



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – July 13, 2016

DATE: July 8, 2016

TO: Jim Portner, AICP, Hearing Administrator

FROM: Miguel Velez, Zoning and Building Code Enforcement Inspector

SUBJECT: **P16CU00007 – TORTOLITA PRESBYTERIAN CHURCH – W. CAMINO ALTO.**
Type I Conditional Use – Child Care Center in Conjunction with a Church

LOCATION:

The property is located on the southwest corner of West Camino Alto and Thornydale Road and is approximately 2000 feet north of Lambert Lane. The property is approximately 3.89 acres.

SURROUNDING LAND USE OR CONTEXT:

The site location is zoned SR (Suburban Ranch) with a very small section of CR-1 Zone (approximately 226 square feet). Properties to the immediate north, south and east are zoned CR-1 (Single Residence Zone). Properties to the west are zoned SR.

PUBLIC COMMENT:

At the time of this report no objection has been received. However, one property owner directly to the north expressed concern the area of the property he shares with the applicant will be used for parking, drop off and pick up and as a play area for students, resulting in increased levels of noise. He was amenable to discussing his concerns with the applicant. The applicant and concerned neighbor were placed in contact and the discussion between parties will be addressed at the time of hearing.

PREVIOUS CASES ON PROPERTY:

The property has been in use as a church since 1985. A Development Plan in P1207-040 to expand and construct additional facilities was approved in March 2008. A Tenant Improvement permit for the church structure in P11CP03203 was obtained in December 2011.

The property co-sites for a T-Mobile cell tower. This Conditional Use permit was approved for in September 2008 in P21-08-010. There is a permit application in review status to upgrade the cell tower in P16BP04113.

A Conditional Use Permit for a child care center was applied for in March 1997. The case was never heard and the application was subsequently withdrawn. A zoning code complaint in P05ZV00449 was filed in 2005 alleging the property was in use as a school. A subsequent inspection found no violation and the case was closed.

DEVELOPMENT SERVICES COMMENTS:

This is a Type I Conditional Use request for a Child Care Center in Conjunction with a Church. The standards that allow a Child Care Center in Conjunction with a Church to be permitted as a Type I Conditional Use are:

1. A decorative masonry wall, fence, or combination, at least four feet in height, shall be provided for the enclosure of the outdoor play area.
2. Existing off-street parking and loading areas may be utilized, however, they shall be in accordance with Chapter 18.75 (Off-street Parking Standards).
3. Hours of operation shall be between six a.m. to nine p.m.
4. License: The child care center shall be licensed to operate as a child care center by the Office of Child Day Care of the Arizona Department of Health Facilities.
5. Shall have an approved Development Plan (condition previously met).

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL RECOMMENDATION:

The Department of Transportation and Flood Control reviewed this project during the development plan process.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Conditional Use Permit subject to standard conditions listed above. The proposed child care center has an approved development plan that dates from 2008 and has been in continuous use as a religious facility since 1985. According to the violation case notes from 2005, the previously applied for child care center conditional use permit was withdrawn as the church determined it was not the right time to proceed. The violation complaint from 2005 found no information or evidence of child care or school activities taking place and the case was closed.

- c: Carmine DeBonis, Development Services Director
Tortolita Presbyterian Church, Applicant/Owner
Tom Drzazgowski, Deputy Chief Zoning Inspector