



45145 W. Madison Ave.  
P.O. Box 610  
Maricopa, AZ 85239  
Ph: 520.568.9098  
Fx: 520.568.9120  
www.maricopa-az.gov

## STAFF REPORT

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**To:** Honorable Mayor Smith and members of the City Council;  
City Manager Kevin Evans

**From:** Eric Fitzer, Planner II

**Date:** May 19, 2009

**RE:** **PUBLIC HEARING: CUPo8-07 Christian Services Association Amendment:** A request for an Amendment to a Conditional Use Permit to allow for Administrative and Bookkeeping Offices, form six (6) to eight (8) employees and for meetings of up to eighteen (18) persons at 45057 W Hathaway Ave.

## REQUEST

**CUPo8-07 Amendment:** Christian Services Association is requesting an amendment to a Conditional Use Permit (CUP) approved in September 2008 to allow for the addition of two (2) employees, eight (8) total, and to allow the premises open to up to eighteen (18) members of the Christian Services Association for meetings located at 45057 W Hathaway Ave. This Conditional Use Permit Amendment that is being requested would allow the Christian Services Association to conduct administrative and bookkeeping operations for eight (8) employees as well as meetings of up to eighteen (18) members of the Christian Services Association out of a residentially zoned lot within the Old Town area of the City of Maricopa. The site is located just east of the Southeast corner of Hathaway Avenue and Wilson Avenue within the City of Maricopa Incorporated Limits. The property is zoned General Rural (GR) and the applicant is proposing to utilize the property for a commercial office and meeting space uses.

## RECOMMENDATION

Move to **APPROVE CUPo8-07 Christian Services Association Amendment**, a request to Amend a Conditional Use Permit, for the **duration of 5 years**, to allow for Administrative, Bookkeeping Offices for eight (8) employees and meetings of up to eighteen (18) members of the Christian Services Association at 45057 W Hathaway Ave subject to conditions.

## COUNCIL PRIORITIES AND/OR THEMES ADDRESSED

- Quality of Life
- Economic Sustainability

**PROJECT INFORMATION**

**HISTORY**

June 4, 2008	Pre-application conference held with applicant.
June 26, 2008	Applicant submits application for a Conditional Use Permit.
July 29, 2008	Applicant holds a neighborhood meeting, no one from the public attends and no formal public comment was received by City Staff for or against the request.
September 16, 2008	The City of Maricopa City Council approves by a 6-1 vote CUPo8-07 Christian Services Association Conditional Use Permit.
April 13, 2009	The City of Maricopa Planning and Zoning Commission unanimously recommended Approval of CUPo8-07 Christian Services Association Conditional Use Permit Amendment subject to conditions.

**APPLICANT/OWNER**

Christian Services Association Attention: Paulette Reed PO Box 1017 Maricopa, AZ 85239 P: 480-266-8856 F: 520-316-6285	Christian Services Association Attention: Robert Hotchkin PO Box 1017 Maricopa, AZ 85239 P: 520-316-6284 F: 520-316-6285
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**PROJECT FACTS**

**Surrounding land uses:**

**North:** Sonoran Creek Site Plan Phase 3; Zoned General Business Zone (CB-2)  
**East:** Maricopa Community Church; Zoned General Rural (GR)  
**South:** Pinal County/Maricopa-Stanfield Court; Zoned General Rural (GR)  
**West:** Vacant; Zoned General Rural (GR)

**Project site data:**

Overall Site Acreage:	± .25 acres, 10,890 sq ft
Current Zoning:	General Rural (GR)
Current General Plan Designation:	Commercial (Old Town Maricopa Special Planning Area)
Parking: (2-8 employees)	Area for 5 spaces and 1 ADA space, in tandem, has been allotted between the garage, the drive way and the east side yard on the property.
Meeting space parking	The applicant will utilize the “Living Room” as the meeting space; 377 sq ft. Per the City of Maricopa Parking Regulations the applicant must provide 1 space per 4 seats. As such the applicant would need to provide 5 spaces for 18 persons. The applicant is currently providing six spaces on the site.

**ANALYSIS**

**Planning Division**

**The City of Maricopa Zoning Ordinance Regulations:** The applicant proposes uses for a property that are not allowed within the current zoning designation of the site; General Rural (GR). Below are the uses that are allowed within the General Rural Zoning (GR) Designation:

**Article 8  
Sec. 801**

**USES PERMITTED:**

- a. One-family dwelling unit, conventional construction or manufactured home or mobile home.
- b. Commercial agricultural uses:
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries.
  - 2. The raising and marketing of poultry, rabbits and small animals, but slaughtering of only those raised on the premises.
  - 3. The grazing and raising of livestock and horses, except that not more than 3 hogs shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any residential zone or more restrictive zone.
- c. **Public and quasi-public** uses: **church**, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, governmental structure; athletic, sport or recreation club; and hospital or

sanatorium, such buildings shall be located at least 50 feet from any boundary line of the site.

- d. **(DELETED 4-19-00)**
- e. Fruit, vegetable or agricultural products packing or processing plant, provided it is located on a site of not less than 10 acres and any buildings located thereon occupy not more than 30% of the site area.
- f. Livestock sales yard or auction yard, provided, the site where located is not less than one-half mile from any residential zone or within one-half mile of any exterior boundary of a restricted zone or residence district established by any municipal corporation in this City in which the use requested is prohibited, and, provided further, that the site is not less than 20 acres in area and applicant shall provide Zoning Inspector with written consent of 51% of the owners by number and area of property within 300 feet of proposed site.
- g. A stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided the stand is not more than 10 feet to any street lot line and not closer than 20 feet to any other lot line.
- h. Public riding stables and boarding stables, providing the site contains not less than 10 acres and the buildings housing animals set back from all lot lines a distance of not less than 100 feet.
- i. Accessory building or use; home occupation, housing for seasonal farm labor, and private stable.
- j. Dairy

Under the City of Maricopa Zoning Ordinance **Article 8 Section 801 C**; a **Church** is an allowed use within the General Rural (GR) Zoning Designation. But under the request the applicant is proposing to utilize the residential structure for **Bookkeeping, Administrative Offices and Meeting Space**. Therefore staff has determined that the use would not constitute a “Public or Quasi Public Use” and that the use proposed was of an Office Use staff required the applicant to submit for a Conditional Use Permit per:

**Article 23**

**Sec. 2302 ADDITIONAL USE REGULATIONS AND CONDITIONAL USES:** The City Planning Commission may, as a **conditional use** in the form of a Special Use Permit, after public hearing, authorize the location of the following buildings, structures or uses in a district from which they are prohibited by this Ordinance, when found to be in the interest of the public health, safety and general welfare of the community and surrounding areas:

- a. Airport, heliport or landing field
- b. Amusement park or outdoor theater
- c. Cemetery or mausoleum
- d. Circus or carnival grounds
- e. Community building or recreation field
- f. Hospital, clinic or institution

- g. Privately and commercially operated recreational lake, swimming pool or tennis court
- h. Public or governmental buildings
- i. Race track
- j. Signs
- k. Sport arena
- l. Stable
- m. Zoo, public or private
- n. Such other uses as the Planning Commission may deem appropriate in the public interest.**

Before issuance of any conditional use for any of the above buildings, structures or uses, or before any change of use of the premises existing at the time of the effective date of this Ordinance or as permitted herein provided, is made, preliminary plans in sufficient detail and a statement as to the proposed use of the buildings, structures and premises shall be submitted to the City Planning Commission. These plans and statement shall be referred to the Planning Commission for study and report, and for public hearing. The Commission shall review such plans and statement and shall, after a careful study thereof and the effect that such buildings, structures or uses will have upon the surrounding territory, recommend such buildings, structures or uses where requested to be permitted provided the public health, safety, morals and general welfare will not be adversely affected, that ample off-street parking will be provided and that necessary safe-guards will be provided for the protection of surrounding persons and neighborhood values.

Any buildings, structures or uses listed in paragraph 1 of this section, existing at the effective date of this Ordinance, shall be considered a non-conforming use, unless it has qualified as provided above, and has secured a Special Use Permit, or has secured a use permit from the Board of Adjustment.

When found to be in the interest of the public health, safety, morals and general welfare, the Board of Adjustment is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the City Planning Commission.

Since the applicant provides a public service to the community it would seem to relate to **Article 23 Section 2302 n. Such other uses that the Planning Commission may deem appropriate in the public interest**, which then qualifies the applicant to submit for a Conditional Use Permit under the above stated section.

**The Maricopa General Plan**, the City's first General Plan, represents a statement of what the public expects their City to become. It is driven by citizen input, conforming to the letter and spirit of "Growing Smarter Plus" legislation established by the State of Arizona to guide municipal planning and growth management. (*City of Maricopa General Plan pg 2*)

The property, **CUPo8-07 Christian Services Association**, is classified, by the General Plan, as Commercial, the description of the classification is below:

**Purpose:** *The **Commercial** land use category provides for commercial nodes on individual parcels. The intent is to provide neighborhood and community scale shopping, offices, medical facilities, and subordinate multi-family residential uses which incorporate pedestrian and neighborhood needs through site planning, architecture, access, lighting and parking design. Single-family residential uses are not supported. For larger parcels, over 40 acres, regional retail development is anticipated in this designation.*

Therefore the application for a Conditional Use Permit for an office use within this area would be in accordance with the City of Maricopa General Plan. The project is also located within the **Old Town Redevelopment Area** (Special Planning Area) which is defined by the City of Maricopa General Plan as the following:

**Old Town Redevelopment Area**

*Old Town Maricopa represents both opportunities and challenges for the community. The small town flavor and rich history of Maricopa is associated with the Old Town area. It is an under-developed area with a strategic location that promises viable opportunities for investment in the short and long term. A feasibility study analyzing development and redevelopment potential is recommended. Suggested uses include specialty shopping, dining, other retail and tourist-based activities. General Plan objectives and recommendations seek to provide the opportunity and flexibility needed to spark investment and redevelopment projects in Old Town.*

The City of Maricopa is currently going through the process to establish a “Redevelopment District,” in association with the General Plan designation of this area. Since such plans are only in the infancy and will be ultimately heard by the City of Maricopa Planning and Zoning Commission and approved by the City Council, Staff has determined that a **5 year duration** of a office use is an acceptable proposal within the “Old Town Redevelopment Area” being that the applicant has expressed interest to establish a permanent office building and to support the City of Maricopa in its Redevelopment efforts in this area.

**Building Safety Division**

As a part of the Amended CUP08-07 Christian Services Association request the City of Maricopa Building Official has conducted a Code Analysis for the building located at 45057 W Hathaway Ave. During the analysis the Building Official concluded that per the 2000 International Mechanical Code the ventilation (HVAC) system that is utilized for the structure, without changes to such ventilation system, would limit the overall maximum capacity of the structure to eighteen (18) persons. Any increase beyond a maximum capacity of eighteen (18) persons would require the property owner to upgrade the existing ventilation system to be in accordance with the 2000 International Mechanical Code.

## DESCRIPTION OF REQUEST

Christian Services Association is requesting an **Amendment of a Conditional Use Permit**, for the duration of **5 years**, to allow for **Administrative, Bookkeeping Offices and Meeting Space** to be located on a Residential Zoned Lot at **45057 W Hathaway Avenue (CUPo8-07)**. The applicant is proposing to use the property as a small administration and bookkeeping office with a **total employment of two to eight (2-8) persons and meeting space for up to eighteen (18) members of the Christian Services Association**. As such staff has required that a minimum of 6 spaces, one of which to be ADA compliant, be located on site; on street parking is not allowed on Hathaway Avenue due to the street being classified as a Collector.

Through staff review of the project many aspects of this Conditional Use Permit were analyzed i.e. surrounding land uses, circulation and impacts on surrounding areas. Through the review staff has found that the Amendment to the Conditional Use Permit would have no adverse affects on the surrounding land uses but instead would compliment the surrounding uses and provide 2-8 jobs within the area and allow a non-profit organization to utilize the structure for meeting space.

The following is the Amended CUPo8-07 Christian Service Association Conditional Use Permit original stipulations and the proposed amended language; strikethroughs are utilized where text has been eliminated and italicized text is the new proposed language:

3. On-street parking will not be permitted by the City of Maricopa along Hathaway Avenue. All parking will be included within the garage, ~~and the driveway portion of the property as and the east side yard on the property shown on the exhibit.~~
7. Any addition or alteration of use or an increase in the number of employees to be located on the site, in excess of ~~6~~ 8, shall be subject to review and approval by staff.
8. The office shall ~~not~~ be open to the ~~public~~ *members of the Christian Services Association* and shall only be for the use of ~~Employees~~ *members* of the Christian Services Association. *The maximum amount of members of the Christian Services Association to attend meetings at 45057 W Hathaway Avenue at one (1) time shall not exceed eighteen (18) persons.* Such Conditional Use Permit shall only be issued to the Christian Services Association and shall not be transferable to any other entity.

After reviewing the application and the request for an Amendment to the Conditional Use Permit, it is in the opinion of the City of Maricopa Planning and Zoning Commission that the Christian Services Association Conditional Use Permit Amendment be approved by the City of Maricopa the City Council.

**PURCHASING SUMMARY**

N/A

**CONCLUSION**

**STAFF RECOMMENDATION**

Staff recommends **Approval of CUPo8-07 Christian Services Association Amendment** request, for the duration of 5 years, to allow for Administrative, Bookkeeping Offices and Meeting Space at 45057 W Hathaway Ave subject to following **eight (8)** conditions.

**PLANNING COMMISSION RECOMMENDATION**

Commissioner Wade moved to **Approve CUPo8-07 Christian Services Association Amendment** request, for the duration of 5 years, to allow for Administrative, Bookkeeping Offices and Meeting Space at 45057 W Hathaway Ave subject to following **eight (8)** conditions, seconded by Commissioner Tyler: Motion Passed unanimously, 7-0:

1. The Conditional Use Permit will **expire 5 years** from the date in which the City of Maricopa City Council Approves the Amended Request. An application to extend the request for additional time must be received by the City of Maricopa one (1) month prior to the expiration of the Conditional Use Permit.
2. The applicant/landowner shall adhere to all Federal, State, County and Local regulations and shall submit all required development plans and secure all applicable and required approvals, permits and inspections from the applicable Federal, State, County and Local regulatory agencies.
3. On-street parking will not be permitted by the City of Maricopa along Hathaway Avenue. All parking will be included within the garage, the driveway and the east side yard on the property.
4. Signage shall not be allowed for the use of the site.
5. The applicant shall gain approval by the City of Maricopa Building Safety Division and the City of Maricopa Fire Department for the change in occupancy and shall be in accordance with the 2000 International Building Code (IBC) and the 2006 International Fire Code (IFC) as adopted by the City of Maricopa.
6. Internal Fire sprinklers will be required to be installed; building must meet the City of Maricopa Fire Department standards.



7. Any addition or alteration of use or an increase in the number of employees to be located on the site, in excess of 8, shall be subject to review and approval by staff.
8. The office shall be open to the members of the Christian Services Association and shall only be for the use of members of the Christian Services Association. The maximum amount of members of the Christian Services Association to attend meetings at 45057 W Hathaway Avenue at one (1) time shall not exceed eighteen (18) persons. Such Conditional Use Permit shall only be issued to the Christian Services Association and shall not be transferable to any other entity.

**Exhibits**

CUPo8-07 Christian Services Association P&Z Staff Report 4 13 09  
CUPo8-07 Christian Services Association September 16, 2008 City Council Memo  
March 4, 2009 Christian Services Association CUPo8-07 Request

-- end of staff report --