

Staff Summary Report



Hearing Officer Hearing Date: February 5, 2008

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **ADULT TRANSITIONS INC. (PL080006)** located at 8650 South Los Feliz Drive for one (1) use permit.

DOCUMENT NAME: 20080205dssd03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **ADULT TRANSITIONS INC. (PL080006)** (Trevor Hinton/Trevor Ryan Builders, applicant; Javier & Diana Perez, property owner) located at 8650 South Los Feliz Drive in the R1-7, Single Family Residential District for:

ZUP08007 Use permit to allow parking in the front yard setback.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

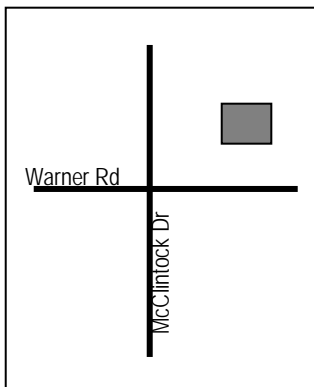
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The applicant, Trevor Ryan Builders, and owner, Javier and Diane Perez of Adult Transitions, Inc. assisted living home is before the Hearing Officer requesting a use permit to park in the required front yard setback at 8650 South Los Feliz Drive in the R1-7; Single-Family Residential District. The assisted living home has been in operation since June 1997 and is proposing to convert the existing garage into additional living space (2 bedrooms). The group home currently houses five (5) occupants and would like additional bedrooms for a total of eight (8) occupants. The group home has the necessary occupancy clearance to have ten (10) occupants. Staff is recommending denial of the request. To date, staff has received four (4) e-mails of opposition and four (4) phone calls opposing this request.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Denial
3. Reason(s) for Denial; Conditions of Approval; History & Facts
4. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Existing Floor Plan
6. Proposed Floor Plan
7. Elevations
- 8-12. Email(s) of Opposition
13. Staff Photograph(s)

COMMENTS:

The applicant and owner of Adult Transitions, Inc assisted living home is requesting a use permit to park in the required front yard setback at 8650 South Los Feliz Drive in the R1-7; Single-Family Residential District. The assisted living home has been in operation since June 1997 and is proposing to convert the existing garage into additional living space (2 bedrooms). The group home currently houses five (5) occupants and would like to create additional living space for future occupants. The group home has the occupancy clearance for ten (10) occupants.

The house is located in a single family neighborhood and the other properties in the neighborhood are used as family residences. The assisted living home has been in operation for eleven (11) years. The home originally started in 1997 with five (5) occupants and received building safety approval for ten (10) residents in August 1992. The home currently has five (5) occupants and two (2) employees/care givers occupying six (6) bedrooms. If the use permit is approved the total bedrooms would expand to eight (8). A conversion of the garage to additional living space is out of character with the neighborhood and could have an impact on additional vehicles coming to and from the assisted living home. According to the neighbors, there are no other homes in the area that have an enclosed garage. Staff believes enclosing the garage to livable (2 bedrooms) would be out of character with this neighborhood.

Staff is recommending denial of the request.

To date, staff has received four (4) e-mails and four (4) phone calls opposing this request.

Use Permit

The Zoning and Development Code requires a use permit to park in the front yard setback; in the R1-7 Single Family Residential District.

Evaluating the use permit, the proposal appears to fail the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There may be a significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a group home use; there should be minimal nuisances within the residential zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The expansion of the group home would contribute to neighborhood deterioration or downgrade property values. It would be the only home without a garage for parking
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use is not compatible with surrounding residential uses.

Conclusion

Staff recommends denial of the use permit.

**REASON(S) FOR
DENIAL:**

1. Traffic generated by this use may be excessive in a neighborhood zoning district.
2. The use appears incompatible with the building, site and adjacent property.
3. There doesn't appear to be a demonstrated need for expansion of this use at the proposed location

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
3. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the City Attorneys office, the use permit may be returned to the Board of Adjustment, and another public hearing set to re-evaluate the use permit.
4. The driveway/parking area shall not be expanded to be no greater than Thirty-Five Percent (35%) of the front and side yards visible from the street. City Code Chapter 21-3 (4).
5. A 24" box shade tree shall be installed adjacent to the driveway. Details to be worked out with planning staff.

HISTORY & FACTS:

November 3, 1995	BP951332: Building Permit issued for Single Story Residence.
July 11, 1997	BP970824: Occupancy clearance for an Adult Care Home.
August 25, 1999	BP991534: One bay of 3 car garage converted to livable (bedroom).
May 1, 2000	BP000588: Convert 1 bedroom into 2 bedrooms.
August 15, 2002	BP021059: Occupancy increased from 5 occupants to 10 occupants for an Adult Care home.

DESCRIPTION:

Owner – Javier and Diana Perez
Applicant – Trevor Hinton/Trevor Byan Builders
Existing Zoning – R1-7, Single Family Residential District
Total Site Area – 11,335 s.f. / .26 acres
Main Residence – 3,369 s.f.
Total Existing Bedrooms – 6
Total Proposed Bedrooms – 8
Front Yard Setback – 20'

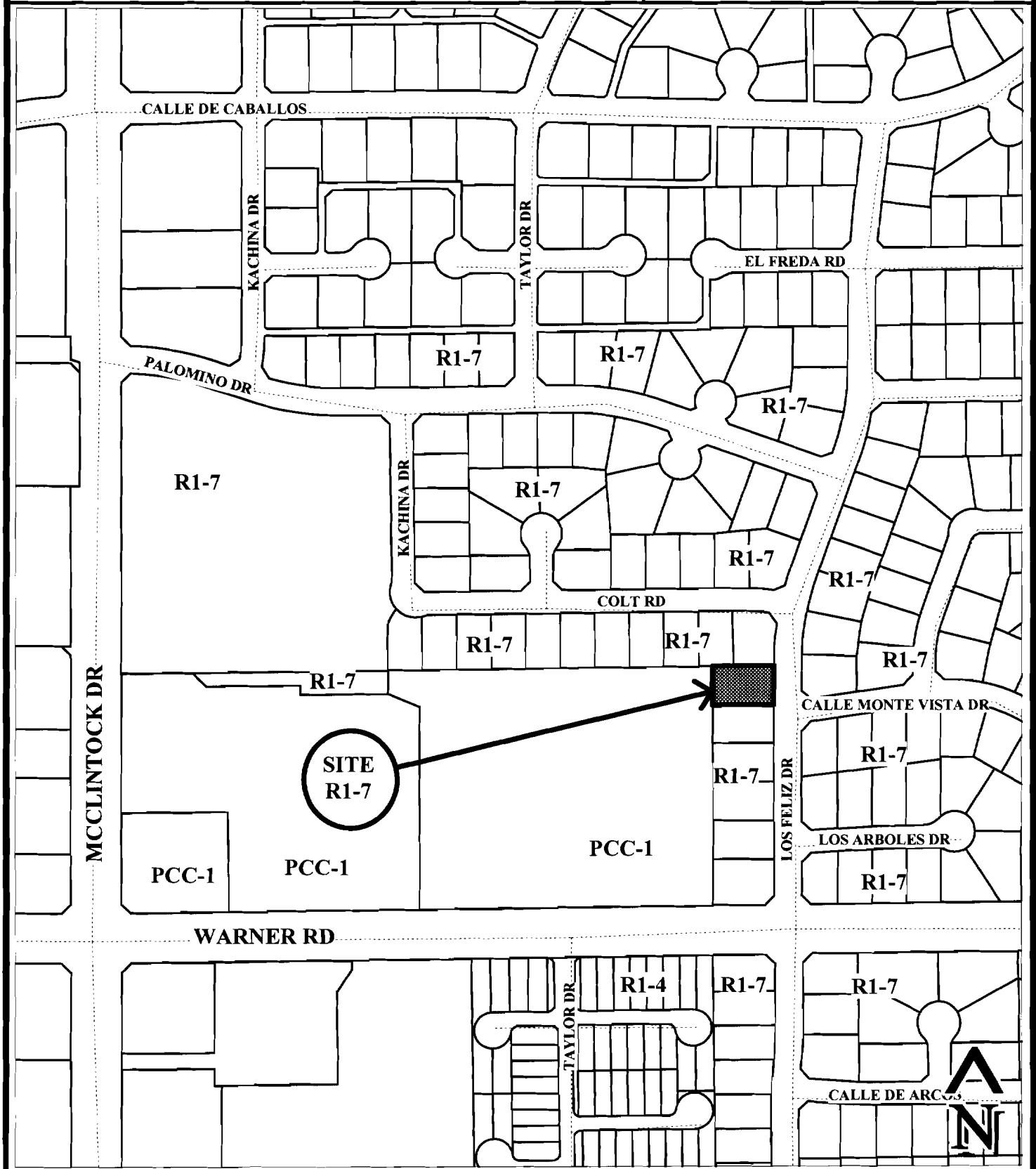
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

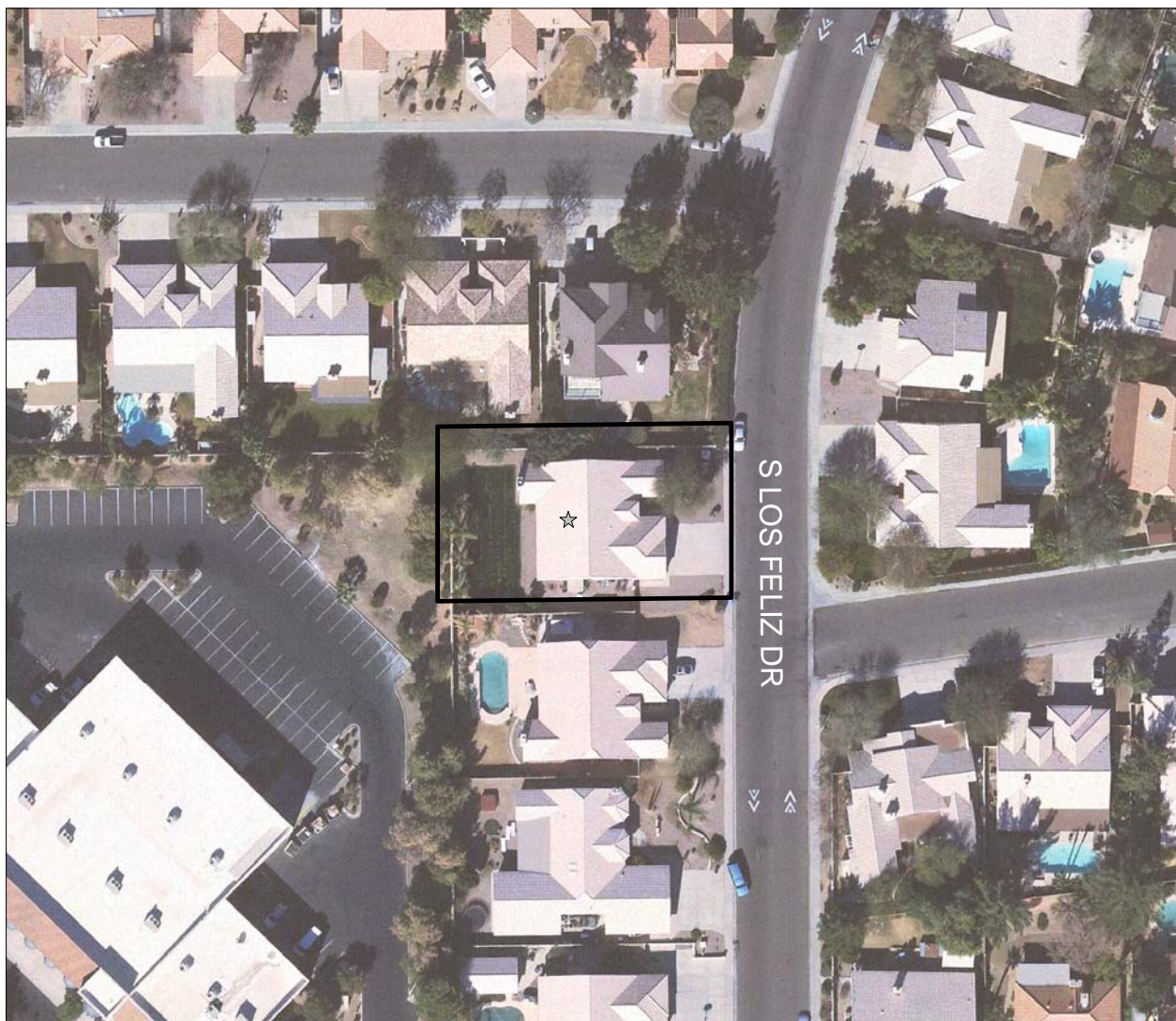
Part 4, Chapter 6, Section 4-602 (C):

Required parking spaces may be located in the required front yard setback or street side yard setback subject to a use permit.

Part 6, Chapter 3, Section 6-308

Use Permit.

ADULT TRANSITIONS INC.
PL080006


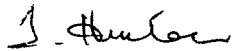


ADULT TRANSITIONS INC. (PL080006)

January 10, 2008

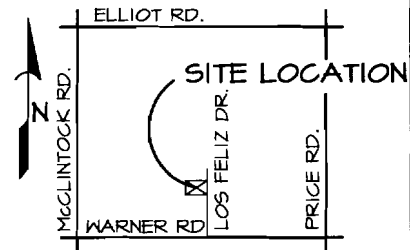
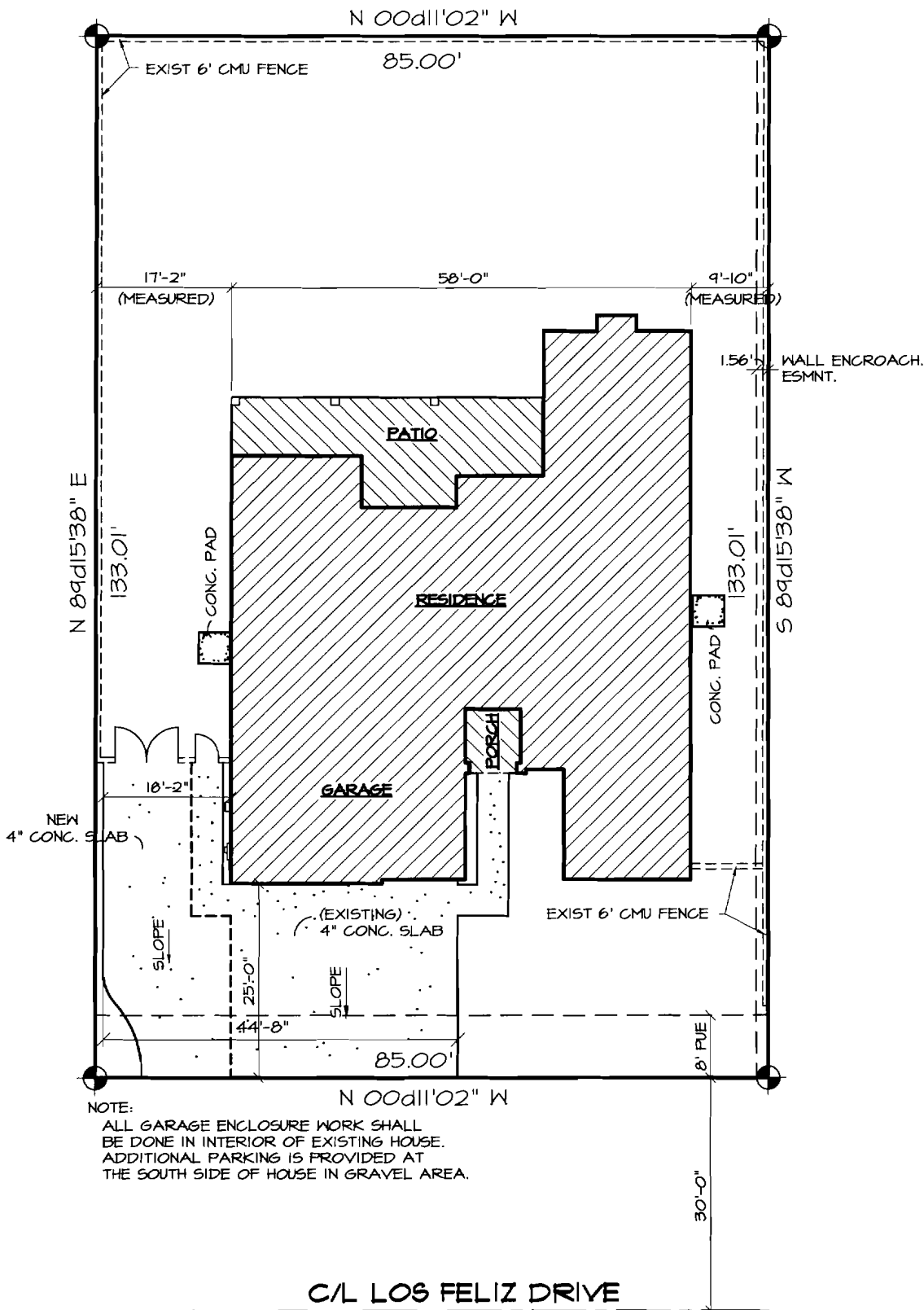
I, Trevor Hinton am applying for a use permit for the location of 8650 South Los Feliz Drive in Tempe, AZ. I need this permit to provide (2) extra parking spaces on the South side of the existing driveway at this job address. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Hinton", written in a cursive style.

Trevor R. Hinton
Trevor Ryan Builders, LLC

10 JAN. 2008



VICINITY MAP
SCALE N.T.S.

"LOS FELIZ"
LOT #06
8650 S. Los Feliz Dr.
TEMPE AZ.
PARCEL ID No.
301-50-967

Trevor Ryan Builders, LLC

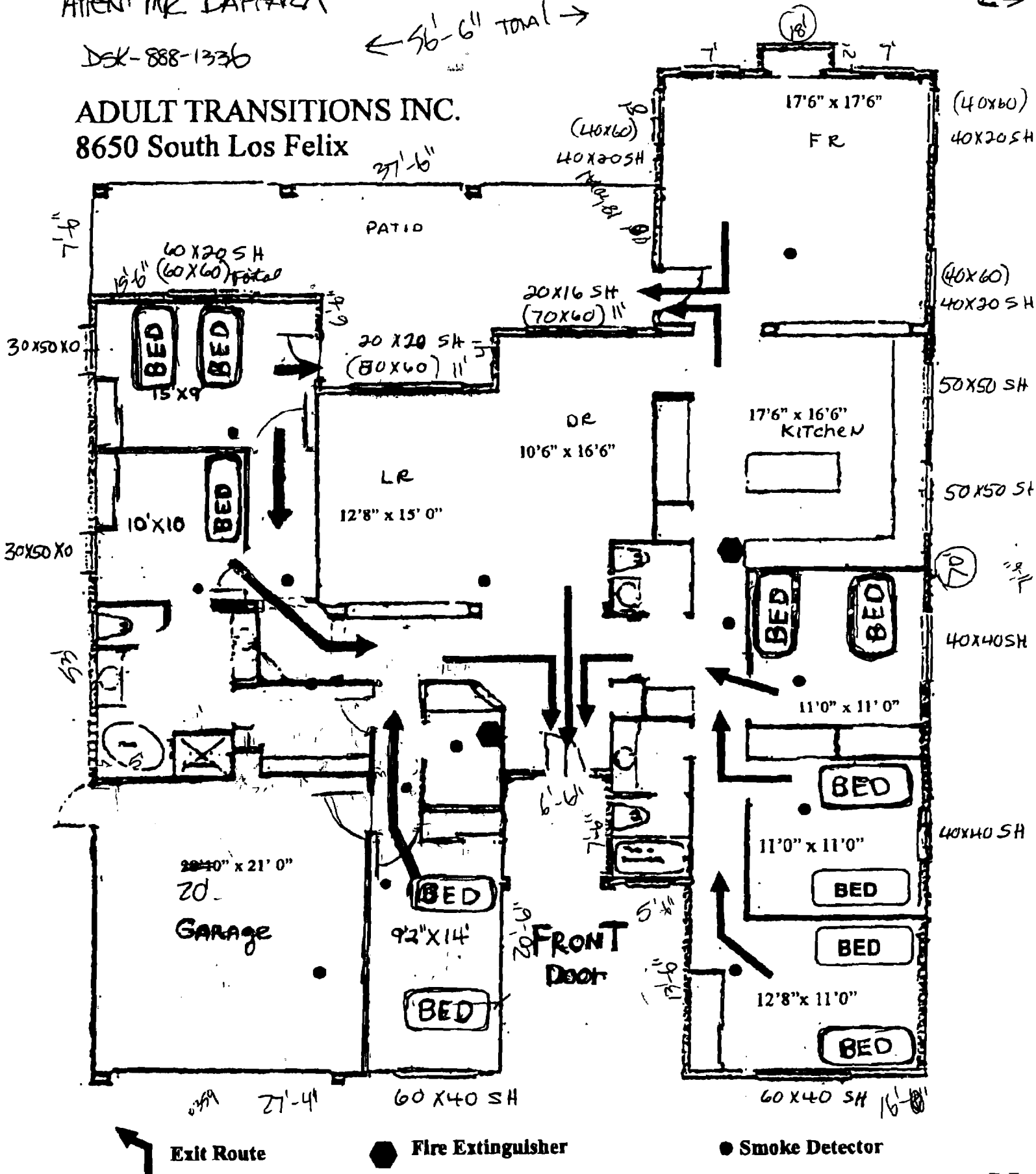
1946 S. Cholla St.
Gilbert Az. 85233
(480) 277-5344 Phone
(480) 633-5732 Fax
Licence # 234488 (KB-02)


SITE PLAN

SCALE 1"=20'
8650 S. Los Feliz Dr.

D.S.K. Design LLC
CUSTOM HOUSES
STOCK PLANS
SITE PLANNING
EST. 1987
(o) 480.888.1336 (f) 480.888.1332

ADULT TRANSITIONS INC.
8650 South Los Felix





TEMP

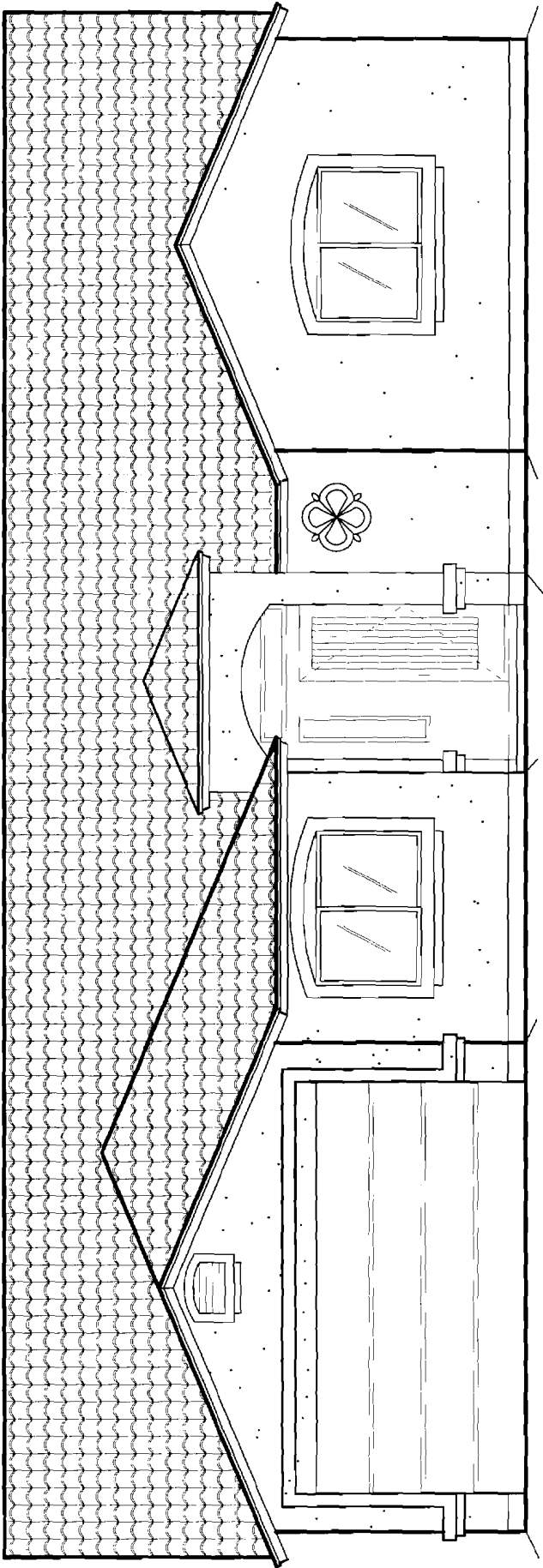
WALL
6 • 16"

15'

[illegible]

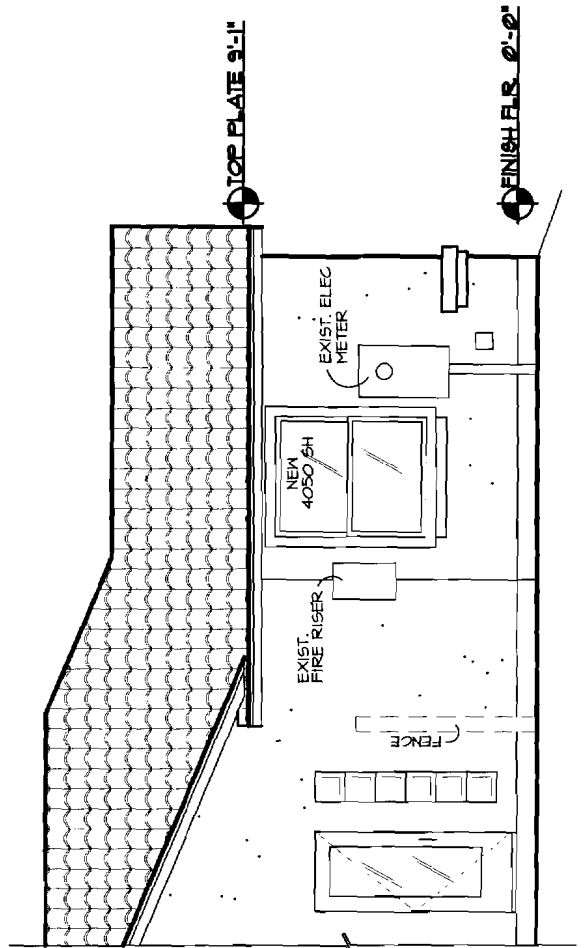
EXIST. GAR

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



EXIST. FRONT ELEVATION

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



NEW PARTIAL LEFT ELEVATION

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

Daffara, Shawn

From: DENNIS LEMON [dlemon21@msn.com]
Sent: Tuesday, January 22, 2008 6:12 PM
To: Daffara, Shawn
Subject: Comment on Public Hearing PL080006 scheduled for Feb. 5, 2008

1-22-2008

Shawn it was good to talk to you this morning.

As I indicated I will not be able to attend hearing PL08006 as I will be working at a polling place on Feb. 5th. The hearing is for the purpose of the owners obtaining a permit to allow parking in the front yard setback at 8650 S Los Feliz Dr.

I live directly across the street from this home that has been turned into an assisted care residence for aged patients. It seems that the only way they get to leave the residence is to die.

I am strongly opposed to expanding the parking on the already small lot with a 3 car driveway for a 2 car garage. It is entirely out of character for the neighborhood. When visitors come they frequently park in front of my home which is acceptable. Although I would like for the home to encourage visitors to park on the west side of Los Feliz next to the residence and farther north along the curb if necessary.

The yard is so small that the cars could rarely all park in the set back area if they tried.

Please make sure the Hearing Officer receives my comments.

Thank you,

Dennis Lemon
8521 S. Los Feliz Dr.
Tempe, AZ 85284
480-755-7345

January 22, 2008

Hearing Officer
City of Tempe
P. O. Box 5002
Tempe, AZ 85280-5002

Dear Sir/Madam:

I'm writing in response to a Public Hearing Notice I received in the matter of Adult Transitions Inc.'s request for a permit to allow parking in the front yard setback (ZUP08007). The address for Adult Transitions Inc. is 8650 S. Los Feliz Drive. I live about a block away from this address, at 1942 E. Los Arboles Drive. I am not able to attend the public hearing on February 5, but I wanted to go on record as being opposed to this permit. I feel strongly that parking vehicles in the front yard setback of this residence will give the property, and our neighborhood, a "trashy" look. There is plenty of parking available on the 3-car driveway for the house, as well as on both sides of Los Feliz Drive and around the corner on Colt Road.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Elyse Newman". The signature is written in a cursive, flowing style.

Elyse A. Newman
1942 E. Los Arboles Drive
Tempe, AZ 85284

8652 S. Holbrook Lane
Tempe, AZ 85284-2570
January 21, 2008

Hearing Officer
P.O. Box 5002
Tempe, AZ 85280-5002

Subject: Adult Transitions Inc. – PL080006

Dear Sir/Ms.:

This letter represents our protest, as property owners, to the application for a use permit to allow parking in the front yard setback (ZUP08007) at 8650 South Los Feliz Drive, Tempe.

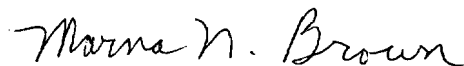
The above property is zoned R1-7, Single Family Residential District. Parking other than in the driveway and on the street is not in keeping with a residential locale and its requirements. Any other parking, including that of a front yard setback, smacks of commercial usage which is incompatible with R1-7 zoning.

We appreciate your consideration and request that the associated application by Trevor Hinton/Trevor Byan Builders, applicant/Javier & Diana Perez, property owner, be denied by the City of Tempe.

Sincerely,



Curtis J. Brown



Marna N. Brown

January 28, 2008

Hearing Officer
P.O. Box 5002
Tempe , AZ 85280-5002

Dear Hearing Officer,

I am writing to address the zoning hearing PL080006 for Adult Transitions, which is scheduled to take place on February 5th. I am uncertain whether I will be able to attend this meeting as I home school my daughter, a child with special needs, and respectfully request this letter be included in the proceedings for this matter.

This hearing concerns 8650 S. Los Feliz Drive in R1-7 and the application for a use permit (ZUP08007) which would allow parking in the front yard set back.

The owners operate an assisted living facility for the elderly. I appreciate very much the benefit they provide to our community in caring for our elderly. I believe in an inclusive environment and welcoming all citizens to live together. However, I also firmly believe such facilities should be designed and operated in a manner that respects and supports the fabric of the surrounding neighborhood, rather than threaten the integrity of host neighborhoods through incompatible design or overly intensive operation.

My family's home is almost directly across the street from this facility. We have lived here for almost 11 years. Adult Transitions in its present form, fits reasonably well with its neighbors. Currently, there are usually just a few cars parked in front in the driveway or on the street. There seems to be plenty of parking to accommodate the number of cars I typically see there on a daily basis. The extra parking does not seem necessary.

Even if such parking were needed, I am strongly against expanding the parking area on this small property. Adding so much parking in the front yard would be inconsistent with the existing character of the neighborhood; which is predominantly single family residential homes, not commercial structures. Not only am I concerned about the appearance of such an expansion, which would eliminate any buffering between the street and the facility, I also am deeply concerned about what it would do to our property value, as it is such a significant departure from the appearance and character of its surrounding properties. There is really not room to accommodate more parking in a way that would not be an eyesore and have a profound negative impact on neighboring properties.

In my opinion, if the owners of the facility wish to expand their business and require that much more parking for staff or visitors, then they should seek a larger property in a commercially zoned area. What they propose is simply too intense and thus incompatible with adjoining properties and the neighborhood as a whole.

I hope to attend the meeting in order to speak against this use permit. It seriously threatens the existing residential character of our neighborhood. If I cannot be there, please be sure that this letter is considered. Thank you for your thoughtful consideration of these concerns.

Sincerely yours,

Martha Walsh
8649 S. Los Feliz Drive
Tempe , AZ 85284
480-456-1588



ADULT TRANSITIONS, INC.

8650 S LOS FELIZ DR

PL080006

FRONT OF RESIDENCE