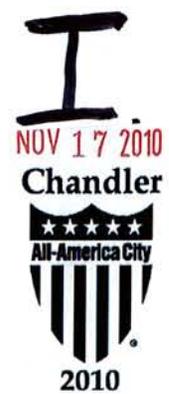




Chandler • Arizona
Where Values Make The Difference



MEMORANDUM

Planning and Development – PZ Memo No. 10-120

DATE: NOVEMBER 9, 2010

TO: PLANNING AND ZONING COMMISSION

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

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

SUBJECT: ZUP10-0031 VIEN MINH BUDDHIST TEMPLE

Request: Approval of a time extension for a Use Permit to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District)

Location: 285 North Comanche Drive, west of Alma School Road and north of Chandler Boulevard

**Applicant/
Owner:** Sister Lien Thuy Ngo

Project info: One single-family residential lot at 8,250 square feet in size with an approximately sized home of 1,560 livable square feet

RECOMMENDATION

The application requests a time extension for a Use Permit to allow a place of worship in a single-family home zoned SF-8.5 (Single-Family District). Upon finding the request to be consistent with the General Plan, Planning Staff recommends approval of the Use Permit with conditions.

BACKGROUND

The property is located north of Chandler Boulevard and west of Alma School Road off of Comanche Drive. The home is part of a larger planned residential subdivision, Arrowhead Meadows 3. The subdivision was platted in 1965. The property is zoned SF-8.5 (Single-Family District), which permits single-family dwellings and uses permitted by Use Permit that are compatible with other uses in the area and consistent with the General Plan. The property is surrounded by single-family residential homes to the north, south, and east. West of the property is the Saga Condos residential community.

The application requests re-approval to allow a place of worship, Vien Minh Buddhist Temple, on the single-family property. The temple has been conducting services at this home since

approximately February 2006. The home was purchased in November 2005 and is the primary residence for the owner, who is a Buddhist nun, and two to three other nuns. A Use Permit was approved by City Council in September 2009 to allow a place of worship subject to conditions.

The single-family residence was constructed in 1968 and occupies an 8,250 square foot lot. The home's square footage, including livable and non-livable area, is approximately 1,953 square feet. The home's interior has been modified to function as a worship hall and community gathering space. Two of the three original bedrooms were removed and the space became a part of the worship area/shrine room, which is where Sunday services are held.

The temple provides worship services, religious education, and pastoral counseling. The temple is open seven days a week from 9 a.m. to 11 a.m. and from 5 p.m. to 7 p.m. Monday through Saturday. However, if persons need to meet with the nuns, they will help them at any time. There is one organized service per week on Sundays typically from 10 a.m. to 12 p.m. During the week there are a limited number of visitors who meet with the nuns. The temple does not expect weekly traffic to be any greater than what would be expected from the activities at a typical single-family residence. There are three major celebrations/holidays recognized each year that occur in January, May, and August. The celebrations are held on Sundays and become a part of the Sunday worship service.

On a typical Sunday there are 25 to 40 people attending worship. When there are celebrations/events, such as Buddha's birthday, the number of attendees can double or triple with persons coming and going throughout the day, not all attending at one time. However, building code occupancy will limit the maximum number of persons on site to forty-nine (49). There are no events that involve live music or entertainment related activities. There are no employees, no administrative office, or the like. The nuns receive no salary and have taken vows of poverty and celibacy. The nuns exist solely on donations from the temple's members and receive help for various tasks from volunteers.

In addition to the primary residence serving as the worship hall, there is a detached accessory building in the rear yard that serves as a memorial prayer room for the temple, which is approximately 320 square feet in size. The prayer hall allows members to post photographs for deceased members, family, and the like and they may offer incense and prayers to their ancestors. Next to the prayer hall is a storage shed used for storage.

The Use Permit review includes but is not limited to the examination of several factors, where applicable. Applicable factors related to this property include consistency with the General Plan, appropriate access to and from the property, general compatibility with adjacent property and property in the area, and site and building design for conformance with City codes, standards, and requirements. Furthermore, Use Permits may be granted upon finding that the request is in conformance with the General Plan and its policies, and the request will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity with the conditions, requirements, and standards prescribed by the Zoning Code or higher as may be deemed necessary by City Council in any one situation.

In reviewing the prior Use Permit request in 2009, there was an outstanding factor related to site and building design conformance with City codes, standards, and requirements. There were structures/buildings on the property that did not have a City building permit, and the addition of structures to the property created a compliance issue with maximum lot coverage. The property owner coordinated with City Staff to receive the proper building permits for the detached memorial building, removal of a shade awning on the memorial building, and reduce the size of the shade awning on the house to meet zoning and development codes. The outdoor kitchen structure and stoves were removed too. The two-car garage was split into two rooms, one as a bedroom and the other for storage. Inspections for the permits were completed in December 2009. The property owner was advised to take down the partition wall, remove the boards blocking the garage door from being opened, and maintain this space as a two-car garage.

Since the previous Use Permit's approval, Planning Staff has received telephone calls from several property owners in the area regarding parishioners parking along Comanche Drive, adjacent streets, and in the Central Real Estate commercial center. The complaints started in November 2009 after Thanksgiving. A nearby resident called to advise that there were approximately one-hundred (100) cars parking up and down the neighborhood streets including Comanche Drive, on the property itself, and in commercial centers. The resident conveyed the vehicles were parked for several hours. Planning Staff advised the temple that there is a building code occupancy restriction and no more than forty-nine (49) people are permitted on this property at any one time, and any large events would need to take place off-site. Another resident called about this same event and conveyed there were over forty (40) cars in her neighborhood. She took photographs to show the number of cars parked along Comanche Drive and Toledo Street and did not understand why the City cannot stop this.

Following these calls, a violation letter was issued to the temple advising of zoning conditions, building permit compliance issues, and a newly paved concrete area for vehicle parking not on the subject site but a neighbor's property. The temple responded with a plan of action to better ensure parishioners new and existing understand to park vehicles at the school but may have a handful of cars park on the street as would occur with a typical residence. The temple continues to have an agreement with Chandler Unified School District's Erie Elementary School to the north off of Galveston Street for parishioners to park vehicles.

In January 2010, Planning Staff received a call from an area resident stating that parking problems have gotten better; however, an A-frame sign was located on the City sidewalk blocking pedestrians. The temple was advised the sign cannot be on public right-of-way. In April 2010, a resident who contacted Staff in November called again to advise there are parishioner's cars parking on Comanche Drive and they are parking on the neighbor's property to the north, there's too much traffic going on, snuck a service in on a Saturday night, and wanted City Staff to patrol the area and monitor the parking on a regular basis. Staff did visit the site the following Sunday service; however, the service was cancelled that day. Staff observed several cars parked up and down Comanche Street which appeared to belong to the condominium and single-family home residents on the same street.

DISCUSSION

Historically, the City has approved churches and places of worship in many residential neighborhood areas, subject to compliance with City codes and development standards. Schools and churches are encouraged within single-family residential areas and are an integral component of neighborhood design. The Zoning Code allows churches and places of worship within residential zoning districts subject to Use Permit approval. The request does not represent any negative land use impacts upon the surrounding area.

Planning Staff is of the opinion that the use is compatible with the area's existing single-family residential, multi-family residential, and school uses. Planning Staff recommends approval subject to conditions with particular conditions related to occupancy restrictions and parking.

The outstanding concern that Planning Staff has been aware of with the proposed use is parking along Comanche Drive. Chandler Boulevard and Comanche Drive is a signalized intersection which generates traffic north on Comanche Drive to access Galveston Street, schools, and places of worship in the area. Speed humps have already been constructed along Comanche Drive to slow down drivers. Staff is of the opinion this private agreement for off-site parking is an appropriate solution to curb large amounts of vehicles parking along Comanche Street and other adjacent streets. The temple is permitted to have typical vehicle traffic that would be usual for any single-family residence; however, our concern is the worship services and events that generate more than normal traffic. Following a call from the property owner of the Central Real Estate commercial site down the street, Staff advised the temple to contact that owner about parishioners parking on the commercial property without permission.

Due to on-going vehicle parking concerns, Planning Staff recommends a one (1) year time limit to further evaluate the intensity and compatibility of the use.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 26, 2010. Eight area residents attended in support of this request. Planning Staff and the applicant were also in attendance.
- The property owner has submitted three signed neighborhood meeting letters from residents in support of the request. See attached.
- In regards to this request, Staff received a call from the Central Real Estate property owner as discussed above. Staff has not received any other calls or correspondence from area property owners. Staff is not aware of any concerns or opposition with this request.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Staff recommends approval subject to the following conditions:

1. 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.

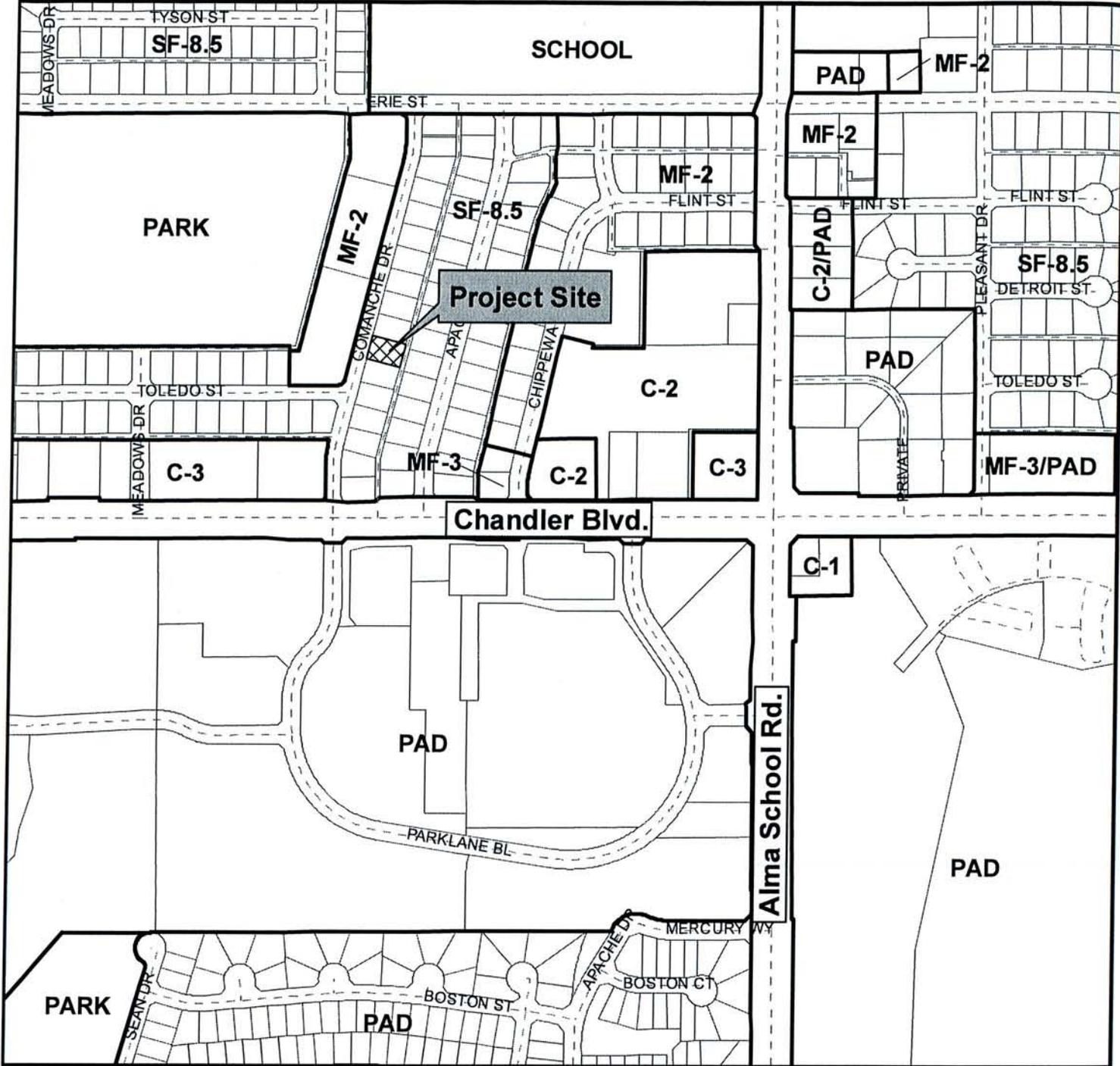
2. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
4. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
5. Worship services shall occur only within the single-family residence and cannot occur outside. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
6. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Motion to recommend approval of Use Permit case ZUP10-0031 VIEN MINH BUDDHIST TEMPLE, subject to the conditions recommended by Planning Staff.

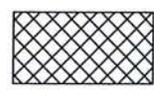
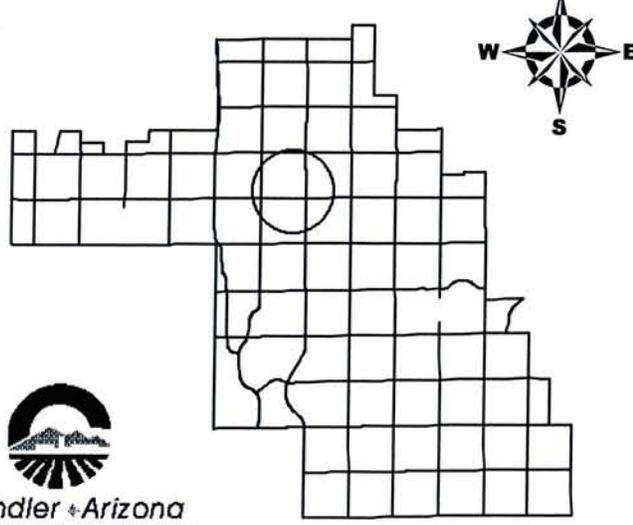
Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan/Floor Plan
4. Aerial Photo
5. Neighborhood meeting information
6. Letters of support/petitions
7. UP09-0036 zoning conditions



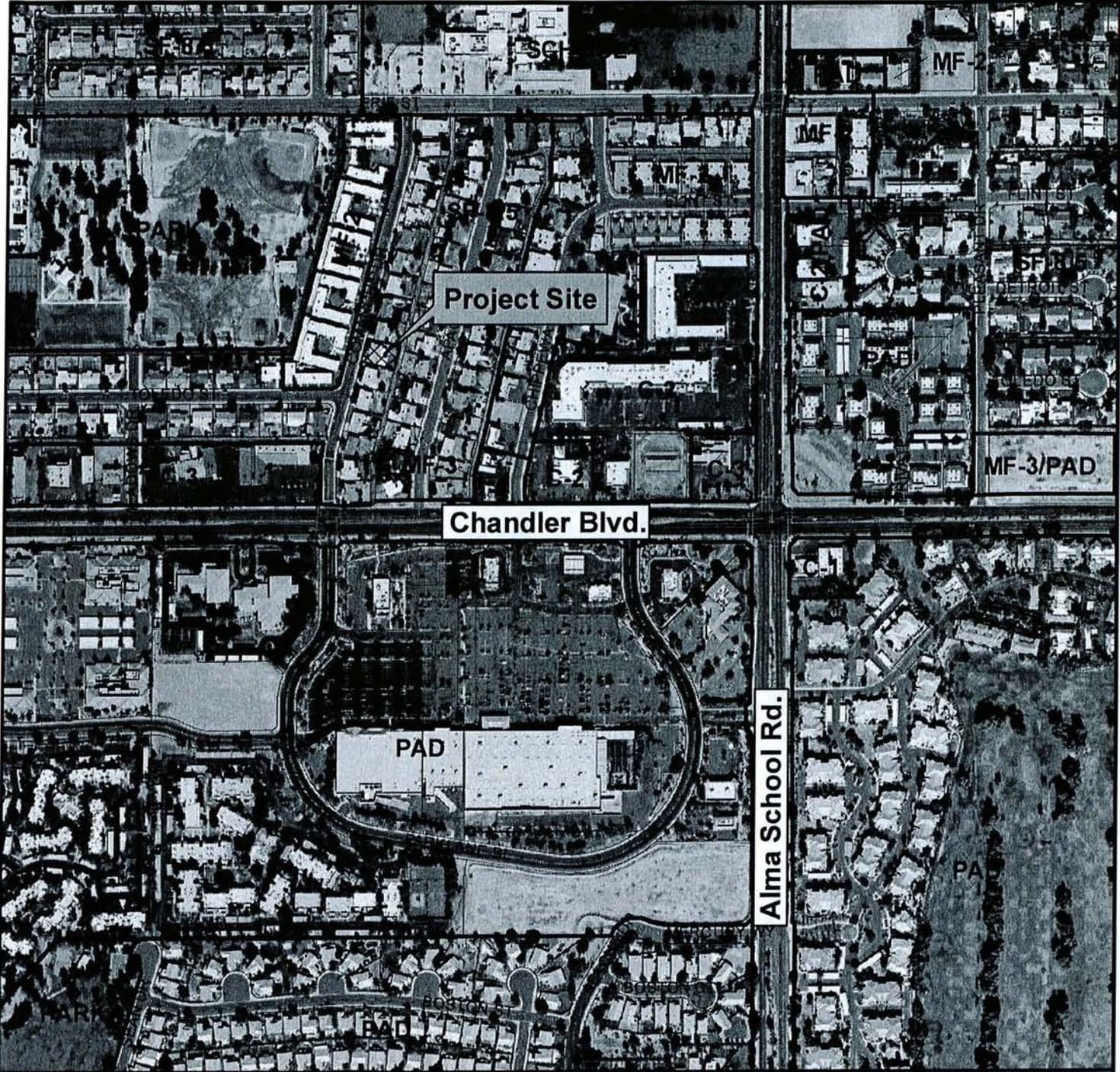
Project Site

Vicinity Map

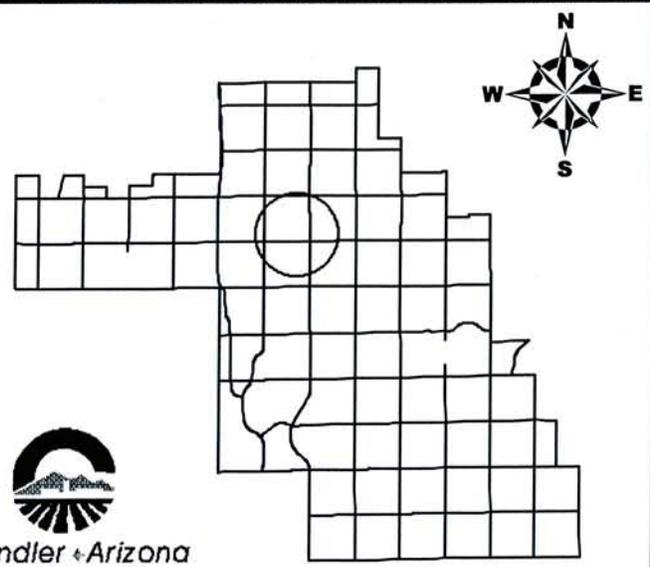


ZUP10-0031

Vien Minh Buddhist Temple



Vicinity Map



ZUP10-0031

Vien Minh Buddhist Temple

Use Permit attachment for 285 N. Comanche Dr.

We are requesting renewal of our Use Permit so that the referenced property may continue to be used as a Buddhist temple and as a residence for two nuns. Its activities will include worship services, meditation, religious education and pastoral counseling.

The property is a single family house in a residential neighborhood two blocks north of Chandler Blvd and between Alma School Rd. and Dobson Rd. Some changes have been made to the interior to facilitate its use as a Buddhist Temple. These changes included opening up two of the bedrooms so that they became part of the living room and now this combined area is used as a shrine room which is where Sunday worship services are held. The car port has been enclosed to garage.

This home was originally built in 1968 and was purchased by the current owner in November of 2005 It has functioned as a house of worship since Feb. of 2006.

After the interior changes, there is now one bedroom, a kitchen, two bathrooms, laundry and a storage area. There is a small eating area next to the kitchen. The patio roof and patio have been extended so that people can sit back there.

We have received approval for another year, from the Chandler Unified School District to lease parking at the Erie school and that document is attached. The school is only about one and a half blocks from our temple. This parking is more than adequate for all people attending services at the temple. We have posted someone by the curb on Sundays to direct people to the Erie school parking. Additionally there are signs at the temple entrance and inside telling members they must use the Erie school parking.

The outside of the house remains unchanged and is compatible with the surrounding homes. Landscaping is gravel with some flower gardens and shrubs. There are two Buddhist statues in front of the home.

There is a small building in the backyard. It was originally used as a workshop and this has since been converted to a memorial hall without materially changing its outward appearance. Photographs of deceased members are posted there and people, up to five at a time, may offer incense and prayers for their deceased ancestors. People would normally be in this building less than 10 minutes and usually only one or two persons at a time will go there.

The temple will be open seven days a week from 9:00 am to 11:00 am and from 5:00 pm until 7:00 pm, Monday through Saturday These hours are to accommodate people who wish to visit the nuns for pastoral counseling, to pray or just to socialize. There is one organized service per week on Sundays from 10:00 am to 12:00 pm. We have three major celebrations each year in May,

Nanative

August and January. These are held on Sundays and become part of the Sunday service.

On a typical Sunday there are usually from 25 to 40 people attending the worship service. The current Use Permit limits attendance to a maximum of 49 people.

There are no employees. The nuns receive no salary and have taken vows of poverty and celibacy. They exist solely on donations from our members. They receive help for various tasks around the temple from volunteers.

There are no events that involve live music or entertainment of any sort.

The home is approximately 1,400 square feet in area and it is on a lot that is 75 ft by 110 ft (8,250 sq. ft).

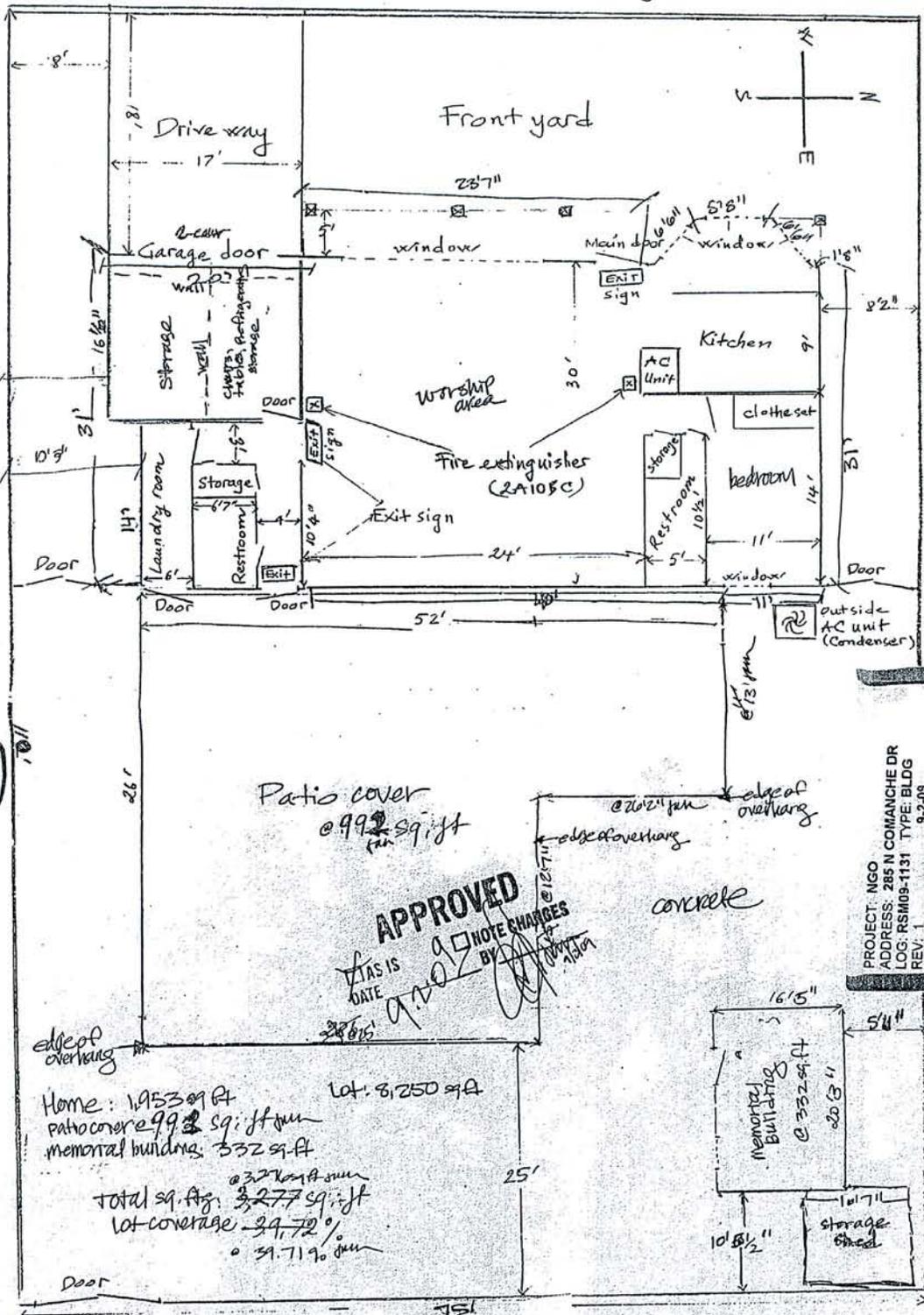
Since our initial approval of the Use Permit almost a year ago, we have not made any changes or modifications to the temple except to enforce parking restrictions more vigorously.

The following items are included in our renewal request:

1. Site plan of the property and its structures (2copies).
2. Building floor plan layout (2 copies).
3. Chandler Unified School District parking agreement.

Nanative

to Chandler Blvd ← Comanche Drive (Existing street) → Erie St



35

Patio cover @ 99.2 sq. ft

APPROVED

DATE 9/20/09
 BY [Signature]
 NOTE CHARGES

Home: 1,953 sq. ft
 patio cover: 99.2 sq. ft
 memorial building: 532 sq. ft
 Total sq. ft: 3,277 sq. ft
 Lot coverage: 39.72%
 @ 32.2 sq. ft per sq. ft
 @ 39.71% per sq. ft

PROJECT: NGO
 ADDRESS: 285 N COMANCHE DR
 LOG: RSM09-1131 TYPE: BLDG
 REV: 1
 REVISION 9-2-09

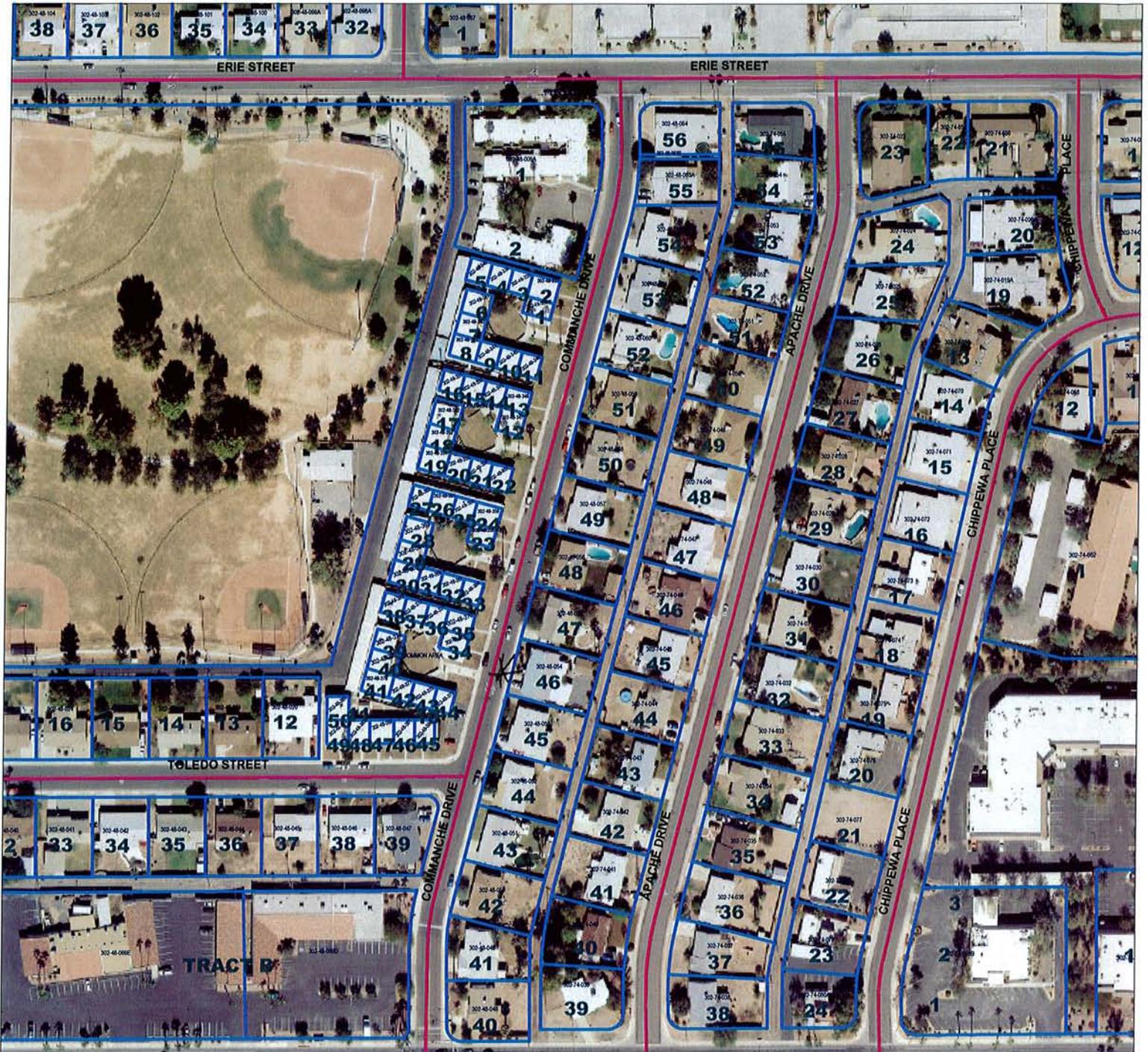
Alley
 Building Floor Plan of 285 Comanche Drive
 Chandler, AZ 85224

8/12/09

RSM 09-1131

SITE PLAN

ZUP10-0031



lot 46 - subject site



Neighborhood Meeting General Information

We are requesting a renew Use Permit so that the property at 285 Comanche Dr. may be used as a Buddhist temple and as a residence for two or three nuns. We make nothing change, every thing remain the same as year ago.

Activities at the temple will include worship services, religious education, meditation instruction and pastoral counseling. The temple welcomes all people who are interested in learning about Buddhism and / or meditation. Buddhism teaches respect for all living things. The goal of the temple is to help people find inner peace in their lives.

The temple will be open seven days a week from 9:00 am to 11:00 am and from 5:00 pm until 7:00 pm. These hours are to accommodate people who wish to visit the nuns for pastoral counseling, to pray, practice meditation or just to socialize. There is one organized service per week on Sundays from 10:00 am until 12:00 noon. There are normally three major celebrations each year in May, August and January. These are held on Sundays.

There are no employees and the nuns receive no salary and have taken vows of poverty and celibacy. They exist solely on donations from our members. The nuns receive assistance from volunteers for various tasks.

We continues have contract from the Chandler Unified School District to lease parking at the Erie school which is about one and a half blocks from our temple and also have liability insurance for parking over there. Parishioners attending Sunday service or other major celebrations will be required to use the Erie School parking lot.

The home is approximately 1,400 square feet in area and it is on a lot that is 76 ft by 112 ft. The outside of the house will remain essentially unchanged.

Neighborhood meeting

SIGN IN SHEET OF NEIGHBORHOOD MEETING FOR
VIENMINH BUDDHIST TEMPLE: 285 N. COMANCHE DRIVE
CHANDLER, AZ 85224

Date: Thursday, August 26, 2010

Time: 6:00 PM

Location: Downtown Chandler Community Center Building
125 E. Commonwealth Ave., Room # 101

Name	Address	Telephone number
VETO H. BAKER	1422 E ELGIN PL. CHANDLER, AZ. 85225. 2028.	(480) 343-4124
John Hill	2213 W. PERIWINKLE WAY Chandler AZ	(480) 917-6913
THI THI NGUYEN	2212 W. PERIWINKLE WAY CHANDLER	480-980-6419
Lan Thi Baker.	^{CHANDLER AZ} 1422 E ELGIN PL. 85225.	(480) 343-4124
Joe & Delia Alvarado	229 N. Comanche Dr. ^{Chandler AZ} 85224	480-664-3444
Ben & Chris Dillon	398 N. Apache Dr	480-879-2922
Jodie name	cotc	480-782-3060

neighborhood meeting

You are invited to our neighborhood meeting so that we may answer any comments or questions you may have, and so that you may learn more about our zoning Use Permit request. This meeting is scheduled for:

DATE: THURSDAY, AUGUST 26, 2010

TIME: 6:00 P.M.

LOCATION: Downtown Chandler Community Center
125 E. Commonwealth Ave. (off of Arizona Ave/Chandler Blvd)
Room No. 101

If you are unable to attend this meeting and you have any questions or comments on the proposed Use Permit zoning application, please contact Sister Lien Thuy at (480) 812-8810 or Jodie Novak, Senior City Planner with City of Chandler at (480) 782-3060.

Sincerely,



Sister Lien Thuy Ngo
Head Nun

Attachments
Map of meeting location
Map of temple location

TO WHOM IT MAY CONCERN
I live next door to this address
and I don't have nor have I had
a problem from the ladies that live there
or the people that come to visit with
I could not ask for better neighbors
to me right next door too, they keep
their property up they aren't noisy and
I sleep in peace @ night knowing
there isn't any harm from any of these
ladies. ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ I have a 2 car
carport that I let them use ~~XXXX~~
~~XXXX~~ please help their rights to
keep on with their lives.

Thank you
Laverne Lindsey
2911 N. Comanche Dr
Chandler AZ 85224

You are invited to our neighborhood meeting so that we may answer any comments or questions you may have, and so that you may learn more about our zoning Use Permit request. This meeting is scheduled for:

DATE: THURSDAY, AUGUST 26, 2010

TIME: 6:00 P.M.

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Sincerely,



Sister Lien Thuy Ngo
Head Nun

Attachments

Map of meeting location
Map of temple location

I had no problem with Minh Buddhist group meeting in the neighborhood of Convent Drive.



You are invited to our neighborhood meeting so that we may answer any comments or questions you may have, and so that you may learn more about our zoning Use Permit request. This meeting is scheduled for:

DATE: THURSDAY, AUGUST 26, 2010

TIME: 6:00 P.M.

LOCATION: Downtown Chandler Community Center
125 E. Commonwealth Ave. (off of Arizona Ave/Chandler Blvd)
Room No. 101

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Sincerely,



Sister Lien Thuy Ngo
Head Nun

Attachments

Map of meeting location

Map of temple location

Martha Wilson
243 N. Comanche Dr.

I am happy to have these neighbors
in our neighborhood.



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NOTICE OF COUNCIL ACTION CITY OF CHANDLER, ARIZONA

APPLICANT:

VEN. DAO CHUAN
VIEN MINH BUDDHIST TEMPLE
285 N. COMANCHE DR.
CHANDLER, AZ 85224

CASE: UP09-0036 VIEN MINH BUDDHIST TEMPLE

MEETING DATE: THURSDAY, SEPTEMBER 10, 2009

APPROVAL:

REZONING:

DENIAL:

VARIANCE:

WITHDRAWAL:

USE PERMIT:

CONTINUED:

SUBDIVISION:

PRELIMINARY DEVELOPMENT PLAN **PRELIMINARY PLAT**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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.
2. Expansion or modification beyond the approved exhibits (Site Plan/Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.

4. Building permits shall be filed and issued by the City of Chandler for the home's patio cover, the accessory building, and its patio cover; however, building permits will not be finalized/issued pending the site being in compliance with the maximum lot coverage for the SF-8.5 zoning district regulations.
5. The property shall be in compliance with the maximum 40% lot coverage as defined in the SF-8.5 zoning district.
6. Parking for gatherings such as worship services, celebrations/events, and the like shall not occur on-site. Parking shall occur off-site at an appropriate location in accordance with Zoning Code.
7. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.
8. Worship services shall occur only within the single-family residence and cannot occur outside. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.
9. The site shall be maintained in a clean and orderly manner.