

# Staff Summary Report



Hearing Officer Hearing Date: June 3, 2008

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **TEMPE EAST KINGDOM HALL OF JEHOVAH'S WITNESSES (PL070190)** located at 4400 South Butte Avenue for one (1) use permit.

**DOCUMENT NAME:** 20080603dsng01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **TEMPE EAST KINGDOM HALL OF JEHOVAH'S WITNESSES (PL070190)** (Lauren Leuning, applicant; Tempe East Kingdom Hall of Jehovah's Witnesses, property owner) located at 4400 South Butte Avenue in the R1-6, Single Family Residential District for:

**ZUP08069** Use permit to exceed 125% of the maximum allowable parking.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

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

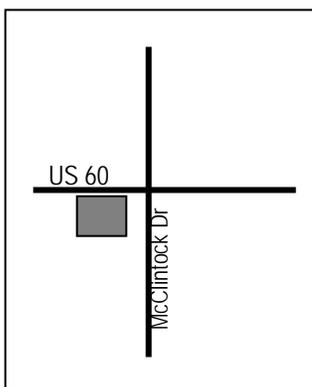
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-3

**ADDITIONAL INFO:** The applicant is seeking a use permit to allow the number of parking spaces on site to exceed the minimum required per the Zoning and Development Code beyond one hundred twenty-five percent (125%) - from 44 required spaces to 87 spaces proposed (198%). The site is located at 4400 South Butte Avenue in the R1-6, Single Family Residential District, just southwest of the US 60 and McClintock Drive. This request was previously heard on May 20, 2008 and was continued due to concerns of an alley abandonment by the Hearing Officer. Public input was received at the hearing regarding additional height to the south wall where the church abuts residential properties. Staff recommends approval of the use permit.



**PAGES:**

1. List of Attachments
2. Comments
3. Reasons for Approval; Conditions of Approval; History & Facts
4. Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Landscape Plan
6. Email of Parking Landscape Data
7. Original Subdivision for Tempe Gardens Unit 7-A
8. Ordinance No. 1055 (Abandonment of alley)
- 9-10. Staff Photographs

## COMMENTS:

The applicant for Tempe East Kingdom Hall of Jehovah's Witnesses is requesting a use permit to increase the parking standard from 44 spaces to 87 spaces. This use permit is to modify the parking provided, which will exceed 125% of the required parking. Based on the existing parking, the applicant requests an increase in the parking spaces due to the inadequate number of parking spaces to meet the current use of the building. Required parking for a church is 1/100sf. The church is 4,221 total s.f. equaling 42 spaces. Two (2) more spaces are required due to the addition of a pastoral residence making the total number of required spaces 44.

Additional landscape will be required due to the excessive parking numbers. A minimum of twelve percent (12%) of the surface area, measuring around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. According to parking landscape data received by staff, 15.6 % of the total parking area will be landscaped.

At the previous hearing for this case on May 20, 2008 there were concerns of privacy and noise pollution from the expansion of the parking lot. As noted in the history and facts section, an alley right-of-way that bordered the church property with the homes to the south on South Alder Drive was abandoned in May of 1985 after the church was approved through the Design Review Board. It was approved with 3' and 6' foot high walls at all street frontage and property lines.

## Use Permit

The Zoning and Development Code requires a use permit to allow the number of surface parking spaces provided for a development to exceed 125% of the minimum required spaces required by ordinance. A maximum parking space provision was created to minimize the "heat island" effect associated with large expanses of asphalt. Should a development need more than 125% beyond the minimum required; a use permit may be processed with a requirement for additional landscaping on the site and that the request meets the criteria for approval of a use permit.

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

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There should be no significant increase in vehicular or pedestrian traffic. The members who attend the church already use the parking lot provided and often spill over onto adjacent city streets. The proposed use permit should help eliminate on street parking in the neighborhood.
- 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 use should have no nuisances.
- 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 proposal would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
  - The proposal is compatible with the existing use and buildings.

## Conclusion

Staff recommends approval of the use permit. The parking quantity is compatible with the existing buildings on-site and the applicant will be conditioned to provide additional landscape material.

## REASONS FOR APPROVAL:

1. The use covered by the permit will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. The use will be in full conformity to any conditions, requirements, or standards prescribed therefore by the Zoning and Development Code;
2. There appears to be no significant increase in vehicular or pedestrian traffic;
3. There appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
4. This use will not contribute 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;

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

## CONDITIONS OF APPROVAL:

1. The additional landscape material proposed for the parking area to be approved by Building Safety Division Plan Review.
2. The applicant shall provide a minimum of twelve percent (12%) of the surface area as landscaping, measuring around the perimeter of all parking spaces and maneuvering areas.
3. Lighting and landscape plans as well as site plan as approved through staff review of DPR07088 must be approved through Building Safety Division Plan Review.

## HISTORY & FACTS:

July 8, 1971

The City Council approved a subdivision for Tempe Gardens Unit Seven – A, including an alley immediately to the north of 4408 South Alder Drive and 4407 South Alder Drive. The property of the Tempe East Kingdom Hall of Jehovah's Witnesses was unsubdivided.

January 13, 1972

Final inspection of a single family home for 4408 South Alder Drive.

January 14, 1972 Final inspection of a single family home for 4407 South Alder Drive.

July 18, 1984 DR-84.77 – The Tempe Design Review Board approved the building elevations, site plan, landscape plan and signage for Kingdom Hall of Jehovah’s Witnesses with the following conditions:

1. All 3’ and 6’ masonry walls at street frontages and property lines be stuccoed and painted to match buildings on site.
2. That details of parking lot lighting be reviewed by staff prior to issuance of building permits.
3. That one additional 15 gal. olive and canary island pine be added to McClintock street frontage landscape area.

May 15, 1985 Alley Right-of-Way abandoned by the City.

July 10, 1985 Certificate of occupancy issued for Kingdom Hall of Jehovah’s Witnesses.

September 17, 2007 DPR07088 - The Development Services Planning Staff reviewed and approved a request for an 850 sf. Pastoral residence addition to the Tempe East Kingdom Hall campus including a Development Plan Review including site plan, building elevations, and landscape plan. Due to changes in the site plan, a use permit to exceed 125% of the maximum allowable parking was required.

May 20, 2008 ZUP08069 – The Hearing Officer continued the request for a use permit to exceed 125% of the maximum allowable parking.

**DESCRIPTION:**

Owner – Tempe East Kingdom Hall of Jehovah’s Witnesses  
 Applicant – Lauren Leuning  
 Existing Zoning – R1-6, Single Family Residential District  
 Lot Size – 62,471 sf. / 1.43 acres  
 Building Area (Church) – 4,221 sf.  
 Building Area (Pastoral Residence) – 1,189 sf.  
 Total Proposed Parking Area – 30,819 sf.  
 Proposed Parking Landscape Area – 4,826  
 Parking Landscape Percentage Required – 12 %  
 Parking Landscape Percentage Proposed – 15.6 %  
 Existing Parking – 77 spaces  
 Proposed Parking Provided – 87 spaces  
 Proposed Parking Required (Church) – 42 spaces  
 Proposed Parking Required (Pastoral Residence) – 2 spaces  
 Total Proposed Parking Required – 44 spaces

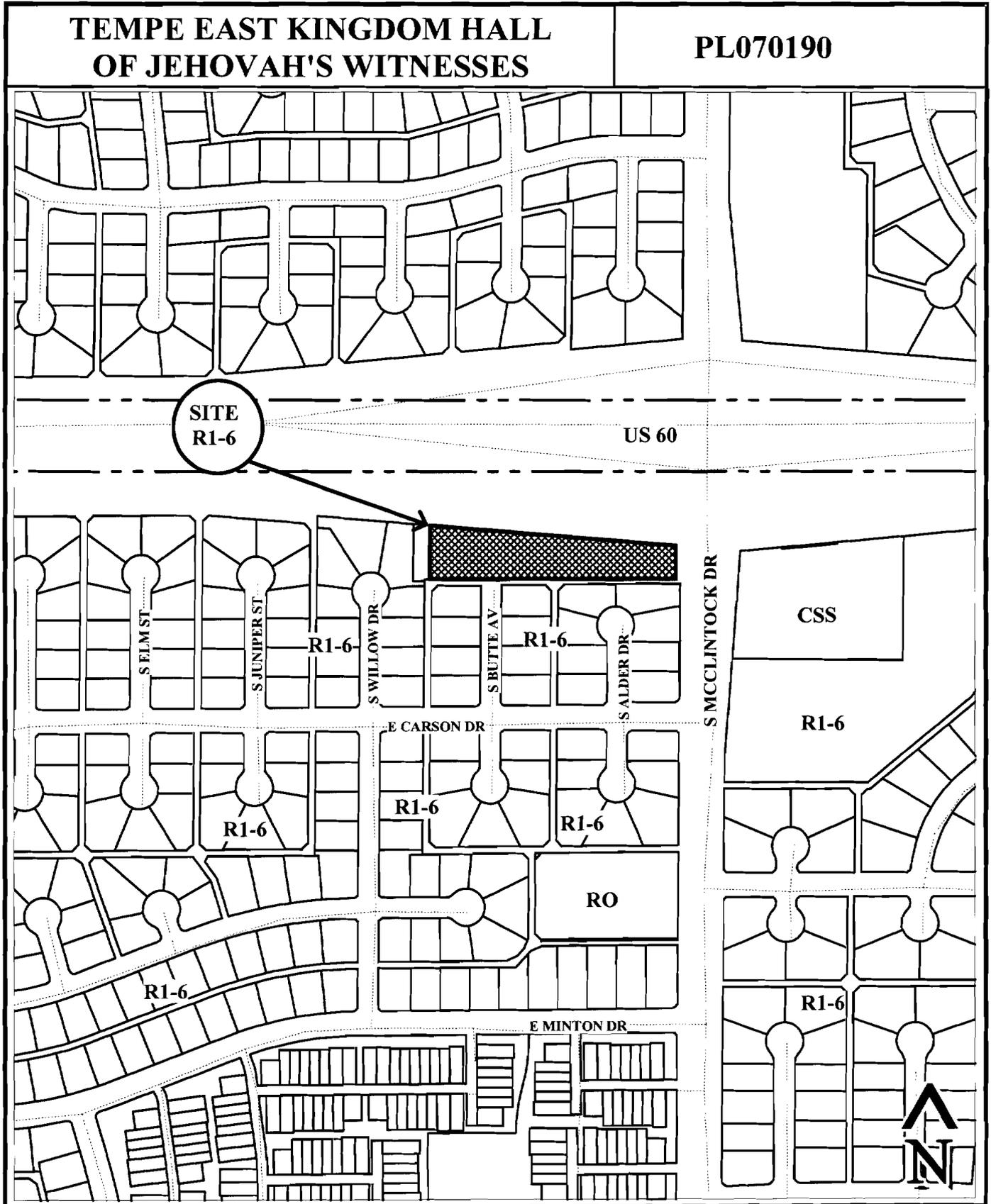
**ZONING AND DEVELOPMENT**

**CODE REFERENCE:**

Part 4, Chapter 6, Section 4-603 – Parking Ratios  
 Part 4, Chapter 7, Section 4-704 – Parking Facility Landscape Standards  
 Part 6, Chapter 3, Section 6-308 – Use Permit

**TEMPE EAST KINGDOM HALL  
OF JEHOVAH'S WITNESSES**

**PL070190**



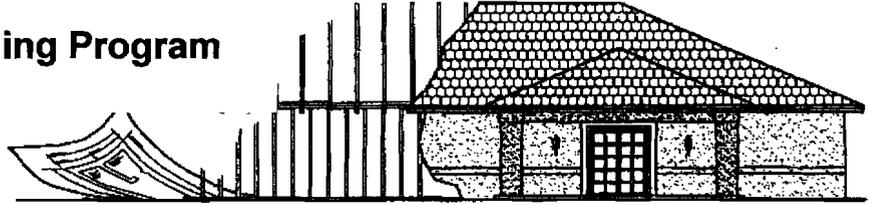
**Location Map**



Tempe East Kingdom Hall of JW (PL070190)

## Arizona Regional Building Program Technical Services

Permit Coordinator  
Lauren Leuning  
1230 E Myrtle Ave  
Phoenix, AZ 85020



Phone: 602-432-3044

E-Mail [laurenleuning@msn.com](mailto:laurenleuning@msn.com)

4/22/2008  
City of Tempe  
31 East Fifth Street  
Tempe, AZ 85281

### **Project: Tempe Pastoral House at 4400 S Butte Tempe AZ 85281**

To Whom It May Concern;

We are writing this letter as a means of explanation and request for a use permit to add approximately ten additional parking spaces to our property.

The existing property is used as a church for several congregations. We are in need of adding a parsonage or pastoral residence on site. This use is allowed in current zoning codes. This project is to add an approximately 850 sq ft livable Pastoral residence with attached garage to the existing property. The residence will have staggered walls and hip rooflines. All materials will match the existing building.

The residence will be a stand alone single family residence. It's visibility from the street will enhance the view of the neighbors as they will see a residence instead of a parking lot. The addition of full xeriscape landscaping throughout the property will enhance the area dulling traffic sound, cooling heat through shade and ground cover.

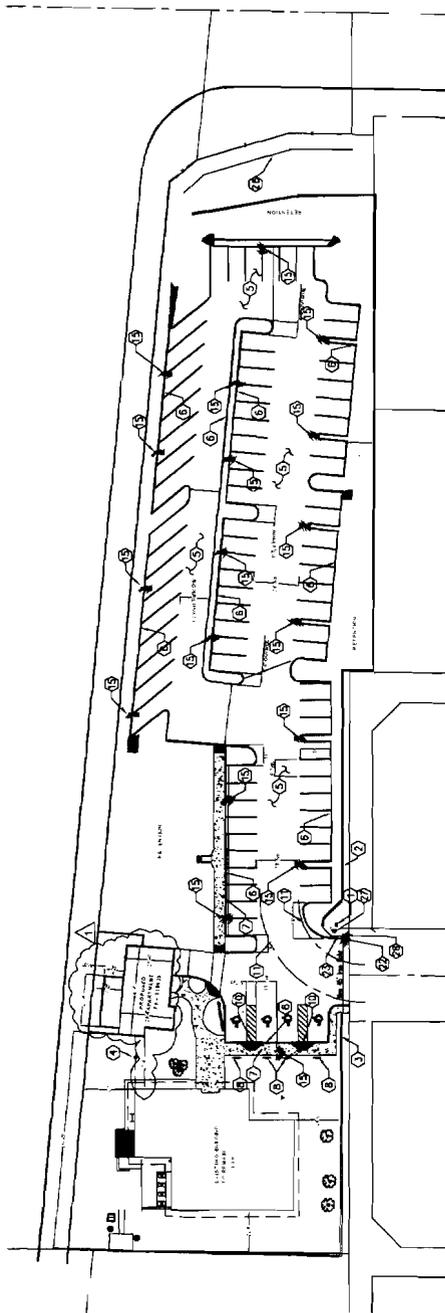
The existing asphalt parking lot is deteriorating and is in need of replacing. Also, there are an inadequate number of parking spaces to meet current use of the building resulting in some members parking on adjacent city streets. We feel that this results in an unsafe condition and also needs to be remedied. To accommodate the existing use we find it necessary to add ten additional spaces. The new design will also allow the construction of ADA compliant parking spaces immediately adjacent to the building. In order to accomplish this project, the existing parking area will be restructured and the landscaping will be upgraded.

Authorized Agent

A handwritten signature in cursive script that reads "Lauren Leuning". The signature is written in black ink and is positioned above the printed name.

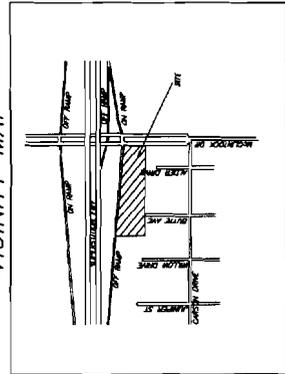
Lauren Leuning

ARCHITECTURAL SITE PLAN  
FOR NEW  
TEMPE EAST PASTORAL RESIDENCE  
4400 S. BUTTE, TEMPE, ARIZONA



**PARKING LOT**  
 PARKING AREA: 33,179 SQ. FT.  
 PAVING MATERIAL: CONCRETE/ASPHALT  
 REQUIRED PARKING /<sup>m</sup> PASTORAL RESIDENCE:  
 1 SPACE FOR EVERY 100 SQ. FT. OF FLOOR AREA  
 4291 TOTAL SQ. FT. = 44 SPACES  
 TOTAL REQUIRED: 44  
 PARKING PROVIDED /<sup>m</sup> PASTORAL RESIDENCE:  
 PARKING SPACES: 83  
 HANDICAP SPACES: 4  
 TOTAL PROVIDED: 87  
 PARKING LOT LIGHT

VICINITY MAP



- BENCHMARK**  
 ELEVATION=1186.01  
 1.00' OF TEMPE LIMBOL  
 BRINKERHOFF  
 MCCLINTOCK & BASELINE
- KEYNOTES**
- 1 EXISTING 1-1/2" WATER SERVICE
  - 2 EXISTING MASONRY SCREEN WALL
  - 3 EXISTING MASONRY SCREEN WALL EXTENDED TO SIDEWALK
  - 4 SANITARY SOWER CLEANOUT
  - 5 2" THICK ASPHALT OVER 4" ABC OVER COMPACTED SUBGRADE.
  - 6 CONCRETE EXTENDED CURB AT PAVEMENT EDGE
  - 7 6" WIDE CONCRETE SIDEWALK UNLESS OTHERWISE NOTED
  - 8 ACCESSIBLE PARKING SIGN
  - 9 ACCESSIBLE PAVEMENT 1:22 MAX. SLOPE
  - 10 ACCEPTABLE ACCESS AND TURNING LANE.
  - 11 PARKING LOT LIGHTS (SEE SHEET E100 FOR LUMINAIR SCHEDULE)
  - 12 FIRE DEPARTMENT ANOX BOX
  - 13 NEW FENCING FROM EXIST WALL TO NEW GATE
  - 14 6-FOOT HIGH MASONRY SCREEN WALL
  - 15 EXISTING FIRE HYDRANT
  - 16 STREET LIGHT TO BE INSTALLED BY CITY OF TEMPE

PROJECT INFORMATION

PROJECT TITLE: TEMPE EAST PASTORAL RESIDENCE  
 4400 S. BUTTE  
 TEMPE, ARIZONA 85282

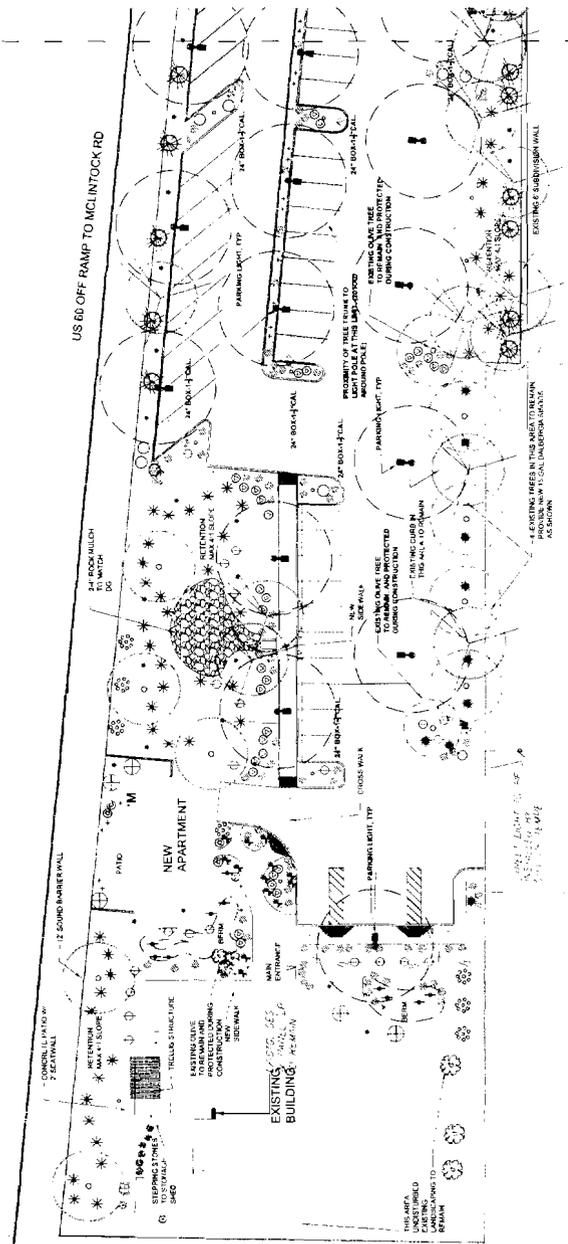
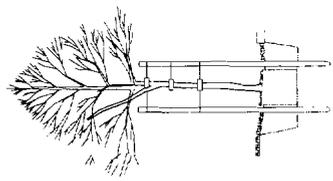
OWNER/APPLICANT: TEMPE EAST CONGREGATION  
 1201 S. MARSHALL  
 C/O JAMES MANUOIA  
 2604 EAST LAND ST.  
 TEMPE, AZ 85287  
 (480) 610-6104

PERMIT COORDINATOR: TEMPE EAST CONGREGATION  
 OF JEROME'S WITNESSES  
 C/O LAURENCE LUMING  
 1201 S. MARSHALL  
 TEMPE, AZ 85287  
 (602) 943-2562

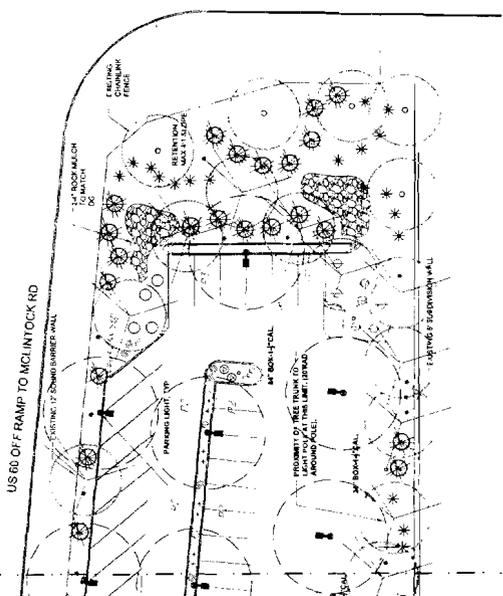
ENGINEER: RICHARD GUTERMAN  
 3500 W. WILLOW STREET  
 CHANDLER, ARIZONA 85286  
 (602) 465-1024

 ARIZONA REGIONAL BUILDING COMMITTEE CARE OF: ALLEN LUTWIG, REGISTERED ARCHITECT (602) 943-1262	UNITED STATES OF AMERICA PASTORAL RESIDENCE TEMPE EAST
	PROJECT: TEMPE EAST PASTORAL RESIDENCE REVISION: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ SCALE: _____ DATE: _____ JOB # _____

TREES						
ACCENTS						
SHRUBS						
GROUNDCOVERS & VINES						
MATERIALS						



SCALE: 1" = 20'-0"



**Graves, Nick**

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**From:** Lauren Leuning [laurenleuning@msn.com]  
**Sent:** Friday, May 02, 2008 4:25 AM  
**To:** Graves, Nick  
**Subject:** FW: Tempe CO APT

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Date: Thu, 1 May 2008 23:03:32 -0700  
From: lyntan30@gmail.com  
To: LaurenLeuning@msn.com  
Subject: Tempe CO APT

Project: Tempe East Pastoral Residence

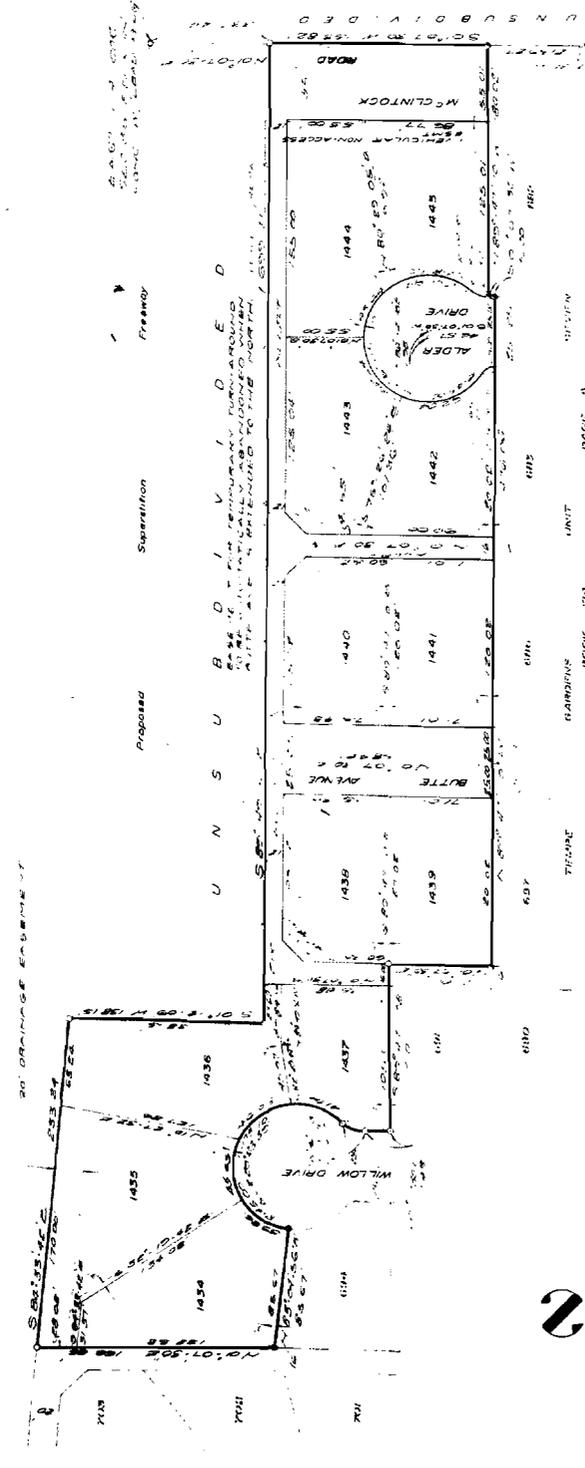
Parking Landscape Data.

Parking area: 30,819 SF  
Landscape areas and Islands: 4,826 SF.

Percentage of Landscape area to Parking area is 4,826 SF. / 30,819 SF x 100 = **15.6%**

# TEMPE GARDENS UNIT SEVEN - A

A SUBDIVISION OF PART OF THE NE 1/4 SE 1/4, SECTION 35, T.1N., R.4E., G.B.S.R.B.M., MARICOPA COUNTY, ARIZONA, AND ALL OF LOTS 692 AND 693, TEMPE GARDENS UNIT SEVEN, A SUBDIVISION RECORDED IN BOOK 124 OF MAPS ON PAGE 5 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER.



**DEDICATION**  
STATE OF ARIZONA  
COUNTY OF MARICOPA  
TOWN OF TEMPE  
TEMPERANCE TITLE INSURANCE & TRUST COMPANY  
of the NE 1/4 SE 1/4, Section 35, T.1N., R.4E., G.B.S.R.B.M., MARICOPA COUNTY, ARIZONA  
Temp Gardens Unit Seven, a subdivision recorded in Book 124 of Maps on Page 5 in the Office of the Recorder and Public Assessor, Maricopa County, Arizona, and all of Lots 692 and 693 in the NE 1/4 SE 1/4, Section 35, T.1N., R.4E., G.B.S.R.B.M., Maricopa County, Arizona, as shown on the plan and map attached hereto. The dedication is made for use as shown on the plan and map attached hereto. The dedication is made for use as shown on the plan and map attached hereto. The dedication is made for use as shown on the plan and map attached hereto.

**ACKNOWLEDGEMENT**  
STATE OF ARIZONA  
COUNTY OF MARICOPA  
TEMPERANCE TITLE INSURANCE & TRUST COMPANY AS TRUSTEE  
of the NE 1/4 SE 1/4, Section 35, T.1N., R.4E., G.B.S.R.B.M., MARICOPA COUNTY, ARIZONA  
Temp Gardens Unit Seven, a subdivision recorded in Book 124 of Maps on Page 5 in the Office of the Recorder and Public Assessor, Maricopa County, Arizona, and all of Lots 692 and 693 in the NE 1/4 SE 1/4, Section 35, T.1N., R.4E., G.B.S.R.B.M., Maricopa County, Arizona, as shown on the plan and map attached hereto. The dedication is made for use as shown on the plan and map attached hereto. The dedication is made for use as shown on the plan and map attached hereto.

**ENGINEER'S CERTIFICATE**  
I, John H. Legg, hereby certify that I am a registered civil engineer of the State of Arizona and that my map containing a subdivision of the NE 1/4 SE 1/4, Section 35, T.1N., R.4E., G.B.S.R.B.M., Maricopa County, Arizona, as shown on the plan and map attached hereto, was prepared in accordance with the laws and regulations of the State of Arizona and that all the monuments shown on the map were set at such locations as are shown on the plan and map attached hereto and that all the monuments are correctly shown on the map and that the same are sufficient to enable the survey to be retraced.

**APPROVALS**  
Approved by the Council of the City of Tempe, Arizona, this 15 day of July, 1971.

Attest:  
Mayor  
City Engineer

Approved by: Planning Director

Approved by: John H. Legg August 7 1971

Approved by: Planning Director

STATE OFFICE  
CITY OF TEMPE  
P.O. BOX 5002  
TEMPE, ARIZONA 85281

85-222992

ORDINANCE NO. 1055

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE ABANDONING A 12 FOOT ALLEY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35 T1N, R4E, G&SRB&M, MARICOPA COUNTY, ARIZONA.

ORDINANCE (CG)

\*\*\*\*\*

WHEREAS, it has been determined by the City Council of the City of Tempe that a certain 12 foot wide alley right-of-way is no longer required,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the hereinafter described alley right-of-way and

NOW, THEREFORE, be it ordained by the City Council of the City of Tempe as follows:

SECTION I: That the City of Tempe does hereby abandon, vacate, and relinquish certain rights, title, and interest over and across the following described parcels, reserving therefrom an easement for existing and future communications and public utility facilities, said parcels described as follows:

Parcel No. 1: That certain 12.00 feet wide alley adjoining the North line of Lots 1443 and 1444 of Tempe Gardens Unit 7A, a subdivision according to Book 140 of Maps, page 18, records of Maricopa County, Arizona and lying between the Northerly prolongation of the East line of said Lot 1444 and the Northerly prolongation of the West line of said Lot 1443.

Parcel No. 2: Commencing at the Northeast corner of Lot 1443 of Tempe Gardens Unit 7A, a subdivision according to Book 140 of Maps, page 18 records of Maricopa County, Arizona; thence North 89°49'50" West along the North line of said Lot 1443 a distance of 125.04 feet to a Northwesterly corner of said Lot 1443; thence South 45°38'50" West a distance of 21.39 feet to a second Northwesterly corner of said Lot 1443; thence North 01°01'30" East a distance of 15.00 feet; thence South 89°49'50" East a distance of 15.00 feet to the Point of Beginning.

SECTION II: That the property affected by this Ordinance is delineated on a map attached hereto as Exhibit "A" which is incorporated herein by reference.

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
MAY 15 1985 -4 00  
KEITH POLETIS, County Recorder  
FEE 300 PGS 4 R.B.

SE 35  
T1N

SE 35  
T1N

(58) 85 222992



**TEMPE EAST KINGDOM HALL OF JEHOVAH'S  
WITNESSES**

**4400 SOUTH BUTTE AVENUE**

**PL070190**

**FRONT OF BUILDING - VIEW TO WEST**



