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JAN 31 2008



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MEMORANDUM **Planning and Development – CC Memo No. 08-014**

DATE: JANUARY 17, 2008

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

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP07-0110 HOMEVESTORS

Request: Use Permit approval for a realty business within a Single-Family Residential (SF-8.5) Zoning District

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

Applicant: David Evans III

Owner: Chandler 1954 LLC, Charles A. Redding

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan and Residential Conversion Policy, recommend approval subject to conditions.

BACKGROUND

The request is to allow conversion of a residentially zoned property on Chandler Boulevard to commercial uses. The proposed business is a franchised realtor office that works off referrals from a national realty firm. They propose a total of three employees with the ability to expand to up to five employees over the coming years. Customers will visit the office on occasion, but most customer interaction is anticipated to occur on the home site. Hours of operation are 8:30 a.m. to 5 p.m. Monday through Friday, with limited Saturday hours only as needed. The existing brick marquee in the front yard will be used for a non-illuminated sign advertising the business.

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.

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. Like the currently proposed business, the 2006 applicant noted that the real estate business has changed so that very few clients need to visit the office, especially if the proprietors make an effort to meet clients at their homes.

The Residential Conversion Policy allows for the conversion of residences with frontage on arterial streets to business uses. The floor plan and site plan submitted have not changed from what was in place with the previous occupant. A condition has been added to forbid the use of the front brick area for parking. It is Staff's opinion that the business will have a negligible effect on the neighborhood if operated as represented by the applicant. A one-year time stipulation has been added to allow monitoring of the business and ensure conformance with represented descriptions, including especially the number of employees and level of client traffic. Additionally, Staff proposes a condition that would limit the number of employees to five and the number of employee vehicles to three.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 9, 2008 at the Chandler Community Center.
- At the time of this writing Staff is not aware of any opposition to the request. One neighbor called to express concern with the brick surface near the front door and with the house's west side door (not generally used) that leads to the Hartford Street sidewalk. The neighbor is opposed to any use that generates more parking than the lot can provide for.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

Planning Commission added Conditions Nos. 8 and 9 to improve the site's appearance. Commission also considered requiring a sidewalk along Hartford Street, but decided against it upon learning that this is where the irrigation lines would be laid.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and Residential Conversion Policy recommend approval of UP07-0110 HOMEVESTORS 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 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 on the brick area or on the grass.
6. The business shall be limited to five (5) employees at all times and three (3) employee vehicles on-site at any given time.
7. The site, including landscaping, shall be maintained in a clean and orderly manner.
8. Screening shall be provided between the parking lot and Hartford Street.
9. Landscaping shall be added to the front yard to improve the site's appearance.

PROPOSED MOTION

Move to approve UP07-0110 HOMEVESTORS Use Permit for a realty business within a Single-Family Residential 8.5 Zoning District subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Applicant Narrative

Use Permit Application

Safe Harbor Investment Properties LLC d.b.a. Homevestors of America, Inc.

The intent of this narrative is to describe the operation of our Homevestors of America Inc. franchise operation that we are requesting approval to operate out of the property located at 598 W. Chandler Blvd. Chandler, As 85225. Our operation is a Real Estate Investment business that will simply replace the Prudential Realty business that operated out of this property previously.

Business Description

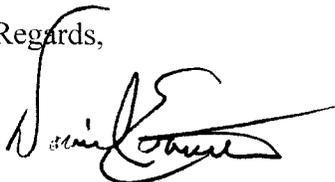
Homevestors is a franchise system that specializes in buying and renovating real estate. We cater to homeowners that are motivated to sell their houses quickly and at a discount. Being that our business purchases homes and property, we are different from the traditional real estate company in that we do not utilize a team of Realtors or any other personnel who would use this office location as a base for operations. Our leads are received over the telephone by interested individuals who call the national Homevestors 800 number and are subsequently transferred to our franchise office locations. In order to execute a property purchase we travel to various homes in the Phoenix market to meet with homeowners to evaluate the value of their properties and subsequently negotiate purchase prices and terms. Due to our business being one that operates at the home owners place of residence we will have minimal customer or vendor traffic that will come to our proposed office location at 598 W. Chandler Blvd. to conduct business.

Within the first year, we anticipate that we will have no more that three people working at our Chandler location, two of them being the husband and wife owners. Our third person will simply be an office coordinator. If the operation is successful, the business might employ as many as three employees over the next four years, which would bring the total number of individuals working at the office to five. Office hours for the operation will be Monday thru Friday 8:30 a. m. until 5:00 p.m. The owners may work some Saturdays depending on the needs of the business but this will not be on a regularly scheduled basis.

From a visual perspective, the owners intend to keep the property well maintained both internally and externally, as this is a direct reflection upon their business. The business will make use of the marquee sign currently situated in the front of the building by installing an approved sign for Homevestors on the marquee. There will be no entertainment or building alterations done on this property because of Homevestors occupying this space. We understand the owners, Chuck and Jaci Redding in September of 2005, have supplied the office blueprints for this property to the City of Chandler Planning and Development Department earlier.

If there are any further questions that you may have please contact the owner, David Evans III at 480-205-2894 and he will be happy to assist you. Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to read "David Evans III", with a long horizontal flourish extending to the right.

David Evans III

Owner

Safe Harbor Investment Properties LLC d.b.a. Homevestors