



Chandler • Arizona
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MEMORANDUM Planning and Development – CC Memo No. 07-265

DATE: OCTOBER 19, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
 BOB WEWORSKI, PLANNING MANAGER

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FROM: BILL DERMODY, CITY PLANNER *BD*

SUBJECT: UP07-0055 COMPASS FIRE & SECURITY

Request: Use Permit approval to operate an alarm and security business in a residential zoning district

Location: 653 E. Ironwood Drive, approximately 800 feet south of Knox Road and ½ mile west of McQueen Road

Applicant: Carl Schwendler

RECOMMENDATION

Planning Commission and Staff, finding inconsistency with the General Plan and Planned Area Development (PAD) zoning, recommend denial.

BACKGROUND

The application requests approval to operate an alarm and security business out of a residence within The Provinces subdivision that is zoned Planned Area Development (PAD) for single-family homes. The subject site is 7,187 square feet and contains a 1,675 square foot house constructed in 1995. The subject site is surrounded in all other directions by single-family homes on similarly sized lots. There is a 30'-wide landscape and drainage tract immediately east of the subject site.

Certain businesses can be conducted in residential zoning districts by-right if they meet the code requirements for a "home business". Among the memo attachments is an application for Zoning Clearance for a Home Business that lists the requirements for such a business. Requirements for

a “home business” include that no employees come to the home and that the business be conducted by someone currently living there. Any business in a residential zoning district that does not meet the requirements for a “home business” must receive Use Permit approval in order to operate. The subject business requires a Use Permit because of its employees and that the proprietors do not live at the residence.

The subject site serves as both an office and a residence. Two ground-floor rooms totaling approximately 432 square feet are dedicated at least partially to office uses. The rest of the house is used for residential uses by someone other than the business owners. The business has two employees, one of whom regularly works out of the house. The two business owners also work out of the house, bringing the total number of people who commute to the house to three. The business provides service, installation, and testing of fire alarm and security system parts for commercial construction projects. No commodities are kept on-premises—the parts are sent directly from the manufacturer to the job sites.

The business has operated at the subject site for approximately nine (9) months. For the four previous years, the business was conducted from an office location in Tempe. Originally, before moving to the office location, the proprietors worked for several months out of their Phoenix residence.

DISCUSSION

Planning Commission and Staff do not support the requested Use Permit. Offices with commuting employees are not regularly found in residential neighborhoods and produce traffic and parking issues that have been found to be incompatible with single-family residential neighborhoods. There are certain businesses such as childcare and adult care homes, that Staff has found to be compatible in residential areas of similar density due in part to the businesses’ quasi-residential natures. That is, childcare and adult care homes involve activities that are normally carried on in residential neighborhoods by-right and produce similar impacts. The proposed use does not represent such an example.

Once entrenched, businesses in residential areas are difficult to remove or regulate. The business can easily expand without City Code compliance, and without staff noticing the change unless notified by neighbors. The more a business invests in a certain location, the more costly it is to relocate, both in terms of customer recognition and the costs of moving. Businesses are often drawn to residential areas to avoid paying higher rent at commercial locations. The profit leap necessary to move to a more appropriate commercial location is often difficult to achieve and can leave a business trapped in their residential location, even as they expand. Temporary businesses in residential areas can easily become permanent uses, which is a concept contrary to the zoning and General Plan designations for this property.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on September 27, 2007 at Espee Park at 1 p.m. No citizens attended.

- One neighbor has called in opposition to the request, stating general concerns with having an office in the middle of a single-family neighborhood rather than a commercial area.

PLANNING COMMISSION VOTE REPORT

Motion to deny.

In Favor: 6 Opposed: 0

Planning Commission found that the business is incompatible with the surrounding neighborhood. In particular, Commission found the traffic/parking generated to negatively affect the neighbors and took issue with the business owners not living at the house. Some Commissioners also stated general opposition to businesses other than childcare or adult care operating in single-family neighborhoods. One neighbor spoke in opposition to the request, citing parking and material storage concerns, as well as general opposition to businesses operating in residential areas.

RECOMMENDED ACTION

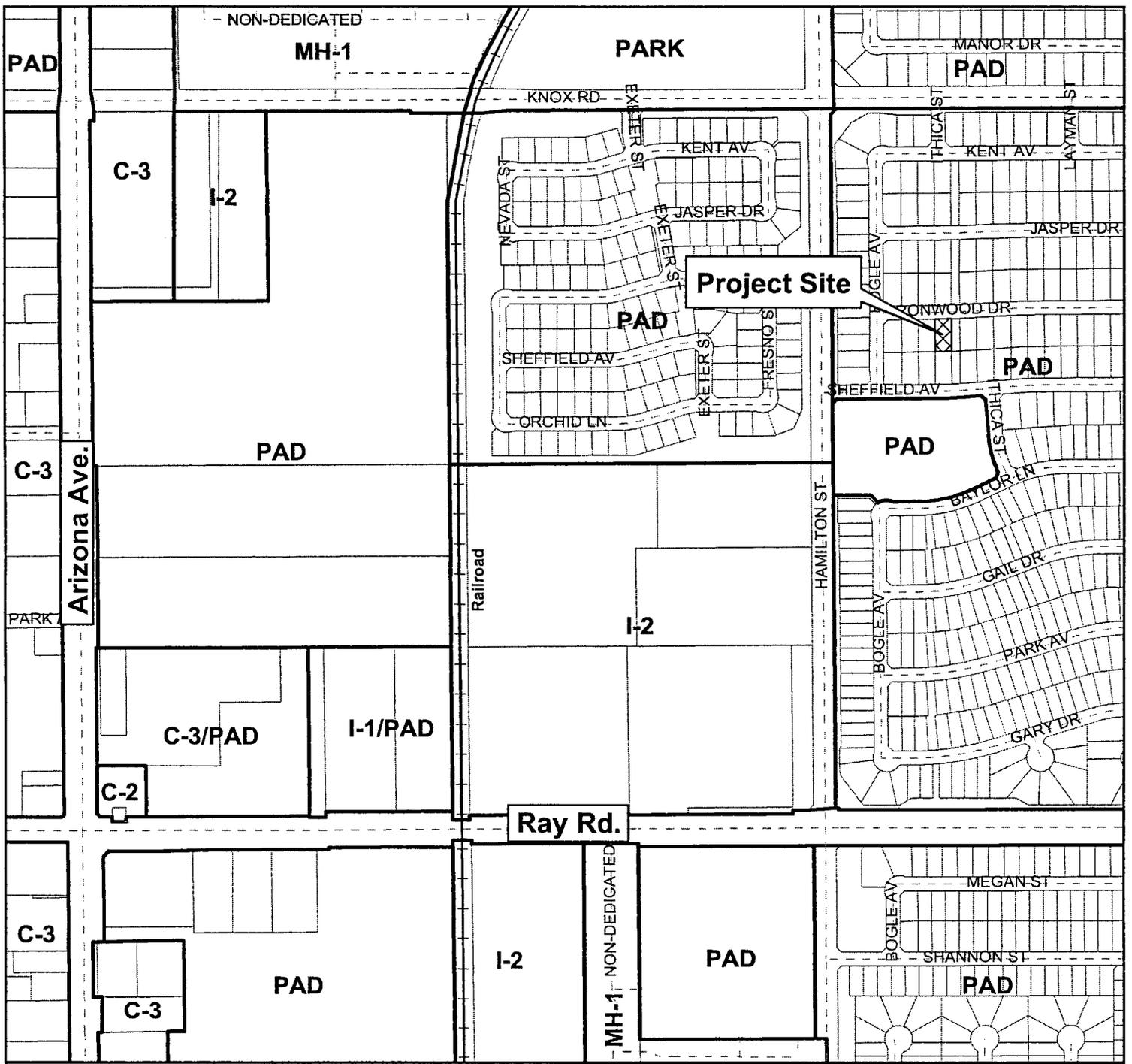
Planning Commission and Staff, upon finding inconsistency with the General Plan and Planned Area Development (PAD) zoning, recommend denial of UP07-0055 COMPASS FIRE & SECURITY.

PROPOSED MOTION

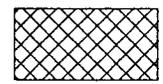
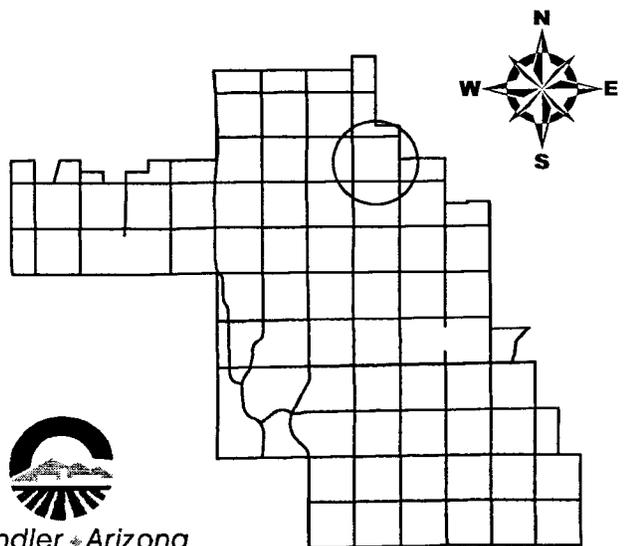
Move to deny UP07-0055 COMPASS FIRE & SECURITY Use Permit to operate an alarm and security business in a residential zoning district, as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Floor Plan
3. Narrative
4. Application for Zoning Clearance for a Home Business

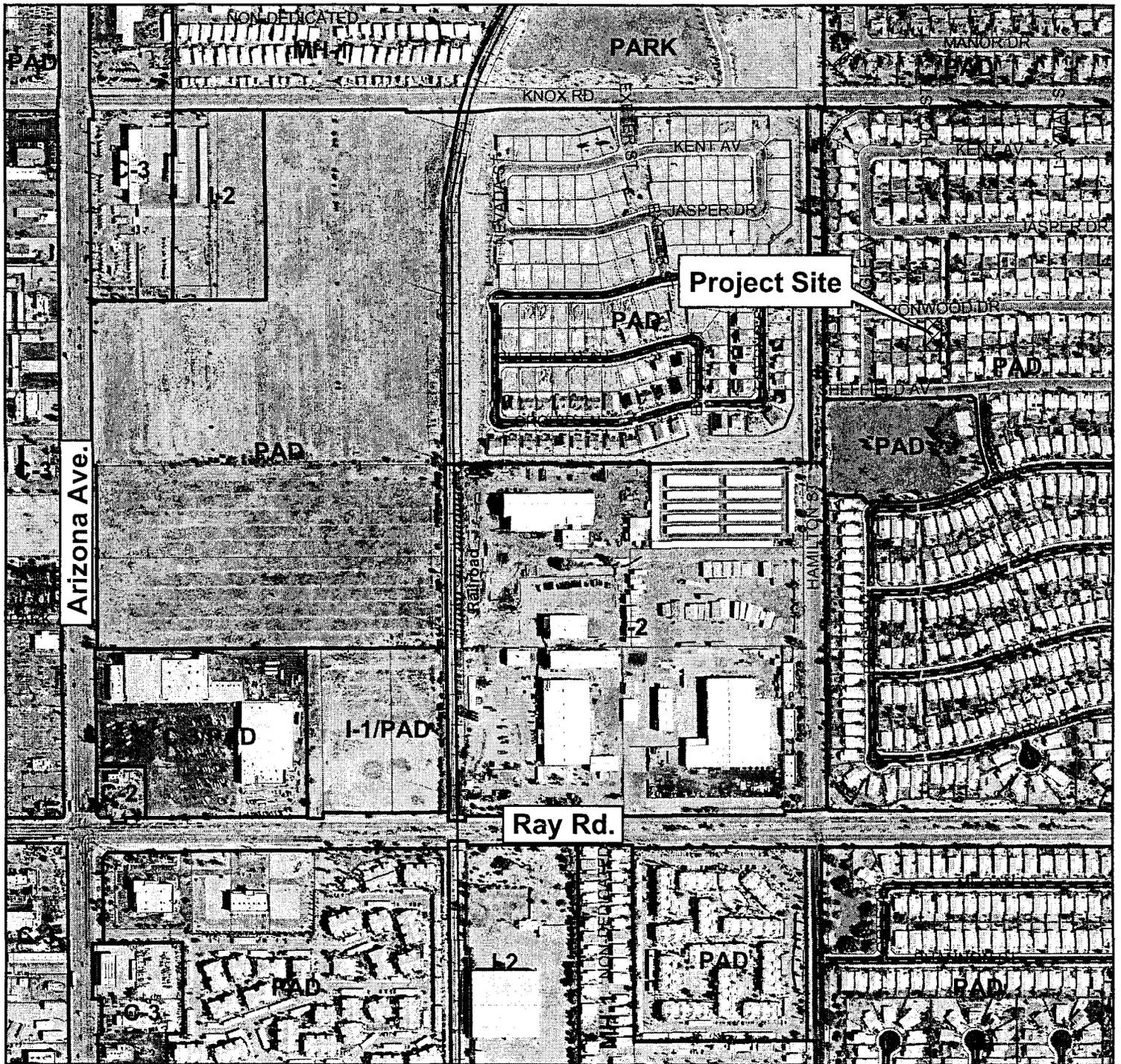


Vicinity Map

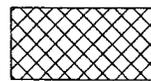
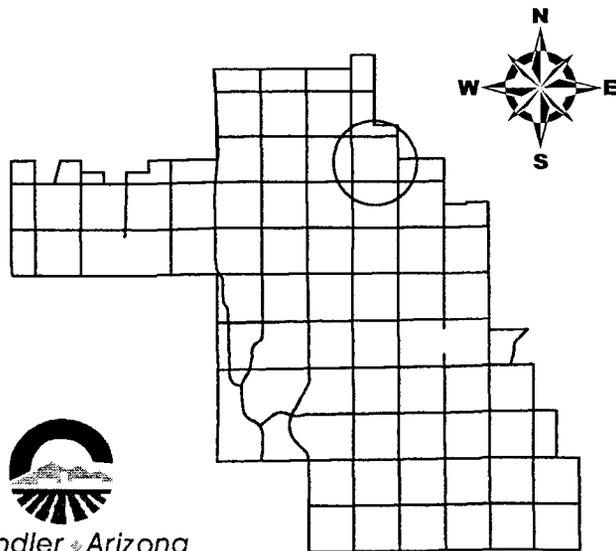


UP07-0055

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Vicinity Map



UP07-0055

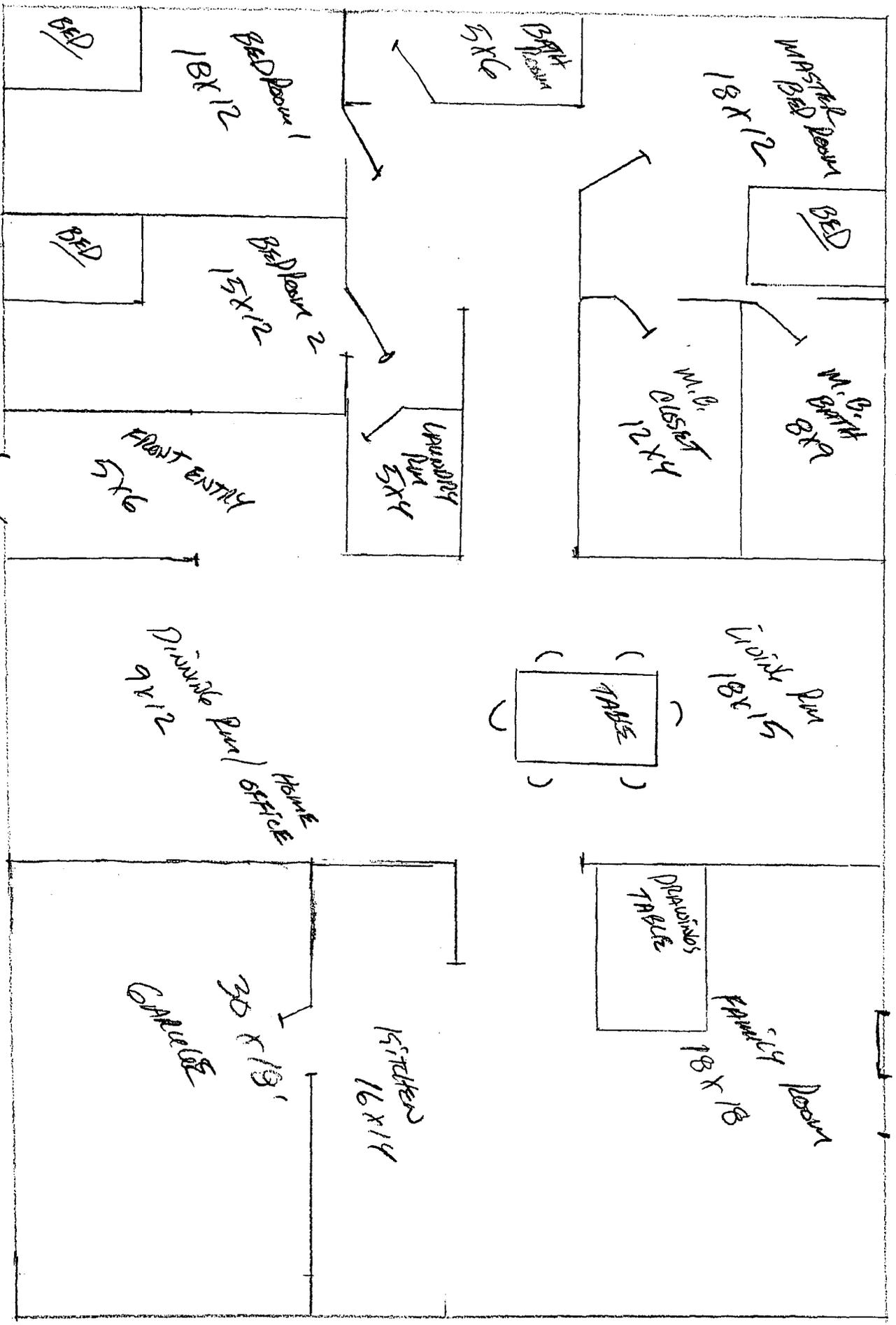
Compass Fire and Security



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CITY OF CHANDLER 6/19/2007

653 E Ironwood



FRONT OF HOUSE ↓

Dear Neighbors,

Six months ago my wife and I purchased the home at 653 E. Ironwood in the Provinces community. Since we moved in, we have made some upgrades to the property and plan to make more. We've had a chance to meet some of you already and are happy we chose to buy this home.

The home is an investment for us and it is our intention to maintain and upgrade further as we are able. We have hired landscapers to fix and maintain the landscape, which was nearly all dead when we bought the property and we have an exterminator spray once a month. We are maintaining everything else ourselves.

The purpose for writing to you today is to at the request of the City of Chandler. I own and operate a small business and have been working from the home. We would like to get approval from the city and our neighbors to continue and want you to have some pertinent information so you will feel comfortable that we are adding value to the community by maintaining a high standard with the property. We are seeking a Use Permit to allow us to operate our business.

My company provides service, installation and testing of fire alarm and security system electronic parts to commercial construction projects all over Arizona. We have been in business for 6 years. Running the business from the house has required no changes to the architecture, the landscape or to the volume of traffic to the neighborhood. The hours we work are generally 8am to 4pm Monday through Friday. There are 2 employees – one who is in the field at the various projects exclusively and one who answers phones and does bookkeeping. There is no loud music or other noises; we do not operate any equipment or machinery; we have one car parking on the street and 1-2 in the driveway occasionally during the daytime. All deliveries are made to a postal store, there are never any customers or other foot traffic.

We are hard working, tax paying citizens who chose this neighborhood because it is well-maintained. We do not intend to create any disturbances or create other issues in the neighborhood and truly would appreciate your support in this matter.

Sincerely,

Handwritten signatures of Carl and Deborah Schwendler. The signature on the left is 'Carl Schwendler' and the signature on the right is 'Deborah Schwendler'.

Carl and Deborah Schwendler

