

AGENDA ITEM #: _____

DATE: July 11, 2016

COAC #: 16-5867

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM
Planning & Zoning Matter**

SUBJECT: Special Use Permit to facilitate the development of a new multipurpose building at St. John Vianney Catholic School

STAFF PRESENTER: Alex Lestinsky,
Planner II

CASE NUMBER: 16-350-00001

APPLICANT: Rod Jarvis, Attorney, Earl, Curley & LaGarde P.C.; Vince DiBella, Architect, Saemisch & DiBella Architecture;

RECOMMENDATION:

1. Conduct a public hearing to consider a Special Use Permit for St. John Vianney Catholic School.
 - a. Open public hearing
 - b. Staff Presentation
 - c. Receive public comment
 - d. Close public hearing
2. Approve a Special Use Permit to facilitate the development of a new multipurpose building on the existing St. John Vianney Catholic School campus subject to the following stipulations.
 1. The site plan provided with the Special Use Permit is conceptual in nature and is not approved with this Special Use Permit. Additional comments impacting the layout and design of the site may be identified during the site plan review; and,
 2. The use shall be in conformance with the narrative dated May 27, 2016.

PURPOSE:

The Special Use Permit will allow an existing church and school to expand its school campus with the addition of a multi-purpose building that includes 10 new classrooms and a gymnasium. The Planning and Zoning Commission recommended approval 7-0 at their regular June 15, 2016 meeting.

BACKGROUND AND PREVIOUS ACTIONS:

The use of the site for the school and church have never been presented to Council. The church was built in 1958. The school has been in operation since 1992 and the current version of the Zoning Ordinance, which requires a Special Use Permit for churches and schools, was adopted in 1999.

CURRENT POLICY:

Special Uses are land use activities that may be allowed in the City, but because of their unique nature, potential for creating impacts on other uses, or pre-existing legal status may require particular consideration as to their proper location and/or maintenance in relation to adjacent established or intended uses, or to the planned development of the City.

Section 1-3-4 (Special Use Permits) of the Zoning Ordinance provides that Special Use Permits may be approved only upon a finding that the proposed development and/or use reflected in the application submittal for the Special Use Permit:

1. Will be desirable or necessary to the public convenience or welfare; and,
2. Will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;
3. Is in conformance with the adopted General Plan and any adopted Area Plans; and,
4. Will not be detrimental to surrounding properties or persons in the area due to:
 - a. Impact on the circulation system of the adjacent neighborhood;
 - b. Excessive noise or light generated from within the site;
 - c. Excessive scale or height in relationship to surrounding properties;
 - d. Hours of operation;
 - e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;
 - f. Inconsistency with the development character or architecture of the adjacent properties.

DETAILS OF THE REQUEST:

St. John Vianney Church was built in the 1970s and the school buildings were built in the 1990s. According to the current Zoning Ordinance adopted in 1999, the site is zoned Multi-Family (MF-24) which does not allow for a church and school unless a Special Use Permit is obtained. At the time the church and school were built, the Zoning Ordinance did not require that a Special Use Permit be obtained. St. John Vianney is therefore considered a legal non-conforming use since it does not conform to current zoning but was built prior to the adoption of the current Zoning Ordinance.

According to Section 4-3-A-3 of the Zoning Ordinance, a legal non-conforming use cannot be enlarged, extended, or altered unless the use conforms with the current Zoning Ordinance. St. John Vianney has submitted plans to expand its campus by adding a multi-purpose building that will include 10 new classrooms and a gymnasium. This expansion will alter the physical site and expand the number of students at the school. To facilitate this request, St. John Vianney must obtain a Special Use Permit to conform with the current Zoning Ordinance.

Surrounding Properties: Land uses and existing zoning surrounding the property include the following:

- North: Eliseo C. Felix Elementary School zoned R1-7
- South: City of Avondale residential
- East: City of Avondale commercial

- West: Loma Linda Park zoned R1-7

Phoenix-Goodyear Airport: The site is approximately 1.2 miles from the Phoenix-Goodyear Airport and is subject to noise from aircraft.

Luke Air Force Base: The site is approximately 4.9 miles outside the 1988 JLUS 65 Ldn, “high noise or accident potential zone” as defined by A.R.S. § 28-8461 and is within the territory in the vicinity of a military airport also defined by A.R.S. § 28-846. Approval will not negatively impact the flying operations at Luke AFB

Fire Department: The subject property is served by Fire Station No. 1. Response times range from 4-6 minutes.

Police Department: The subject property is located within an existing patrol beat and the current level of service within the patrol beat can accommodate development of the property.

Streets/Access: The pick-up/drop-off lane for the school is accessible from Loma Linda Boulevard off of Central Avenue. A fire access lane to the new building will be provided from the north via La Pasada Boulevard. General fire access is available from the existing parking lot and additional access on the campus.

Architecture and Design: The architecture and design of the proposed building is consistent with the existing buildings onsite.

Community Benefit: The additional classrooms and gymnasium space will allow the student population to increase.

Loma Linda Park: The proposed building is setback 28’ from the property line and fence and will have no impact on the Loma Linda Park improvements.

STAFF ANALYSIS:

1. ***Will be desirable or necessary to the public convenience or welfare:*** The Special Use Permit will allow the school to expand creating more classrooms for a greater student population and a gymnasium for indoor activities and events.
2. ***Will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites:*** The majority of the site is existing and will remain compatible with the adjacent properties.
3. ***Is in conformance with the adopted General Plan and any adopted Area Plans:*** The Neighborhoods category in the General Plan includes public and community facilities, therefore expanding the school will be in conformance.
4. ***Will not be detrimental to surrounding properties or persons in the area due to:***
 - a. ***Impact on the circulation system of the adjacent neighborhood:*** The school will maintain its use of the Loma Linda Boulevard and Central Avenue entrance for their pick up and drop off lanes.

- b. ***Excessive noise or light generated from within the site:*** The new building will be enclosed with no additional excessive noise or light generated.
- c. ***Excessive scale or height in relationship to surrounding properties:*** The new building height is consistent with the existing school buildings.
- d. ***Hours of operation:*** The hours of operation will remain as the normal existing school hours starting at 7:30AM and ending at 3:00PM on weekdays.
- e. ***Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties:*** The placement of the new building will not impact the surrounding properties.
- f. ***Inconsistency with the development character or architecture of the adjacent properties:*** The new building will be designed to be consistent with the architecture and design of the existing site.

A deviation from the parking standards is being recommended. With the church, classrooms, gymnasium, administration, and miscellaneous space, a total of 360 parking spaces are technically required. However, it has been made known that the church and school sites are used at different times of the week therefore the existing 187 parking spaces is acceptable. The pick-up and drop-off patterns will remain as they currently exist with access off of Loma Linda Boulevard. A traffic impact study has been submitted by the applicant. The Police Department had no concerns with this method and the study has been reviewed and approved by the Engineering Department.

FISCAL ANALYSIS:

No fiscal impact is anticipated from this project.

PUBLIC PARTICIPATION:

Citizen Review Meeting: In accordance with the City's Citizen Review Process, a citizen review meeting was held on Tuesday May 24, 2016. Postcards were mailed to property owners within 500 feet of the subject property on April 30, 2016. No citizens attended this meeting and no comments or inquiries have been received by staff in response to this notification.

Planning and Zoning Commission Meeting: Notice for this public hearing before the Planning and Zoning Commission included a postcard mailed to property owners within 500 feet of the subject property on May 20, 2016; a legal notice published in the Arizona Republic on May 27, 2016; and a sign posted on the property on May 20, 2016. To date, staff has not received any comments or inquiries regarding the project. The Planning and Zoning Commission meeting was held on June 15, 2016. No public comment was received at this meeting and the Commission voted 7-0 to recommend approval of the item.

ATTACHMENTS:

- 1. Aerial Photo
- 2. Project Narrative dated 5/27/16
- 3. Conceptual Site Plan
- 4. Exhibits