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MEMORANDUM **Transportation & Development – PZ Memo No. 11-082a**

DATE: SEPTEMBER 23, 2011

TO: PLANNING AND ZONING COMMISSION

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

FROM: BILL DERMODY, SENIOR CITY PLANNER BD

SUBJECT: ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY

Request:	Use Permit approval to operate a preschool and tutoring business within an office development
Location:	1751 E. Queen Creek Road, approximately ¼ mile west of Cooper Road
Applicant/ Property Owner:	FNBN UTAZ, LLC
Zoning:	Planned Area Development (PAD) for medical/general office uses, within the Airport Impact Overlay District (AIO)

On September 22, City Council voted to send this application back to Planning Commission for reconsideration. The applicant team would like to present additional information regarding pesticides and airplane safety at the October 5 Planning Commission hearing. The staff memo below is mostly unchanged from what was presented for the September 7 Planning Commission hearing, except only to add background regarding the new vs. existing noise contours.

Planning Commission voted to recommend denial at the September 7 hearing, which the applicant did not attend. Concerns raised by Commission at that hearing included airplane safety, pesticide safety in relation to state law, and the location of new noise contours (currently under FAA review) in relation to the Zoning Code and Airpark Area Plan.

RECOMMENDATION

Staff, finding consistency with the General Plan, recommends approval for three (3) years subject to conditions.

BACKGROUND

The application requests Use Permit approval to operate a preschool and tutoring business within a partially constructed office development located west of the southwest corner of Cooper and Queen Creek roads. Specifically, the use will be located in "Building 3" and its adjacent parking lot in the northwestern portion of the site. The larger development of 8.1 acres was zoned PAD in 2006 to allow medical/general office uses. Only four (4) of the development's 12 approved buildings have been constructed, though the drive aisles and parking spaces are all installed. To the west are large-lot rural residential properties (Twin Acres), to the north across Queen Creek Road is vacant land zoned for industrial and airport-related uses, to the east is vacant land zoned PAD for commercial uses, and to the south is vacant land zoned for custom homes.

The subject business will occupy the entirety of a 5,300 square foot building. In order to accommodate the state-mandated outdoor playground, they will remove four (4) parking spaces west of the building as well as some landscaping. The playground design will be reviewed administratively in accordance with Zoning Code standards. The playground will be located approximately 45' from the western property line and 225' from the nearest house.

The subject business will generally be open from 8 a.m. to 6 p.m. weekdays, with occasional special events on weekends during the same hours. Programming includes typical pre-school activities, as well as tutoring and after-school activities (karate, computers, etc.) for older children. There will be approximately 12 to 15 employees.

The development's other buildings contain several medical uses, including a children's speech-language clinic that operates a special-needs preschool on-site. That use is deemed "medical office" rather than "preschool" because it is medically related and not open to the general public. Also, classes are run by speech therapists rather than typical teachers.

The subject building and parking area fall within Airport Noise Overlay One (ANO-1) of the AIO district. ANO-1 corresponds to the area between the Chandler Municipal Airport's 55 DNL and 60 DNL noise contours. ANO-1 allows preschools, day cares, and other educational facilities so long as they provide indoor sound attenuation in accordance with Zoning Code requirements. The subject building was already required to these sound attenuation levels through the approved PAD zoning conditions.

Staff has analyzed the application's Zoning Code conformity based on the existing noise contours. Notably, updated noise contours have been approved by City Council and are currently under review by the FAA. However, until the new noise contours are approved by the FAA, the older noise contours remain in force. The new noise contours would shift the subject site from ANO-1 to ANO-2 (60 to 70 DNL). ANO-2 does not allow educational facilities.

The Airpark Area Plan designates the property for Rural Residential within a Transitional Overlay Zone. The 2006 rezoning to PAD that established the office uses met the Transitional Overlay Zone's requirements for transition to non-residential uses. The Airpark Area Plan also has several policies that could potentially pertain to the subject application and its relation to the nearby airport. Most significantly, Policy 5.2 states:

> *The City shall prohibit the development of noise-sensitive institutions, such as day-care facilities, schools and churches, within arrival and departure flight tracks, touch-and-go patterns and within the 55 DNL noise contour.*

Staff notes that area plans, like the Airpark Area Plan, are policy documents intended to guide land use decisions. However, unlike the Zoning Code, area plans are not intended to be legal documents that either prohibit or allow by-right any uses. In Staff's opinion, Policy 5.2 highlights uses that require special attention with regard to their noise-sensitivity. The Zoning Code's AIO district provides this special attention through its insulation requirements and use regulations dependent on which noise contours overlay the site.

Staff notes that the Arizona Department of Health Services (ADHS) requires that operators of day care centers, including preschools, provide written waivers from agricultural land owners located within ¼ mile regarding their pesticide use. Some of the rural residential property owners to the west regularly apply fly spray to their horses. It will be up to the preschool operators to produce such documents to the satisfaction of ADHS.

DISCUSSION

Staff recommends approval of the request, finding that a preschool use fits well in the existing zoning and will not present land use conflicts with the surrounding uses. The use is adequately buffered from the residential neighbors to the west by distance and landscaping. As indicated by the ANO-1 regulations in the Zoning Code, the use is appropriate at this distance from the airport if adequate sound attenuation is provided. Also, the use is complementary to the medical office uses in the development and, in fact, has a lower parking requirement that will free up parking spaces in the long-run. Noise effects from children playing on the outdoor playground are of little concern adjacent to Queen Creek Road and near the airport, which both produce measurable amounts of noise.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held August 30, 2011 at the Chandler Municipal Airport. Four rural residential neighbors attended. The neighbors expressed concern that the subject use should not prevent them from applying fly spray to their horses, nor result in any related legal liability. Other concerns regarded visibility to/from the outdoor play area to their back yards. Neighbors complained of the wall being too short (less than 6'-high) and dead trees not being replaced. Staff has determined that the wall was built to the correct height, but that four (4) trees need to be replaced. The neighbors also noted that a fence section farther south

on the property was missing. The applicant is working to remedy the missing wall section and dead trees.

- Besides the neighbors in attendance at the neighborhood meeting, Staff has not received any other citizen input on the request.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan, recommends approval of ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY subject to the following conditions:

1. Development shall be in substantial conformance with the submitted application documents (Narrative, Site Plan, Floor Plan) except as modified by condition herein.

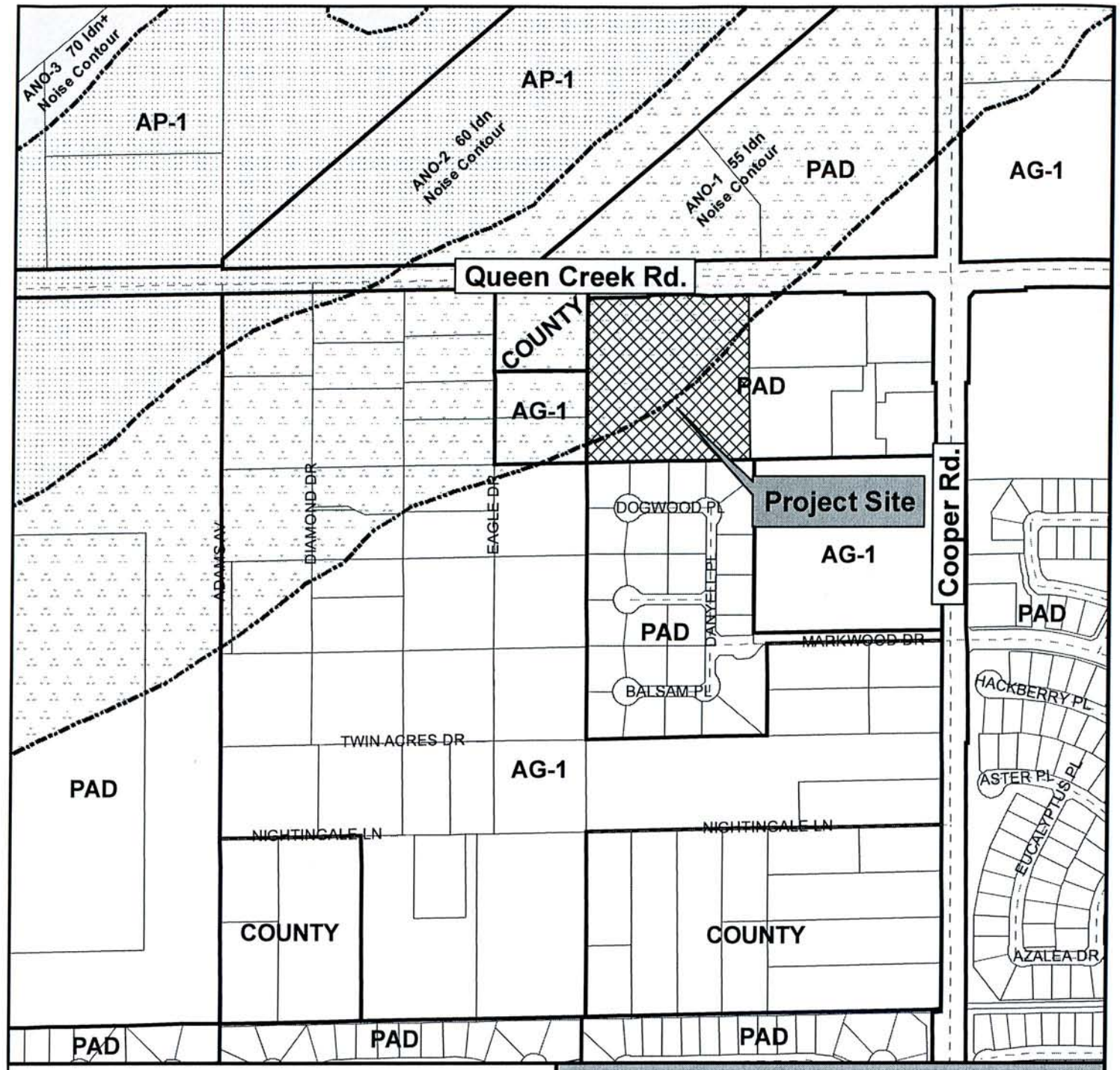
2. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

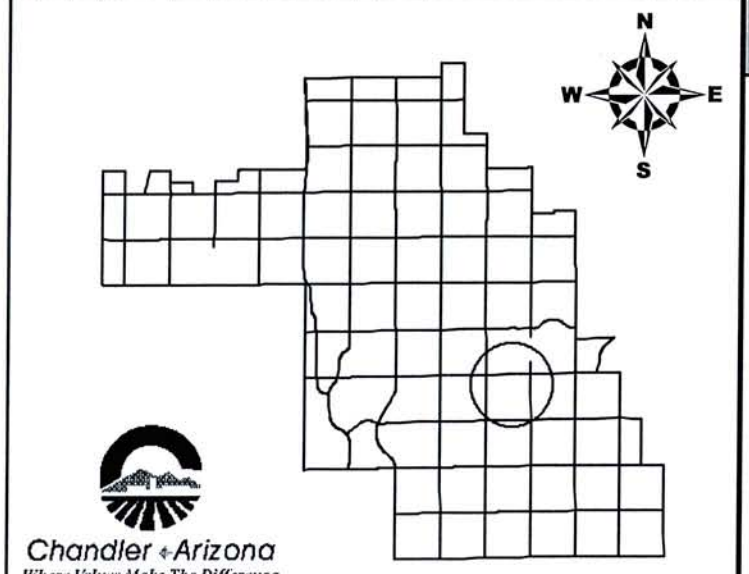
PROPOSED MOTION

Move to recommend approval of ZUP11-0021 WEE BLESSINGS PRESCHOOL & ACADEMY Use Permit for a preschool and tutoring business subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan
4. Narrative
5. Ordinance No. 3789 (from 2006 PAD zoning)
6. Airpark Area Plan Map





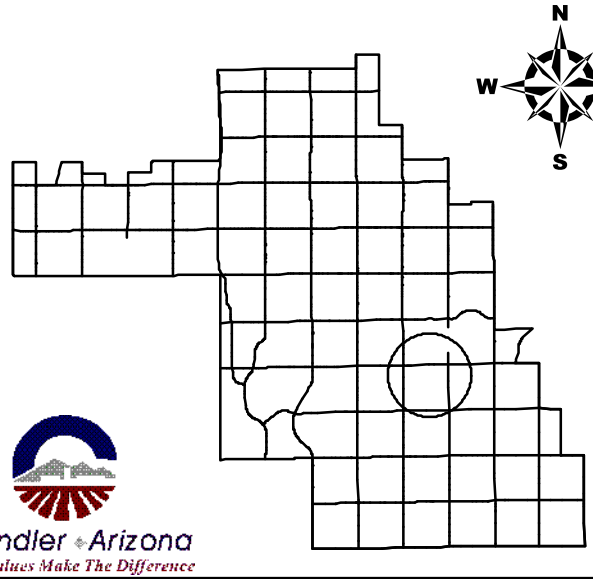
Chandler Arizona
Where Values Make The Difference

Vicinity Map

ZUP11-0021

Wee Blessings Preschool & Academy

CITY OF CHANDLER 8/17/2011



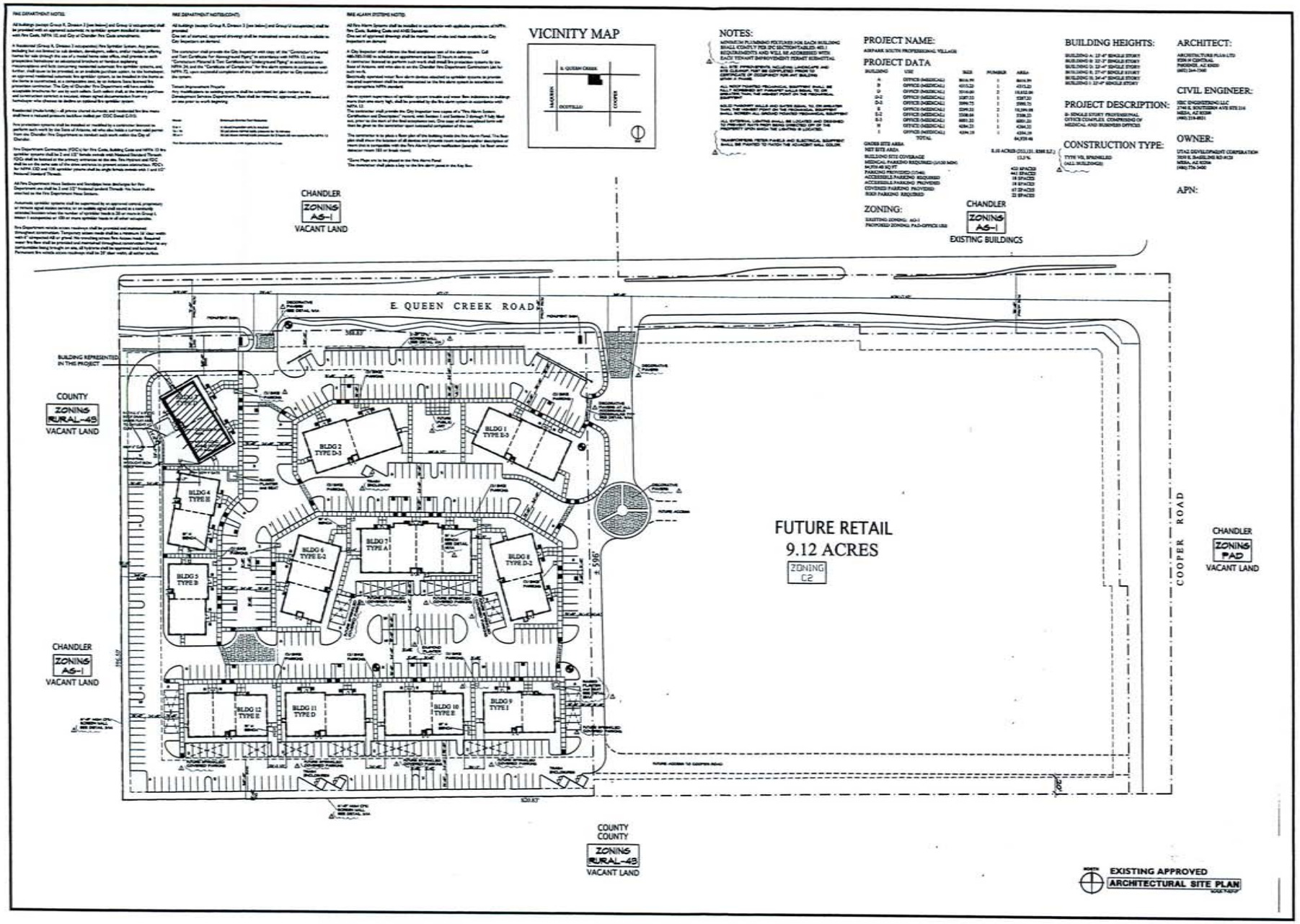
Chandler Arizona
Where Values Make The Difference

Vicinity Map

ZUP11-0021

Wee Blessings Preschool & Academy

CITY OF CHANDLER 8/17/2011



GEORGE H. BAKER ARCHITECTS
ELOY, ARIZONA

ocStudio, LLc-DESIGNER
SCOTTSDALE, ARIZONA 85251
TEL: 602.679.0456
EMAIL: ocstudio@mail.com

WEE BLESSINGS PRESCHOOL & ACADEMY

TENANT IMPROVEMENT FOR BUILDING 3

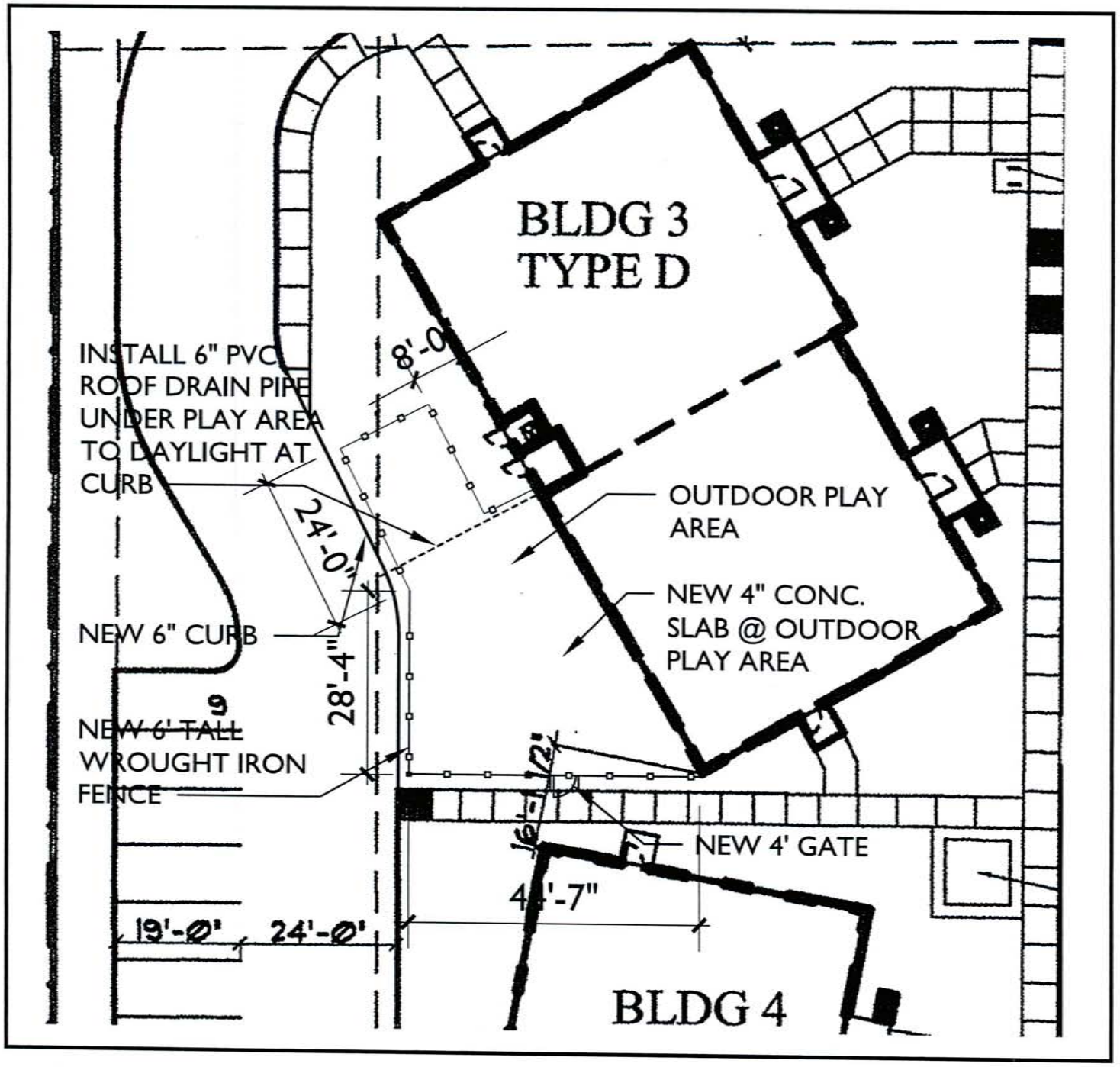
QUEEN CREEL AND COOPER RD.
CHANDLER, ARIZONA 85286

PROJECT NO. 1108
ISSUE DATE 7/23/11
DRAWN BY: CD
DESIGNED BY: CD
APPROVED BY: GHB

NO.	REVISIONS	DATE

SHEET TITLE:
ARCHITECTURAL
OVERALL SITE PLAN
FOR REFERENCE ONLY

SHEET NO:
A1.1



WEE BLESSINGS PRESCHOOL & ACADEMY
CHANDLER, ARIZONA

GEORGE BAKER ARCHITECT
GLENDALE, ARIZONA 85302
602-679-1456

PROJECT NO.: 0000
DATE: 07/26/11
DESIGNED BY: CO
DRAWN BY: CO

REV. # 1
SHEET MODIFIED
X-X0.0
SKA#
A2.1

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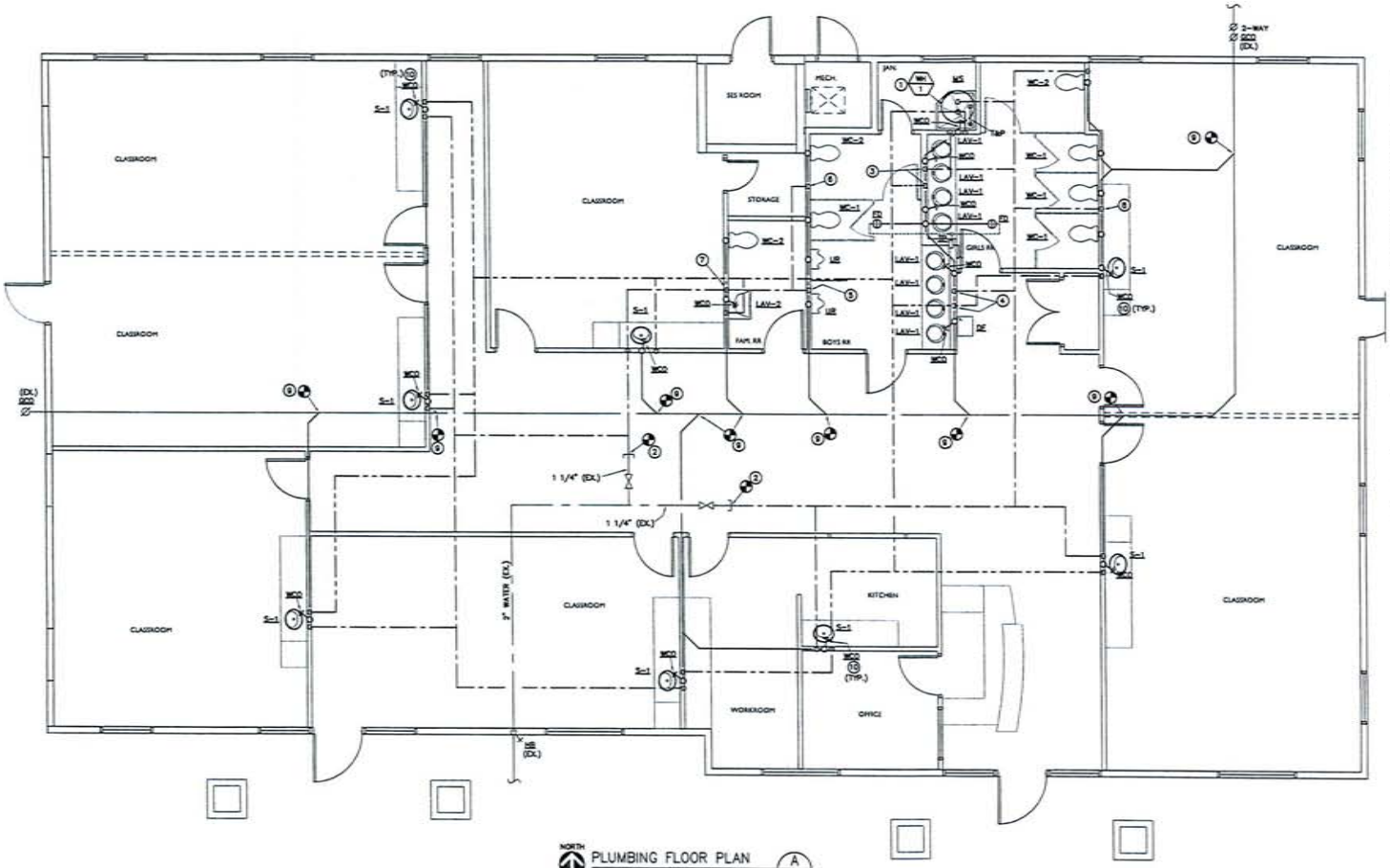


NORTH

PLUMBING FLOOR PLAN (A / P-2)

SCALE: 1/4" = 1' - 0"

KEYED NOTES:

1. ELECTRIC WATER HEATER LOCATION. FOR INSTALLATION REFER TO DETAIL 2/P-1. 3/4" TMP DRAIN LINE DOWN TO MOP SINK WITH APPROVED AIR GAP.
2. CONNECT NEW 1 1/4" WATER LINE TO EXISTING WATER STUB-OUT. REFER TO WATER ISOMETRIC ON P-3.
3. CW/HW DOWN TO 4 LAVS. REFER TO WATER ISOMETRIC.
4. CW/HW DOWN TO 4 LAVS, 1 DF & 1 TP. REFER TO WATER ISOMETRIC.
5. CW DOWN TO 2 URINALS. REFER TO WATER ISOMETRIC.
6. CW DOWN TO 2 WC. REFER TO WATER ISOMETRIC.
7. CW DOWN TO 1 WC AND 1 LAV. REFER TO WATER ISOMETRIC.
8. CW DOWN TO 3 WC & 1 SINK. REFER TO WATER ISOMETRIC.
9. CONNECT NEW WASTE LINE TO 4" EXISTING ONE. FOR SIZE REFER TO WASTE ISOMETRIC ON P-3.
10. WALL CLEAN OUT LOCATION. REFER TO DETAIL 1/P-1.

GENERAL NOTES:

1. THE EXISTING SANITARY BUILDING MAIN PIPE IS UNKNOWN. CONTRACTOR TO FIELD VERIFY EXISTING SANITARY DRAINAGE PIPES SIZES AND LOCATIONS AS NECESSARY TO ACCOMODATE THE NEW CONFIGURATION. IF APPEAR ANY MAJOR DESCREPANCIES, NOTIFY THE ENGINEER.
2. COORDINATE EXACT ROUTING OF NEW HOT/COLD WATER, VENT AND SAN. PIPING WITH ALL TRADES. ROUTING SHOWN IS SCHEMATIC ONLY.
3. REFER TO PLUMBING FIXTURE SCHEDULE FOR ANY UNMARKED RUN OUT SIZES.
4. WASTE PIPING SHALL SLOPE 1/4 INCH PER FOOT.
5. MATERIALS:
   FOR WATER ABOVE GROUND (DISTRIBUTION PIPE): CPVC, PEX OR TYPE "L" COPPER TUBING.
   FOR CONDENSATE DRAIN – ABS, PVC, CPVC, PEX OR TYPE "M" COPPER TUBING.
   FOR SANITARY WASTE – ABS OR PVC, SCH. 40.
   FOR SANITARY VENT – ABS OR PVC, SCH. 40.
6. FOR WATER AND WASTE CALCULATION, IPC 2006 USED.

REFERENCE PROJECT:
AIRPARK SOUTH PROFESSIONAL VILLAGE QUEEN CREEK AND COOPER RD. CHANDLER, ARIZONA
ARCHITECTURE PLUS, LTD 9002 N. CENTRAL AVE PHOENIX, AZ 85020 P: 602.264.7500
MECHANICAL DESIGN, INC. CONSULTING ENGINEERS 7227 N. 16th STREET, SUITE # 200, PHOENIX PH: 602.943.6608
JOB NO. 11501, DATE: 03-17-06, SHEET MPS.0 SHEETS: P-3, P-4, W-1 & M-3.

MG ENGINEERING, LLC
Voice: (602) 738 6084
Fax: (602) 296 3224
Email: mgengineering@cox.net
Electronic copy of final design document originally issued by registered professional engineer. There shall be no deviation from these drawings or any accompanying specifications without written consent of the engineer.

GEORGE H. BAKER ARCHITECTS
GLENDALE, ARIZONA 85303

ocStudio, LLc.
SCOTTSDALE, ARIZONA 85251
TEL: 602.479.1456
EMAIL: ocstudio@gmail.com

WEE BLESSINGS PRESCHOOL & ACADEMY

TENANT IMPROVEMENT FOR BUILDING 3

QUEEN CREEL AND COOPER RD.
CHANDLER, ARIZONA 85286

PROJECT NO:	1109
ISSUE DATE:	07/18/11
DRAWN BY:	AS SHOWN
DESIGNED BY:	B. GABIC
APPROVED BY:	M. GABIC

NO.	REVISIONS	DATE

SHEET TITLE:

SHEET NO.:

Wee Blessings Preschool & Academy
Narrative

Airpark South Professional Village
1751 E. Queen Creek Road
Chandler, AZ 85286

Total Building Area:	5,300 +/- SF
Use:	Academic & Christian-based pre-school program with after school activities such as (karate, Sportball, Spanish, dance, computers, tutoring, homework club and various other classes).
Hours of Operation:	**M-F (8:00 - 6:00)** with some special event evening programming **Sat (8:00 - 6:00)** optional birthday programs with some special event evening programming **Sun (8:00 - 6:00)** optional birthday programs with some special event programming
Number of Employees:	12-15 at any given time

This school will greatly benefit the surrounding residential areas because of the need for high end preschools in that area. Because of the economic conditions more and more families are forced to have both parents work causing much stress and worry about how to best fulfill their children's needs. Wee Blessing Preschool and Academy has been a proven success in their current location and plan on bringing that success with them in this new location.

ORDINANCE NO. 3789

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) (DVR05-0037 AIRPARK SOUTH PROFESSIONAL VILLAGE) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

SEE ATTACHMENT 'A'

Said parcel is hereby rezoned from AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Airpark South Professional Village", kept on file in the City of Chandler Planning Services Division, in File No. DVR05-0037 AIRPARK SOUTH PROFESSIONAL VILLAGE, except as modified by condition herein.

2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.

3. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for

development or take legislative action to cause the property to revert to its former zoning classification.

4. Right-of-way dedications to achieve full half-widths for both Queen Creek Road and Cooper Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or an association.

8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

9. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals for the full frontage of both Queen Creek Road and Cooper Road.

10. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

11. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Airpark South Professional Village development shall use treated effluent to maintain open space, common areas, and landscape tracts.

12. Oleander trees and shrubs, Red Maple, Black Locust, Yew, St. John's Wort, White Oak (acorns), Cherry Trees, and Black Walnut plants are prohibited within the development.

13. All buildings shall be designed and built with noise attenuation construction to achieve an interior noise level of 45 decibels for a single event from an aircraft. A registered engineer shall certify that the project is in conformance with this condition.

14. The Final Plat shall contain the following statement on the cover sheet in a prominent location and in large text:

    "This property is located within the Chandler Municipal Airport Impact Overlay District and is subject to aircraft noise and overflight activity, and is encumbered by an avigational easement to the City of Chandler."

15. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

16. All lettering on the monument sign, including tenant panels, shall be halo illuminated individual letters.

17. Landscaping shall be in compliance with current Commercial Design Standards.

18. All raceway signage shall be prohibited within the development.

19. The retail/C-2 land use is conceptual only. A separate Preliminary Development Plan is required for this portion of development.

20. Berming along the street frontages must be a minimum of 24" measured from the top of curb elevation along at least 50% of the arterial streetscape frontages. Berms are to be located out of the right of way and shall maintain a 4:1 slope as per compliance with the Commercial Design Standards.

21. The trash enclosures shown on the south property line behind building 12 shall be relocated approximately 200' to the east, locating behind building 10.

22. The easternmost break in the Queen Creek Road median, proposed for the future retail use, shall be eliminated per the requirements of the Traffic Engineering Department.

23. Prior to the time of making any office reservations or subsequent sales agreements, the builder/developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the office development is located adjacent to existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the property owner. This disclosure shall appear on all property deeds and perpetually carry with the land.

24. Applicant to work with Staff to increase the amount of pedestrian features such including pedestrian oriented art and water features.

25. The applicant shall work with Staff on the covered parking canopies to introduce building forms, materials, and colors used on the office building.
26. Applicant to work with Staff to remove the stone material from the parking screen wall and develop a decorative wall that will compliment the building architecture.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 27th day of April 2006.

ATTEST:

CITY CLERK

CITY OF CHANDLER CORPORATE SEAL ARIZONA

MAYOR

PASSED AND ADOPTED by the City Council this 11th day of May 2006.

ATTEST:

CITY CLERK

CITY OF CHANDLER CORPORATE SEAL ARIZONA

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3789 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 11th day of May 2006, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

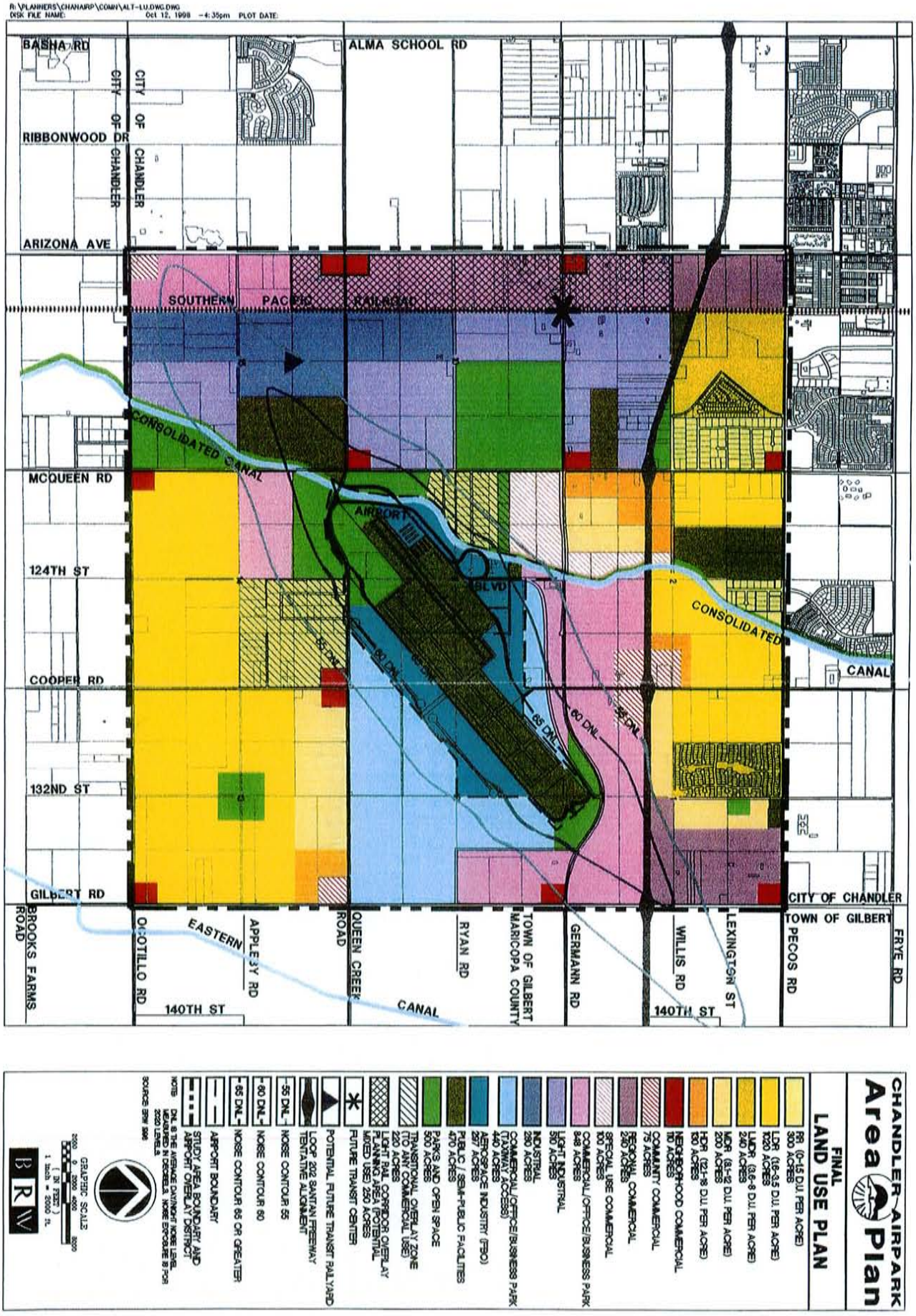
Published in the Arizona Republic on May 24 & 31, 2006.

EXHIBIT A
LEGAL DESCRIPTION
PARCELS A & B
(APN #303-42-002)

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THE NORTH AND EAST 33 FEET; THEREOF.

CONTAINING 18.6137 ACRES OR 810,815 SQUARE FEET, MORE OR LESS.



This map is only one portion of the complete and final Chandler Airpark Area Plan produced by BRW and adopted by the Chandler City Council on November 5,1998. This map is not exclusive information regarding Chandler's Airpark Area Plan and should not be viewed as such. The complete Chandler Airpark Area Plan document contains detailed information and descriptions of each land use category as well as more information about the land use, transportation, infrastructure and economic development elements planned for this area.