

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/27/2020  
Agenda Item: 6**

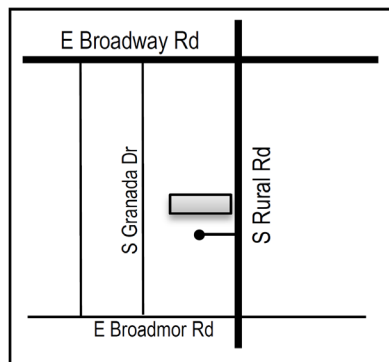
**ACTION:** Request a Use Permit to allow an instructional school for **BELIEVE I CAN ACADEMY**, located at 2120 South Rural Road.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** BELIEVE I CAN ACADEMY (PL200183) is requesting a Use Permit to allow an instructional school within the R-3, Multi-Family Zoning District. The existing buildings were utilized as office space in the past and will now be occupied by a private tutoring school for individuals with unique and different abilities. The request includes the following:

ZUP200047 Use Permit to allow an instructional school.



Property Owner	WSD, LLC.
Applicant	Tessa Jones-Dailey, the Phactory
Zoning District	R-3
Site Area	25,265 s.f.
Building Area	Building A – 1,766 s.f. Building B – 2,576 s.f. Building C – 334 s.f.
Vehicle Parking	18 spaces (17 min. required)
Hours of Operation	8 a.m. to 6 p.m., M-Sat.

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Dalton Guerra, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

Believe I Can Academy is a private tutoring school that specializes in tutoring for individuals with unique and different abilities. This type of school falls under the Instructional School land use designation and as such requires a Use Permit in the R-4 zoning district. With the previous use of the existing buildings being office, there is enough parking on site to accommodate the instructional school.

## PUBLIC INPUT

To date, staff has received no public input.

## USE PERMIT

The proposed use requires a Use Permit to operate an instructional school within the R-3 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the property is adjacent to an arterial street and was utilized as office space in the past.
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 change of use from office to instructional school will have no impact on the ambient conditions.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; instructional school is a permitted land use in R-3 zoning subject to an approved Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the subject property is adjacent to both multi-family and residential/office zoning districts and uses.
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 academy is expected to maintain control of any potential disruptive behavior through school policies and rules.

## REASONS FOR APPROVAL:

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

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

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

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

1. 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. Any additions or modifications may be submitted for review during the building plan check process.

**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 Believe I Can Academy 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.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

**HISTORY & FACTS:**

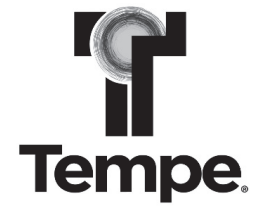
None pertinent to this case.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 3-102 Permitted Uses in Residential Districts

Section 4-202 Development Standards for Residential Districts

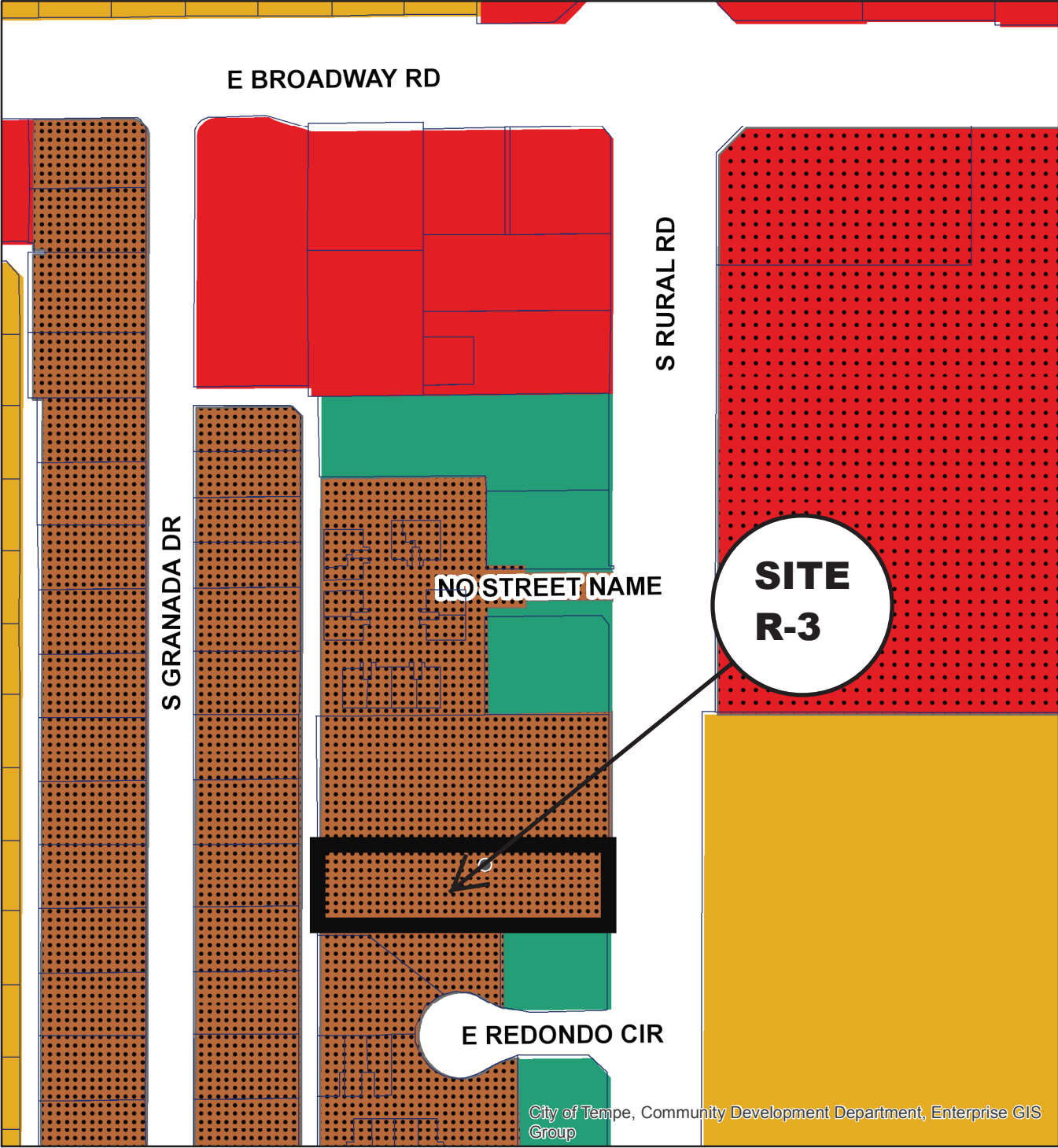
Section 6-308 Use Permit



**DEVELOPMENT PROJECT FILE**  
for  
**BELIEVE I CAN ACADEMY**  
(PL200183)

**ATTACHMENTS:**

1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
- 5-6. Floor Plans



- Commercial Shopping and Services (CSS)
- Single-Family Residential (R1-6)
- Multi-Family Residential Limited (R-3)
- Residential/Office (RO)



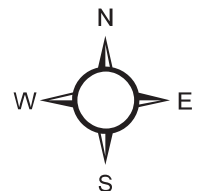


# BELIEVE I CAN ACADEMY

PL200183



Aerial Map





*the* **PHACTORY**

**architecture  
design  
fabrication**

480.921.9500  
2417 s. palm drive  
tempe, arizona 85282  
thephactory@cox.net

*August 13, 2020*

**Project:** Believe I Can Academy  
2120 S. Rural Road  
Tempe, Arizona 85282

**Use Permit Request:**  
for an Instructional facility in an R-3 Zoning.

Believe I Can Academy (BICA) helps create educational opportunities with specialized instruction for individuals with unique and different abilities. We strive to create an independent and inclusive environment to promote success in all areas of life.

BICA has been a part of the Tempe community for more than 6 years. They have received numerous awards including: Mayor's Disability Awards (6), Business Leadership Disability Award, etc. BICA is always eager to help with community services (meals for first responders & homeless, clean-up help @ Tempe History Museum, Supporting Women 4 Women Tempe, and much more).

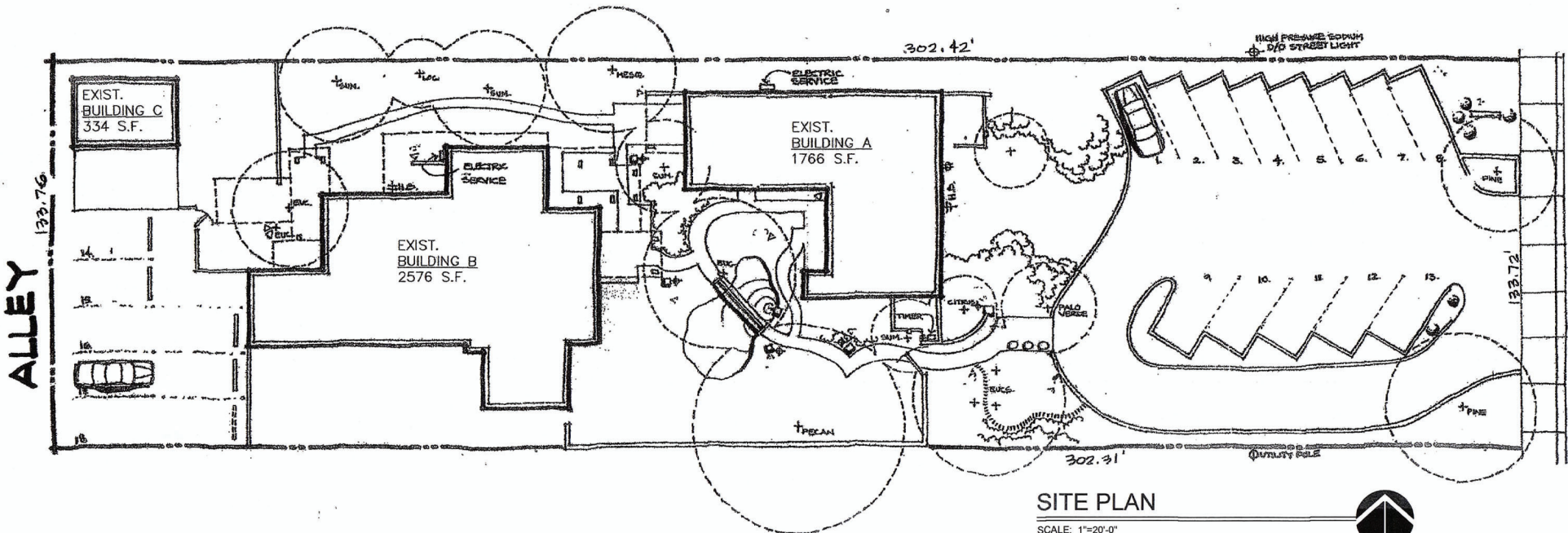
Hours typically range from 8:00 am-6:00 pm M-F,  
8:00 am-6:00 pm Sat. (by appt.)

BICA serves approximately 11 kids with 4 Staff

- a. **Any significant vehicular or pedestrian traffic in adjacent areas.**  
The granting of this use permit will make no changes to the amount of traffic in the area.
- b. **Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.**  
This use will not produce any nuisance to surrounding properties.
- c. **Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted plans for General Plan.**  
This use will be a great addition to the community. BICA currently resides on the west end of the neighborhood on Mill Ave.
- d. **Compatibility with existing surrounding structures and uses.**  
The buildings will remain. It is the goal to preserve the character of the existing property.
- e. **Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.**  
Granting of this use permit will not cause any disruptive behavior. The occupants are very respectful to their neighbors.

Thank you for your kind consideration

Tessa Jones-Dailey

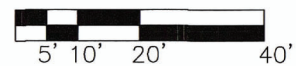


ALLEY 133.76'

RURAL RD. 133.72'

**SITE PLAN**

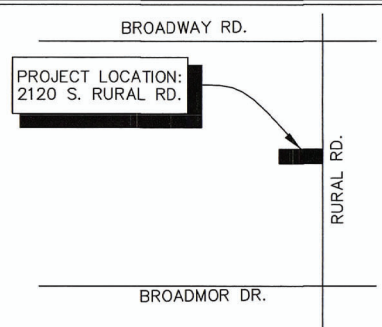
SCALE: 1"=20'-0"



**PARKING CALCULATION**

<b>CLASSROOM:</b> (Tutoring, Multi-Purpose, Lunch Room)	
BUILDING A:	737 S.F.
BUILDING B:	929 S.F.
BUILDING C:	286 S.F.
	1,952 S.F. / 200 = 9.76 SPACES
<b>OFFICE:</b> (Office, Conference, Kitchen, Storage, Bath, etc.)	
BUILDING A:	752 S.F.
BUILDING B:	1,359 S.F.
BUILDING C:	0 S.F.
	2,111 S.F. / 300 = 7.04 SPACES
	16.8 SPACES REQUIRED
	18.0 SPACES PROVIDED

**VICINITY MAP**



**PROJECT DATA**

Tenant: BELIEVE I CAN ACADEMY  
 A Training, Skill Development & Tutoring Center  
 2120 S. RURAL ROAD  
 TEMPE, ARIZONA 85282  
 CONTACT: SARAH DAVIS  
 TEL: 480.577.0865

Owner: WSD LLC  
 2120 S. RURAL ROAD  
 TEMPE, ARIZONA 85282  
 TEL: 480.274.4838

Contact: THE PHACTORY LLC  
 2417 S. PALM DRIVE  
 TEMPE, ARIZONA 85282  
 CONTACT: TESSA JONES-DAILEY  
 TEL: 480.921.9500

Parcel Number: 133-25-047A

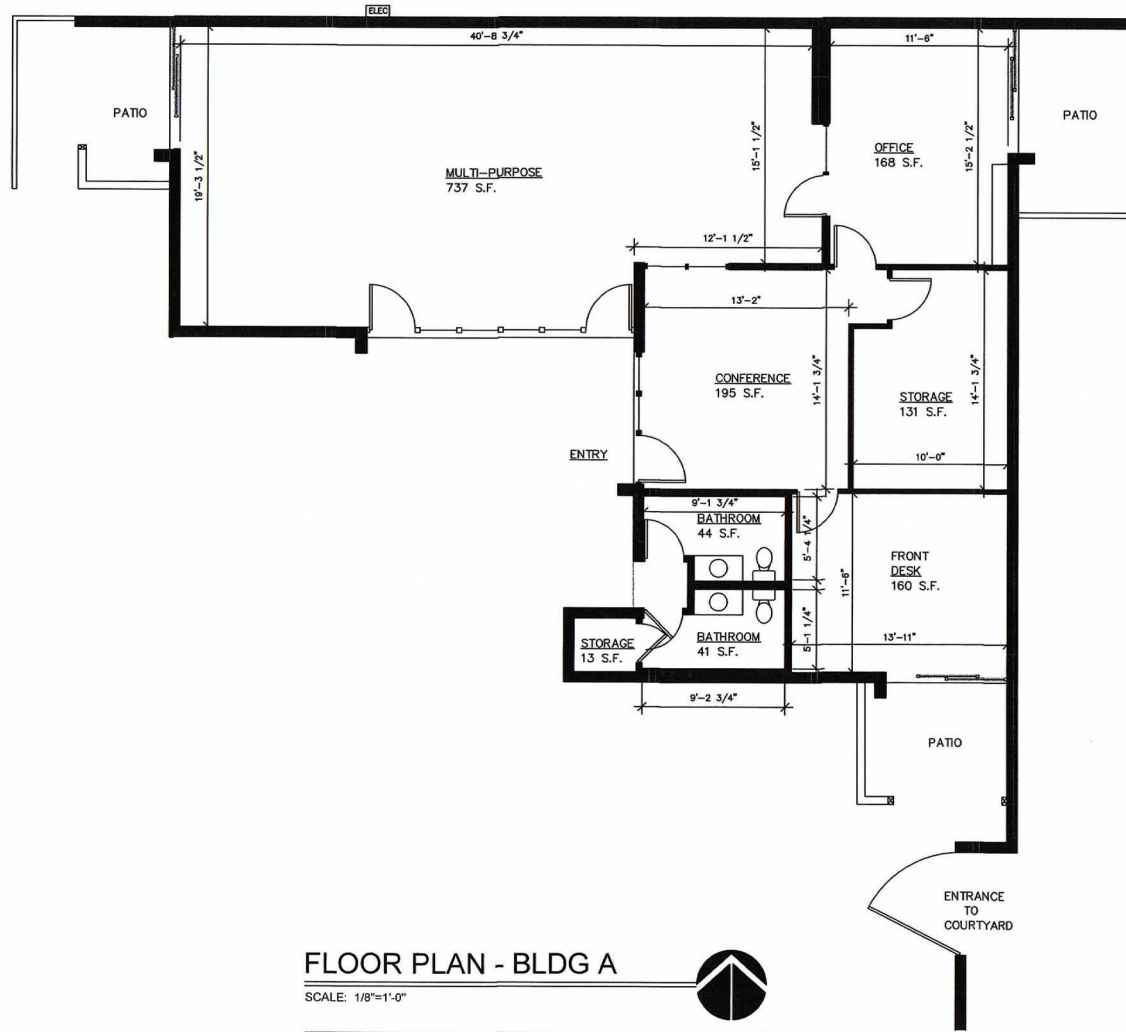
Zoning: R-3 (EXISTING & PROPOSED)

Occupancy: Business Group B (IBC 304.1-Training & skill development-Tutoring center)

Legal Description: SUNSET VISTA LOT #35

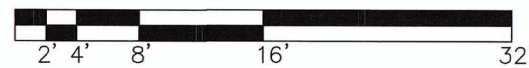
Lot Area: 25,265 S.F.



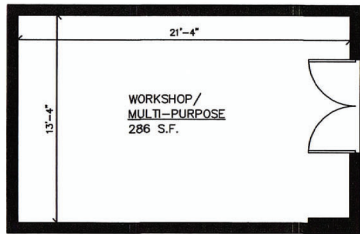


**FLOOR PLAN - BLDG A**

SCALE: 1/8"=1'-0"

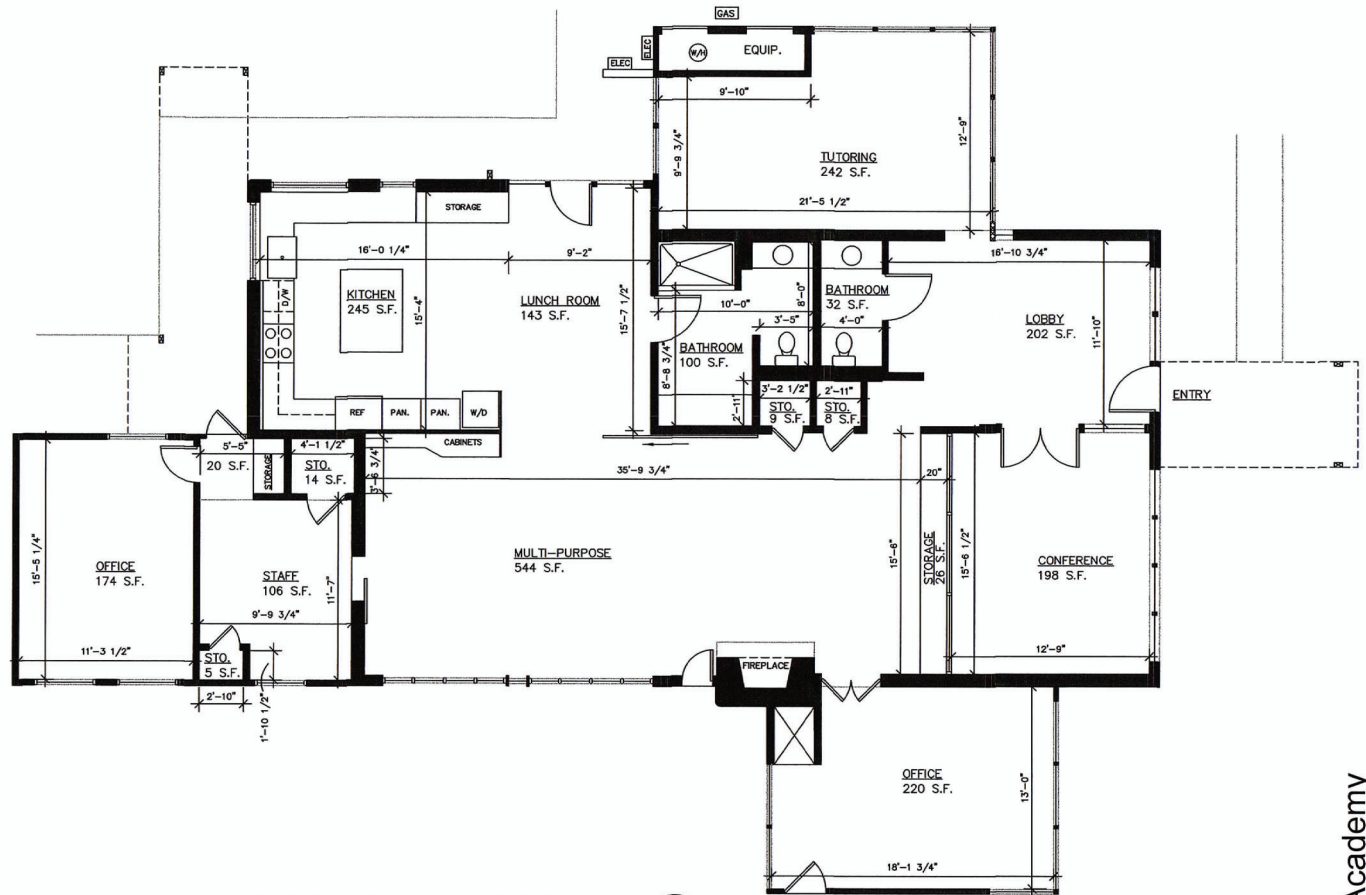


Attachment 5



**FLOOR PLAN - BLDG C**

SCALE: 1/8"=1'-0"



**FLOOR PLAN - BLDG B**

SCALE: 1/8"=1'-0"

