

STAFF REPORT TO THE ZONING ADMINISTRATOR

CASE NO.: CONDITIONAL USE PERMIT NO. CUP-113-74
APPLICANT: OUR REDEEMER LUTHERAN CHURCH
LOCATION: 12301 MAGNOLIA
HEARING DATE: SEPTEMBER 18, 1974
ANALYST: JOSEPH MOON

REQUEST: The applicant, Our Redeemer Lutheran Church, is requesting approval of a conditional use permit to permit the establishment of a pre-school in existing church facilities in the R-1, One Family Residential zone.

GENERAL PLAN IMPLICATIONS:

Land Use: The Land Use Element of the General Plan designates low density residential use for the subject property. The proposed use, in conjunction with the existing church, is a permitted use in the R-1 zone (One Family Residential) subject to approval of a conditional use permit.

Surrounding Zoning:

1. North: Zoned R-1 and improved with a cemetery.
2. South: Zoned R-1 and improved with one family residential.
3. East: Zoned R-1 and improved with one family residential.
4. West: Zoned R-1 and improved with one family residential.

Fire Protection: The subject property is located approximately 1 mile from Fire Station No. 2, located at 11805 Gilbert Street. The subject property is within the recommended travel distance for fire suppression vehicles serving residential uses.

INTERDEPARTMENTAL COMMENTS AND FEES:

Engineering-Traffic: No street lights required at this time. The City of Garden Grove is proposing median lighting to be installed in conjunction with the future street improvement project.

All other reporting agencies have no comments.

BACKGROUND: The subject church was approved by the Planning Commission in August 1960 (CUP-113-60). A variance request (V-115-60) permitting parking in the required front yard setback was approved by the Planning Commission in March 1961. The present 2.99 acre site was created by LS-101-65 which divided the original five (5) acre parcel.

PROPOSAL: The proposed pre-school will utilize existing church facilities to conduct their operation. The intended use is basically a continuation of the church sponsored pre-school program. No significant changes are contemplated to the buildings or grounds except providing an enclosed playground area. The proposed facility's hours of operation will be from 7:30 a.m. to 5:30 p.m. Approximately 42 children ranging in age from 2½ to 6 years will be utilizing the existing Sunday school building for instruction under the control of professionally trained teachers.

SITE CONSIDERATION: The existing church and associated facilities are bounded by the Magnolia Memorial Park Cemetery on the north and west, with residential uses to the south. The subject property is served by driveways on the north and south which provide access to the parking areas. The development is adequately landscaped as is evident from the front on Magnolia Street. The area at the rear of the buildings contains approximately 23,400 square feet of landscaped area, 7,200 square feet of which will be used for providing required play area. A six foot high block wall separates the subject property from residential uses on the south. As mentioned above, existing facilities will be used to accommodate the proposed use, which includes the existing Sunday school building. The 153 parking spaces provide ample parking for both the teachers and parents dropping off and picking up their children. The heretofore mentioned playground area will be required to be enclosed with chain link fencing and self-closing self-latching gates.

STAFF EVALUATION AND RECOMMENDATIONS: The proposed pre-school would appear to be compatible with the surrounding area in that the existing church facilities front on Magnolia Street and are bounded by the Magnolia Memorial Park Cemetery on the north and west. A six foot high concrete block wall separates subject property from the residential uses on the south. The Municipal Code provides that pre-schools in conjunction with churches require approval of a conditional use permit prior to their establishment. Regulations governing subject proposal are contained in Municipal Code Section 9204. The staff has reviewed the subject proposal in relation to the requirements of Municipal Code Section 9204 and the criteria established by Municipal Code Section 9219.4 entitled "Purpose of a Conditional Use Permit".

STAFF EVALUATION AND RECOMMENDATIONS (Continued):

All these criteria appear to have been satisfactorily complied with in spirit and intent. Approval is recommended subject to the following conditions of approval:

1. All play areas shall be completely enclosed by a chain link fence with entrance and exit points equipped with self-closing, self-latching gates.
2. Approval of this conditional use permit shall commit any owner of the subject development to the use proposed by the applicant. Any change in the use described as a "Pre-School or Day Care Nursery" shall require the approval of a new Conditional Use Permit application.

ZONING ADMINISTRATOR

DECISION NO. 424

CONDITIONAL USE PERMIT NO. CUP-113-74

OUR REDEEMER LUTHERAN CHURCH

OCTOBER 4, 1974

This is a conditional use permit pertaining to property located on the west side of Magnolia Street, north of Lampson Avenue at 12301 Magnolia Street.

A public hearing was held on September 18, 1974 and all testimony presented at the public hearing and all evidence applicable to this case have been considered.

The applicant is requesting approval of a conditional use permit for the establishment of a pre-school in conjunction with existing church facilities on an approximately 2.99 acre parcel in the R-1, One Family Residential zone. The City has determined this action to be categorically exempt from the preparation of an Environmental Impact Report.

The applicant stated that the request is completely consistent with the present use of the facilities, and it is probably an oversight that approval of this request was not included with their conditional use permit application approved in 1970.

The Municipal Code provides that a Church may establish a pre-school on the site with the approval of a conditional use permit to assure compatibility with adjoining uses. Churches are a permitted use in the R-1 zone and therefore it is reasonable to review this type use to adjoining dwellings in the relationship of traffic circulation, noise of the children, and location of play areas and their protection.

In the subject application, the site has an adjoining cemetery to one side and the rear. Single family dwellings adjoin the site on the other side. This side has a six foot masonry block wall. The church site has approximately 23,400 square feet of landscaped area of which about 7,200 square feet will be used for play area. The play area will be enclosed with a chain link fence.

It would appear that the site offers ample facilities for such a use. The applicant has assured adequate play area with protection afforded the local residents as well as the children served. The applicant has satisfactorily complied with the spirit and intent of the criteria established for the approval of conditional use permits.

In consideration of the evidence submitted and after a review of the criteria established for the granting of conditional use permits, it is hereby determined the Conditional Use Permit No. CUP-113-74 should be and is hereby approved subject to the following conditions:

1. All play areas shall be completely enclosed by a chain link fence with entrance and exit points equipped with self-closing, self-latching gates.
2. Approval of this conditional use permit shall commit any owner of the subject development to the use proposed by the applicant. Any change in the use described as a "Pre-School or Day Care Nursery" shall require the approval of a new Conditional Use Permit application.

/s/ STEWART O. MILLER
ZONING ADMINISTRATOR

The appeal deadline for the subject case is October 11, 1974.