

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 05/28/2024  
Agenda Item: 4**

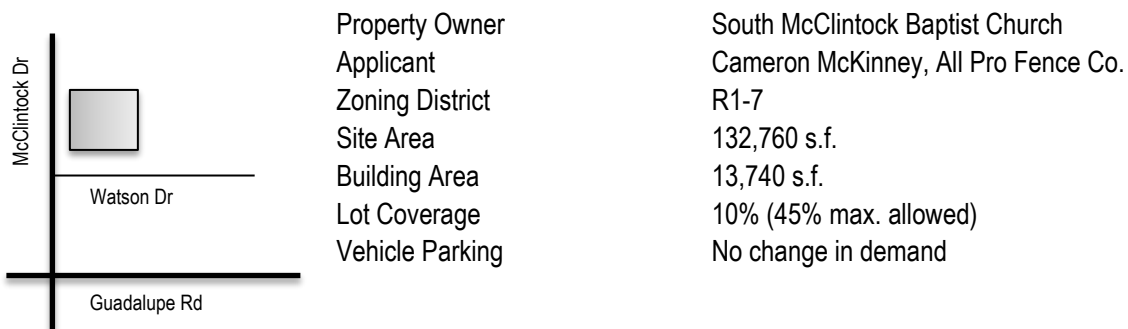
**ACTION:** Request a Use Permit to allow a six (6) foot high fence within the front yard setback for **JAMES MADISON PREPARATORY**, located at 5815 South McClintock Drive. The applicant is All Pro Fence Co.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** **JAMES MADISON PREPARATORY** (PL240093) is a charter school located on the southern portion of the property with an existing place of worship (Tempe Christian Church) on the northern portion. The applicant is proposing a six (6) foot high fence to enclose the southern yard of the property. The request includes the following:

ZUP240036 Use Permit to allow a six (6) foot tall fence within the front yard setback.



**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lucas Jensen, Planner I (480) 350-8023

Department Director: Jeff Tamulevich, Community Development Director  
Legal review by: N/A  
Prepared by: Lucas Jensen, Planner I  
Reviewed by: Michelle Dahlke, Principal Planner

**COMMENTS**

James Madison Preparatory is located on the northeast corner of McClintock Road and Watson Drive. Existing uses on the property include a place of worship and a charter school. Adjacent uses include single-family residences to the west (across McClintock Drive), south (across Watson Drive), and east, with a commercial plaza to the north. The applicant is proposing a six (6) foot tall steel picket fencing around the western, southern, and northern portion of the open space area on the south side of the property. The steel picket fencing is preferred by staff at this location due to the ability to provide natural surveillance to and from the site while providing security and enhanced design. The applicant is seeking a Use Permit to allow a six (6) foot wall within the front yard setback along Watson Drive to retain available private open space and enhance site security. Due to the daytime nature of the use, lighting requirements at the gate are not applicable, but have been recommended to the applicant to enhance the safety on site.

This Use Permit request is being processed concurrently with a Minor Development Plan Review, which will establish the location and design of the fence. The Minor Development Plan Review is currently under review by staff and must be approved before construction can proceed.

**PUBLIC INPUT**

None received at the time of this report.

**USE PERMIT**

The proposed design requires a Use Permit to allow a six (6) foot high fence within the front yard setback within the R1-7, Single-Family Residential zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed addition of a fence on the property will not increase vehicular or pedestrian traffic. Lighting has been recommended at all gate entrances to increase pedestrian safety.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed addition will not create a nuisance exceeding ambient conditions.
3. *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 proposed fence addition is constructed of steel picket, which does not conflict with any elements of adopted plans in the area.
4. *Compatibility with existing surrounding structures and uses*; an existing two (2) foot high wall on the east side of the property has been removed to provide continuity in their design and to be compatible with existing structures.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the addition of a fence is intended to provide enhanced security and prevent disruptive behavior.

**REASONS FOR APPROVAL:**

Based on the information provided by the applicant, the public input received and the above analysis, staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

**CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

2. **The fence shall not conflict with the location of existing water utilities. Six (6) feet of horizontal clearance must be provided from existing underground water lines and the fencing shall not restrict access to fire hydrants or water utility boxes.**

**CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

**USE PERMIT:**

- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to [www.tempe.gov/signs](http://www.tempe.gov/signs).

**HISTORY & FACTS:**

None relevant to this project.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

[Section 6-308, Use Permit](#)



**Tempe.**

# **DEVELOPMENT PROJECT FILE**

for

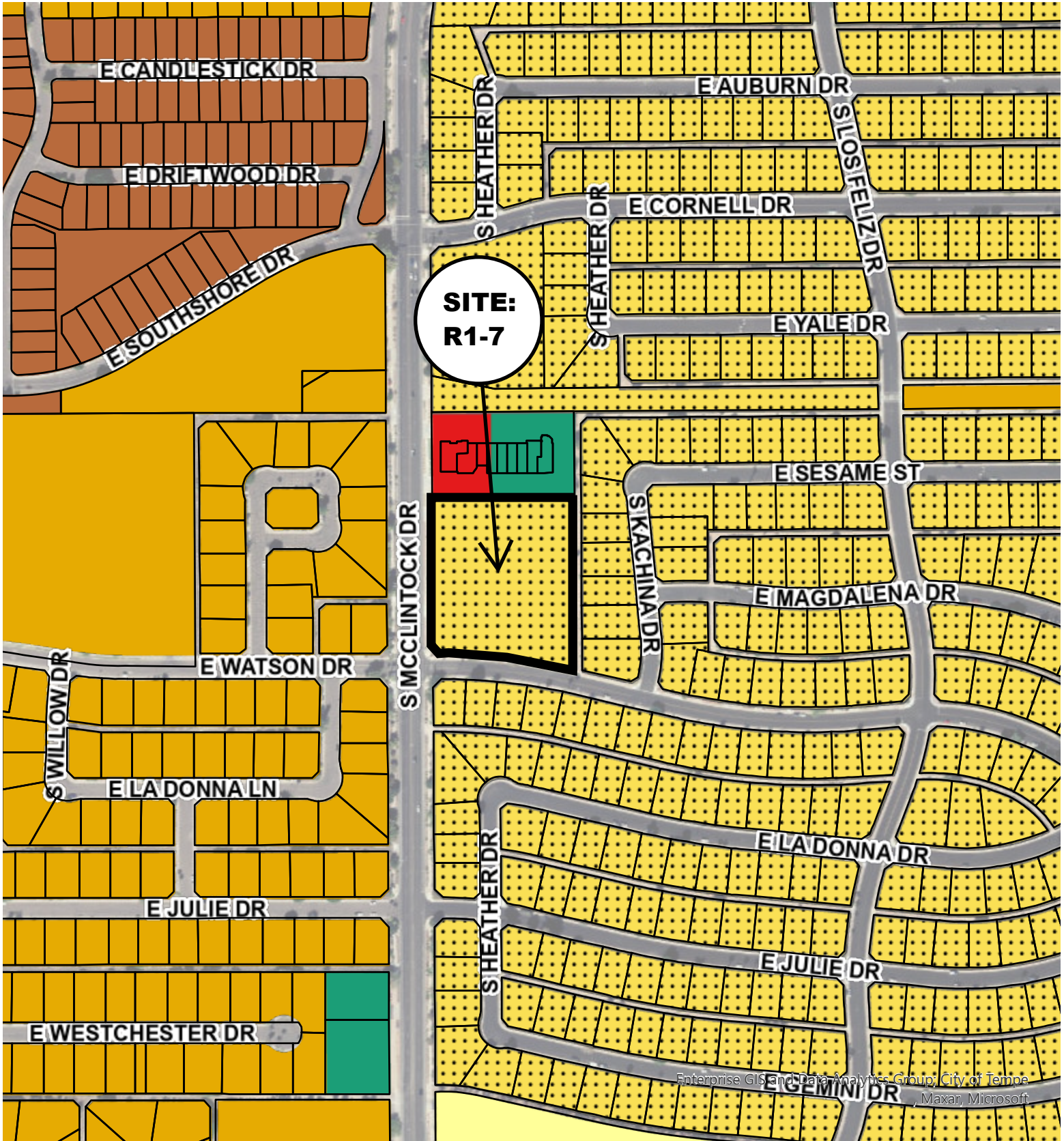
**JAMES MADISON PREPARATORY  
(PL240093)**







## **ATTACHMENTS:**

1. Zoning Map
2. Aerial Map
- 3-5. Site Photos
- 6-9. Applicant's Letter of Explanation
10. Site Plan
11. Blackline Fence Elevations

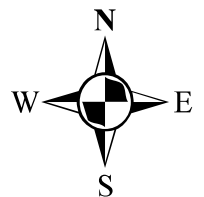
# JAMES MADISON PREPARATORY

PL240093



- |  |  |   |                                  |
|--|--|---|----------------------------------|
|  | Commercial Shopping and Services (CSS) |  | Single-Family Residential (R1-7) |
|  | Residential/Office (RO)                |  | Single-Family Residential (R1-6) |
|  | Agricultural (AG)                      |  | Multi-Family Residential (R-2)   |

Enterprise GIS and Data Analytics Group, City of Tempe  
Maxar, Microsoft

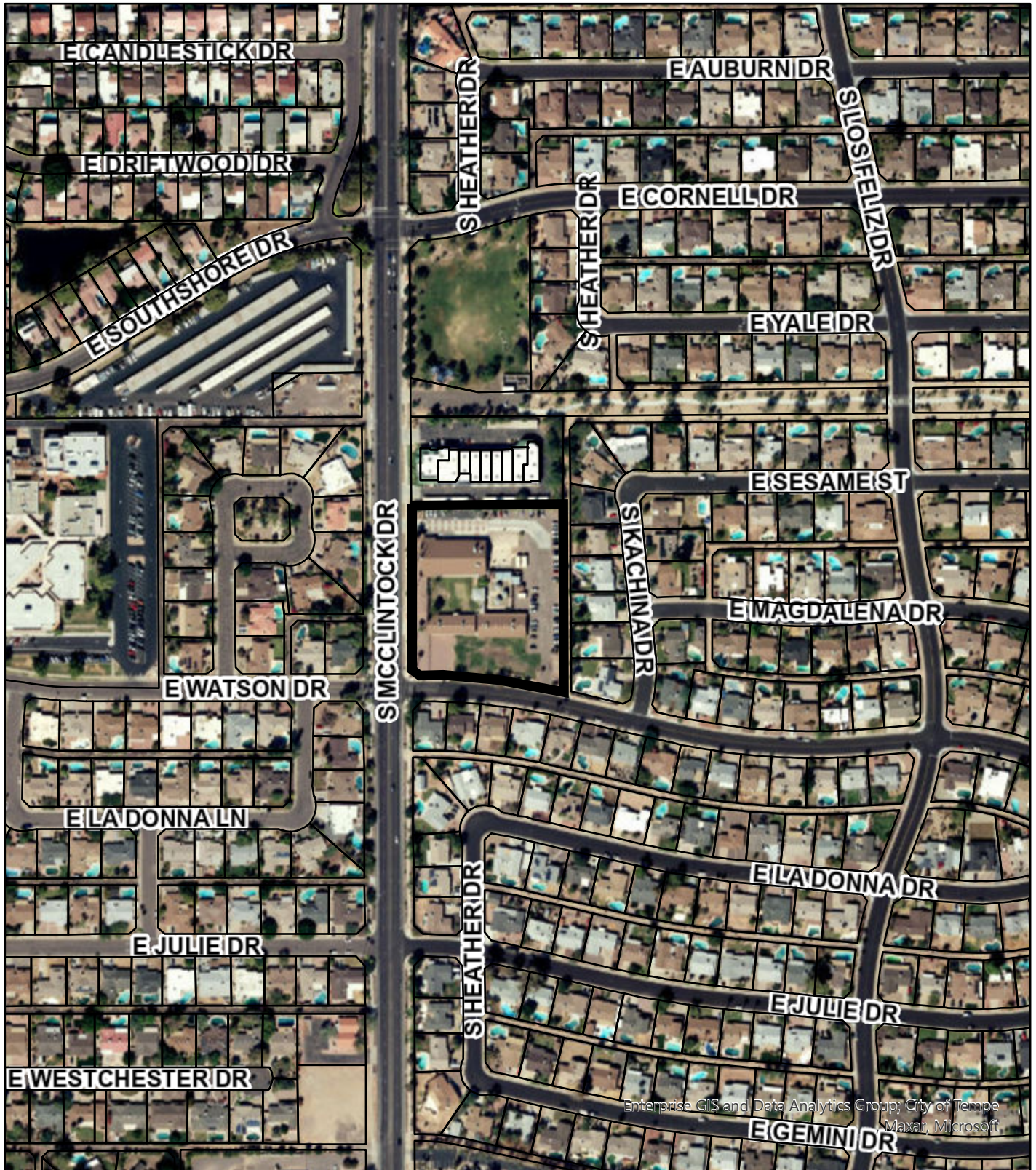




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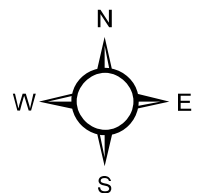
PL240093

# JAMES MADISON PREPARATORY

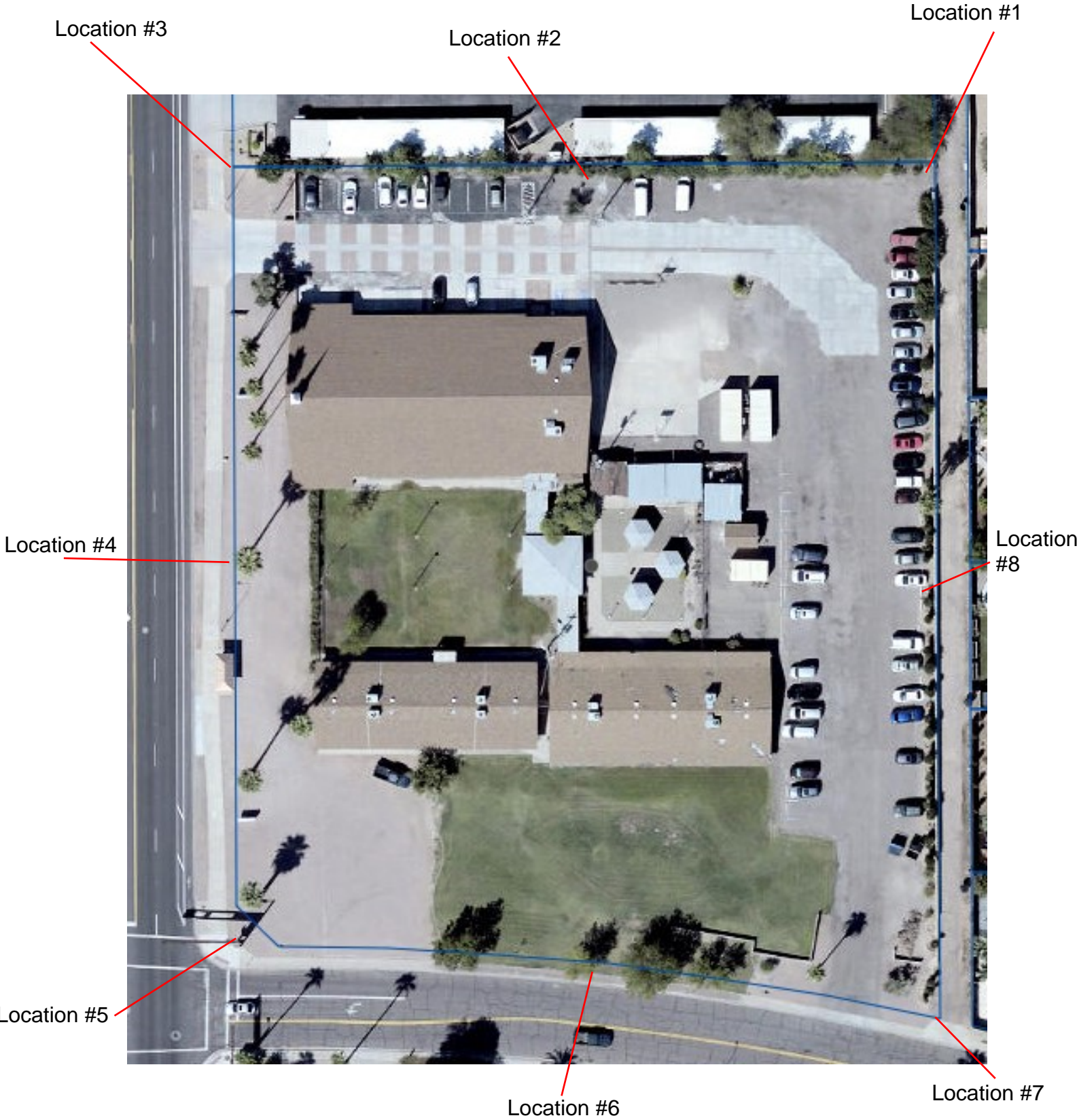


Enterprise GIS and Data Analytics Group; City of Tempe  
Maxar, Microsoft

## Aerial Map



# James Madison Preparatory School Context Photos



Location #1 NE



Location #2 N



Location #3 NW



Location #4 W



Location #5 SW



Location #6 S





Location #7 SE



Location #8 E





**James Madison Preparatory School**  
Stephen C. Batchelder, Governing Board President and Co-founder  
Debra A. Caves, Governing Board Vice President and Principal  
5815 South McClintock Drive, Tempe, AZ 85283  
Phone: 480-345-2306 [www.madisonprep.org](http://www.madisonprep.org) Fax: 480-345-0059

April 8, 2024

To whom it may concern:

I am writing to request that you approve our permit to install a 6-foot fence on our school property located at 5815 S. McClintock Dr, Tempe, AZ 85283. The primary purpose of the fence is to provide security for our students and the school property; however, we do feel that it will help with the curb appeal as well. There was a masonry screen wall that some of our staff have already removed. The current existing wrought iron fence will be removed once the permit has been approved.

We have had to contact the police due to outside incidents and security issues, there was a deadly shooting across the street, homeless people sleeping or walking through our campus, and some issues with vandalism.

I believe that the installation of a 6-foot fence will significantly enhance the security for both our students and our property. It will also provide some peace of mind for parents, students, and school staff.

I kindly request that you approve our permit to build a 6-foot fence around our school property.

### **Use Permit Approval Criteria:**

- Any significant vehicular or pedestrian traffic in adjacent areas:
  - One of the reasons for the fence is to keep people from walking across the field in front of the school. Designated public walkways and streets will not be affected.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions:
  - Emissions from installation of the fence will be minimal. The Emissions after completion will be zero.

- Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives, or policies of the city’s adopted plans for General Plan:
  - The fence style we are asking for is an attractive Ornamental Iron Fence that will improve the look of the property.
- Compatibility with existing surrounding structures and uses;
  - The fence will be compatible with the surrounding structures because there is a school operating in those structures. A fence will increase the security of the property and students attending the school.
- Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
  - Installation of a fence will decrease disruptive behavior by limiting access to the property and deterring loitering.

**Minor Development Review Criteria:**

**1. Placement, form, and articulation of buildings and structures provide variety in the streetscape;**

Not applicable; no new buildings or structures proposed.

**2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;**

Not applicable; no new buildings proposed.

**3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;**

Materials to consist of 16 gauge galvanized steel panels and 11 gauge galvanized steel posts which provides durability and resistance to corrosion. All materials to be powdercoated, further increasing the longevity and appearance of the fence

**4. Building, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;**

The fence elevation will have a 6' overall height.

**5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level;**

Not applicable; no new buildings proposed

**6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries walkways with particular attention to proportionality, scale, materials, rhythm, etc) while responding to varying climatic and contextual conditions;**

Not applicable; no new buildings proposed and no changes to existing buildings proposed

**7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;**

Proposed Fence is outside of traffic lanes or pedestrian walkways

**8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;**

Proposed Fence will not impact any existing vehicular traffic

**9. Plans appropriately integrate crime prevention through environmental design principles such as territoriality, natural surveillance, access control, activity support, and maintenance**

Installation of a fence will increase the security of the school by preventing access to the school grounds.

**10. Landscape accents and provides delineation from parking, buildings, driveways and pathways;**

No proposed changes to landscaping

**11. Signs have design, scale, proportion, location, and color compatible with the design, colors, orientation and materials of the building or site on which they are located; and**

No new signs proposed

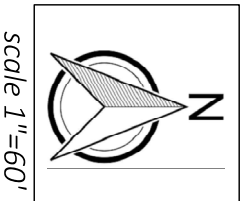
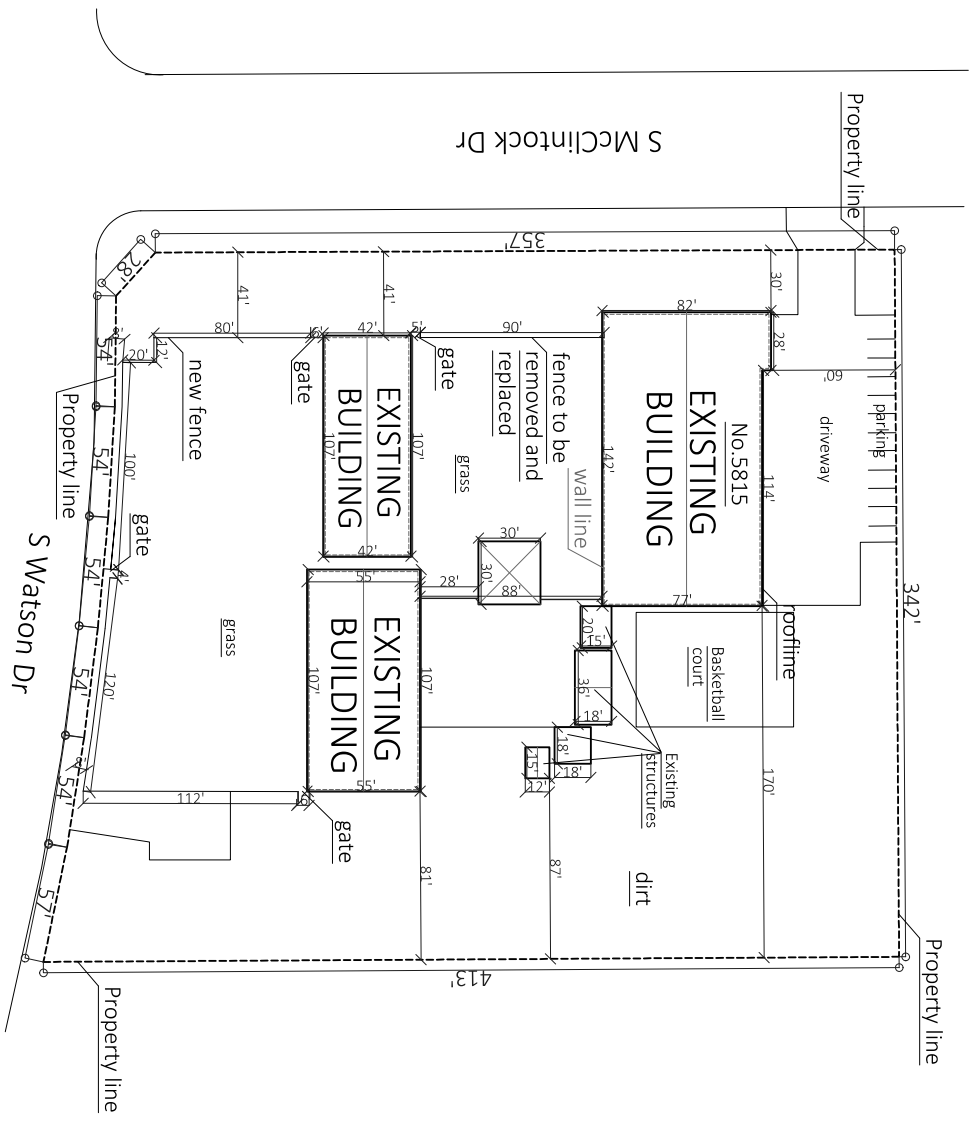
**12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses and does not create negative effects.**

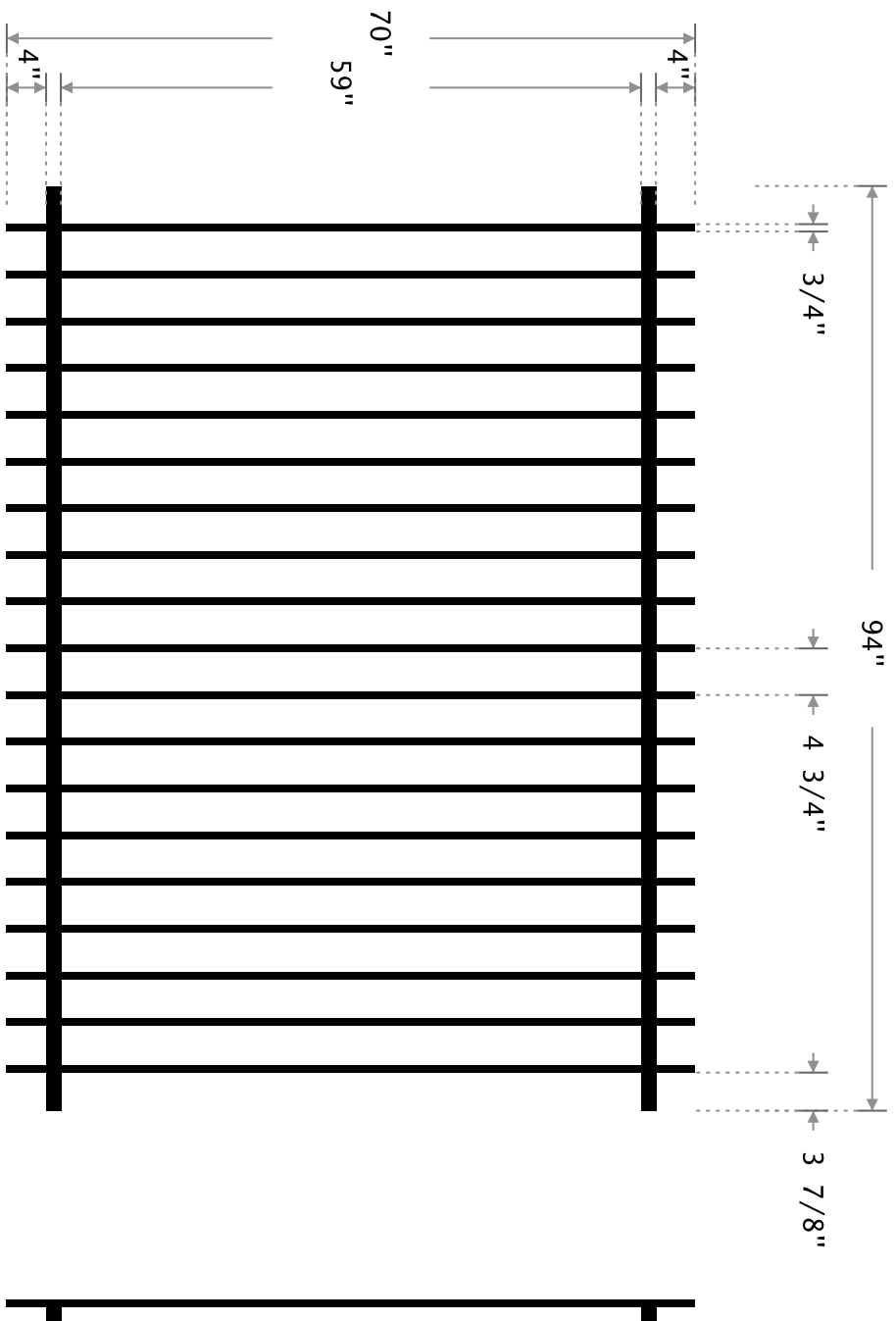
No proposed lighting changes.

Sincerely,

Debra Caves  
(480) 345-2306  
dcaves@madisonprep.org

**S I T E P L A N**  
**5815 S McClintock Dr**  
**Tempe, AZ 85283**  
**Parcel ID: 301-01-474C**  
**Lot area: 3.05 Acres**  
**Paper Size: 11"X17"**





**Kent Panel Specifications**

Secure Weld Kent Commercial  
 Top Rail: 1 1/2" SQ. X 94" PRE-GALV 14 GA RAIL  
 Bottom Rail: 1 1/2" SQ. X 94" PRE-GALV 14 GA RAIL

Pickets: 3/4" SQ. X 24' PRE-GALV 16 GA PICKET  
 O.C. Picket Space: 4-3/4"  
 End Spacing: 3-7/8"

Pickets Face Welded  
 Coating: BLACK POWDER COATING W/PRIMER

Title: All Pro Fence - Cameron		By: Rita		Cust #: 167551	
Desc: 70x94 CM KN BK		Date: 5/7/2024		Job #:	