



Legislation Details (With Text)

**File #:** 18-197      **Version:** 1      **Name:**

**Type:** Study Session Item      **Status:** Agenda Ready

**File created:** 5/2/2018      **In control:** Planning Commission

**On agenda:** 5/15/2018      **Final action:** 5/15/2018

**Title:** Consideration of a Minor Amendment to the Montessori Academy Special Use Permit to allow for additional storage at 6050 N Invergordon Road

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1 Vicinity Map, 2. 2 Application, 3. 3 Photos, 4. 4 Noticing, 5. 5 Related Materials, 6. 6 Stipulations

Date	Ver.	Action By	Action	Result
5/15/2018	1	Planning Commission	Approved	Pass
5/15/2018	1	Planning Commission	Approved Subject to Stipulations	Pass

**TO:** Chair and Planning Commission

**FROM:** Paul Michaud, Interim Community Development Director

**DATE:** May 15, 2018

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

Consideration of a Minor Amendment to the Montessori Academy Special Use Permit to allow for additional storage at 6050 N Invergordon Road

**REQUEST**

Julianne Newman on behalf of Montessori Academy Inc., is requesting a Minor Special Use Permit amendment for Montessori Academy located at 6050 N Invergordon Road (Assessor Parcel 169-39-007). This request is for an addition to the existing storage structure located at the southwest corner of said Property. The total square footage of the storage structure will not be more than 1,125 square feet. The structure will maintain the existing maximum 12-foot height. The west setback will be increased from approximately 29 feet to 39 feet and the south setback will remain at 20 feet. The request also includes approval for temporary screening for the playing field south of the existing backstop chain link fencing and the removal of two nonconforming shipping containers.

**RECOMMENDATION A**

Deem or not deem the requested amendment as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

## **RECOMMENDATION B**

Approve the Minor Special Use Permit Amendment to the Montessori Academy Special Use Permit to allow for additional storage at 6050 N Invergordon Road, subject to the stipulations in the attached stipulations document.

## **BACKGROUND**

### Planning Commission Discussion:

The Planning Commission discussed this request at its April 17, 2018 and February 6, 2018 work session. The Planning Commission directed the applicant to come up with a timeframe for removal of the two shipping containers and to apply for a site-built storage building.

*Storage building* - The Planning Commission expressed general support of the existing Special Use Permit setback of 40 feet to the west property line and a setback of 20 feet to the south property line to match the existing approved structures. The Planning Commission was not supportive of retaining the 200 square-foot west addition of this storage structure not previously approved, but willing to transfer this square footage to the new addition east of the original 400 square-foot storage building for an approximate total of 1,200 square feet. The Planning Commission suggested the use of stucco and/or designing an offset in the addition for a better transition between the new material and the existing slump block. Attached is the revised site plan from the applicant.

*Shipping containers* - The applicant requests to construct the new storage building before moving the shipping containers. The applicant also noted that removal of the shipping containers is preferred outside of regular school class schedules. The earliest the completion of the storage building will likely occur is this August factoring in the required 15-day appeal period of the Minor Special Use Permit Amendment, building permit review timeline, and construction timeline. Staff has drafted a stipulation that the shipping containers be removed no later than January 5, 2019 to accommodate the construction and school schedule. However, Planning Commission may wish to consider other alternatives. The last shipping container removal before the Planning Commission was at Sanctuary Resort. The Town gave that applicant 12 months to remove their shipping containers.

*Temporary netting* - As discussed at the April work session, the operator of the school has used netting on temporary poles near the west property line to aid in errant balls from leaving the property during events on the ball field. There is also a permanent chain link back stop fence that was approved in a prior amendment to the school's Special Use Permit. The permanent back stop has a 20-foot setback to the west property line and a maximum height of 13 feet. The applicant noted this temporary netting is used during the summer. Since the temporary netting was never officially approved, the Planning Commission was agreeable to consider approval of temporary netting. The applicant was asked to redesign the existing temporary netting to avoid having to leave the poles up all year long. The Planning Commission expressed that the applicant did not need to provide detailed plans for the temporary netting with the Special Use Permit, but such plans would be needed for the building permit. In lieu of detailed plans, the Special Use Permit submittal would address the maximum lineal footage of the temporary netting structure, setback from the west property line, height of the temporary structure, material of the temporary structure (poles/frame and netting), how the holes in the ground will be capped when not in use, the time period the structure will be up, along with any other pertinent information. The applicant provided no specific details. As such, there is a draft stipulation that address various parameters.

*Exterior lighting* - Exterior lighting will be required by the building code at exterior exits. A stipulation

has been included that requires such lighting be mounted at or below the height of the doorways (7 feet) and comply with the lighting standards of the Special Use Permit Guidelines.

*Outdoor storage* - A couple comments were made by the Planning Commission about visible outdoor storage in the vicinity of the storage building. The school presently uses an approximate 600 square foot area south of the storage building for outside storage. There is also storage of material along the west property line. Staff's understanding is that the outside material near the storage will be relocated into the new storage building. The Minor Special Use Permit does only apply to the vicinity of the storage building and west property line. If deemed necessary, the Planning Commission could consider a stipulation prohibiting outdoor storage within the vicinity of the storage building and along the west property line. Also, it could consider allowing some outdoor storage within parameters such as a maximum height of any outdoor storage, screening from adjoining properties by an opaque wall or fence, or other parameter(s).

#### History:

The Montessori Academy site was annexed into the Town in 1961. In 1972/1973, the site was granted Special Use Permit approval for a private elementary school called the "Camelback Desert School." Although not clear in the file records, use of the property as a school appears to date back to the 1950s. The site is a long narrow 4-acre site with street frontage along the narrow side of Invergordon Road. The attached document called "Stipulations" summarizes the past Special Use Permit amendments and stipulations.

#### General Plan/Zoning:

The subject property has a General Plan designation of "Public/Quasi Public" according to the Town's General Plan Land Use Map. The zoning on the subject property is "Special Use Permit -Private School, Non-Profit Organization, Public/Quasi Public" for a private school. Proposed storage for school property is in conformance with this designation and zoning.

#### Special Use Permit (SUP):

The last approved site plan for the southeast corner of the school site was in 1996. This 1996 site plan has a 400 square-foot storage structure that is setback 40 feet from the west property line and a 26-foot setback from the south property line. Also, the 1996 site plan shows a 180 square-foot tuff shed just east of the 400 square-foot storage structure. A review of various aerials over time show various structures placed both west and east of the 400 square-foot storage structure. Presently, there is the 400 square-foot storage structure shown on the 1996 site plan, an approximate 200 square-foot addition on the west elevation of that structure built circa the late 1990s, and two shipping containers west of these afore-mentioned structures placed on the site about 2015. Available building permit records do not include any permits for a shed after 1973. The existing storage addition on the west elevation is at a height of 8 feet. The height of the proposed and original -approved storage structure is 12 feet to the top of the pitched roof.

#### Enforcement:

On November 13, 2017, the Town received a complaint that the school has two shipping containers near the property line to the adjoining residential lot at 6019 N 62<sup>nd</sup> Place. There are generally oleanders along the shared property lines of the entire school site and the site adjoins R-43-zoned lots.

As the school site is zoned Special Use Permit for a private school, installation of structures require approval by the Town. Upon review of the Special Use Permit for this site, the last major Special Use

Permit amendment was in 1996, with a few minor managerial amendments and a minor amendment to the property since that date. No shipping containers were approved as part of the 1996 site plan or subsequent amendments.

Pursuant to Section 1102.3.C.5.f of the Special Uses and Additional Use Regulations, the terms and conditions of the Special Use Permit shall be complied with as a condition to the establishment of any use on the site. Furthermore, Section 1105, Violations of Special Use Permits, states a violation of any requirement that governs the uses, structures and activities permitted through the Special Use Permit constitute a violation. The circumstance that the approved Special Use Permit did not include the two shipping containers results in a violation of the Special Use Permit for the subject site. As such, the owner of the school is seeking the amendment to its Special Use Permit zoning as described in this report.

## **DISCUSSION/FACTS**

### Compliance with Special Use Permit (SUP), SUP Guidelines and Other Standards

#### Use of Accessory Structures

The school's approved SUP has several detached accessory structures. Also, the SUP Guidelines for private schools identify the ability to have other structures in addition to the principal structure.

#### Accessory Structure Type

The construction type and finish of structures are not specially addressed in the school's SUP or in the SUP Guidelines for a private school. Section 1101, General Purpose; Applicability, of the SUP regulations state the purpose of a SUP is to implement the Town's General Plan. The Town's General Plan includes three policies that reference quality design and compatibility to adjoining uses as follows:

##### *Policy LU 2.1.1.6, High Quality Design*

*The Town will maintain a comprehensive and up-to-date set of ordinances and codes to ensure that development is consistent with this General Plan while resulting in high quality, sensitively designed projects.*

##### *Policy LU 2.1.2.3, Compatibility of Adjoining Uses*

*The Town shall ensure that development within Special Use Permit properties is compatible with adjacent land uses, particularly residential uses, by requiring such features as:*

- Increased building setbacks from rear or side yard property lines adjoining single-family residential uses;*
- Building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect privacy;*
- Landscaped off-street parking areas, loading areas, and service areas screened from adjacent residential areas, to the degree feasible;*
- Lighting shielded to minimize impacts on adjacent residential uses and protect dark skies; and*
- Operational restrictions to limit the adverse impact of noise, light, and traffic and*

*minimize the risk of crime to adjacent residences.*

Policy LU 2.1.2.5, Building Design and Site Planning

*The Town shall encourage context-appropriate and responsive building design and site planning on Special Use Permit properties that mitigates the scale of larger buildings through careful use of building massing, setbacks, facade articulation, fenestration, varied parapets and roof planes, and pedestrian-scaled architectural details.*

Height and Setback

The Special Use Permit regulations of Article XI, Special Uses and Additional Use Regulations, do not specifically provide height or setbacks for structures. Specific structures, and height and setback of structures are approved as part of the Special Use Permit amendment process. The Town does include Special Use Permit Guidelines for private schools that provide suggested setbacks of 60 feet for structures adjoining a residential lot, with R-43 zoned residential lots requiring minimum 20-foot rear and side yard setbacks. The SUP Guideline for private schools on height for non-principal structures is 24 feet. Typical accessory structure height on an R-43 residential lot is 16 feet. The existing and proposed addition to the storage structure meet R-43 height and setback.

Lot Coverage

The SUP Guidelines suggest a maximum lot coverage of 25-percent. The lot coverage on the school site is approximately 19,000 square feet or 19,500 square feet with the additional storage additions. This results in a lot coverage approximately 11.3-percent.

Lighting

The building code will require lights at exterior doorways. As noted, there is a draft stipulation that exterior lights on the storage building comply with Special use Permit Guidelines.

Landscaping

There is no additional proposed landscaping indicated with the application.

Minor Amendment Criteria Conformance

Planning Commission will need to take two actions related to this application request at a future meeting. First, the application request must be deemed a minor amendment pursuant to the four criteria in Section 1102.7.B of the Town Zoning Ordinance. Second, the Planning Commission must take action on the application with any relevant stipulations. This request meets the four minor amendment criteria as follows:

**1. Change or add any uses.**

There is no change in allowable use or addition of a new use. The school site can have accessory structures for storage of school-related material.

**2. Increase the floor area of the project by more than 5000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty-month period.**

The increase in floor area is under the allowable criteria. The total proposed additional square footage is approximately 620 square feet. This number excludes the 200 square-foot existing

addition not previously approved and to be demolished. The total existing allowable floor area is approximately 115,000 square feet, which includes the allowable 180 square-foot tuff shed in that location that was removed several years back. The lessor allowable floor area to keep the request as a minor amendment is 5,000 square feet. The only new square footage in the past 60 months was a 400 square-foot shade structure. 1,020 new square feet of floor area is less than the allowable 5,000 square feet.

**3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated.**

The proposed 8-foot tall block wall and new landscaping being installed on the neighboring property to the west will mitigate the visibility of the existing storage structure. The adjoining lot owner has already reinstalled a replacement 6-foot tall chain link fence and planted a hedge row of honeysuckle. Approval of this amendment will require removal of the shipping containers presently setback approximately 10 feet from the west property line. With the removal of the unapproved west addition to the storage structure, the storage structure will be setback further from the west property line. The west setback will change from approximately 30 feet to 39 feet. As noted previously, the SUP guidelines for schools do not specifically address height or setback for accessory structures. However, the existing storage structure with proposed addition fully complies with the typical R-43 residential standards for accessory structures of 20 feet to the side and rear yard, and a maximum height of 16 feet. The adjoining lots to the subject site are R-43. The location of the new addition is on the east elevation of the existing storage structure which will be hidden from view to the adjoining residential lot to the south by an existing 6-foot tall perimeter block wall and an existing approximate 12-foot tall oleander hedge.

**4. Change the architectural style.**

The proposed addition will be site-built and architecturally generally match the existing block/wood storage structure. The other existing approved buildings on the school property are a mix of block and wood-frame construction. The attached plans do not address the use of stucco or building offset discussed at the last work session.

Public Comment & Noticing

Mailing notification was done in advance of the scheduled hearing to all property owners within a radius of 1,500 feet, along with a newspaper advertisement and property posting. To date, no comments have been given to staff.

**ATTACHMENTS**

1. Vicinity Map/Aerial/General Plan/Zoning
2. Application
3. Photos
4. Noticing
5. Related Material
6. Stipulations

C: - Applicant/Case File