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SEP 18 2013
Chandler
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2010

MEMORANDUM **Transportation & Development – PZ Memo No. 13-067**

DATE: SEPTEMBER 18, 2013

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

SUBJECT: ZUP13-0004 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: Sister Lien Thuy Ngo

Project info: 8,250 square foot single-family residential lot, 1,560 livable square foot home

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 no time limit.

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. In November 2005, the home was purchased and had been the primary residence for the owner a Buddhist nun and up to three other nuns. Since approximately February 2006, the temple has been conducting services at this home. In September 2009, a Use Permit was approved by Council to allow a place of worship subject to conditions. In December 2010, a renewal of the Use Permit was granted for one additional year and expired in December 2011. In April 2012, the Use Permit was extended for one additional year expiring in April 2013.

The single-family residence was constructed in 1968 and occupies an 8,250 square foot lot. The home's total square footage 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 garage is used for storage with several refrigerators, freezers, vinyl flooring, and cabinets. The temple has been advised the garage cannot be used as an assembly/gathering area. In the past the temple had placed a white board behind the garage door to insulate this area and use a portion as a sleeping area. Upon recent inspection, the board was removed and the space did not appear to have any sleeping area.

The temple provides worship services, religious education, and pastoral counseling. The temple maintains the same operating hours being 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 approximately 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 limits the maximum number of persons to forty-nine (49). Worship occurs in the main residence. The outdoor patio includes several tables and chairs to accommodate approximately 40 people outside for socializing. 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 mourn, post photographs for deceased members, family, and the like and they may offer incense and prayers to their ancestors. Adjacent to the prayer hall is a storage shed.

The temple purchased the single-family home immediately to the south, 271 N. Comanche Drive, and is using this property as a single-family residence for the nuns. The nuns reside at this home and

walk over to the existing home for temple functions. The common backyard fence in between the two lots has been removed to allow direct pedestrian access between the lots. The new property is not permitted to be used for gatherings, assembly, services, temple related events, or the like.

In the past, there were complaints about traffic from one resident on Comanche Drive. This resident no longer resides in the neighborhood. The temple has a plan of action in place to better ensure new and existing parishioners understand to park vehicles at the nearby school but at times may have a handful of vehicles park on the street as would occur with a typical residence. The plan includes posting a sign outside to advise vehicles to park at the school and having someone outside to direct people to the school. 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.

Since the prior Use Permit, some minor modifications have occurred to the property. The front yard was mostly gravel and now is all pavers. Also, the home has new roof shingles.

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 believes 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 private agreement for off-site parking is an appropriate solution to curb large amounts of vehicles parking along Comanche Drive and other adjacent streets. The temple is permitted to have typical vehicle traffic that would be usual for any single-family residence and would find off-site space for large events.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 1, 2013. Two parishioners attended in support of this request in addition to the applicant.
- As of the date of this memo, Planning Staff has not received any calls or correspondence from area property owners and is not aware of any opposition or concern.

RECOMMENDED ACTION

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

1. 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.

2. In accordance with the Building Code's maximum occupancy load, there shall be no more than 49 persons on-site at any time.

3. 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.

4. Worship services shall occur only within the single-family residence and cannot occur outside.

5. The outside area, the backyard, may be accessed during worship services pending compliance with all building codes, permits, and lot coverage requirements.

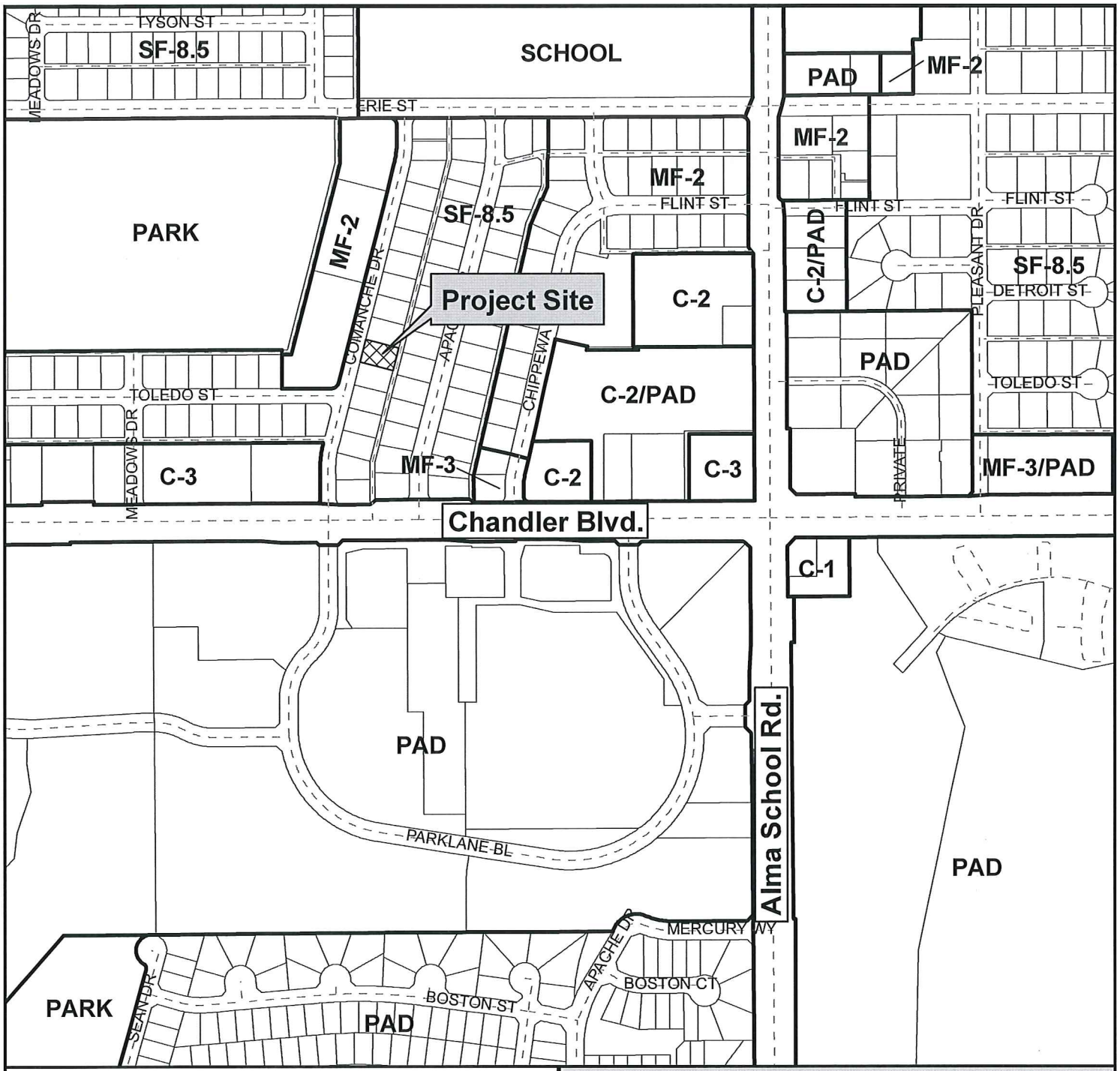
6. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

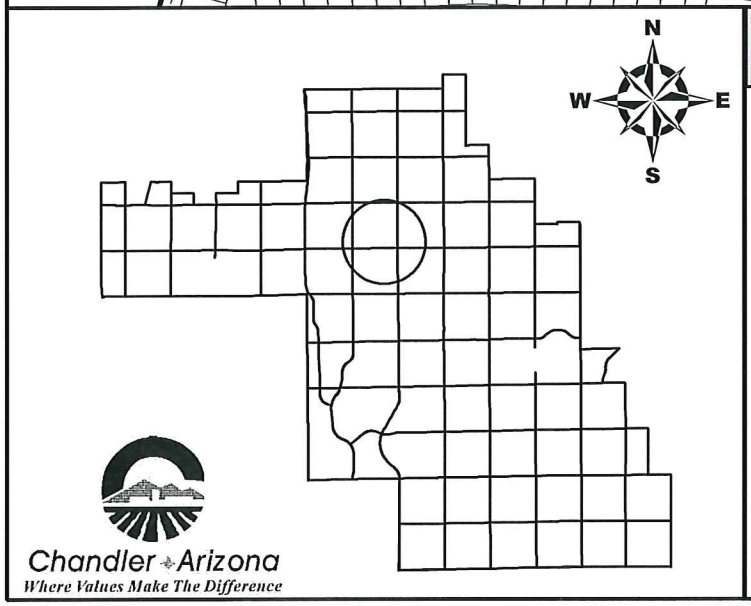
Motion to approve Use Permit case ZUP13-0004 VIEN MINH BUDDHIST TEMPLE, subject to the conditions recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan/Plot Plan
4. Floor Plan
5. Photos
6. ZUP11-0027 zoning conditions



Vicinity Map



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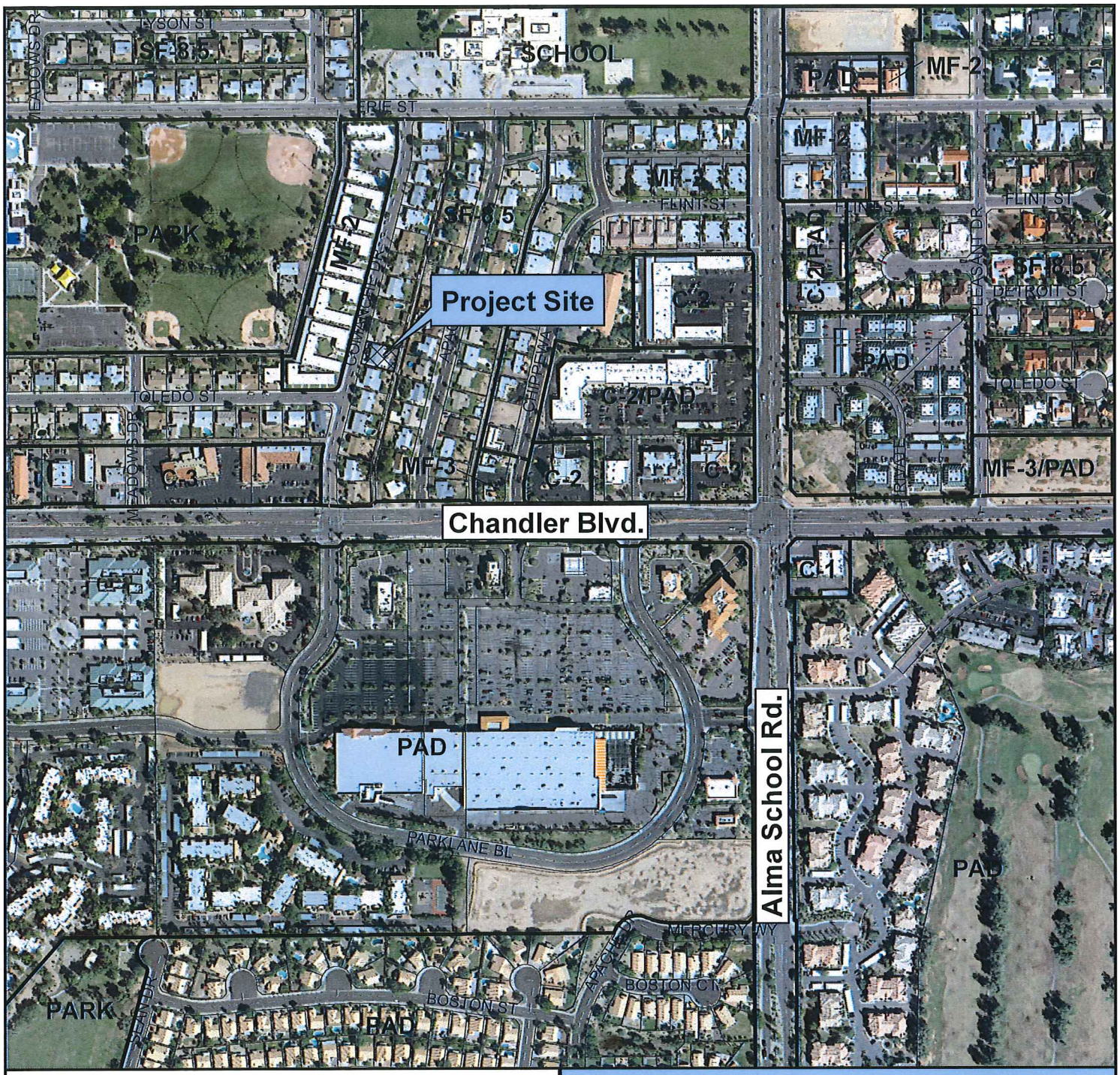
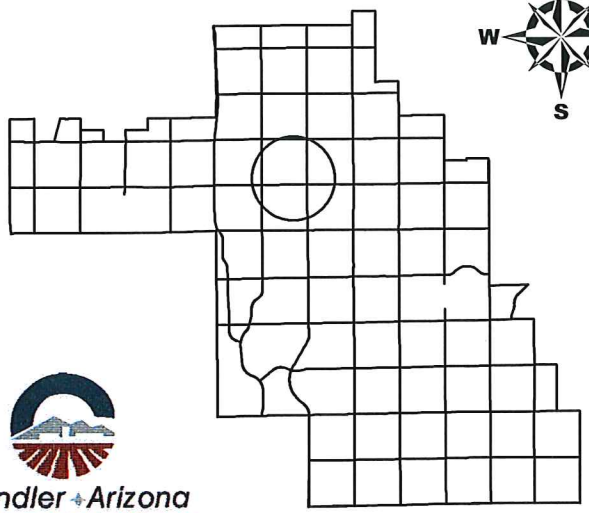
Vien Minh Buddhist Temple

CITY OF CHANDLER 2/29/2013



Vicinity Map



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Vien Minh Buddhist Temple

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CITY OF CHANDLER 2/29/2013

Renew Use Permit attachment for 285 N. Comanche Drive

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,

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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 last few years, we have not made any changes or modifications to the temple.

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.

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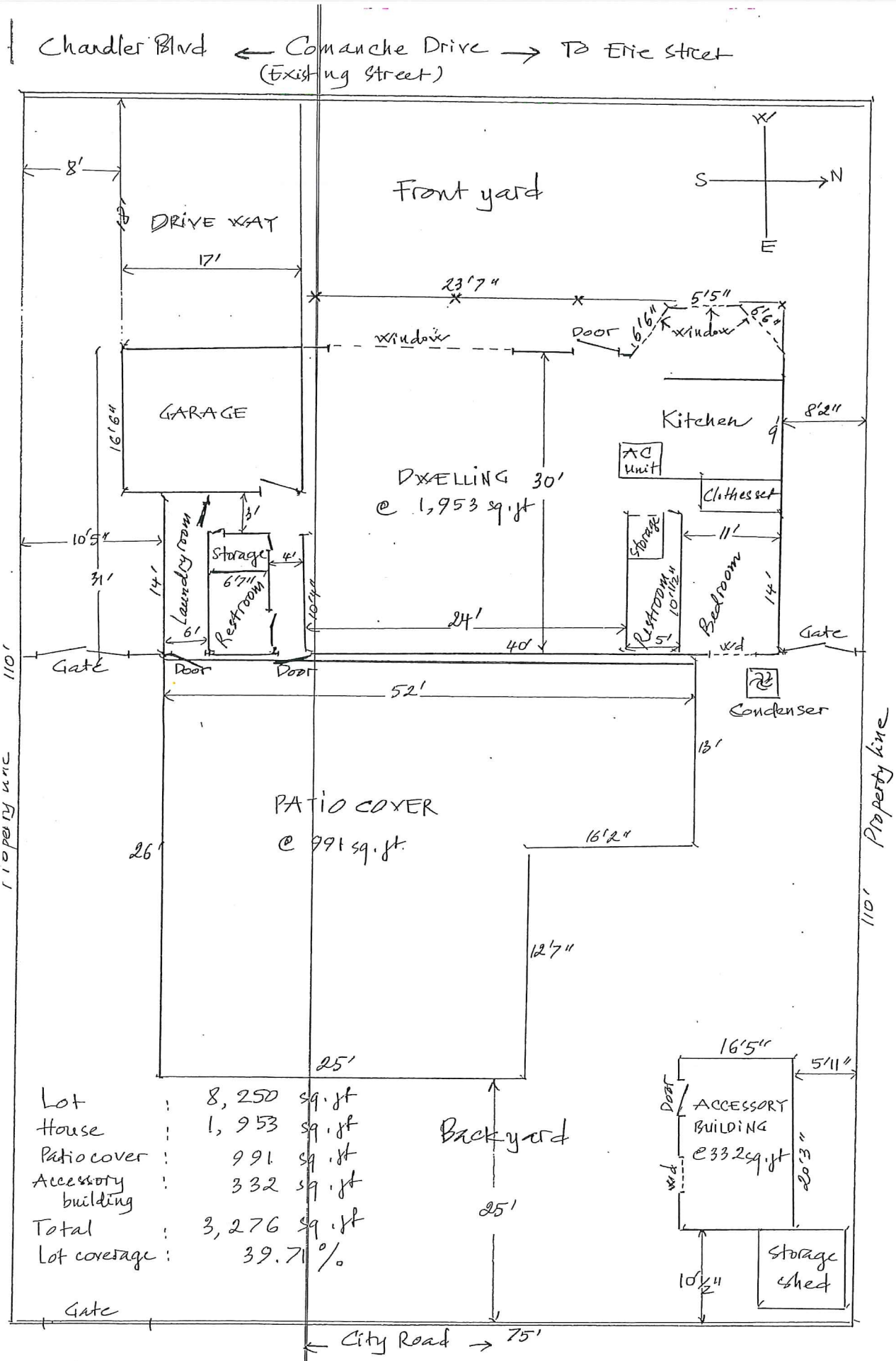
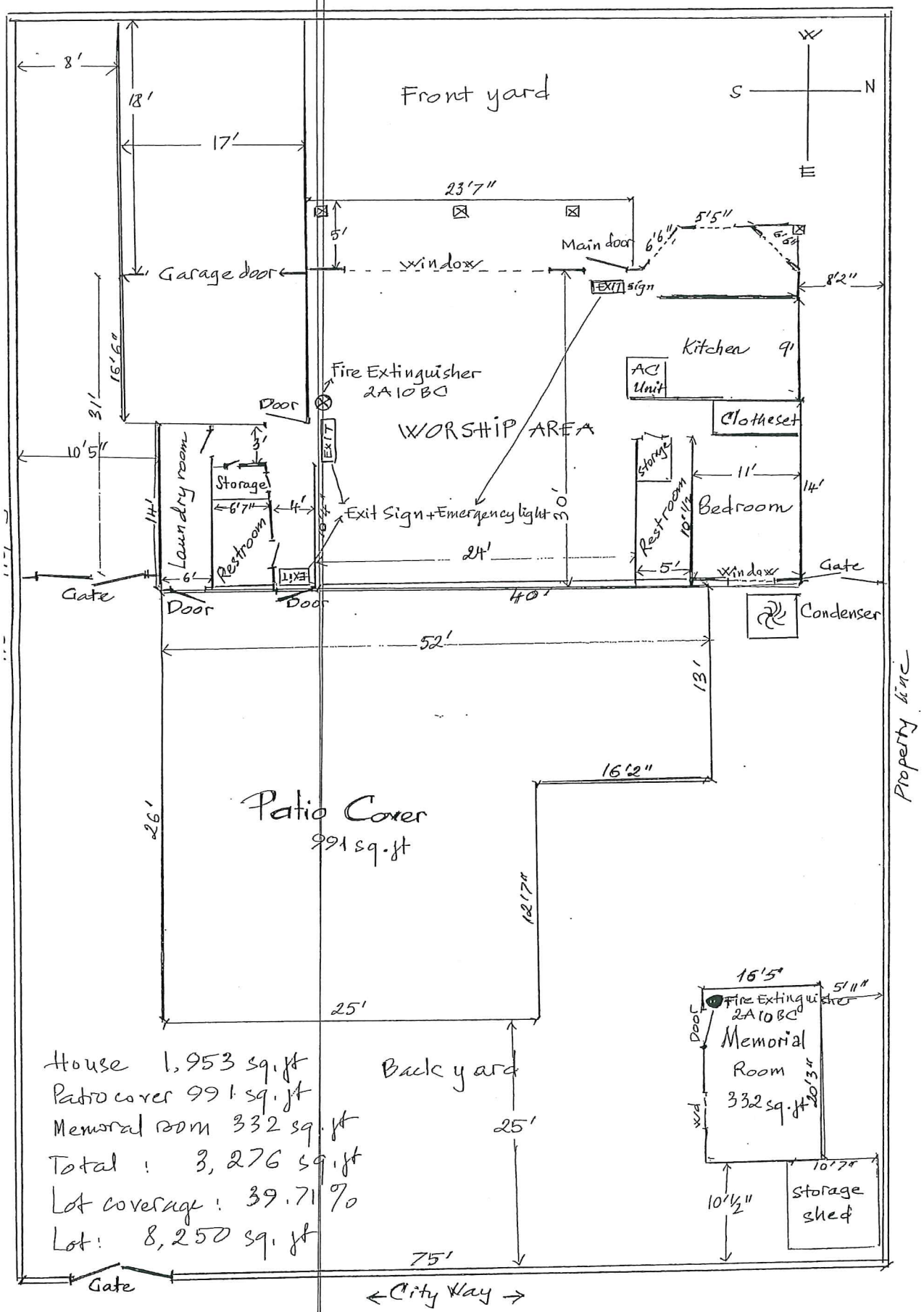


Lot	:	8,250 sq.ft
House	:	1,953 sq.ft
Patio cover	:	991 sq.ft
Accessory building	:	332 sq.ft
Total	:	3,276 sq.ft
Lot coverage	:	39.71 %

PLOT PLAN OF 285 N. COMANCHE DRIVE
CHANDLER, ARIZONA 85224

Site/Plot Plan

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

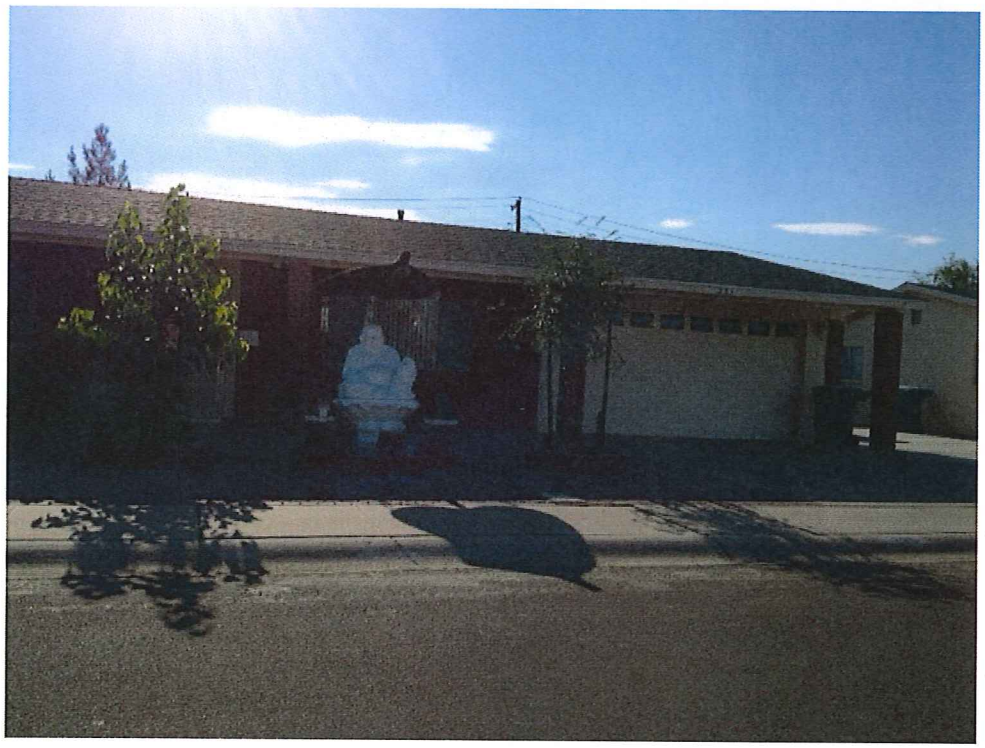


House 1,953 sq.ft
Patio cover 991 sq.ft
Memorial room 332 sq.ft
Total : 3,276 sq.ft
Lot coverage : 39.71 %
Lot : 8,250 sq.ft

BUILDING FLOOR PLAN OF 285 N. COMANCHE DRIVE
CHANDLER, AZ 85224

Floor Plan

ZUP13-0004 Vien Minh Buddhist Temple



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NOTICE OF COUNCIL ACTION CITY OF CHANDLER, ARIZONA

APPLICANT:

SISTER LIEN THUY
VIEN MINH BUDDHIST TEMPLE
285 N. COMANCHE DR.
CHANDLER, AZ 85224

CASE: ZUP11-0027 VIEN MINH BUDDHIST TEMPLE

MEETING DATE: THURSDAY, APRIL 12, 2012

APPROVAL:	☒	**REZONING:**	☐
DENIAL:	☐	**VARIANCE:**	☐
WITHDRAWAL:	☐	**USE PERMIT:**	☒
CONTINUED:	☐	**EXTENSION 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. 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.

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