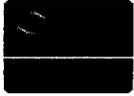


Add info # 45

DEC 15 2011



Fw: FATIMAS CHILD DEVELOPMENT CENTER
Rommel Cordova to: CityClerkAgenda

12/12/2011 01:36 PM

Item #45

----- Forwarded by Rommel Cordova/COC on 12/12/2011 01:33 PM -----

From: "FATIMAS CHILD DEVELOPMENT CENTER" <MAIL@fatimas.us>
To: kevin.hartke@chandleraz.gov, rick.heumann@chandleraz.gov, matt.orlando@chandleraz.gov, jack.sellers@chandleraz.gov, jeff.weninger@chandleraz.gov, trinity.donovan@chandleraz.gov, jay.tibshraeny@chandleraz.gov, mail@tahahussain.com
Date: 12/10/2011 02:03 PM
Subject: FATIMAS CHILD DEVELOPMENT CENTER

CASE# ZUP11-0020
SUBJ: APPROVAL CONTINGENCY

To whom it may concern,

My application for a use permit for my house located at 1736 E. Frye rd. was approved contingent upon paving a circular driveway. I do not see the need for it and I think city planner does not see the need for it also. I am confident, after hearing my argument you will wave the contingency.

My house is located in a residential area, and the area is paved with crushed asphalt. The area probably will not be used, and the additional traffic would be only two cars. I do not want to change the look of my house into a commercial outfit and ruin the look of the peaceful neighborhood. The subject property is located at the end of the road with only 3 homes after it, so there is no traffic in front of the house. See attached video.

SEE ATTACHED YOUTUBE VIDEO.

http://www.youtube.com/watch?v=zuMw6Q_S_hw

respectfully,

Taha Hussain.

FATIMAS CHILD DEVELOPMENT CENTER
1736 E. FRYE RD.
CHANDLER, AZ. 85225
602-321-8242

----- Original Message -----

Subject: Re: DRIVE WAY
From: William.Dermody@chandleraz.gov
Date: Wed, December 07, 2011 1:55 pm
To: "FATIMAS CHILD DEVELOPMENT CENTER" <MAIL@fatimas.us>

Taha,

I would suggest you send your video link to the Council directly. Their email is available on this web page: <http://www.chandleraz.gov/default.aspx?pageid=245>

Be sure to reference that you have a Use Permit request for your address on the Dec 15 agenda, and state what you are asking them to do.

Bill Dermody, AICP, Senior City Planner
City of Chandler, Transportation & Development - Planning Division
phone: (480) 782-3056, fax: (480) 782-3075
email: william.dermody@chandleraz.gov



MEMORANDUM **Transportation & Development – CC Memo No. 11-123**

DATE: DECEMBER 2, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
 JEFF KURTZ, PLANNING ADMINISTRATOR
 KEVIN MAYO, PLANNING MANAGER *KA*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: ZUP11-0020 AMFC / BAIT FATIMA

Request: Use Permit approval for the operation of residential childcare and a job training service within a single-family residence

Location: 1736 E. Frye Road

Applicant: Taha Hussain

Zoning: Agricultural District (AG-1)

PLANNING COMMISSION RECOMMENDATION

Planning Commission, finding consistency with the General Plan, recommends approval for one (1) year subject to conditions, including that additional paved parking spaces be provided near Frye Road.

STAFF RECOMMENDATION

Staff, finding consistency with the General Plan, recommends approval for one (1) year subject to conditions, not including the condition recommended by Planning Commission regarding additional paved parking spaces.

BACKGROUND

The application requests Use Permit approval for the operation of residential childcare and a job training service within a single family residence. The 1-acre lot is one of four larger single-family properties zoned AG-1 located on the north side of Frye Road just west of the Consolidated Canal. The site backs to The Springs single-family subdivision and to the

southwest is Bologna Elementary School. Canal Drive forms a "T" intersection with Frye Road directly south of the subject site's western edge. There are no intersections east of the subject site on Frye Road.

The subject site contains a 1,064 (livable) square foot house placed close to Frye Road and a large back yard with a garage in the back portion of the property. A 6'-high fence surrounds the entire back yard with a large, solid gate adjacent to the house. There used to be chickens and livestock in the back yard, but they have all been removed and the yard is mostly open. There is a patio and play area adjacent to the house.

The childcare business will accommodate up to a maximum of ten (10) children for compensation. The resident/owners also have two (2) children of their own. Besides the residents, one other employee might be hired in order to meet state standards. They do not currently regularly care for any children other than their own. Pick-up/drop-off will occur in the driveway and adjacent street frontage. Hours of operation will be 6 a.m. to 6 p.m.

The application also requests approval for a job training service to be operated from the home. The service would involve one-on-one visits, by appointment only, in a room already set up as a home office. The applicant would provide free advice and training regarding computer skills, resume building, and the like. There would be a maximum of two (2) appointments per day, weekdays only. Planning Commission and Staff recommend a condition that would eliminate the job training service from this approval.

DISCUSSION

Planning Commission and Staff recommend approval of the childcare portion of the request with a time limit of one (1) year to allow for re-evaluation after a track record has been established. The 1-acre site is sufficiently sized for this number of children, and the wide lot frontage (131') along a dead-end street allows adequate space for pick-up/drop-off. Also, the type of traffic generated by this use will probably not be noticeable in such close proximity to the elementary school, which has similar peak traffic times but much higher quantities. Planning Commission and Staff recommend a condition that would prohibit the job training service because it is not a "residential type of use" like childcare or assisted living, and is only appropriate in transitional areas such as those covered by the Residential Conversion Policy (e.g. single-family lots fronting on arterial streets). It is noted that the job training service would be very difficult to monitor for compliance with any conditions, and it could easily be conducted off-site, such as at the student's home or a public library, without needing a Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held October 13, 2011 at the Downtown Community Center. Two neighbors who live south of the subject site attended to ask general questions about the request.
- A different neighbor who lives north of the site is opposed to the request because of a reported rooster on the site that has caused repeated noise disturbances over the past couple years. He feels that if the city's laws against roosters are violated, then the property owner

cannot be trusted to follow any conditions of the use permit approval. Planning Staff and Code Enforcement have investigated the rooster complaint and found no evidence that the subject site has a rooster, but rather it appears that the noise is coming from a neighboring AG-1 property.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 7 Opposed: 0

Planning Commission added recommended Condition No. 6 to increase the amount of paved parking area on the property. The concern is that, without sufficient on-site parking spaces, turnaround traffic could cause a significant safety issue in such close proximity to an intersection, especially one with heavy volumes during peak hours and student pedestrian crossings. It is also noted that Frye Road does not have a cul-de-sac at its dead-end to the east, so there is no natural location to turn around on the street. If vehicles cannot easily turn around farther east and they cannot easily maneuver in/out of the subject site's off-street parking spaces, then it is supposed that many of them will turn around at the intersection in order to park curbside in front of the house.

The applicant did not attend the Planning Commission hearing, but later expressed that he does not wish to accept recommended Condition No. 6.

Since the hearing, Staff has investigated the issue raised by Planning Commission and found Condition No. 6 to be unnecessary. Frye Road has a pavement width of about 45' as it crosses the subject site. In practice, Staff has found Frye Road to be of more than sufficient width at this point to allow safe U-turn movements, even with larger vehicles. Staff also believes, upon further study, that it is more natural for vehicles to make the U-turn immediately east of the subject site, rather than in the intersection, so as to end up curbside in front of the subject house. In summary, Staff has found Condition No. 6 to be unnecessary to address Planning Commission's stated concerns, valid as they may be.

PLANNING COMMISSION RECOMMENDED ACTION

Planning Commission, upon finding consistency with the General Plan, recommends approval of ZUP11-0020 AMFC / BAIT FATIMA subject to the following conditions:

1. Use Permit approval shall be applicable only to the applicant and location identified with this application, and shall not be transferable to any other person or location.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The requested job training service shall be excluded from this approval.

5. In order for the Use Permit to be valid, a signed and completed Agreement For Waiver of Claim form under A.R.S. §12-1134 shall be provided to Transportation & Development Department's Planning Division Staff within three (3) weeks of City Council approval.
6. The applicant shall work with Staff to provide additional paved parking spaces adjacent to Frye Road.

STAFF RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of ZUP11-0020 AMFC / BAIT FATIMA subject to the following conditions:

1. Use Permit approval shall be applicable only to the applicant and location identified with this application, and shall not be transferable to any other person or location.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The requested job training service shall be excluded from this approval.
5. In order for the Use Permit to be valid, a signed and completed Agreement For Waiver of Claim form under A.R.S. §12-1134 shall be provided to Transportation & Development Department's Planning Division Staff within three (3) weeks of City Council approval.

PLANNING COMMISSION PROPOSED MOTION

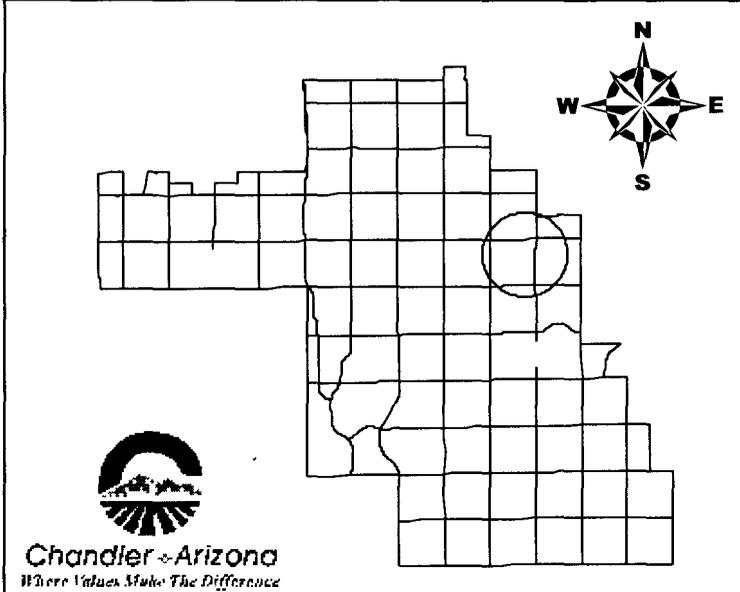
Move to approve ZUP11-0020 AMFC / BAIT FATIMA Use Permit for residential childcare and a job training service subject to the conditions recommended by Planning Commission.

STAFF PROPOSED MOTION

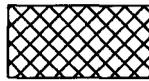
Move to approve ZUP11-0020 AMFC / BAIT FATIMA Use Permit for residential childcare and a job training service subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan/Aerial Photo
3. Aerial Close-up
4. Narrative

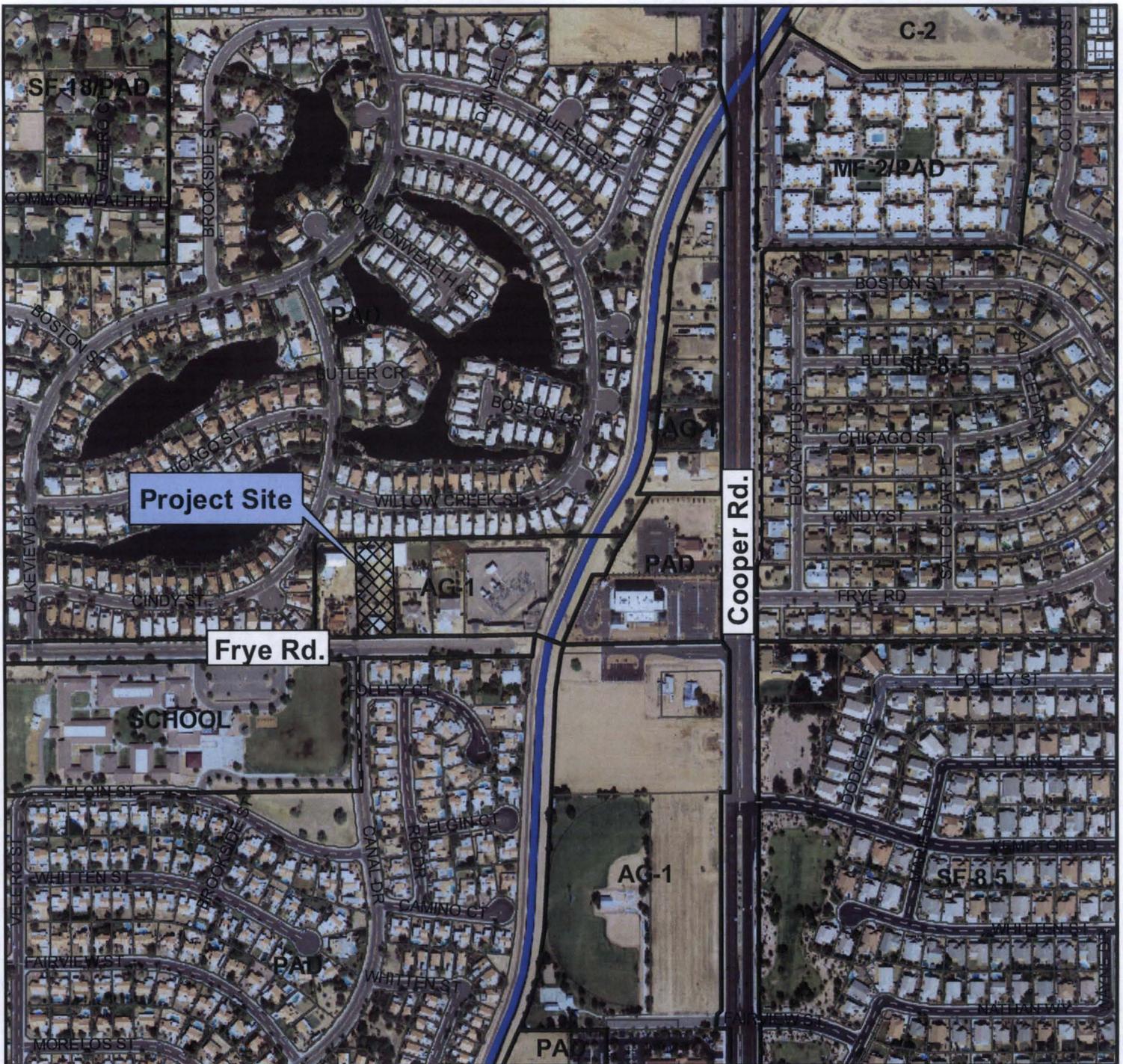


Vicinity Map



ZUP11-0020

AMFC/Bait Fatima



Vicinity Map



ZUP11-0020

AMFC/Bait Fatima



AMFC / BAIT FATIMA

PROJECT DETAILS

1.25 ACRES PROPERTY; ZONED AG-1 ON FRYE RD; NEXT TO RUDY G BALOGNA ELEMENTARY SCHOOL AND MIDDLE SCHOOL. ON THE MAIN STREET WITH HIGH TRAFFIC.

IT MEETS THE ZONING AND CODE REQUIREMENTS FOR A DAY CARE OF UP TO 10 KIDS WITH USE PERMIT.

1100 SQ.FT BUILDING WITH LIVING ROOM, 3 ROOMS, KITCHEN, AND 2 BATH.

WE ARE PROPOSING TO USE THIS FACILITY AS A SMALL JOB TRAINING AND A DAYCARE FACILITY. THE FACILITY WILL BE OPEN TO THE PUBLIC AND ANYONE WHO WISHES, CAN GET OUR HELP IN COMPUTER SKILLS, JOB PLACEMENTS AND OTHER NON PROFIT PUBLIC SERVICES.

EXPECTED TRAFFIC WILL BE ONE PERSON A DAY OR LESS. ALL VISITS WILL BE BY APPOINTMENT ONLY.

IN ADDITION; TO GENERATE REVENUE TO SUPPORT THE CENTER WE ARE PROPOSING A SMALL DAY CARE OF UP TO 10 KIDS. WE WILL OFFER FREE HOMEWORK HELP, TUTORING IN MATH, SCIENCE AND ALL OTHER SUBJECTS.

EXPECTED TRAFFIC WILL BE 6-8 KIDS AND 2 OF OWNER'S KIDS.

THERE IS SPACE FOR 6 CARS PARKING ON THE PROPERTY. IN ADDITION THERE IS PLENTY OF CURBSIDE PUBLIC PARKING ON FRYE RD.

EXPECTED HOURS OF OPERATION WILL BE 6AM TO 6PM EVERY DAY.

EXPECTED STAFF WILL BE THE OWNER, ONE FULL TIME EMPLOYEE, AND VOLUNETTERS.

THERE WILL NEVER BE ANY ENTERTAINMENT. NO NOISE WILL EVER COME OUT OF THE FACILITY.