



## Legislation Text

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**File #:** 18-056, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Eva Cutro, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** February 6, 2018

**CONTACT:**

Paul Michaud, 480-348-3574

**AGENDA TITLE:**

Discussion of a Minor Amendment to the Montessori Academy Special Use Permit to allow shipping containers for storage  
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) to allow the use of two shipping containers for storage of school equipment. The shipping containers were placed on the property in 2015 near the southwest property line of the school site, setback approximately 5 feet to the west property line and 10 feet to the south property line.

**BACKGROUND**

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 "Special Use Permit History" 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.

Enforcement:

On Nov 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 oleanders along the shared property lines of the entire school site and adjoining R-43-zoned lots. A representative for the property owner at 62<sup>nd</sup> Place removed the oleanders along the shared property line with the school, without full realization of the adjoining shipping containers. The owner of the adjoining residential lot is in the process of removing an existing chain link fence that runs 3-feet west of the shared property line to construct an 8-foot tall block wall adjoining the school site with their lot. Refer to the attached photos of the shipping containers and proposed wall.

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. Two small maintenance structures, one structure at approximately 400 square feet and another structure at approximately 200 square feet, were approved near the southeast corner of the subject site for storage. Current aerial records show the 400 square-foot maintenance structure and two shipping containers west of this maintenance structure exist on the subject property. Aerial records appear to show the shipping containers were placed in 2015 near the southwest property line of the school site, setback approximately 5 feet to the west property line and 10 feet to the south property line.

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 an amendment to its Special Use Permit zoning to allow the shipping containers to remain.

## **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. The Town Code does not specifically prohibit the use of storage containers. However, 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 shipping containers have a minimum setback of approximately 5 feet to the west property line and 10 feet to the south property line. They are 8.5-feet tall.

Lot Coverage

The SUP Guidelines suggest a maximum lot coverage of 25-percent. The lot coverage on the school site with the shipping containers is approximately 14-percent.

Lighting

There is no exterior lighting associated with the shipping containers.

Landscaping

There is no proposed landscaping indicated with the application.

Minor Amendment Criteria Conformance

The applicant has been asked to provide a more detailed narrative for the meeting Planning Commission will take action. Below is a preliminary analysis of the criteria. Action is tentatively set for the Planning Commission meeting of March 6, 2018.

Planning Commission will need to take two actions related to this application request. 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 storage units are approximately 640 square feet in area, resulting in a total lot coverage on the site at 14-percent. The only new square footage in the past 60 months was a 400 square-foot shade structure.

**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 5-foot and 10-foot setback of the shipping containers results in the greater possibility of noise to the adjacent neighbors when these containers are opened and visibility should the remaining oleander hedges be removed. The adjoining lot owners new 8-foot tall block wall will screen all but 6 inches of the height of the containers. The Planning Commission may wish to consider a stipulation that the school plant oleanders or some other vegetative screen along the property line with this adjoining residential lot. Except for visibility, shipping containers or a more permanent-looking structure would have similar impacts.

**4. Change the architectural style.**

The shipping containers do not match the existing architecture on the school site. The buildings are wood-frame construction with a stucco finish. There are some metal elements such as one of the buildings has a metal roof.

Public Comment & Noticing

Mailing notification will be 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. The tentative meeting to take action by the Planning Commission is March 6, 2018.

**DISCUSISON POINTS**

Below are some possible points of discussion for the upcoming study session:

- Discuss the use of shipping containers for permanent storage.
- Identify additional submittal items that may be needed to evaluate the request.
- Discuss possible stipulations.

## **ATTACHMENTS**

1. Vicinity Map/Aerial/General Plan/Zoning
2. Application/Narrative
3. SUP History
4. Related Material

C:     - Applicant  
       - Case File