

August 24, 2023

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP, Community Development Director
Jeff Pregler, AICP, Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2023-068
Conditional Use Permit
Chabad of Sierra Vista
597 E. Fry Blvd.

REQUESTED ACTION:

Approval of a Conditional Use Permit for Chabad of Sierra Vista, to locate a place of worship within a General Commercial (GC) Zoning District, as shown in Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended approval, 4-0.

APPLICANT:

Chabad of Sierra Vista

GENERAL INFORMATION

Location:

597 E. Fry Blvd. (Parcel ID# 106-70-085 (Building); 106-70-085A (Parking))

Zoning:

General Commercial

Site Area:

8,994 square feet MOL

BACKGROUND

The Chabad of Sierra Vista is currently located at 228 E. Fry Blvd. The organization recently purchased property located at 597 E. Fry Boulevard to expand their offerings and services to the community. The site consists of two separate adjacent properties, with one parcel containing the parking areas and the other containing the building. The previous use of the building was also a place of worship, however, the building has been vacant for at least four years.

However, Development Code Section 151.022.006, Matrix of Permissions by Zoning District, requires a Conditional Use Permit (CUP) for a place of worship use in all zoning districts, hence the purpose of this request. The applicant immediately filed for the Conditional Use Permit upon knowing the Development Code requirement.



Subject Property-597 E. Fry Blvd. Looking northwest from Fry Blvd.

REVIEW CRITERIA

No conditional use shall be recommended for approval or receive a final action of approval unless a positive finding based upon substantial competent evidence, either presented at a public hearing held by the Commission, or reviewed personally by the Commission members, is made on each of the following:

A. Standards

- 1. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.*
- 2. The proposed development is timely, considering adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*
- 3. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the district.*
- 4. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use.*

ANALYSIS

Site Suitability:

The church is appropriate for the area for the following reasons:

First, the surrounding properties and uses are commercial. The place of worship, which functions as a commercial use will have minimal impacts on adjacent uses as many of the businesses will be closed during services which are typically on Saturday from 10:00am to 1:00pm.

Secondly, the site is adequately parked for a place of worship. According to the Development Code, the minimum number of parking spaces for places of worship is calculated by measuring total square feet of the main sanctuary divided by 50. The main sanctuary is approximately 900 square feet which would require 18 total parking spaces. There are approximately 16 on-site parking spaces. However, the Development Code does allow for a reduction of two parking spaces for every non required accessible parking space. For this site, only one accessible parking space is required. (1 for every 25) There are two existing accessible spaces on the site, which allows the total required parking spaces to be reduced to 16, meeting the minimum parking standard. The applicant has stated that there is an average attendance between 3-8 individuals per service. During holiday services, participation averages about 20 individuals per service. However, one vehicle will typically have at least two members attending the services, so the number of vehicles will be less.

According to the ITE Parking Generation Rates-4th Addition, a synagogue, which was the most applicable use, has a weekday value of 0.41 parking spaces per attendee. If 20 vehicles are used as the number of units, only 8 vehicles are needed to meet the parking demand. The number of units for a weekend was not provided in the ITE rates. Furthermore, any additional

on-street parking will be accommodated with the construction of a new grant funded sidewalk proposed along the western side of 5th street, which will provide safe pedestrian connectivity to Chabad of Sierra Vista.

Ability to Serve:

There are currently two access points into the site, one from Fry Boulevard and one from 5th Street. According to the ITE Trip Generation Rates, the average Saturday vehicle trips for a place of worship per 1,000 square feet of gross floor area is 25.8 vehicles. The gross floor area of the main sanctuary is 900 sf MOL. Therefore, the average vehicle trips on Saturday will be less than 25 vehicles which can be accommodated by both 5th Street and Fry Blvd. The building is connected to an 8-inch sewer which has the ample capacity for the place of worship.

Compatible with Surrounding Area:

As previously stated, the surrounding zoning and land uses are commercial. Many of the businesses are closed during the services, so there should be minimal impacts of the surrounding area.

Consistency with General Plan:

This request does not conflict with the goals, objectives and policies of all elements of the City of Sierra Vista General Plan (VISTA 2030) and specifically satisfies the following goals:

- Goal 1-1, Increase citizen participation in the governmental decision process.
- Goal 13-1, Maintain, improve, and revitalize older areas of the community.

Public Correspondence/Comment:

The City is required to notify the public of the dates and times of the public hearings and request comment from any interested parties. Notification consisted of a mailing to all property owners within 500 feet of the applicant's property, a posted sign on the property, and a display ad in the Sierra Vista Herald. The City has received no public comments regarding the proposed use.

RESOLUTION 2023-068

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING VISTA 2030, THE CITY OF SIERRA VISTA GENERAL DEVELOPMENT PLAN, APPROVING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP, LOCATED ON PARCEL 106-70-085, AT 597 E. FRY BLVD., AS SHOWN IN EXHIBIT A; FINDING THE REQUEST TO BE CONSISTENT WITH THE GENERAL PLAN AND THE STANDARDS SET FORTH BY ARTICLE 151.26 OF THE SIERRA VISTA DEVELOPMENT CODE AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the provisions of A.R.S. 9-4622.0,C.1 and Article 151.26 of the City Code, permits uses on a conditional basis to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.26 of the City Code, the applicant, Chabad of Sierra Vista, has submitted an application for a Conditional Use Permit (CUP) for a place of worship to be located within a General Commercial Zoning District; and

WHEREAS, Article 151.26 of the City Code requires that the Mayor and City Council to review all applications for Conditional Use Permits; and

WHEREAS, as required by Article 151.26 of the City Code, the Mayor and City Council held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Mayor and City Council considered all of the facts of the application, including the recommendation of the Planning & Zoning Commission, and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS:

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Development Plan are reaffirmed: Goal 1-1, provide ample opportunities for citizen participation. Goal 13-1, maintain, improve, and revitalize older areas of the community.

SECTION 2

That the Conditional Use Permit allowing a place of worship located at 597 E Fry Blvd., as shown in Exhibit A, be, and hereby is, approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 24TH DAY OF AUGUST 2023.

CLEA MCCAA II
Mayor

APPROVED AS TO FORM:

ATTEST:

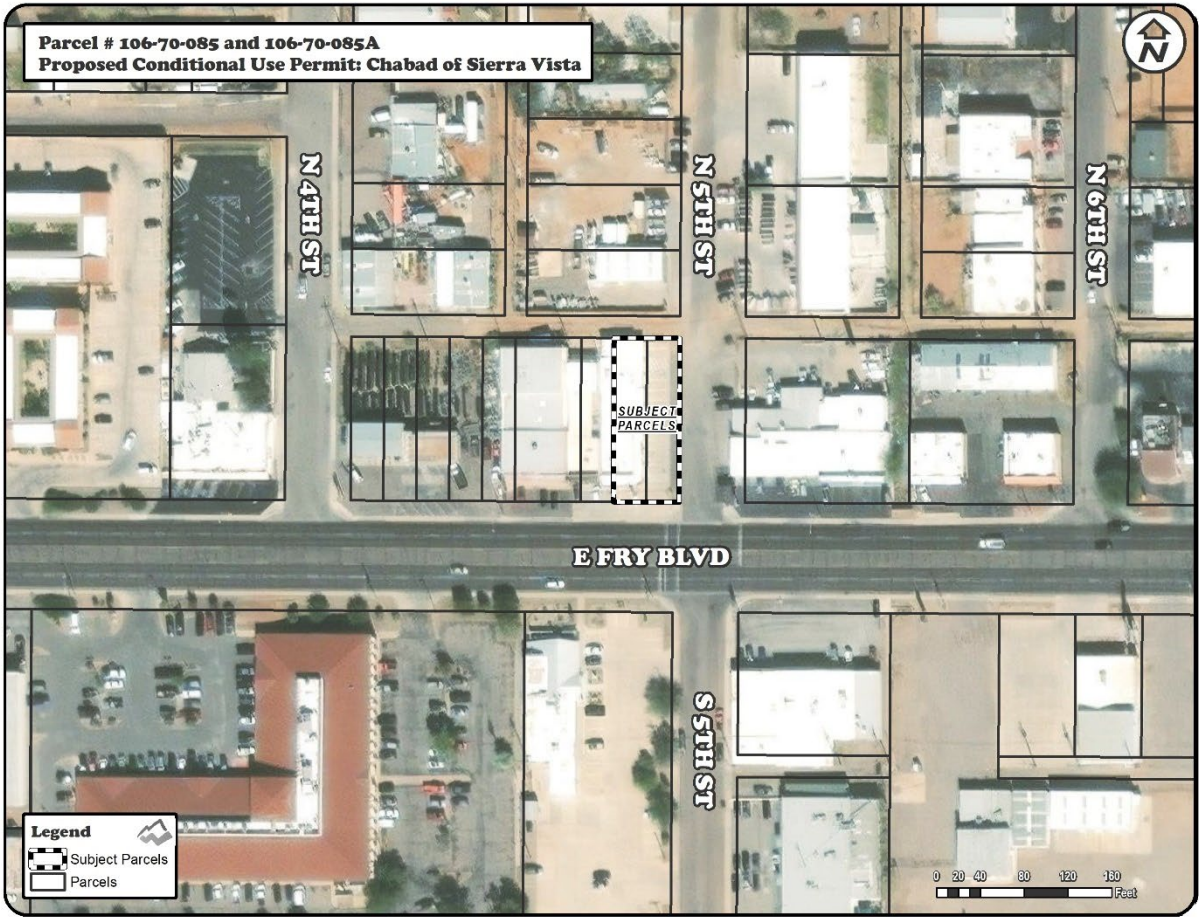
NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk



PREPARED BY:

Jeff Pregler, AICP, Senior Planner

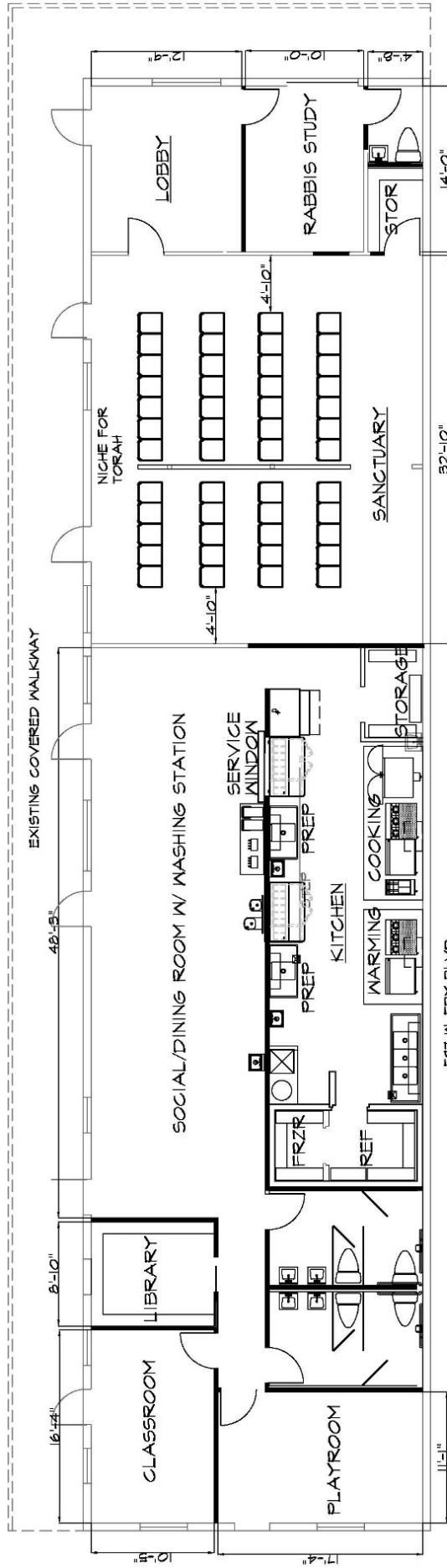
Parcel # 106-70-085 and 106-70-085A
Proposed Conditional Use Permit: Chabad of Sierra Vista



Legend

-  Subject Parcels
-  Parcels

0 20 40 80 120 160
Feet



581 N. FRY BLVD
 PRELIMINARY CONCEPTUAL PLAN
 04/18/23