

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 2/23/2021

Agenda Item: 5

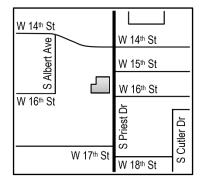
ACTION: Request a Use Permit to allow an instructional school (life skills for cognitively disabled individuals) for TRANSITIONS, located at 1500 South Priest Drive. The applicant is Ramirez Architects.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TRANSITIONS TALLY HO FARMS (PL210011) is proposing to operate an instructional school for developmentally disabled adults in a commercial office building located west of South Priest Drive, between West 14th Street and West 17th Street in the GID, General Industrial District. The school anticipates having approximately thirty (30) students and nine (9) employees. The hours of operation are proposed from 8:30 a.m. to 3:30 p.m., Monday through Friday. Transitions previously applied for a Use Permit to operate an identical instructional school on a single-family residential lot located at 850 East Knox Road. At the request of the applicant, the application was withdrawn on April 14th, 2020, a few days prior to the public hearing scheduled for April 28th, 2020. The request includes the following:

ZUP210008 Use Permit to allow an instructional school (life skills for cognitively disabled individuals).



Property Owner National Speakers Association
Applicant Art Ramirez, Ramirez Architects

Zoning District GID
Site Area 39,857 s.f.
Building Area 10,255 s.f.

Lot Coverage 25.7% (no standard max. required)

Landscape Coverage 35.2% (10% min. required)
Building Height 20' (35' maximum allowed)

Building Setbacks 29'-1" front, 12'-7" north side, 82'-4" south side,

19'-0" rear, 30'-0" parking (25', 0', 0', 0', 20' min.

required)

Vehicle Parking 47 spaces (38 min. required)
Bicycle Parking 0 spaces (4 min. required)
Hours of Operation 8:30 a.m. to 3:30 p.m., M-F

Building Code Occupancy B (Business)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Shelly Seyler, Interim 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 caregiving 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 seven (7) staff and two (2) supervisors working at the site.

PUBLIC INPUT

Staff received two (2) letters of support for this request. A copy of these letters is provided in the attachments.

USE PERMIT

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

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

- 1. Any significant increase in vehicular or pedestrian traffic; the proposed use is not expected to significantly increase vehicular and pedestrian traffic. In fact, special needs students attending Transitions do not drive and therefore, the only trips generated to and from the site will be from the nine (9) Transitions staff members.
- 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 greater than ambient conditions.
- 3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan; the proposed use is not expected to downgrade property values nor conflict with the goals, objectives or policies of the City adopted plans or General Plan 2040.
- 4. Compatibility with existing surrounding structures and uses; the proposed use is compatible with adjacent sites and uses. No exterior modifications are proposed at this time.
- 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 nature of an instructional school for adults with special needs is not expected to create disruptive behavior.

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.

3. Provide a minimum of four (4) bicycle parking spaces per City of Tempe bicycle rack detail T-578 standard or equivalent design prior to the Use Permit becoming effective.

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 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:

November 30, 1979

Building Safety Department issued a final certificate of occupancy for a commercial building located at 1500 South Priest Drive in the I-1 zoning district.

ZONING AND DEVELOPMENT CODE REFERENCE:

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



DEVELOPMENT PROJECT FILE

for TRANSITIONS (PL210011)

ATTACHMENTS:

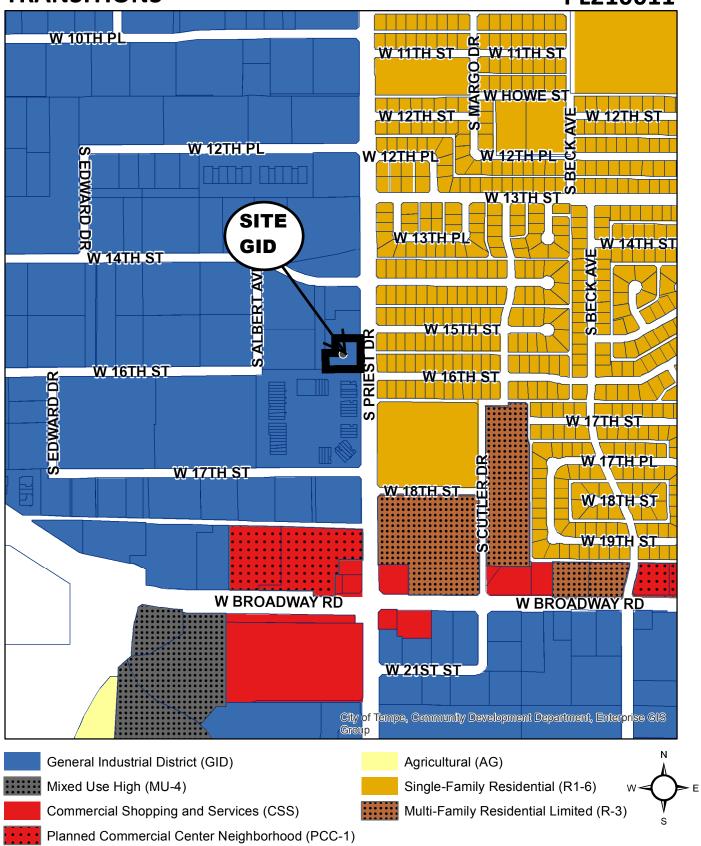
1. Location Ma	ap
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- 2. Aerial
- 3-6. Letter of Explanation
- 7. Site Plan
- 8. Floor Plan
- 9. Street View (in lieu of blackline elevations)
- 10-13. Site Context Photos
- 14-18. Public Input



TRANSITIONS

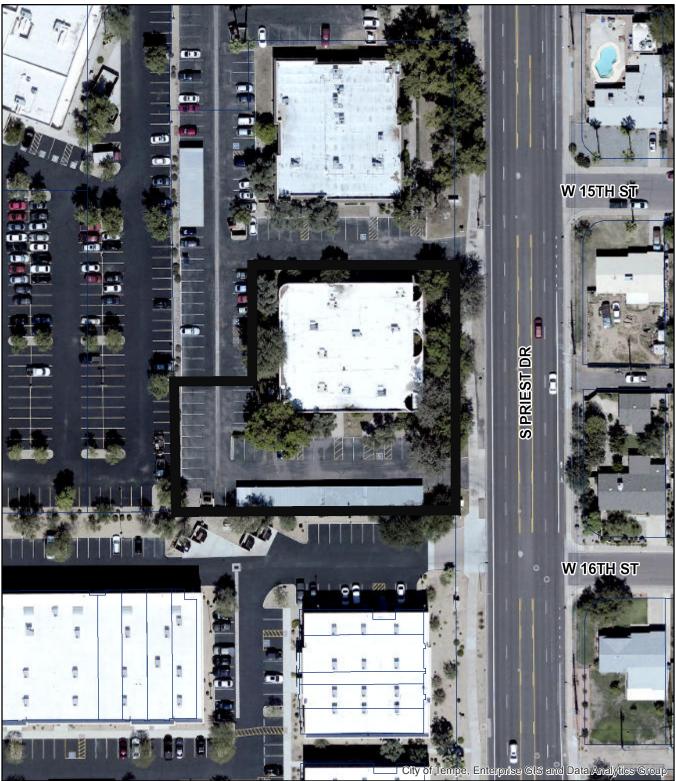
PL210011





TRANSITIONS

PL210011



Aerial Map





Letter of Explanation for Use Permit at 1500 South Priest Dive

TRANSITIONS FOR THE DEVELOPMENTALLY DISABLED

TRANSITIONS for the Developmentally Disabled INC (TRANSITIONS) 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 16 + years TRANSITIONS has been providing Instructional Programs, Assisted-Living Residences, Habilitation, Attendant Care, and Respite services Valley Wide.

TRANSITIONS INSTRUCTIONAL PROGRAM

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. Our program offers them a place to learn social, emotional, daily living skills, and job skills, and to interact with their peers to learn about and participate in our community.

Though we had to temporarily suspend operations because of the COVID-19 pandemic, we have 2 Instructional Programs located in Tempe: McClintock Farm has been operating for 12 years and is located at 8150 S. McClintock Drive, Tempe in an AG Zoned residential building. The Delta Center has been operating for 10 years and was located at 206 W. Julie Drive, Tempe in a I-2 zoned commercial building. We also had an Instructional Program downtown Glendale in the historic Catlin Court area called TRANSITIONS West that we were forced to recently close due to the pandemic.

TRANSITIONS would like to open an Instructional Facility at 1500 S. Priest Drive.

1500 S. PRIEST DRIVE

TRANSITIONS is in negotiations to purchase the building at 1500 S. Priest Drive to open an Instructional Facility. This 10,294.9 SF building is situated on its own .91 Acre (39,857 SF) Parcel with 200 Feet of Frontage on South Priest Dr. File drawings indicate that the building was built in phases with the last phase and total renovation completed in early 1994.

USE OF BUILDING

TRANSITIONS wishes to open a quality Instructional Program in the City of Tempe for our Special Needs Adult students at 1500 S. Priest Drive. This program will operate Monday – Friday from 8:30am to 3:30pm (See attached TRANSITIONS brochure). This stand-alone building will be a wonderful place for our students to learn, grow, and have fun. There are 7 classrooms for teaching and learning, 2 offices for Supervisors, conference room for meetings, a large room for Audio/Visual Training (A/V Training is one of the best ways to teach and hold the attention of our students), breakroom, lunchroom, computer skill training room, a dedicated area for students to be picked up and dropped off, ADA and regular bathrooms, receptionist and reception areas, electrical room, and plenty of storage spaces for electronics and instructional supplies.

The State of Arizona's Division of Developmental Disabilities has strict requirements for the number of Staff versus the number of Special Needs students. 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 30 students, we need 7 staff. The 2 Supervisors manage the students and run the facility for a total of 9 employees working at the site.

VEHICLE FLOW

Vehicles will be able to easily and safely provide access to the building. There is a driveway that wraps around the north, west, and south side of the building with two separate driveways that enter/exit directly onto Priest Drive. The two driveways on Priest Drive provide safe and easy vehicle entry and exit from the property.

OUR SPECIAL NEEDS STUDENTS DO NOT DRIVE and are unable to obtain Drivers Licenses. TRANSITIONS has 2-12 passenger vans that we use to 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. Parents/Guardians also drop off students at a drop off spot in the rear of the building but do not park in the lot.

Employees of this Instructional Program and occasional Visitors will be the only vehicles parking their vehicles in the parking lot, with the exception of any vehicles from the business at the stand-alone building just north of us. With 9 staff and 2 company vans that will be parked onsite, and Parent/Guardians who only drop and pick up their students, there will be a minimum of vehicles going into and out of the property. Employees do not use their own vehicles during the day except in case of emergency, so there will be no traffic flow during program hours.

PARKING AREA

Parking dedicated to TRANSITIONS consists of 17 covered & 28 uncovered spaces including 2 ADA for a total of 47 parking spaces. There is ample clear vision in and around the parking area per <u>Section 4-702(G)</u>. The minimum number of accessible parking spaces shall conform to ADA requirements per Federal ADA code.

The 2 company vans will be parked and stored in the covered parking spaces when not in use. As a bonus, the vans will stay cooler and are more comfortable to transport our individuals who often are extremely sensitive to heat or cold.

PARKING SPACES AND DROP OFF AREA

TRANSITIONS requires parking for 7 Staff that will teach and supervise 30 Special Needs students, as well as for the 2 Supervisors.

Table 4-603E requires the minimum off- *street parking* **requirements for Instructional Facilities to be 1 space per 200 sf of classroom + 1 space per 300 sf for offices.** For parking purposes, 1500 S. Priest consists of 7 classrooms, 2 offices, 2 training rooms, and a Receptionist area. Though the same students will use the classrooms and the training rooms, we will include the training rooms in the parking requirement totals.

The approximate total square footage of the classrooms is approximately 1,800 SF which equals 7 parking spaces (1,800 divided by 200). The approximate total square footage of the offices and receptionist area is approximately 900 SF which equals 3 parking spaces (900 divided by 300). The 2 training rooms equals approximately 2,800 SF which equals 14 parking spaces (2,800 divided by 200) The minimum off-

street parking required by Table 4-603E for our use will be 24 spaces. With 47 total spaces, there is more than enough parking per City of Tempe code.

TRANSITIONS has the staff, students, skills, imagination, and experience to create a truly great instructional program for Special Needs adults in the City of Tempe, as well as employment for Supervisors and Special Needs instructors. We hope to the City of Tempe will grant TRANSITIONS a Use Permit at 1500 S. Priest Drive to give us the opportunity to make this happen.

This letter shall also explain how the requests below will not be detrimental to persons residing or working in the vicinity to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and Zoning and Development Code Criteria Section 6-308E, as applicable:

a. Any significant Vehicular or pedestrian traffic in adjacent areas:

Based on the previous business at this facility the vehicular and pedestrian traffic shall be less. The special needs students attending Transitions do not drive. The only vehicular and pedestrian traffic will be from the nine (9) Transitions staff members.

b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions:

As stated in this Letter of Explanation, Transitions provides instructional services to special needs students. No Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions shall be present at this facility.

c. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies of the City's adopted plans for the General Plan:

The site and the exterior facility shall remain unchanged. The existing site and facility conform to the goals objectives and policies of the City's adopted general plan.

d. Compatibility with existing surrounding structures and uses:

The existing site, landscaping, building structure is typical in design to the existing commercial structures in the Hohokam Industrial Park Unit 2 Subdivision and is compatible with the existing surrounding structures and the uses will be maintained. We are not altering structure of building. There will be no visible changes in the structure that have been there since it was renovated in early 1994.

We have less than 12 vehicles in a parking lot of 47 spaces and we will not add much too vehicular traffic in the area.

This area is used to schools in their vicinity. Another instructional facility, Holdeman Elementary School, is less than a guarter mile away across the street from our site.

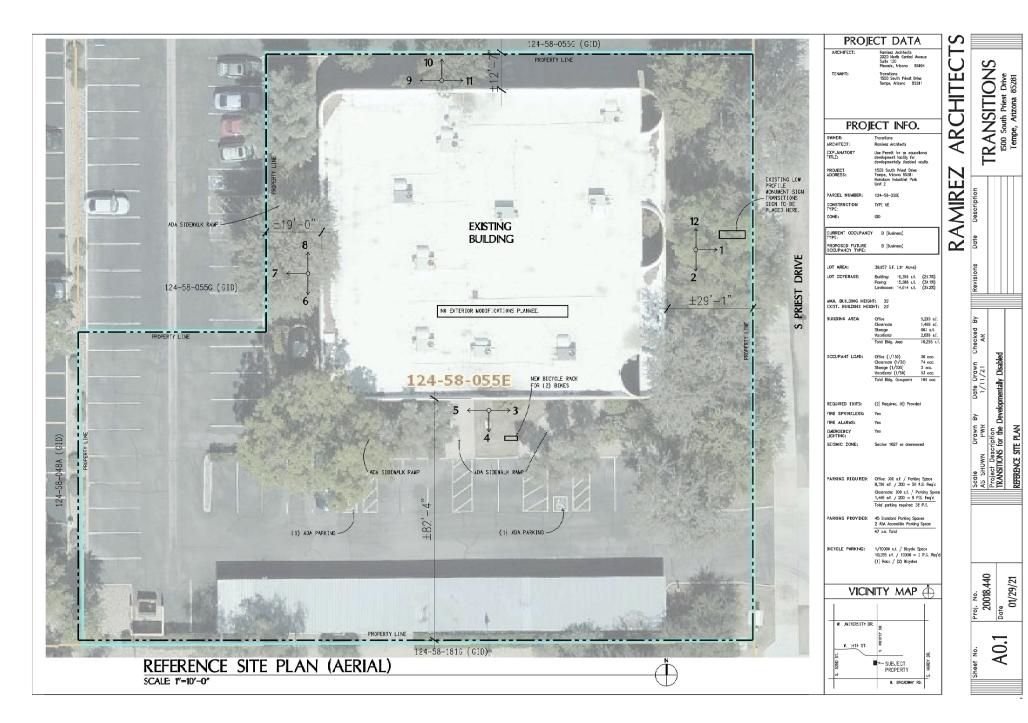
e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public:

TRANSITIONS has been running 2 of these Special Needs Instructional Programs in Tempe – McClintock Farm DTA and Delta Center DTA- and in the past 10 + years we have never had a complaint of any kind from a neighbor, anyone in the surrounding area, or the general public. TRANSITIONS serves individuals with developmental disabilities, not behavioral individuals. Our participants have cognitive disabilities which gives them greater difficulty with mental tasks than the average person. They are not disruptive in classrooms or out in the community. Our students are highly supervised in the classroom and out in the community. The Staff to Student ratio that we must follow per the State of Arizona/Division of Developmental Disabilities is 1:4 ½ (Staff: Student - 2 Staff can supervise up to 9 individuals).

Our groups go out in the community only in small groups of 1:4 or 2:9 ratios. We have never been a nuisance to anyone out in the community; if anything, our individuals put smiles on the faces of everyone they come in contact with. Our individuals do not drive; they are transported in our vans and will be dropped off in rear of our building out of the purview of the neighborhood.

Submitted by,

Dennis Karp Owner/CFO



Google Maps 1500 S Priest Dr



Image capture: May 2015 © 2021 Google

Tempe, Arizona



Street View



CONTEXT PHOTOS FOR PROPERTY @: 1500 SOUTH PRIEST DRIVE TEMPE, ARIZONA 85281













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 '80s 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 currently have a location in the City of Tempe at 8150 S. Mcclintock Dr. and recently purchased property 1500 S. Priest Drive in hopes of turning it into our DTA. Our business fills a vital role in the community as we 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 other businesses 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, the care of our clients. This is evident in 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 our community. One of the reasons I love this city so much is that we have always made difficult decisions for the right reasons.

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

Sincerely,

Victor Garcia

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Dear Mr. Jimenez,

Let me start off by introducing myself. My name is Sia Iongi and I work for the Transitions for the Developmentally Disabled DTA. If by chance you are unfamiliar with what a DTA is, it is an adult day treatment and training program that aids adults with developmental disabilities in learning necessary life skills, while also offering them a comfortable and engaging social environment. I am the DTA Program Coordinator. Although that may be my title, I am more than that. I'm an educator. I'm a shoulder to cry on. I'm a comedian. I'm a friend. I am family to each and every one of our clients. Being able to attend the DTA is something that our clients look forward to every single day. This move to a better-equipped facility will take their quality of life to an entirely new level. This is not only something they want, but something they absolutely need.

I personally could not think of a better location to serve our clients than this spacious building. We serve individuals at a 4-to-1 ratio, which means we need adequate space to be able to enhance the learning experience. This location offers just that. With the massive floor plan, modern amenities, and numerous multi-purpose spaces, our clients are open to participate in a variety of educational exercises and hands-on activities to keep their minds stimulated. Although our current DTA space is sufficient, it is not the most ideal facility for our clients to continue their growth towards achieving their utmost potential.

Taking a brief step away from what the location offers our clients, I think it is also important to highlight what our clients offer to society as a whole. By allowing our DTA to take place in this extraordinary location, you are giving these individuals the accessibility they need to progress and work towards their life goals. With this particular location, our DTA team is

striving to incorporate more Independent Living Skill (ILS) learning exercises, as well as Group Supported Employment (GSE) because we are offered so much space to work with. With this newly improved program model, that this location enables us to implement, our clients will continue to learn all the necessary skills to transition them to work amongst others in society.

And isn't that what this is all about, Mr. Jimenez? Inclusion for all? To give our clients that sense of acceptance and acknowledgement that they desire, as well as deserve?

Working at Transitions for the Developmentally Disabled isn't just my job, Mr. Jimenez. It's my passion. It's something, like our clients, that I look forward to attending every single day. Each and every individual that comes through our doors is spectacular in their own way. These individuals may come to our facility thinking that we, as staff, are there to teach and help them, when in reality, they are the true inspiration. Be the driving force that helps us to continue serving them with the best quality service that they deserve, while in the best quality facility that they deserve.

Warmest regards,

Telesia Iongi

Dear Lee Jimenez, Senior Planner;

Please, greatly consider, allowing the Transitions DTA program to operate at 1500 S. Priest Dr. My son 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. This desired property is the ideal size and location, for the Transitions DTA Program. The additional space will not only ensure the safety of the members; but also allows the program to expand, in areas not previously available. I have asked and heard about the plans for a robust learning platform, for the benefit of its attendees. Some of these plans were just not feasible in the previous location, due to the cramped area. These planned enhancements are what these members need, if they are to learn 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 DTA program at 1500 S. Priest Dr., to benefit our valuable citizens.

Kind Regards,

Marilyn Airdo

Jimenez, Lee

From: ERIC A GRENDELL <eagrendell@msn.com>

Sent: Tuesday, February 16, 2021 1:07 PM

To: Jimenez, Lee Cc: Dennis Karp

Subject: Transitions DTA Recommendation

Sirs

I am a parent and guardian of a young man who participates in the Transitions DTA and also lives in a Transitions independent living home. We have been working with Dennis and Pam Karp and their Transitions staff for 15 years, and have always been treated with kindness and respect.

The addition of a Transitions DTA Academy at 1500 Priest Dr. would be a wonderful addition to the community. We lived in Tempe for 35 years and always loved the city and especially the activities and schools for our children.

Transitions DTA would fit into the vision and purpose of Tempe perfectly. All owners and staff are respectful, caring and responsible individuals. They are a pleasure to work with daily.

Trust me when I say that I would not allow my son to be in a negative situation for a second as I am protective and keenly aware of his vulnerability as a developmentally delayed young adult. I trust Transitions with my son's health and well-being, and his progress in becoming all that he can be in this life.

Please grant the placement of Transitions DTA Academy on Priest Dr , Tempe.

Thank you for your help, Kathy Grendell, parent

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