

## SUMMARY OF AGENDA ITEM

**DATE:** September 10, 2009  
**TO:** Mayor and Council  
**FROM:** Ray Erlandsen, Acting Community Development Director   
**SUBJECT:** 500 S. Mud Springs Road – CUP-173-09A  
Appeal of CUP-173-09  
Applicant: Payson Community Christian School

---

### PURPOSE:

An appeal of the Planning and Zoning Commission's decision to approve CUP-173-09, a request by the Payson Community Christian School to amend the site plan of CUP-111-03, a previously approved conditional use permit which allowed a school use in a residential zoning district at 500 S. Mud Springs Road, Gila County Tax Parcel #'s 304-02-074 and 304-04-221.

### SUMMARY:

The Planning and Zoning Commission heard this case on July 13, 2009. The staff report recommended approval with six conditions. The Planning and Zoning Commission approved the application on a 5-1 vote (Chairman Goddard dissenting) amending Condition #3 and adding Conditions #6 through 10 (see attached motion). The applicant for this appeal, the Payson Community Christian School, subsequently has filed a written appeal to the Town Council of the Planning & Zoning Commission's conditions of approval for CUP-173-09, specifically listing Condition #3 (letter attached).

The attached staff report to the Commission, dated July 13, 2009, contains background information regarding the 2003 Planning & Zoning Commission's decision and subsequent appeal to the Town Council.

The Unified Development Code, Section 15-09-004(D)(3), states "The Town Council may reverse, affirm or modify the decision of the Commission following the conclusion of the public hearing."

Basically, the Council may approve the CUP appeal (reverse), deny the CUP appeal (affirm), or add/remove any conditions they want (modify).

**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION OR  
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- |  |  |
|--|--|
| <input type="checkbox"/> Abandonment Request         | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal       | <input type="checkbox"/> Minor Land Division                     |
| <input type="checkbox"/> Code Amendment              | <input checked="" type="checkbox"/> P & Z Commission Appeals     |
| <input type="checkbox"/> Conditional Use Permit      | <input type="checkbox"/> Preliminary Subdivision Plat            |
| <input type="checkbox"/> Development Master Plan     | <input type="checkbox"/> Temporary Use Permit                    |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance                                |
| <input type="checkbox"/> Final Subdivision Plat      | <input type="checkbox"/> Zone Change                             |

May, 2007

Project Address: 500 S. mud springs Road Tax Parcel Number: 304-04-221, 304-02-07  
 Subdivision: Russell, E: J Mountain Estates A Lot Number: \_\_\_\_\_  
 Name of Applicant(s): Payson Community Christian School Phone #: 928 474 8050  
 Mailing Address: 213 S. Colcord Road Town: Payson St: Az Zip: 85541  
 Name of Property Owner(s): Payson Community Christian School  
 Mailing Address: 213 S. Colcord Road Town: Payson St: Az Zip: 85541  
 Contact Person: Teresa Purtee Phone #: 928 474 8050 Fax #: 928 468 1176  
 Payson Business License # n/a Sales Tax # Tax ID# 86-0772182

Detailed Description of Request:

Appeal the amended CUP-111-03 Site Plan. Needing a dead line for fence, to be required. A dead line for response on a wall or note, from property owners.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent in his behalf.

Teresa Purtee  
Print Name

[Signature]  
Signature

8-12-09  
Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: <u>P+Z Commission Appeal</u> <u>\$200.00</u>  CHECK NUMBER: <u>11520</u> DATE: <u>8-12-09</u>
DATE FILED	<u>8-12-09</u>	<u>SPD</u>	
COMPLETED APPLICATION	<u>8-12-09</u>	<u>RS</u>	
NEWSPAPER PUBLICATION	<u>8-25-09</u>	<u>RS</u>	
300' NOTIFICATION MAILOUT	<u>8-27-09</u>	<u>RS</u>	
POSTING DATE	<u>8-26-09</u>	<u>RS</u>	

RECOMMENDATION		DECISIONS	
By:	Date:	By:	Date:



# **Payson Community Christian School**

**“Home of the Soaring Eagles”**

**Isaiah 40:31**

**From the desk of Mrs. Purtee**

**Date: August 28, 2009**

**To: Ray Erlandsen**

**Subject: CUP-173-09 Appeal**

**Comments:**

**We would like to appeal the Planning and Zoning Commissions approval of our Conditional Use Permit # CUP-173-09 item number 3. We are requesting the following changes for the reasons stated.**

- 1. That a date restriction be placed on the permit when the permit is approved so no further changes can be made for future homeowners.**
- 2. That a 6 foot fence be installed instead of a 8 foot block wall to be more compatible with the area.**

**Thank you for your considerations.**

**Teresa Y. Purtee, Administrator  
Payson Community Christian School  
213 S Colcord Road, Payson, AZ 85541  
Phone: (928) 474-8050  
Fax: (928) 468-1176  
E-mail: [tpurtee@paysonchristianschool.org](mailto:tpurtee@paysonchristianschool.org)**

## **CUP-173-09 – Conditional Use Permit – Site Plan Amendment**

### **P & Z Commission Motion**

**July 13, 2009**

### **500 South Mud Springs Road**

Lori Meyers moved, seconded by James Scheidt, to approve CUP-173-09, a request to amend the site plan for CUP-111-03, a conditional use permit (CUP) approved in 2003, to allow a school use at 500 South Mud Springs Road in a R1-10-MH zoning district, with the conditions as recommended by staff.

There was discussion regarding possible amendments to the motion. There was also discussion about possibly tabling this item to the next meeting.

Joel Mona moved, seconded by James Scheidt, to amend the motion by adding the following conditions:

6. No outdoor noise amplification shall be allowed.
7. The emergency access shall remain locked except when in use by emergency personnel.
8. No outdoor athletic lighting shall be allowed and all parking lot lighting shall be dark sky compliant.
9. If the Town Council directs that the school zone on Mud Springs be extended north to include this school, the applicant shall pay all costs associated with such extension.
10. The applicant shall upon receipt of the tree survey of the north side property take steps to save additional trees where possible.

Current condition #6 would become condition #11.

Condition #3 would be replaced with; An eight foot block wall shall be constructed along the property lines where requested by abutting land owners.

Motion carried 6-0 on the amendments.

Motion carried 5-1 on the main motion with Chairman Goddard casting the dissenting vote.

### **Conditions as recommended by staff and approved by the Planning & Zoning Commission:**

1. The development shall be in substantial conformance with the Preliminary Site Plan study, sealed May 14, 2009.
2. A pedestrian connection shall be provided between the sidewalk on Mud Springs Road and the front entrance of the facility.
3. An eight foot block wall shall be constructed along the property lines where requested by abutting land owners.
4. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a school use, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process. The applicant shall be required to follow the provisions of the Unified Development Code for any additional applicable permits prior to proceeding with development or implementation of additional uses for subject property.

5. Only those activities of a curricular or co-curricular nature directly related to the functions of this school will be allowed.
6. No outdoor noise amplification shall be allowed.
7. The emergency access shall remain locked except when in use by emergency personnel.
8. No outdoor athletic lighting shall be allowed and all parking lot lighting shall be dark sky compliant.
9. If the Town Council directs that the school zone on Mud Springs be extended north to include this school, the applicant shall pay all costs associated with such extension.
10. The applicant shall upon receipt of the tree survey of the north side property take steps to save additional trees where possible.
11. Failure to comply with conditions one (1) thru ten (10) above shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department or Public Works Engineer, with a 24 hour notification to the property owner, an inspection shall be allowed at the school. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.