I would like to register my opposition to this proposed project. This area is intended to be residential. More importantly, this particular area already has significant traffic, due to the high school, elementary school, church, bus stop, SRP work area, and the designated bike path. This project will only add to the existing traffic and quite possibly endanger people traveling in the area. It was my understanding that Tempe is looking into ways to decrease vehicle accidents. Adding more traffic to an already burdened corner does not seem to align with this plan. Thank you for your time.

Jimenez, Lee

From: Dennis Karp <dennis@transitionsaz.org>
Sent: Monday, March 23, 2020 4:33 PM
To: Jimenez, Lee
Subject: FW: Tally Ho Farm

From: Dan Carrasco <carrascodan51@gmail.com>
Sent: Monday, March 23, 2020 4:24 PM
To: Dennis Karp <dennis@transitionsaz.org>
Subject: Tally Ho Farm

March 23, 2020

City of Tempe
Development Review Commission
ATTN: Senior Planner Lee Jimenez

Dear Mr. Jimenez:

I am writing this letter on behalf of my nephew who has been a member of the Transitions DTA family since 2016, when we moved to Chandler from Anondale.

Having evaluated several DTA facilities in the West and East valley, we felt very fortunate to have found and be placed into the DTA McClintock Farm in Tempe.

My nephew really liked the farm setting with the animals. One of his medical providers thought it was a great concept. It was also great that it was in a neighborhood, providing a secure environment.

Tally Ho Farm continues this tradition and setting. A unique opportunity for the City of Tempe to foster the continued growth of its young participants in such a DTA center. Like all young people, these kids are entitled to enjoy their "school of learning" to fullest extent possible.

We of the ASU community know this as we have enjoyed and reaped the benefits of its' growth.

We ask that you help Transitions help our deserving kids with a place to learn and grow in a place like Tally Ho Farm.

Thank you for your time and consideration.

Sincerely,
Daniel Carrasco Jr.

From: [JanB](#)
To: [Jimenez, Lee](#); [Weaver, Chad](#)
Cc: [Debbie Keller](#)
Subject: Opposition to PL200042 Transitions Tally Ho Farms
Date: Monday, March 23, 2020 11:13:30 AM

3/23/2020

Dear Mr Jimenez

I am one of the 3 residential property owners that directly borders 850 E Knox Road.

I strongly oppose putting this Usage Proposal (PL200042) before the City Review Committee for a vote without proper representation from the residents of Tally Ho Farms.

I am unsure which is more lethal - the Coronavirus which is keeping me self-quarantined at home OR the insistence of holding a PUBLIC hearing at which the PUBLIC is barred from attending.

It would seem to be lawfully and ethically impossible to proceed without due representation from both sides. (And an email or call just does not suffice or replace being “publicly heard”!)

In the following verbiage I will try to address the numerous items that I find disconcerting - and, I’m confident that a public hearing (with the public present) would clarify and disclose other neighborhood concerns.

In presenting these items, I AM NOT saying that I oppose the services this usage would provide - I AM saying that a full accurate and transparent disclosure of usage and intent could facilitate this request. All we are asking is an opportunity to be heard and to work with you fairly and to have due representation.

There are two major issues that I feel really need to be discussed in detail: 1) the manner in which this proposal is being expedited without adequate neighborhood visibility and 2) the inconsistent proposal itself which will impact, set a precedence and alter decades of neighborhood cohesiveness.

1). The proposal was originally sold as a simple quiet transitional school with a few goats, a garden, and a dozen students 5 days a week - it appears the actual proposal has evolved extensively.

In an effort to secure approval, numerous letters of support have been garnered from recipients of the venture. It is those who will be adversely affected that need to be heard from - after having a chance to hear the factual proposal.

2). The evolving proposal (both factual and hear-say) really is having a pandemic effect as we don’t know the details and have no say in how it will impact us.

Some of my major concerns are: .

-I have an SRP irrigation line that runs the width under the front of this

property. Easement considerations need to be addressed.

- The unsubstantiated claim that property values would increase. We are an AG/residential neighborhood; how can placing a commercial property at my back doorstep possibly be a value added feature.
- Knox Rd IS a fast-moving street during school rush hours- the same hours intended for this school; access to Rural Rd requires turning left and crossing a double yellow line. With 23+- parking spaces, I would guess an equivalent number of vehicles would be added to that congestion and would encourage a right turn instead.
- Usage of the separate garage for 5 vans defines a storage/maintenance facility
- The parking lot (described in numerous ways) is lighted by a 15' lamp. Our neighborhood prides itself in having avoided street lamps for its entire existence
- an absence that is invaluable.
- The landscape buffer proposes trees and an 8' masonry wall. Hearsay has this feature as unresolved.

I would once again like to request that since the COVID-19 restrictions are preventing our due representation, that the right, just, fair and sensible thing to do is postpone this hearing until the crisis is over. In lieu of a postponement please duly note my strong opposition to this proposal.

Thank you for your consideration.

Janice BERGER

Property owner at:

██████ S 71st Street

Tempe, AZ

████████████████████



March 23, 2020

Via Email

Lee Jimenez
Senior Planner, Community Development, City of Tempe
Lee_Jimenez@tempe.gov

Chad Weaver
Director, Community Development, City of Tempe
Chad_Weaver@tempe.gov

***Re: City of Tempe Use Permit for the Transitions Instructional School
(PL200042) Located at 850 East Knox Road, City of Tempe***

Dear Messers Jimenez and Weaver:

I represent Wesley Brown and others, who live in single-family homes within the Tally Ho Farms Unit No. Two subdivision. The Browns live at 12244 S 71st Street, Tempe, Arizona.

If you are not already aware, the property upon which you are considering a use permit for an instructional school is subject to the Declaration of Restrictions recorded on June 25, 1965 at docket 5610 pages 86-87 in the records of Maricopa County (the "Declaration"). Exhibit 1. The Declaration restricts the use of the property to single family residential property.

There are numerous provisions set forth in the Declaration that prevent the property from being used as a school. The Declaration §1 provides that all of the lots are restricted to *residential lots*. Section 1 specifies the size of the dwelling units and such items as porches, pergolas and attached carports.

Section 3 "provides that no garage or other buildings shall be erected on any of said lots until a dwelling house shall have been erected." The obvious intent of this section is that the lots are to be used for a "dwelling house."

Section 5 provides that "no structure will be commenced or erected on any of said lots until the location, materials and design have been approved in writing" by a design committee. If there is no design committee, the building must be "in

Dale S. Zeitlin
Certified Specialist
in Real Estate Law
dale@zeitlinlaw.com

Dawn Zeitlin
dawn@zeitlinlaw.com

5050 N. 40th St.
Suite 330
Phoenix, AZ 85018

T: (602) 648-5222
F: (602) 648-5226

harmony with existing buildings and structures in the immediate vicinity in said subdivision.”

The Declaration runs with the land and is binding on all owners of property within the subdivision.

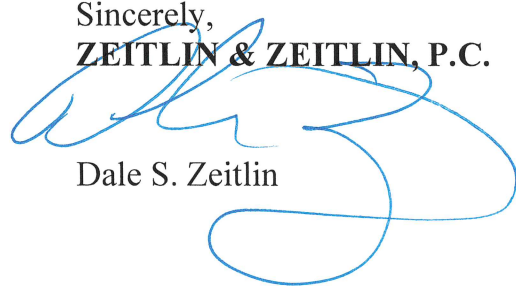
The proposed use violates the deed restrictions. A school is not a single family residence, as even the Tempe Building Code Occupancy depicts the use as “Business”. The school requires a large parking field—17 parking spaces—and will generate more vehicular traffic than a single family residence. The 6,960 sf building is incompatible with the existing homes in the Tally Ho subdivision. The owner, Dennis Karp Transitions School purchased the property in 2019 with the intent to violate the single family use restriction.

My clients and other residents of the neighborhood oppose the proposed use of this property. The Tally Ho homeowners have previously had to enforce the Declaration in the Maricopa County Superior Court. A copy of the complaint is attached as Exhibit 2. In the 2015 lawsuit, the proposed use was an assisted living facility. The result of that lawsuit was a dismissal by the developer for the reason that the proposed use violated the Declaration.

This letter puts you on notice that my clients intend to enforce the Declaration that prohibits the proposed development.

The City of Tempe should, as a policy, steer clear of neighborhood issues that require a Court’s determination of recorded use restrictions. Therefore, rather than proceeding with the public hearing regarding this clearly illegal proposed land use, we urge you to instead take the more prudent course of action, and require the applicant to first obtain a judicial declaration as to whether the property can be used for the proposed use. This will save the City’s resources, create less turmoil in the neighborhood, and would benefit from the efficient and proper use of the Court system.

Sincerely,
ZEITLIN & ZEITLIN, P.C.



Dale S. Zeitlin

DSZ/lg
Enclosures
CC: Wesley Brown

EXHIBIT 1

25610 of 50

Docket _____ Page _____
Recorded _____ TALLY - FARMS UNIT NO. TWO

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

THAT, A. Z. OPERATIONS, an Arizona corporation, being the owner of all of the following described premises, situated within the County of Maricopa, State of Arizona, to-wit:

Lots 1 to 26 inclusive, being all of TALLY-HO FARMS UNIT NO. TWO, a subdivision of Maricopa County, Arizona, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 108 of Maps, page 39 thereof; and desiring to establish the nature of the use and enjoyment thereof, does hereby declare said premises subject to the following express covenants, stipulations and restrictions as to the use and enjoyment thereof, all of which are to be construed as restrictive covenants running with the title to said premises & and with each and every part and parcel thereof, to-wit:

1. All of said lots are residential lots only and no dwelling shall be erected having less than 1200 square feet of living area exclusive of open porches, pergolas, or attached carports or garage and must be of new and approved construction. A 30 foot setback from the front lot line and a 10 foot from side lines.

2. None of said lots shall be resubdivided into more than 2 lots; nor conveyed or encumbered in less than 100 foot frontage, and a depth of 120 feet; nor subdivided so that one lot becomes a through lot, that is, a lot having frontage on two parallel or approximately parallel streets.

3. No garage or other building shall be erected on any of said lots until a dwelling house shall have been erected, unless a contract has been signed with a reliable contractor for the construction of the home. Prior to the erection or after the erection of such dwelling house, no garage or other outbuilding shall be used for residential purposes; provided, however, this restriction shall not prevent the inclusion of guest or servant quarters.

4. All dwellings used for residential purposes shall install flush toilets, and all bathrooms, toilets or sanitary conveniences shall be inside the buildings permitted hereunder. Until such time as sewers may be available, all bathrooms, toilets or sanitary conveniences shall be connected to septic tanks and cesspools constructed in accordance with requirements and standards of County and State laws, rules and regulations and in accordance with sound engineering, safety, and health practices.

5. No structure will be commenced or erected on any of said lots until the location, materials and design have been approved in writing, by a committee of 3 persons; namely B. D. Rogers, A. B. Campbell and Lorraine Rogers, which committee shall act until 75% of said lots have been sold. And then by a committee elected by a majority of the then owners of said lots in TALLY-HO FARMS UNIT NO. TWO.

DKT 5610 PAGE 87

Docket _____, Page _____
TALLY-HO FARMS UNIT NO. TWO

Page 2

Prior to the sale of 75% of said lots, and in the event of the death, resignation or incapacity of any members of the committee to act, the remaining member or members of such committee to act in lieu of such deceased, resigned or incapacitated member. Any two of the members of such committee may pass upon such design, location and kind of materials. In the event that there is no committee in existence under either manner of appointment or election or in the event such committee fails to approve or disapprove such design and location, or the kind of materials to be used in such structure within thirty days after written request to do so, such request to be filed with the committee, then such approval of the committee will not be required; provided the design, location, and the kind of materials and the buildings to be built on said lot shall be in harmony with existing buildings and structures in the immediate vicinity in said subdivision, and said buildings shall be governed by all of the restrictions herein set forth.

The foregoing restrictions and covenants run with the land and shall be binding on all persons owning any of said lots in TALLY-HO FARMS UNIT NO. TWO until January 1, 1980, at which time said covenants shall be automatically extended for successive periods of ten years each, unless by vote of a majority of the then owners of the said lots in said TALLY-HO FARMS UNIT NO. TWO it is agreed to change the said covenants in whole or in part.

Unofficial Document
Deeds of conveyance of said property, or any part thereof, may contain the above restrictive covenants of reference to this document, but whether or not such reference is made in such deeds, or any thereof each and all of such restrictive covenants shall be valid and binding upon the respective grantees. Violations of any one or more of such covenants may be restricted by any court of competent jurisdiction and damages awarded against such violations, provided, however, that a violation of these restrictive covenants or any one or more of them shall not affect the lien of any mortgage now of record, or which hereafter may be placed of record, upon said lots, or any part thereof.

Invalidation of any of these covenants or restrictions by judgement or court order shall in no way affect any of the other provided provisions, which shall remain in full force and effect

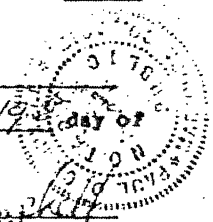
IN WITNESS WHEREOF we have hereunto set our hands this _____ day of May, 1965.

A. Z. OPERATIONS,

STATE OF ARIZONA,
COUNTY OF MARICOPA:

By B. L. Rogers

this instrument was acknowledged before me this 19th day of May, 1965 by B. L. Rogers



My Commission Expires: _____

B. L. Rogers
Notary Public

STATE OF ARIZONA, County of Maricopa; ss. 120504
I do hereby certify that the within instrument was filed and recorded at request of A. Z. Operations
JUN 25 '65 - 15 _____ Docket 5610 Page 86-87
Records of Maricopa County, Arizona.
WITNESS my hand and official seal the day and year first above written.
3610 E. McDowell 06-MISC By Clifford H. Ward Deputy 258
CLIFFORD H. WARD, County Recorder.

EXHIBIT 2

1 Claudio E. Iannitelli (012759) - cei@cimlaw.com
2 Jacob A. Kubert (027445) - jak@cimlaw.com
3 **CHEIFETZ IANNITELLI MARCOLINI, P.C.**
4 111 West Monroe Street, 17th Floor
5 Phoenix, Arizona 85003
6 Tel. (602) 952-6000
7 Fax (602) 952-7020

8 Attorneys for Plaintiff

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
12

13 **ASSISTED LIVING ASSOCIATES, LLC,**
14 an Arizona limited liability company,

15 Plaintiff,

16 -vs-

17 **LELAND C. ALBERTSON, JR. and**
18 **SHIRLEY D. ALBERTSON** as trustees of
19 **THE ALBERTSON FAMILY TRUST** dated
20 August 4, 1990; **ALAN C. BARTLETT and**
21 **VANICE R.B. BARTLETT**, as trustees of
22 **THE BARTLETT FAMILY TRUST, ALAN**
23 **C. BARTLETT AND VANICE R.B.**
24 **BARTLETT; DOUG R. BROWN and**
25 **DOROTHY J. BROWN**, as trustees, or their
26 successors in trust, under **THE BROWN**
LIVING TRUST, dated November 18, 2008;
WESLEY E. BROWN and ALICIA NALL
BROWN, husband and wife; **CRISTOBAL**
BUSTAMANTE and MARY
BUSTAMANTE, husband and wife; **ASHOK**
CHANDRASEKHAR and SUDHA
CHANDRASEKHAR, as trustees of the
CHANDRASEKHAR FAMILY TRUST dated
October 18, 2006; **JOSEPH MATTHEW**
CRABB and DANA L. CHRISTY, husband

No. CV2015-006675

SECOND AMENDED
VERIFIED COMPLAINT

(Declaratory Judgment Pursuant to
A.R.S. § 12-1831, et seq.)

(Assigned to the Honorable Randall Warner)

1 and wife; **KEITH EHRHARDT, SR. and**
2 **MAE NELL EHRHARDT**, husband and
3 wife; **WILLIAM FAUTSCH aka WILLIAM**
4 **C. FAUTSCH**, an unmarried man; **JOHN**
5 **GARDETTO and LYNN T. GARDETTO**,
6 husband and wife; **J & L GARDETTO, LLC**,
7 an Arizona limited liability company; **JOHN**
8 **T. GIEK and PATRICIA A. GIEK**, husband
9 and wife; **STANLEY R. GILBERT and**
10 **JOLENE GILBERT**, husband and wife;
11 **MARIA HERNANDEZ aka MARIA G.**
12 **HERNANDEZ FLORES**, a married woman
13 as her sole and separate property; **NAVEED**
14 **M. IFTIKHA**, a married man, as his sole and
15 separate property; **BRIAN IMDIEKE and**
16 **DAWN IMDIEKE**, as trustees of THE
17 **IMDIEKE REVOCABLE TRUST, DATED**
18 **JUNE 25, 1992; RAYMOND A. JAEGER**, as
19 trustees of THE JAEGER SURVIVOR'S
20 **TRUST ESTABLISHED UNDER THE**
21 **RAYMOND A. JAEGER AND PATRICIA A.**
22 **JAEGER REVOCABLE TRUST, dated**
23 **February 23, 1988; JAI HANUMAN**
24 **INVESTMENTS, LLC**, an Arizona limited
25 liability company; **LARRY KENT KELLY**
26 **and CHERYL VIRGINIA KELLY**, as
trustees under TRUST AGREEMENT, dated
April 9, 1993; **THOMAS KELLY**, an
unmarried man; **SHARON WRIGHT**
KREBS, as trustee of THE SHARON
WRIGHT KREBS SURVIVOR'S TRUST,
dated December 3, 1998; **KENG K. LIM and**
MEELING TAN, husband and wife;
MATTHEW AARON LOVELADY and
BRENDA TIP NING TONG, husband and
wife; **KEITH MOFFETT and JANET**
MOFFETT, husband and wife; **TIMOTHY**
L. NEESE and JENNIFER NEESE, husband
and wife; **MICHAEL OLAS and**
CYNTHIA OLAS, husband and wife;
RUSSELL EDWARD ORTIZ, SR., an

1 unmarried man; **WILLIAM H. PARDEE and**
2 **SUSAN R. PARDEE**, husband and wife;
3 **SAYLOR ESTATES HOMEOWNERS**
4 **ASSOCIATION**, an Arizona corporation;
5 **ARCHER V. SHELTON and BARBARA J.**
6 **SHELTON**, as trustees under THE
7 SHELTON FAMILY TRUST, dated May 16,
8 1990; **NANCY OSBORNE SHELTON**, a
9 married woman as her sole and separate
10 property; **LOUIS CHRIS THANUKOS and**
11 **LINDA JEAN THANUKOS**, as trustees of
12 LOUIS CHRIS THANUKOS and LINDA
13 JEAN THANUKOS REVOCABLE TRUST
14 created under the declaration of Trust dated
15 November 15, 2012; **SCOTT Y. TONG and**
16 **JIAN Y. TONG**, husband and wife; **SARA**
17 **TORRES and RAYMUNDO TORRES**, as
18 wife and husband; **VIP CUSTOM HOMES,**
19 **LLC**, an Arizona limited liability company;
20 **EARL D. WILLIAMS and NAOMI R.**
21 **WILLIAMS**, as trustees of THE EARL D.
22 AND NAOMI WILLIAMS FAMILY TRUST;
23 **JASON Q. ZHANG**, a married man as his
24 sole and separate property; **QISHENG**
25 **ZHANG**, a married man as his sole and
26 separate property; **FREDRIC C. ZUST**, a
married man as his sole and separate property,

Defendants.

Plaintiff, Assisted Living Associates, LLC, by way of this Verified Second Amended
Complaint against Defendants, hereby alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Assisted Living Associates, LLC is an Arizona limited liability
company authorized to conduct business in Arizona.
2. Defendants Leland C. Albertson, Jr. and Shirley D. Albertson, as trustees of

1 The Albertson Family Trust dated August 4, 1990 (“Albertsons”), own real estate in
2 Maricopa County, Arizona within the Tally-Ho Farms Unit No. Two subdivision (the
3 “Subdivision”) identified as Assessor’s Parcel No. 301-52-014-B.

4 3. Defendants Alan C. Bartlett and Vanice R. B. Bartlett, as trustees of The
5 Bartlett Family Trust, Alan C. Bartlett and Vanice R. B. Bartlett (“Bartlett”), own real estate
6 in Maricopa County, Arizona within the Subdivision identified as Assessor’s Parcel No. 301-
7 52-108.

8 4. Defendants Doug R. Brown and Dorothy J. Brown, as trustees of The Brown
9 Living Trust, dated November 18, 2008 (“Doug and Dorothy Brown”), own real estate in
10 Maricopa County, Arizona within the Subdivision identified as Assessor’s Parcel No. 301-
11 52-015B.

12 5. Defendants Wesley E. Brown and Alicia Nall Brown, are husband and wife
13 (“Wesley and Alicia Brown”), own real estate in Maricopa County, Arizona within the
14 Subdivision identified as Assessor’s Parcel No. 301-53-202 and Assessor’s Parcel No. 301-
15 52-030B.

16 6. Defendants Cristobal Bustamante and Mary Bustamante, are husband and wife
17 (“Bustamante”), own real estate in Maricopa County, Arizona within the Subdivision
18 identified as Assessor’s Parcel No. 301-52-036B.

19 7. Defendants Ashok Chandrasekhar and Sudha Chandrasekhar, as trustees of the
20 Chandrasekhar Family Trust, dated October 18, 2006 (“Ashok and Sudha Chandrasekhar”),
21 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor’s
22 Parcel No. 301-53-260.

23 8. Defendants Joseph Matthew Crabb and Dana L. Christy, are husband and wife
24 (“Crabb”), own real estate in Maricopa County, Arizona within the Subdivision identified as
25 Assessor’s Parcel No. 301-52-034B.

26 9. Defendants Keith Ehrhardt, Sr. and Mae Nell Ehrhardt, are husband and wife

1 (“Ehrhardt”), own real estate in Maricopa County, Arizona within the Subdivision identified
2 as Assessor’s Parcel No. 301-52-024C and Assessor’s Parcel No. 301-52-024D.

3 10. Defendant William Fautsch aka William C. Fautsch, is an unmarried man
4 (“Fautsch”), owns real estate in Maricopa County, Arizona within the Subdivision identified
5 as Assessor’s Parcel No. 301-52-990; 301-52-014A; 301-52-012A; and 301-52-012B.

6 11. Defendants John Gardetto and Lynn T. Gardetto, are husband and wife
7 (“Gardetto”), own real estate in Maricopa County, Arizona within the Subdivision identified
8 as Assessor’s Parcel No. 301-53-203.

9 12. Defendant J & L Gardetto, LLC, is an Arizona limited liability company
10 (“Gardetto, LLC”), own real estate in Maricopa County, Arizona within the Subdivision
11 identified as Assessor’s Parcel No. 301-53-204.

12 13. Defendants John T. Giek & Patricia A. Giek, are husband and wife (“Giek”),
13 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor’s
14 Parcel No. 301-52-015A.

15 14. Defendants Stanley R. Gilbert, & Jolene Gilbert, are husband and wife
16 (“Gilbert”), own real estate in Maricopa County, Arizona within the Subdivision identified as
17 Assessor’s Parcel No. 301-52-026C.

18 15. Defendant Maria Hernandez aka Maria G. Hernandez Flores, a married woman
19 as her sole and separate property (“Hernandez”), own real estate in Maricopa County,
20 Arizona within the Subdivision identified as Assessor’s Parcel No. 301-52-036A.

21 16. Defendant Naveed M. Iftikha, a married man as his sole and separate property
22 (“Iftikha”), own real estate in Maricopa County, Arizona within the Subdivision identified as
23 Assessor’s Parcel No. 301-52-985 and Assessor’s Parcel No. 301-52-984.

24 17. Defendants Brian Indieke and Dawn Indieke, as trustees of The Indieke
25 Revocable Trust, dated June 25, 1992 (“Indieke”), own real estate in Maricopa County,
26 Arizona within the Subdivision identified as Assessor’s Parcel No. 301-53-256.

1 18. Defendant Raymond A. Jaeger, as trustees of The Jaeger Survivor's Trust
2 Established Under The Raymond A. Jaeger and Patricia A. Jaeger Revocable Trust, dated
3 February 23, 1988 ("Jaeger"), own real estate in Maricopa County, Arizona within the
4 Subdivision identified as Assessor's Parcel No. 301-52-037C.

5 19. Defendant Jai Hanuman Investments, LLC, is an Arizona limited liability
6 company ("Jai, LLC"), own real estate in Maricopa County, Arizona within the Subdivision
7 identified as Assessor's Parcel No. 301-53-259.

8 20. Defendants Larry Kent Kelly and Cheryl Virginia Kelly, as trustees under
9 Trust Agreement, dated April 9, 1993 ("Kelly"), own real estate in Maricopa County,
10 Arizona within the Subdivision identified as Assessor's Parcel No. 301-52-025D.

11 21. Defendant Thomas Kelly, is an unmarried man ("Thomas Kelly"), owns real
12 estate in Maricopa County, Arizona within the Subdivision identified as Assessor's Parcel
13 No. 301-52-012A; and 301-52-012B.

14 22. Defendant Sharon Wright Krebs, as trustee of The Sharon Wright Krebs
15 Survivor's Trust, dated December 3, 1998 ("Krebs"), own real estate in Maricopa County,
16 Arizona within the Subdivision identified as Assessor's Parcel No. 301-52-031D.

17 23. Defendants Keng K. Lim and Meeling Tan, are husband and wife ("Lim"),
18 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor's
19 Parcel No. 301-52-026D (the "Subdivision").

20 24. Defendants Matthew Aaron Lovelady and Brenda Tip Ning Tong, are husband
21 and wife ("Lovelady"), own real estate in Maricopa County, Arizona within the Subdivision
22 identified as Assessor's Parcel No. 301-53-302.

23 25. Defendants Keith Moffett and Janet Moffett, are husband and wife ("Moffett"),
24 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor's
25 Parcel No. 301-52-022C and Assessor's Parcel No. 301-52-022D.

26 26. Defendants Timothy L. Neese and Jennifer Neese, are husband and wife

1 ("Neese"), own real estate in Maricopa County, Arizona within the Subdivision identified as
2 Assessor's Parcel No. 301-52-021G.

3 27. Defendants Michael Olas and Cynthia Olas, are husband and wife ("Olas"),
4 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor's
5 Parcel No. 301-52-991.

6 28. Defendant Russell Edward Ortiz, Sr., an unmarried man, ("Ortiz"), own real
7 estate in Maricopa County, Arizona within the Subdivision identified as Assessor's Parcel
8 No. 301-52-020A.

9 29. Defendants William H. Pardee and Susan R. Pardee, are husband and wife
10 ("Pardee"), own real estate in Maricopa County, Arizona within the Subdivision identified as
11 Assessor's Parcel No. 301-52-028C.

12 30. Defendant Saylor Estates Homeowners Association, is an Arizona corporation
13 ("HOA"), owns real estate in Maricopa County, Arizona within the Subdivision identified as
14 Assessor's Parcel No. 301-53-258.

15 31. Defendants Archer V. Shelton and Barbara J. Shelton, as trustees under The
16 Shelton Family Trust, dated May 16, 1990 ("Shelton"), own real estate in Maricopa County,
17 Arizona within the Subdivision identified as Assessor's Parcel No. 301-52-032B and
18 Assessor's Parcel No. 301-52-032C.

19 32. Defendant Nancy Osborne Shelton, a married woman as her sole and separate
20 property ("Nancy Shelton"), own real estate in Maricopa County, Arizona within the
21 Subdivision identified as Assessor's Parcel No. 301-52-031E.

22 33. Defendants Louis Chris Thanukos and Linda Jean Thanukos, as trustees of
23 Louis Chris Thanukos and Linda Jean Thanukos Revocable Trust created under the
24 declaration of Trust dated November 15, 2012 ("Thanukos"), own real estate in Maricopa
25 County, Arizona within the Subdivision identified as Assessor's Parcel No. 301-52-034A.

26 34. Defendants Scott Y. Tong and Jian Y. Tong, are husband and wife ("Tong"),

1 own real estate in Maricopa County, Arizona within the Subdivision identified as Assessor's
2 Parcel No. 301-53-303.

3 35. Defendants Sara Torres and Raymundo Torres, are husband and wife
4 ("Torres"), own real estate in Maricopa County, Arizona within the Subdivision identified as
5 Assessor's Parcel No. 301-52-013.

6 36. Defendants Earl D. Williams and Naomi R. Williams, as trustees of the Earl D.
7 and Naomi Williams Family Trust ("Williams"), own real estate in Maricopa County,
8 Arizona within the Subdivision identified as Assessor's Parcel No. 301-52-032D.

9 37. Defendant VIP Custom Homes, LLC, is an Arizona limited liability company
10 ("VIP"), owns real estate in Maricopa County, Arizona within the Subdivision identified as
11 Assessor's Parcel No. 301-53-254; 301-53-255; and 301-53-257.

12 38. Defendants Jason Q. Zhang, a married man as his sole and separate property
13 ("Jason Zhang"), own real estate in Maricopa County, Arizona within the Subdivision
14 identified as Assessor's Parcel No. 301-52-020B.

15 39. Defendants Qisheng Zhang, a married man as his sole and separate property
16 ("Qisheng Zhang"), own real estate in Maricopa County, Arizona within the Subdivision
17 identified as Assessor's Parcel No. 301-52-020B.

18 40. Defendants Fredric C. Zust, a married man as his sole and separate property
19 ("Zust"), own real estate in Maricopa County, Arizona within the Subdivision identified as
20 Assessor's Parcel No. 301-52-019C.

21 41. The acts, obligations and transactions that are the subject of this Verified
22 Complaint occurred in Maricopa County, Arizona.

23 42. This Court has jurisdiction to hear this matter and venue is proper.

24 **THE SUBDIVISION AND PENDING DISPUTE**

25 43. The Subdivision is located in Tempe, Maricopa County, Arizona and consists
26 of 47 individual lots ranging from approximately one to three acres. Among these lots

1 consist of three undeveloped lots on the northwest corner of Warner Road and Rural Road
2 (Assessor's Parcel Nos. 301-52-012A, 301-52-012B and 301-52-013), which are some of the
3 last undeveloped lots on any major intersection within the City of Tempe.

4 44. The Subdivision is subject to a certain Declaration of Restrictions recorded on
5 June 25, 1965 at Recording No. 19650058966, Book No. 5610, page No. 86 (the "DOR").

6 45. Pursuant to the DOR, the primary restrictions for the Subdivision provide that
7 the lots must be used for residential purposes and that all dwellings constructed within the
8 Subdivision are to be used for residential purposes. The DOR does not restrict the type of
9 dwelling that may be constructed within the Subdivision other than to provide for a
10 minimum size of 1,200 square feet for each residence.

11 46. Plaintiff has entered into three separate but identical purchase contracts each
12 entitled, "Real Estate Purchase and Sale Agreement and Escrow Instructions" (the "Purchase
13 Contracts") with the owners of four separate lots within the Subdivision for the purchase and
14 sale of their four lots. These lots include the three aforementioned undeveloped lots that
15 front Warner and Rural Roads and another lot containing a residence (Assessor's Parcel No.
16 301-52-014-A) that also fronts Warner Road and is adjacent to one of the three undeveloped
17 lots (collectively, the "Subject Lots"). The Subject Lots form one contiguous plot of land.

18 47. The Purchase Contracts for the Subject Lots are contingent upon Plaintiff
19 obtaining approval for the construction of an assisted living/nursing home or multi-family
20 dwelling (such as low density or high density apartments) by the owners within the
21 Subdivision or a proper Arizona court and obtaining all necessary approvals from the City of
22 Tempe.

23 48. For the last several months, Plaintiff has met with the City of Tempe and with
24 owners of the other lots within the Subdivision to discuss plans to develop the Subject Lots
25 at the northwest corner of Warner and Rural Roads as part of a residential assisted living
26 complex. Plaintiff has received positive responses from the City of Tempe and from the

1 majority of lot owners in the Subdivision.

2 49. Pursuant to its planned development, Plaintiff sought a use permit for the
3 development and operation of the assisted living complex, as detailed in application
4 PL140417 before the City of Tempe. As an alternative to the residential assisted living
5 facility, and as a result of the ongoing dispute which is the subject of this lawsuit, Plaintiff is
6 prepared to purchase the Subject Lots for the purpose of constructing multi-family residential
7 housing.

8 50. While the City of Tempe and nearly all of the owners within the Subdivision
9 are in favor of and approve the construction and development of the assisted living complex
10 proposed by Plaintiff, Defendants Albertson, and possibly other owners, have asserted that
11 construction of an assisted living care residence is prohibited by the DOR because the DOR
12 limits the use of property within the Subdivision to *single family* residences.

13 51. Contrary to the above assertion, the DOR does not specify that lots may only
14 be used for single-family residences but only states that “lots are residential lots only” and
15 that all dwellings are to be “used for residential purposes.”

16 52. Prior to the filing of this lawsuit, Defendants Albertson retained legal counsel
17 and through their counsel sent written notice to Plaintiff of their objection to the use of the
18 Subject Lots for anything other than single-family residences. At that time Defendants
19 Albertson also threatened to take legal action if Plaintiff proceeded with its plans for an
20 assisted living complex within the Subject Lots.

21 53. Plaintiff seeks to develop the Subject Lots and build an assisted living care
22 residence or, alternatively, an apartment complex or other multi-family residential units.

23 54. Plaintiff maintains that its proposed construction of an assisted living care
24 residence is not in derogation of the DOR because the DOR does not specify the type of
25 residence that may be constructed within the Subdivision and that since the assisted living
26 care residence is a “residence” for those seeking assistance with living, the use is permissible

1 under the DOR.

2 55. Similarly, the DOR do not prevent multi-family residential units such as
3 apartments or condominiums.

4 56. At this juncture, there is a justiciable controversy regarding whether
5 Defendants have a right to prohibit Plaintiff from constructing an assisted living care
6 residence complex or, alternatively, multi-family dwellings upon the Subject Lots under the
7 DOR. Therefore, Plaintiff seeks a declaratory judgment holding that it is entitled to
8 construct an assisted living care residence pursuant to the DOR and/or multi-family
9 residential dwellings such as apartments and/or condominiums because they are “residential
10 dwellings” and nothing in the DOR limits the “residential dwellings” to a single-family unit
11 for each lot.

12 **COUNT ONE**
13 **(Declaratory Judgment)**

14 57. Plaintiff repeats the allegations contained in paragraphs 1 through 56 of its
15 Verified Second Amended Complaint as though fully set forth at length herein.

16 58. Plaintiff seeks a declaratory judgment pursuant to the Uniform Declaratory
17 Judgment Act, A.R.S. § 12-1831, et seq. The rights, status and legal relations of the parties
18 that are affected by this dispute are described herein.

19 59. As discussed above, Plaintiff entered into the Purchase Contracts, which are
20 contingent upon Plaintiff obtaining approval for the development of assisted living
21 residences or multi-family dwellings.

22 60. Although most owners had given favorable feedback to Plaintiff to build an
23 assisted living care residence, Defendants Albertsons threatened to take legal action against
24 Plaintiff if it begins doing so based upon their wrongful belief that the DOR restricts the
25 Subdivision to single-family homes only.
26

1 61. Plaintiff's intention to construct an assisted living care residence on the lots to
2 be purchased complies with the DOR because the DOR does not restrict the type of
3 residences that may be constructed within the Subdivision.

4 62. Alternatively, due to the delays resulting from this lawsuit, construction of an
5 assisted living complex may no longer be feasible and as an alternative, Plaintiff will pursue
6 development of the Subject Lots for multi-family residences, such as low or high density
7 apartments or condominiums.

8 63. Based upon the objection of one or more of the Defendants to Plaintiff's
9 intended use of the subject lots, all of which is based upon an improper interpretation of the
10 DOR, Plaintiff submits that a declaratory judgment in its favor is necessary to resolve this
11 actual controversy and to avoid future costly litigation.

12 64. As this action arises out of contract in the context of A.R.S. § 12-341.01,
13 Plaintiff is entitled to recover its reasonable attorney's fees and costs against any Defendants
14 appearing in this action and contesting the relief requested by Plaintiff.

15 THEREFORE, Plaintiff requests a Judgment against all of the Defendants declaring
16 and ordering that:

- 17 (a) the Declaration of Restrictions does not limit development of lots within the
18 Subdivision to single family residences;
- 19 (b) the Declaration of Restrictions does not prohibit the development of assisted
20 living care residences or multi-family residential units on the subject lots
21 within the Subdivision;
- 22 (c) Plaintiff is entitled to an award of attorneys' fees and costs pursuant to A.R.S.
23 §§ 12-341 and 12-341.01, against all of the appearing Defendants, jointly and
24 severally; and
- 25 (e) Plaintiff is entitled to such other and further relief as this Court deems just and
26 proper.

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RESPECTFULLY SUBMITTED this 17th day of November, 2015.

CHEIFETZ IANNITELLI MARCOLINI, P.C.,
Attorneys for Plaintiff

By: /s/ Claudio E. Iannitelli
Claudio E. Iannitelli
Jacob A. Kubert

ORIGINAL of the foregoing electronically filed
this 17th day of November, 2015, with:

Clerk
MARICOPA COUNTY SUPERIOR COURT
201 West Jefferson Street
Phoenix, Arizona 85003-2243

COPY of the foregoing electronically delivered
this 17th day of November, 2015, to:

The Honorable Randall Warner
MARICOPA COUNTY SUPERIOR COURT
East Court Building - 512
101 West Jefferson Street
Phoenix, Arizona 85003

COPY of the foregoing mailed
this 17th day of November, 2015, to:

Dale S. Zeitlin, Esq.
dale@zeitlinlaw.com
Zeitlin & Zeitlin, P.C.
5050 N. 40th Street, Suite 330
Phoenix, Arizona 85018
Attorneys for Defendants, Albertsons, Lovelady and B. Tong,
Wesley and Alicia Brown; Scott
and Jian Tong; Sheltons; Zust; and Gieks

1 R. Corey Hill
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3 3131 E. Clarendon Avenue, Ste. 107
Phoenix, Arizona 85016
4 Attorneys for Defendants, Gardettos
and J & L Gardetto, LLC
5

6 By: /s/ Julie Mills

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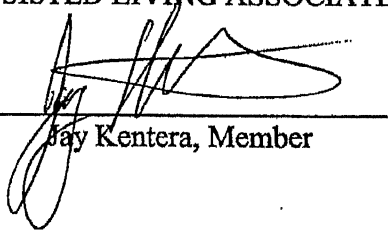
VERIFICATION

I have read the **Second Amended Verified Complaint** above and declare in accordance with Rule 80(i) of the Arizona Rules of Civil Procedure and under the penalty of perjury that the allegations made therein are true and accurate to the best of my knowledge and belief.

Dated: November 17, 2015

ASSISTED LIVING ASSOCIATES, LLC

By



Jay Kentera, Member

Jimenez, Lee

From: Link, Ron (AssetMark) <Ron.Link@assetmark.com>
Sent: Tuesday, March 24, 2020 3:20 PM
To: Jimenez, Lee
Cc: Lori Link
Subject: Notice of Opposition to the Proposed Transitions School Application

Mr. Jimenez,

Please accept this email as notice of my opposition to the City of Tempe approving the permit on the proposed Transitions School Application at the North West corner of Rural Road and Knox.

As homeowners who live at [REDACTED] E. Knox Road, approximately 200 yards West of the residence, we strongly oppose having this much traffic, chaos, vehicles, noise, and added congestion in our beautiful community. There are numerous reasons that we are in strong opposition to the City of Tempe approving the application, but for these simple reasons that I've mentioned above, as well as the fact that there are many children that walk past that location every single day as well as individuals riding horses, pushing baby strollers, walking their pets, etc.

That is NOT a location that should have a business. This is a well-established, content and beautiful community that would like to remain the way it is forever.

Thank you,
Ron

Ron A. Link, CPA CAMS
Chief Financial Officer
AML and Red Flags Compliance Officer
AssetMark Trust Company
3200 N. Central Ave 7th Floor | Phoenix, AZ 85012
[REDACTED]

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Jimenez, Lee

From: susiepardee <susiepardee@cox.net>
Sent: Tuesday, March 24, 2020 8:36 PM
To: Jimenez, Lee
Subject: Proposal PL 200042

Dear Mr Jimenez:

I am a resident of Tally Ho farms and request that discussion of Proposal 200042 be delayed until after Covid issue has been lifted so the public can attend hearings.

Sincerely,

Susan and William Pardee

Jimenez, Lee

From: Joan P. Brennan <jbrennan5@cox.net>
Sent: Sunday, March 29, 2020 11:53 AM
To: Jimenez, Lee
Cc: dennis@transitionsaz.org
Subject: Fwd: TRANSITIONS Use Permit

Begin forwarded message:

From: Joan P. Brennan <jbrennan5@cox.net>
Subject: TRANSITIONS Use Permit
Date: March 28, 2020 at 6:25:02 PM MST
To: jimenez@tempe.gov
Cc: dennis@transitionsaz.org

Dear Lee,

I am writing to you to consider the use of 850 E. Knox Road Tempe, AZ 85284 as a D.T.A Program Facility.

My disabled friend is a participant in the day program which is a vital part of his life.

I feel that the location and facility work very well for the program managed by "Transitions for the Developmentally Disabled" and would not cause disruption to the surrounding homes and neighborhood.

Thank you for helping to make this possible for our disabled friends,

Joan Brennan


To Whom It May Concern,

I would like to address the City of Tempe City Council and any City of Tempe Departments involved in the decision-making process concerning Transitions for the Developmentally Disabled. My name is Victor Garcia. I am a Tempe resident as are my entire family. My family moved to Tempe in the late 80's and instantly fell in love. I am also an employee in the City of Tempe and have been for over 20 years. My family are small business owners and have operated their business in the City of Tempe for over 11 years.

My family's business is called Transitions for the Developmentally Disabled. We have two locations in the City of Tempe, one at 206 W. Julie Dr., another at 8150 S. McClintock Dr. and we recently purchased the property in question at 850 E. Knox Rd. Our business fills a vital role in the community. We primarily provide day treatment facilities for special needs individuals. This is a vital service for the families in the community that have special needs children or relatives. Without these services families are left to fend for themselves and are often ill equipped to do so. When these services are not available in the community the care of these special needs individuals often falls on the shoulders of the 911 system and first responders.

I understand that there are other businesses that provide similar services that have not been good stewards of the community. We are a very different type of business. Our business was started to take care of my wife's sister who has Downs Syndrome and is a labor of love. Via word of mouth, other families in the same predicament began to contact us about providing services for their loved ones. We slowly grew into what we are today. We have purposely remained a small business so that we can personally see to the well-being of our clients. We are meticulous about the property our clients live on, our involvement in the community and our care of our clients. This is evident by our history as a small business in the City of Tempe. We have never had so much as a complaint against us and have amazing relationships with the community and surrounding businesses as you will see in the provided letters.

As a resident and employee, I have a deep love for the City of Tempe. The City of Tempe has a long history of making the right decisions based on the needs of the entire community. We have never allowed ourselves to be bullied by the voices of those that do not have the best interest of the community as a whole. The individuals that do not want to see our business in their neighborhood are solely concerned with their little piece of the pie. I have seen these people many times throughout my 30 plus years in the city. They were the naysayers of the Tempe Town Lake, light rail, Tempe Center for the Arts, Tempe Fire Station 7, and the list goes on and on. If every community were to push the location of this vital resource on to the next one, where would these special needs individuals end up? These are human beings that belong in neighborhoods not product that belongs in a warehouse. One of the reasons I love this city so much is that we have always made the difficult decisions for the right reasons.

If we truly value people, integrity, respect, openness, creativity, quality, and diversity this is an easy decision. Transitions mirrors the values of the City of Tempe, provides a vital community resource, and has a proven track record as a quality business partner in the City of Tempe.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victor Garcia', written in a cursive style.

Victor Garcia

To Whom It May Concern,

I'm writing in support of TRANSITIONS for the Developmentally Disabled and the opening of Tally Ho Farms DTA. I am a current resident of Tempe and have been for 25 years. My husband has worked for the City of Tempe for 20+ years. Needless to say, Tempe has our heart. TRANSITIONS for the Developmentally Disabled has two, day treatment programs currently in Tempe and are excellent business owners with not one complaint filed against them, ever. We ask that you approve the Use Permit for Tally Ho Farms DTA and allow them to open immediately. My sister, Jennifer, has Down Syndrome and has been a member of TRANSITIONS for 15+ years, she was the company's first member.

Throughout the years we have seen many positive changes in Jennifer due to TRANSITIONS' guidance. Jennifer lives in her own home and attends the Day Treatment Program, Monday-Friday, and she absolutely loves her independence. However, Jennifer is unable to hold a job, as many individuals with special needs and without this outlet she would be left at home with no stimulation, no continued education or growth. These individuals need daily interaction, just like any other individual. This property will allow not only my sister, but other individuals to have the space they need to grow.

This is a positive outlet for all their members and provides them with all the space they need and deserve, such as exercise, positive human interaction, positive animal interaction, continued education on daily living skills, like hygiene, among many, many other skills. It is unfortunate that a "housing committee" can justify the denial of a Use Permit due to the parking spaces or congesting the street when the property is down the street from an elementary school and right across the street from a local high school, both of which teach inclusivity. A high school that most of the members graduated from, including myself, my husband, my children and my sister.

The suggestion that a Day Treatment Program can be housed anywhere is common but let me try to explain why a house is preferred over a strip mall or warehouse. These individuals deserve to have a comfortable, quiet place to learn, grow and have fun. A place that is as familiar as their own homes. Strip malls and/or warehouse are near other businesses, some with many people coming and going, this is a huge cause for concern for our special need's individuals and their lack of stranger danger skills. A strip mall/warehouse setting lacks an outdoor area as well as the comforts a home can provide. The individuals love having farm animals to care for, tending to a garden, a place to sit outside when the weather allows and the kitchen allows the staff and members to hold cooking classes in a traditional kitchen, same as they would use at home. This Day Treatment Program is open Monday-Friday and the hours are not unlike the two schools next door. The hours and attendance will not interfere with the neighborhood any differently than the schools.

TRANSITIONS has a positive track record and to deny these deserving individuals a Day Treatment Program at this location because a few residents do not want a "business" in their neighborhood is unbelievable. Mind you, the leading naysayer happens run a business directly out of her home, her business address is her home address. It is hypocritical. Most of the neighbors opposing the DTA do not even have direct driving access to the DTA as traffic barriers are permanently in place and have been for quite some time now.

I ask that you take my points into consideration and know that approving the Use Permit for Tally Ho Farm DTA would have a tremendous impact on these young adult's lives in more ways than I have described. Who knows, the neighbors opposing this could end up enjoying what these individuals with special needs bring to our lives every day.

Sincerely,



September Garcia

From: [Livias Mary](#)
To: [Jimenez, Lee](#)
Subject: Transitions
Date: Monday, March 30, 2020 11:29:19 AM

Dear Mr. Jimenez,

My name is Mary Olivas, I am a Tempe resident. Not only have I lived here my whole life but I also work in the Tempe area. I remember in 2011 when my family had a horrible car incident, our local Tempe Community came together to help us with our grievances and also the reversible changes my family had to endure. From Officers to Strangers uprising for our cause when we couldn't have defined the word *Community* to me. Here at Transitions, we are a residence, we are apart of our Local Community. From Bear Essentials reporter to former Corona graduates we are just as neighborly and I know Tally Ho Farms is a place for us. It'll give us the place for more opportunities than any commercial setting. It'll help us learn in an open environment and also enhance the qualities of life for individuals who are often overlooked. We are Transitions, and we are hoping to add to the community at 850 E. Knox Road, Tempe AZ.

Jimenez, Lee

From: Gary Hatch <gary.hatch@icloud.com>
Sent: Monday, April 06, 2020 1:02 PM
To: Jimenez, Lee
Subject: Re: Transitions Tally Ho Farms (PL200042) case,

Hello Mr. Jimenez,

This group's unfortunate history is one of steady misrepresentation.

Tempe's collective power has always been to see and verify the real truth in the face of fraudulent imitations.

This proposed plan is in DIRECT DISREGARD AND INFRINGEMENT on the CC&R's of Tally Ho Farms!!! Changing the "Use Permit" from Residential/AG to Business affects every resident of Tally HO (along with Warner Ranch).

We will battle this vigorously!

I firmly oppose!

Best regards,

Gary Hatch

██████████ s 71st St.
Tempe, AZ. 85284
Tally Ho Farms

Sent from my iPhone