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SEP 20 2007



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MEMORANDUM **Planning & Development - CC Memo No. 07-210**

DATE: SEPTEMBER 6, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *WMP*
in DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR *DB*
 JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR
 BOB WEWORSKI, PLANNING MANAGER *BW*

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

SUBJECT: UP07-0045 SHEILA'S ACADEMY "MINDS IN MOTION"

Request: Approval of a time extension for a Use Permit to allow a residential childcare/academic training for children business within a Planned Area Development (PAD) zoning district for single-family residential.

Location: 2735 W. Highland Street, south of Warner Road and east of the northbound Loop 101 Price Freeway off of Coronado Street

**Applicant/
Owner:** Sheila Schmidt

RECOMMENDATION

Upon finding the request to be consistent with the General Plan and the approved Planned Area Development (PAD) zoning, Planning Commission and Staff recommend approval of the Use Permit for a residential childcare/academic training for children business subject to conditions.

BACKGROUND

The Use Permit request is to operate a residential childcare/academic training for children business within a single-family home located in a single family residential neighborhood. The home serves as the primary residence for the business owner who has lived at this residence with her family for 22 years.

Sheila's Academy "Minds in Motion" was greatly involved in the creation of revised Zoning Code requirements for residential childcare as this business was one of those operating without a Use Permit at the time. The owner was a main point of contact for the City in the creation, review, and adoption of new zoning standards to benefit Sheila's home and business as well as other residential childcare businesses. The Zoning Code defines Residential Childcare as:

"A single-family residential dwelling that is primarily used by the owner or party in legal possession as that person's principal dwelling unit, but which is

also used by that person for an accessory use, namely, childcare and/or academic training for children, including pre-school, regularly provided for compensation, for periods of less than twenty-four (24) hours per day, for at least five (5) children but no more than ten (10), through the age of twelve years. The number of children being cared for, and the ratio of staff to children, shall be limited by the requirements set forth by the State of Arizona Department of Health Services, but in no event shall the number of children being cared for exceed ten (10) for compensation, nor shall the total number of children being cared for, whether or not for compensation, exceed fifteen (15).”

Residential childcare is permitted in single-family residences as an accessory use to the primary residence allowing up to 4 children for compensation. A Use Permit is required for at least 5 up to a maximum of 10 children for compensation.

In May 2002, the subject site was granted a Use Permit for 5 years to operate a residential childcare use. The Use Permit expired in May 2007. The applicant requests approval for an additional 5-years. The business maintains a State licensing as a childcare group home.

The Montessori preschool kindergarten program is open Tuesday thru Friday 8:30 a.m. to 3 p.m. There is no childcare or schooling Monday, Saturday, or Sunday. There are three sessions offered which include is a morning session from 8:30 a.m. to 12 p.m., an afternoon session from 12:30 to 3 p.m., and a full-day session from 8:30 a.m. to 3 p.m. The academic training program operates from mid-August through the end of May. The childcare school has operated at this location for the past 12 years.

The school’s outdoor play area is located on the property’s side yard on the east side of the home and is screened by a 6-foot high perimeter wall. The applicant is not requesting any building modifications or expansions of the property as part of this request. A fire department approved third party monitored automatic smoke detection system has been installed. The home is not located within a homeowners association. The childcare occupies 2,100 square feet of the home’s interior space.

The residential childcare/academic training for children business has not substantially changed since the initial Use Permit approval. Morning drop off times start and end earlier by about an hour and fifteen minutes. The first session of the day begins twenty minutes earlier and the last session ends at 3 p.m. for full-day sessions. Planning staff is not aware of any neighborhood complaints with this business.

DISCUSSION

This residential childcare business was one of the first approved since the City Council adopted code amendments addressing in-home residential childcare within single-family homes. The code amendments addressed the number of children to be cared for and required a Use Permit to assess the use’s compatibility on an individual basis. One measure of compatibility is the use’s impact on neighborhood traffic.

This business mitigates the traffic impacts by having children dropped off between 7:30 and 8:15 a.m. Afternoon and full-day academic sessions end at 3 p.m. The traffic impact from this use occurs at an off-peak time. There are no reports from neighboring homeowners that the additional traffic creates conflict. The property is located near a neighborhood collector street as

opposed to being in the middle of a subdivision. The property is easy to access from the collector street, thus traffic impacts could affect only a few neighboring properties.

Staff is recommending a Use Permit time extension for an additional five (5) years. Staff is of the opinion that the proposed residential academic training for children business works well at this location and does not impact the surrounding neighborhood.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 8, 2007. One adjacent neighbor attended in support of this Use Permit.
- The applicant forwarded to Staff two emails of support for this business. See attachments.

As of the date of this memo, Staff and the applicant are not aware of any opposition or concerns with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve. In Favor: 4 Opposed: 0 Absent: 3 (Creedon, Cason, Anderson)

RECOMMENDED ACTION

Planning Commission and Staff, finding consistency with the General Plan and PAD zoning, recommend approval subject to the following conditions:

1. Use Permit approval for operating residential childcare 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 five (5) years from the effective date of City Council approval. Operation of the business beyond the five-year time period shall require reapplication to and approval by the City.
3. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan, Licensure, Narrative, and Neighborhood Notice) shall require a new Use Permit application and approval.

PROPOSED MOTION

Move to approve Use Permit case UP07-0045 SHEILA'S ACADEMY "MINDS IN MOTION", subject to the conditions as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Applicant Narrative
3. Neighborhood meeting notice letter
4. Site/Floor Plan
5. Letters of support

COUNTY

SF-33

Warner Rd.

PAD

BROOKS ST

TEMPLE ST

ESTRELLA DR

LEXINGTON DR

EL DORADO CT

TEMPLE ST

HIGHLAND CT

HIGHLAND ST

PAD

GILA LN

Project Site

MONTGOMERY DR

SF-8.5

PAD

PRIVATE

CORNADO ST

OAKGROVE LN

UPLAND DR

PARK

DESOTO ST

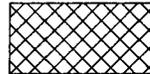
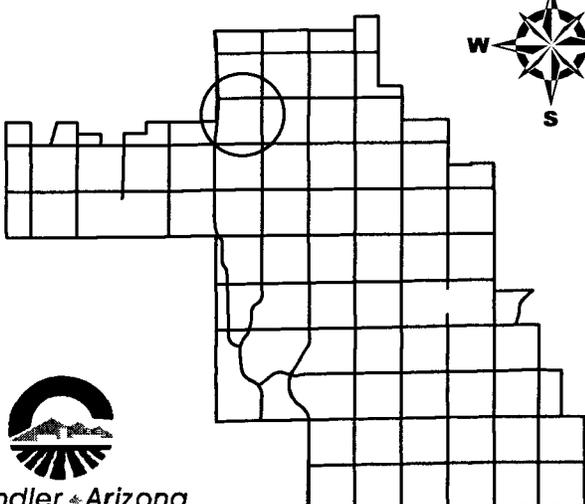
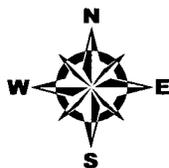
PRICE RD

Price/101 Fwy.

City of Tempe

PRICE RD

Vicinity Map

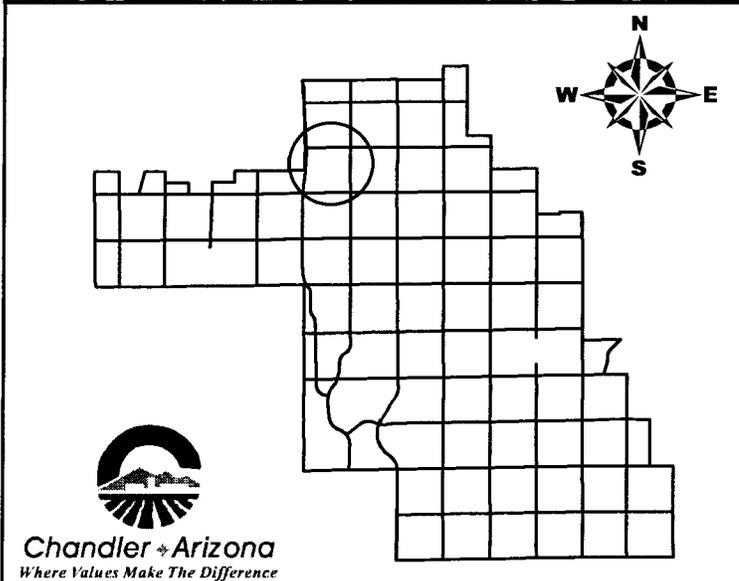


UP07-0045

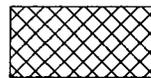
Sheila's Academy
"Minds in Motion"



Chandler, Arizona
Where Values Make The Difference



Vicinity Map



UP07-0045

**Sheila's Academy
"Minds in Motion"**



Chandler ♦ Arizona
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CITY OF CHANDLER 2/15/2007

April 30, 2007

To Whom It May Concern:

My school is in operation Tuesday through Friday's from 8:30 AM to 3:00 PM. School is in session from August through May and is closed during the major holidays. It is a Montessori preschool-kindergarten, state licensed by DHS as a group home since 1995.

I have 10 students in my care with a qualified assistant that works with me. State requires a 1:5 teacher/child ratio. Both of us have been finger printed and each carry a current clearance card along with a First-Aid and CPR certificate.

I carry an AAS and Early Childhood degree, along with AMI Montessori degree. I have taught in the valley as a teacher and assistant for over 20 years now.

I am enclosing copies our site showing details of the inside of our home as well as landscaping around our home where the children are located.

I have excellent references and would be willing to give you a few upon request. If any additional information is needed please feel free to give me a call at 480-839-8210.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sheila Schmidt".

Sheila Schmidt

Director/Owner of Sheila's Academy "Minds in Motion"

July 24, 2007

NEIGHBORHOOD MEETING NOTICE

**For a Use Permit zoning application to allow Residential Childcare
UP07-0045 Sheila's Academy "Minds in Motion"**

Dear Area Property Owners and Registered Neighborhood Organizations:

I am sending you this letter as part of my requirements for a Use Permit zoning application filed with the City of Chandler. My name is Sheila Schmidt, owner of a residential childcare named Sheila's Academy "Minds in Motion". This business is located at 2735 W. Highland Street in Chandler. The City of Chandler requires in-home residential childcare businesses to be approved a Use Permit zoning application by the City Council when the business has more than four children being cared for. A Use Permit was approved for my business in 2002 for a period of five (5) years. The five years has expired and I am required to re-apply with City of Chandler for review and approval of another Use Permit. I am requesting an additional five (5) year approval.

I have lived at the same address for the past twenty-two years and have been operating my preschool/childcare business at the same location for over twelve years. I am a certified AMI Montessori Directress and carry an Early Childhood degree. I have taught at various private schools around the Valley prior to starting my program in my home in 1995. You can view my website at www.sheilasacademy.com to give you an idea of the quality program I have established. My residential childcare business accommodates care up to a maximum of 10 children for compensation.

I have an excellent relationship with my neighbors and have had neighborhood children who have also attended my program through the years. My neighborhood meeting as part of my Use Permit request is scheduled as listed below. The meeting allows me to present my business to you and answer any questions or comments you may have. If you are unable to attend this meeting, please feel free to contact myself through my website at www.sheilasacademy.com, by phone at 480-839-8210, or contact Jodie Novak, Senior City Planner with the City of Chandler at 480-782-3060. I look forward to visiting with you at my meeting.

DATE: WEDNESDAY, AUGUST 8, 2007

TIME: 6:30 P.M.

**LOCATION: DOWNTOWN CHANDLER COMMUNITY CENTER
125 E. COMMONWEALTH AVE.
Room 116 on the First Floor**

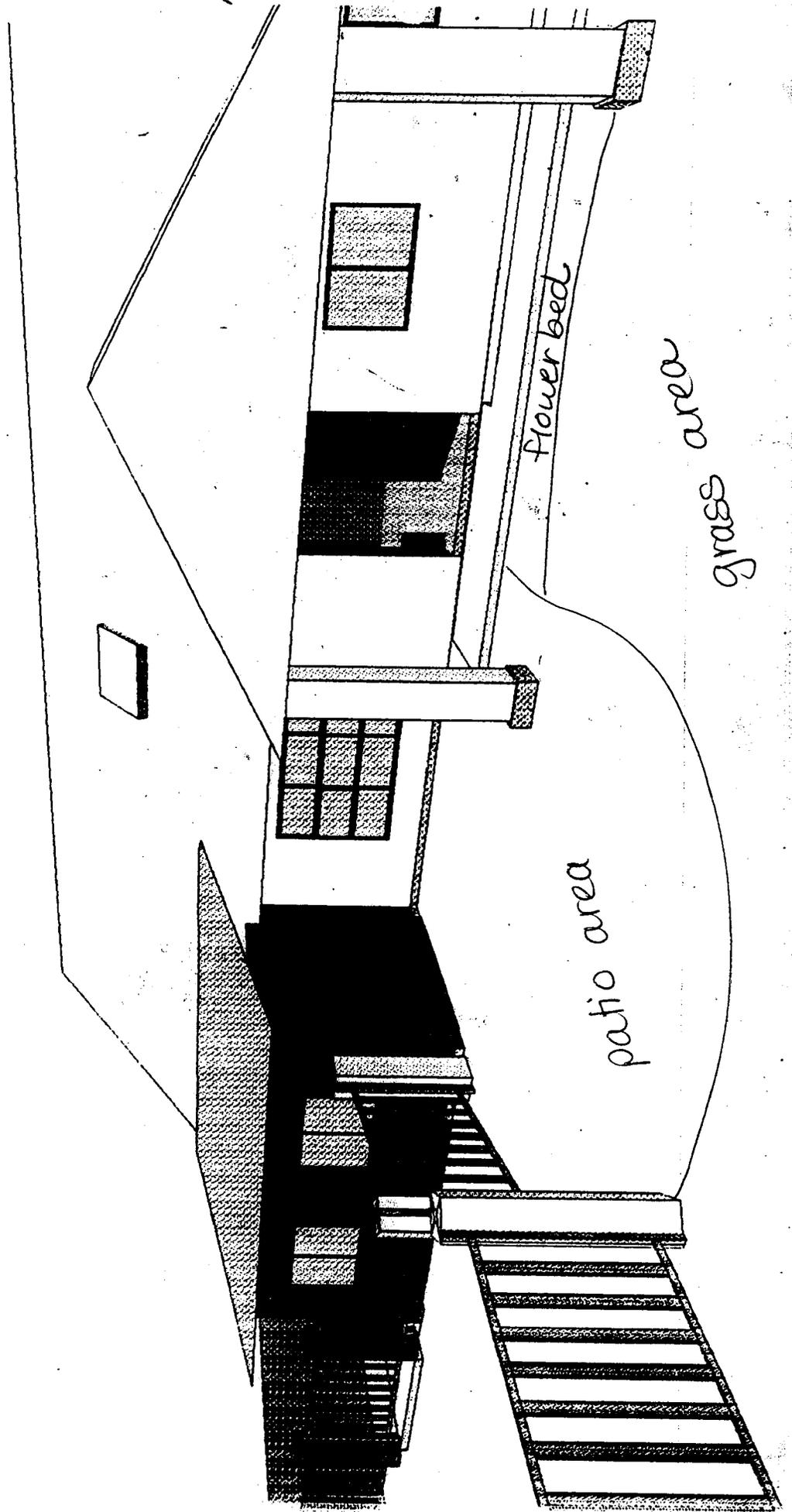
Thank you in advance for your time,

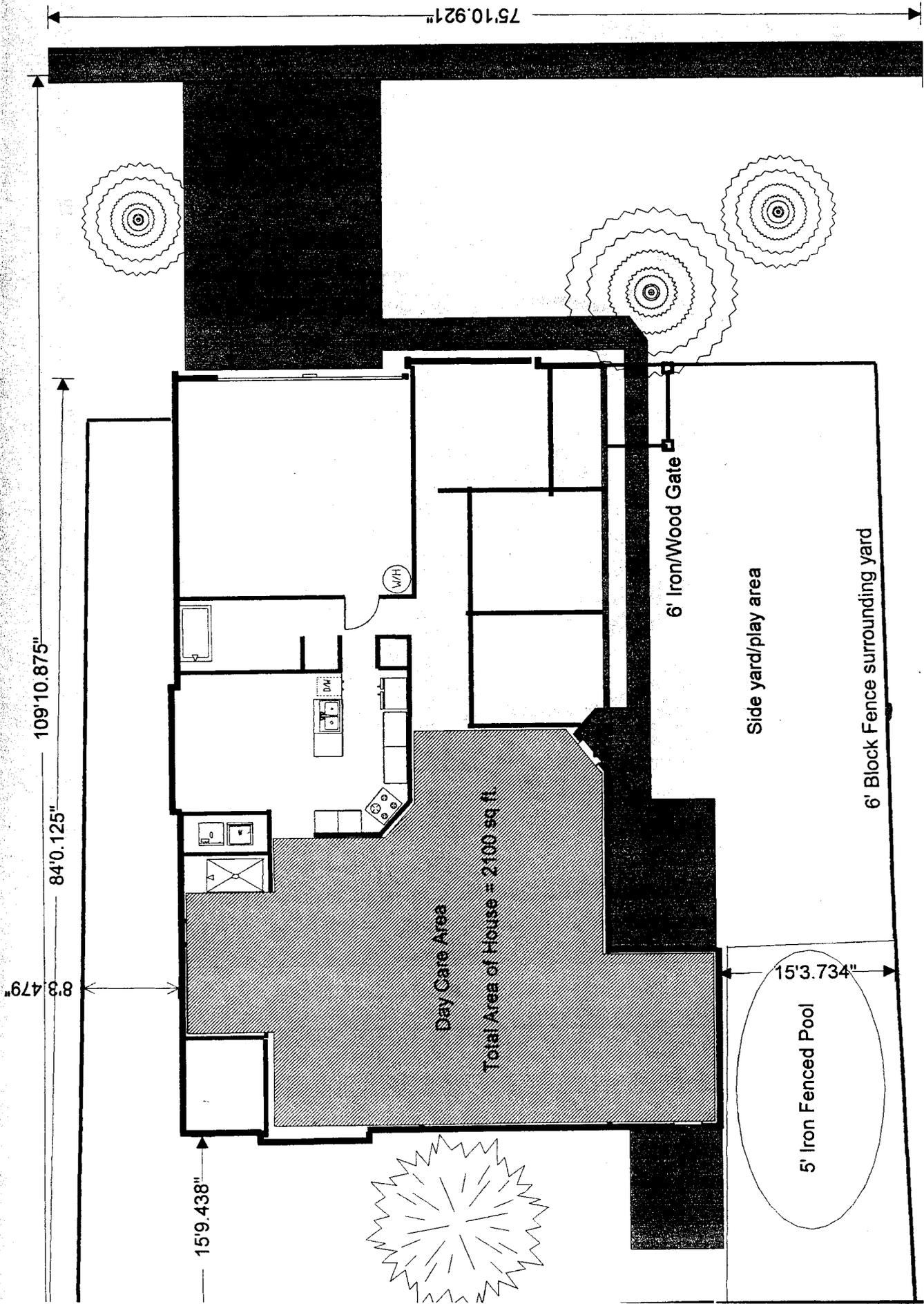
Sheila Schmidt

APPROVED

AS IS NOTE CHANGES

MAINTAIN ON SITE	
CITY OF CHANDLER DEVELOPMENT SERVICES DIVISION	Approval of this development is based on the information provided and is not a warranty of any kind. The applicant is responsible for obtaining all necessary permits from the building department.
DATE: 8/25/10	BY: [Signature]







<extrabusy2@cox.net>
08/10/2007 07:57 PM

To jodie.novak@chandleraz.gov
cc extrabusy2@cox.net
bcc

Subject Sheila's Academy Neighborhood Approval

> From: chris@hemispheresinternet.com
> To: info@sheilasacademy.com
> Subject: SheilasAcademy Contact Form
> Date: Fri, 10 Aug 2007 12:04:51 -0700

>
>

> ~~A contact form has been submitted from the SheilasAcademy.com web site.~~

>

> Name: Chris Cook
> Email: chris@hemispheresinternet.com
> Telephone: 480.820.5233

>

> Comments:
> Sheila,

>

> I apologize for not being able to attend the meeting Wednesday but wanted to offer comments that you may could forward to the appropriate folks.

>

> To Whom It May Concern,

>

> I have been fortunate enough to be the next door neighbor of Sheila and Tom Schmidt for 16 years now.

>

> Chandler would do well to promote and encourage the quality of pre-school education that Sheila has provided our community over the years. I know this by not only the commitment and integrity I see in her first hand, but more importantly the satisfaction you see and hear from the parents on social occasions. I am honored to know her and admire her work.

>

> Chris Cook
> 2739 W Highland
> 480.820.5233

>



<extrabusy2@cox.net>
07/27/2007 12:27 PM

To jodie.novak@chandleraz.gov
cc
bcc

~~Subject: Positive Feedback for Sheila's Academy~~

> Date: Fri, 27 Jul 2007 12:12:08 -0700
> To: info@sheilasacademy.com
> Subject: SheilasAcademy Contact Form
> From: valerie_and_rob@yahoo.com

>
>

> A contact form has been submitted from the SheilasAcademy.Com web site.

>

> Name: Robert Schwinn and Valerie Stueland
> Email: valerie_and_rob@yahoo.com
> Telephone: 480-966-4851

>

> Comments:

> Sheila we received your letter in the mail. We will not be able to attend the meeting, but you have our support in renewing your zoning permit. Best of luck to you.

> Rob and Val (your neighbors in the 2 story behind you).

> P.S. This was a great web-site, and was fun to see all the exciting things your students get to do.

>