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MEMORANDUM

Transportation & Development – PZ Memo No. 11-068b

DATE: SEPTEMBER 21, 2011

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: ZUP11-0009 EVA'S MI AMORE

Request: Use Permit approval to operate a wedding planning and bridal service office in a converted residence

Location: 598 W. Chandler Boulevard, the northeast corner of Hartford Street and Chandler Boulevard

Applicant: Eva Paez

Owner: Chandler 1954, LLC

Zoning: Single-Family Residential (SF-8.5)

RECOMMENDATION

Staff, finding consistency with the General Plan, recommends approval of the Use Permit with a time limit of one (1) year.

BACKGROUND

The request is to allow conversion of a residentially zoned property on Chandler Boulevard to commercial uses. The proposed business is a wedding planning and bridal service office. Hours of operation are 8 a.m. to 5 p.m. Monday through Friday. Customers are by appointment only as referred from a related retail business, Hi Mommy, that was formerly located in Downtown Chandler and has since relocated to Mesa. The subject business involves primarily wedding planning and wedding dress/tuxedo alterations. The business has a total of three (3) employees. Only the business manager will be present every day. Two other persons associated with the Hi Mommy business will be present occasionally.

The site is located at the northeast corner of the intersection of Chandler Boulevard with Hartford Street. There is a brick marquee in the front yard where previous businesses had signage approved; however, the subject application does not request any signage. The main 4-space parking lot is accessed via the paved alley off of Hartford Street. There is space for about two vehicles in the driveway accessed directly from Chandler Boulevard.

In 1993, this single-family residence, located across Hartford Street from the White House residential conversion, was granted a Use Permit for one year to establish and operate an administrative office center for World of Travel. The travel agency made site improvements that included a paved parking lot area behind the house (with access to the alley), additional landscaping, and the construction of a masonry wall along the eastern property line. The Use Permit expired in 1994 and was not renewed by the travel agency.

A Use Permit was approved in 1997 to operate a tax and accounting office, was renewed in 1999 for one additional year, and was renewed again in 2004 for three additional years. The tax and accounting office was limited by Use Permit conditions to three employees, except during tax season when it was allowed seven employees. During this office's tenure an unapproved brick parking surface was laid in the front yard that has since been removed.

In 2003, a Use Permit request for an insurance and real estate office at this location was withdrawn after a recommendation of denial by the Planning Commission. That request was for a business with five full-time employees, one part-time employee, and 10 to 12 client visits per day, in contrast to the previously existing business that had only three employees and minimal client visits outside of tax season.

In 2006, a Use Permit was approved for one year to operate a real estate business with up to three employees. In 2008, a Use Permit was approved for one year for a different real estate business with up to five employees, but a maximum of three employee vehicles at any given time. In 2010, a Use Permit was granted for a 5-employee manufacturing company's corporate/sales office. The businesses approved in 2008 and 2010 never occupied the property and it has now been vacant for 5+ years.

The Residential Conversion Policy allows for the conversion of residences with frontage on arterial streets to business uses. It is Staff's opinion that the business will have a negligible effect on the neighborhood if operated as represented. The subject site has not operated as a single-family residence since 1993 and previous businesses have included both employee and customer traffic. A one-year time limit is appropriate to allow re-evaluation once the business is in operation.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on July 6, 2011 at the Downtown Community Center. Four neighbors attended to express concerns with site maintenance and an illegal car repair business that appeared to be operating from the residence. Around the same time, Staff

observed evidence of the car repair business and a proliferation of materials/garbage placed outside behind the house.

- A second, follow-up neighborhood meeting was held on September 13, 2011 at the Downtown Community Center. By the time of this meeting, the outside materials and car repair issues had been remedied. Issues discussed at this meeting included the nature of the business, the need to improve the front windows' appearance, and the need to improve the front yard landscaping. No opposition was expressed.
- As of this writing, Staff is not aware of any opposition to the request.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of ZUP11-0009 EVA'S MI AMORE subject to the following conditions:

1. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Substantial expansion or modification beyond the approved exhibits (Floor Plan, Narrative) shall void the Use Permit and require a new Use Permit application and approval.
3. There shall be no tandem parking in the designated parking spaces at the rear of the property.
4. Parking along Hartford Street is not permitted for either employees or clients.
5. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
6. The site shall be maintained in a clean and orderly manner.
7. The site shall be fully landscaped, including removal of weeds and installation of gravel to cover bare dirt, prior to occupancy by the subject business.

PROPOSED MOTION

Move to recommend approval of ZUP11-0009 EVA'S MI AMORE Use Permit for a residential conversion to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan
4. Applicant Narrative
5. Residential Conversion Policy

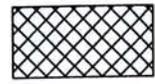


Alma School Rd.

Chandler Blvd.

Project Site

Vicinity Map



ZUP11-0009

Eva's Mi Amore



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CITY OF CHANDLER 6/13/2011

Narrative

Eva's Mi Amore wishes to occupy the building at 598 W. Chandler Blvd as our Bridal corporate office. We are a full service bridal and wedding company branched from our main retail store on Arizona Ave. The location will be used solely as a meeting and planning office for bridal customers, by appointment only. The owner Eva Paez will be the only individual at the location regularly. Eva's Mi Amore is not a retail establishment. We will not experience regular foot traffic given that it will be used as our corporate office and is regulated by appointment only.

Hours of Operation:

Corporate office hours: Monday through Friday 8:00am – 5:00pm

Customers: By appointment only

I. INTRODUCTION

- A. Obsolete subdivision laws administered prior to 1976 allowed single family homes to be built with direct frontage and access to arterial roads, a situation which has been compounded by increased traffic volumes and road widening. Resulting problems associated with noise and safety have created pressure to convert affected homes to commercial land uses. Since 1983, the City has approved several warranted and successful residential conversions. Unsuccessful proposals have also been made to convert homes despite insufficient site area, parking, neighborhood buffers, and other improvements necessary for the project to be suitable for the site as well as immediate area. Consequently, the RESIDENTIAL CONVERSION POLICY was adopted in 1989 to establish criteria and standards needed to properly accommodate the conversion of single family homes to professional offices or like business uses.

II. POLICY OBJECTIVES

- A. This policy has been designed to accomplish the following:
1. Establish suitable criteria for successful residential conversions, respecting General Plan principles and guidelines, to include but not be limited to:
 - a. Site and improvement standards for parking, driveways, building setbacks, architectural modifications, buffers, and off-site improvements.
 - b. Identification of permitted land uses.
 - c. Conformance with all applicable City and Building Codes.
 2. Provide standards by which eligible properties can easily be determined.
 3. Create a program for planning which places the primary design, planning, and improvement responsibilities with the applicant/property owner.
 4. Discourage residential property speculation or "paper" commitments which create uncertainty in the neighborhood; instead, promote and support only those proposals which provide assurance that the conversion will follow an established and timely program for project implementation.
 5. Assure neighborhood compatibility – establish procedures which take into account neighborhood objectives and sentiments.
 6. Provide economically viable residential conversions.
 7. Identify and document a set of application requirements and procedures which clearly outline the responsibilities of both the applicant and the City, assure complete neighborhood communication, and provide for timely enforcement of stipulation or required operating restrictions, improvements, or other conditions of approval.

III. ELIGIBILITY CRITERIA

A. Eligibility

Under this policy, eligible (for consideration) properties are single family homes built with frontage on an arterial street together with vehicular/driveway access from the arterial street.

Single family homes having either only frontage or direct access along an arterial road will be considered in accordance with the spirit of this policy. If project circumstances weigh heavily in favor of such a proposal, the Zoning Administrator shall accept and process the application.

1. Conversion properties may utilize vacant, undeveloped, adjoining properties only when said addition in itself would qualify under the eligibility requirements, if the addition improves the quality of the project, and the extension/addition does not involve or unnecessarily encroach upon property suitable for single-family residential land use, all of which are subject to the findings of the approval of the City Council.
2. Commercial office development which involves redevelopment of residential areas, demolition of structures required for site improvements or new buildings, or development of offices on vacant land will not be considered under this policy -, rather, these projects will be processed under the PCO or PAD categories in accordance with General Plan Policies.

NOTE: ELIGIBILITY DETERMINATION APPLIES ONLY TO THE ACCEPTANCE OF AN APPLICATION FOR RESIDENTIAL CONVERSIONS AND DOES NOT SATISFY THE ADDITIONAL FINDINGS REQUIREMENTS NECESSARY FOR SUPPORT.

B. Land Use

Professional, executive, or business offices (excluding medical) are eligible for consideration. General services or retail and uses involving public/private assembly are not permitted or eligible for consideration. In general, permitted uses include:

1. Office uses for administrative, executive, or professional occupations in which goods are not created, exchanged or stored.
2. A residence in conjunction with the office.
3. One tenant/company for each one thousand square feet of floor area – not to exceed three users.
4. Where there exists sufficient room for parking, vehicular movement to/from and within the site area, area for outdoor activity (if needed), and the proposal meets or exceeds all requirements for improvements, setbacks, or additional buffer, as determined by the Directors of Planning and Development and Public Works, the following uses may be considered:
 - a. Day-care, private school, or like use.
 - b. Studio for fine arts, dance, music, photography, drama, including instruction, or like uses.

IV. SITE AND DEVELOPMENT STANDARDS

- A. Basic design, engineering, and improvement standards shall conform to applicable City Codes as a minimum. The Planning & Zoning Commission and City Council may require additional improvements to the property as they deem applicable to provide for a more harmonious design and transition to adjacent residential properties. Specific requirements for the number, location, and configuration of parking areas shall be determined by balancing the particular needs of a proposal with the interests of surrounding properties; however, the following guidelines should be considered:

1. One space for each employee plus one space for each additional 500 sq. ft. of floor area.

B. PARKING DESIGN

1. Shall be consistent with a residential scale.
2. Designed to maximize compatibility with surrounding uses.
3. Designed to preserve front yard/streetscape setting of home.
4. Common parking to serve more than one conversion property only permissible if approved as part of a larger masterplan.
5. Parking lot/area setback shall be 20' (front) 10' (rear and sides) from property lines.
6. Paved surface area (including access drive coverage) shall not exceed 25% of the gross lot area.
7. All paved surface for parking or access drive shall be setback at least six feet from the primary building.

C. PROJECT LANDSCAPING

1. To be reviewed individually with each application. Existing landscaping may fulfill this requirement if determined to be adequate.
2. Mature plants shall be preserved to the extent possible.
3. Additional landscaping may be required along or within parking areas, access points, driveways.
4. All unimproved surfaces shall be fully landscaped.

D. BUILDING FEATURES

1. Interior modifications shall conform with applicable codes. Remodeling permitted to accommodate the approved uses.

2. No exterior alterations or additions shall occur unless expressly approved as part of the proposal, together with the finding that said changes enhance or upgrade the property.
3. Garages may be converted into occupiable space, subject to all provisions and review procedures herein. The City may require in such case that the driveway be removed. If the conversion is viewed as temporary or includes a residence, the garage may not be altered absent provision for additional covered parking, as required for the residential use itself.
4. No signage shall be placed on the house or any other structure except approved nameplate signs or under canopy han[g]ing signs, not to exceed one sign per user. The sign area shall not exceed eight square feet. Lighted, canister, or pan-channel letter signs are prohibited.
5. One architectural monument sign for project identification not to exceed three feet in height or five feet in width may be approved, subject to the finding that the freestanding sign does not detract from the residential scale of the conversion, but instead contributes to the overall quality of project; however, the approval of a free-standing sign precludes signage from being approved or placed on the structure. Minimum setback from R.O.W. shall be 10 feet.

E. SCREENING/BUFFERS – PROJECT DETAILS

1. Approved solid screening, berms, and/or landscaped strips shall be provided where activity areas, parking spaces, driveways, or other area of the subject property affect or impact the residential character of adjoining properties.
2. Where residential alleys are approved for access, the required screening or approved alternative may be required to extend the entire length of the traveled alley. This requirement could apply to both sides, including the replacement of existing wall where said replacement is necessary to preserve the qualities of the proposal or minimize the impacts of additional commercial traffic.

F. DRIVEWAYS/ACCESSPOINTS

1. No driveway, parking surface, or traveled area shall be placed closer than ten feet from any adjoining residential property, except as approved as part of a multiple conversion master plan.
2. The Public Works Director may require additional improvements within public rights-of-way, as determined by applicable codes, traffic safety warrants, or other factors lending to the need for improvements or modifications.
3. There shall be no backing up movement into sidewalk or street areas.

G. AREA REQUIREMENTS/MINIMUMS

1. There is no absolute minimum. In general, conversion proposals involving lot parcel areas less than 15,000 sq. ft. encounter serious constraints with minimum design or improvement standards.

V. APPLICATION PROCEDURES FOR RESIDENTIAL CONVERSION

- A. The Use Permit application requirements, procedures, public hearing and notice requirements shall apply. In addition, the following will be required to accompany the submittal.
 - A. Each application will be preceded by an informal pre-application meeting with the Planning and Development Staff in order to ascertain the eligibility status as well as other initial findings.
 - B. The minimum application materials shall include at the time of submittal to the City:
 - a. Completed application for together with \$75.00.
 - b. Cover letter outlining all aspects of the proposal, i.e., proposed use, improvements, project timing, justification, etc.
 - c. Site plan with all building dimensions, setbacks, and location. Details of all improvements, access points, screening.
 - d. Self-stick mailing labels with names and addresses of all property owners within 300 ft. of the subject property, or any additional radius judged by the Zoning Administrator to be necessary for sufficient notice.
 - C. Upon review of the submitted materials, the Planning and Development Staff will determine whether additional materials are needed to evaluate the conversion request. Some of these actions may be the responsibility of the City Staff such as:
 - a. Courtesy inspections on-site. Written report of findings related to City Codes.
 - b. Arrangements for reservation of space for neighborhood meeting.
 - D. The applicant may be required to furnish additional information concerning the project, including but not limited to:
 - a. Real Estate or market study
 - b. Site access study (may be conducted by City Personnel).
 - c. Program for project timing – site improvements.
 - d. Representations from user or developer which demonstrate or confirm project commitment and timing.
 - e. A streetscape and/or landscape plan.

VI. NEIGHBORHOOD RECONNAISSANCE

- A. In most cases, the applicant shall be responsible for conducting much of the neighborhood communication needed to determine concerns, issues, and general level of support. Together

with staff, the applicant shall cooperate with the neighborhood interests to the extent which is reasonable. The City may elect to conduct additional neighborhood meetings, as warranted. All communication will be documented and verified by the City Staff.

VII. CONDITIONS OF APPROVAL

- A. The Council may attach any condition or project use, design, methods or operation, or any other aspect needed to support the general welfare, as well as the spirit of this policy. Approval may also be conditional upon a one year time period, subject to renewal by Council upon review of the projects performance and compliance.
- B. In order to discourage or regulate indiscriminate speculation of residential properties, the Council may impose specific timing or scheduling conditions designed to implement the project proposed. Normally, conversion will be required to occur within one (1) year of Council approval.

VIII. MULTIPLE CONVERSIONS

- A. For proposals involving multiple properties – or where a single conversion requires coordinated or shared improvements with other residential properties – or where other conditions of a proposed conversion impact the development pattern of a neighborhood or wider area, the applicant will be required to submit a conversion area or “district” study/strategy that accounts for the future disposition of the area. The study shall contain but not necessarily be limited to:
 - 1. Layout, schedule, and funding method for all physical improvements.
 - 2. Identification and evaluation of any other potential conversion property in the affected area – shall include plan of coordinated improvements, if required or proposed.
 - 3. Establishment of a key neighborhood objectives, meetings, and consensus.
 - 4. Program of neighborhood objectives, meetings, and consensus.
 - 5. Approval of all affected property owners.
 - 6. A PAD overlay may be required to effect a conversion district plan, as determined at the time of the application submittal or any other time it is decided that a PAD zoning overlay better fulfills the objectives of this policy.