



MEMO

TO: Planning and Zoning Commission
FROM: Ray Erlandsen
Community Development Director
DATE: September 13, 2010
SUBJECT: **Conditional Use Permit** **CUP10-004**
Outside Display/Storage of Merchandise/Equipment
1400 N. Beeline Highway

Background:

The applicant, American Sales & Products, is requesting approval of a conditional use permit to allow outside display and storage of merchandise and equipment in a C-2 zoning district at 1400 N. Beeline Highway.

Analysis:

The Unified Development Code (UDC) requires a conditional use permit (CUP) for outside display and storage of merchandise and equipment in a C-2 zoning district. The applicant was issued a Notice of Violation in January 2010 for non-compliance with the UDC. At that time, all storage and display of merchandise and equipment outside the existing building was in violation. Fences had been erected without permits or design review approval. This request, if approved with conditions, would bring this property into compliance with provisions of the UDC.

In a C-3 zoning district, outside storage of materials and equipment is permitted if located beyond the front 50' of the lot or parcel and screened by materials approved by design review requirements. Correspondingly, any outside storage of materials and equipment, not including displays, allowed by CUP in a C-2 zoning district should follow the same minimum standard for a C-3 district.

All appropriate outside display areas for equipment and merchandise need to be identified. The applicant has submitted a site plan proposing such areas. However, some of these areas do not meet UDC requirements. The Commission must establish appropriate areas for any outside storage of materials and equipment prior to approval of this CUP request.

Design Review requirements for a commercial zoning district need to be met. This includes, but is not limited to: landscaping, lighting, fences, walls, equipment screening and parking. Colors and materials are subject to approval as well. Currently, the existing chain link fencing is not in compliance.

The two non-conforming signs currently on the property advertise different businesses. To be in compliance, one sign with both businesses listed would be required.

Attached are current photos of the site depicting existing conditions, the applicant's hand-drawn site plan showing proposed locations of outside display/storage of merchandise/equipment and a 2005 aerial photo showing existing conditions at that time.

Staff Recommendation:

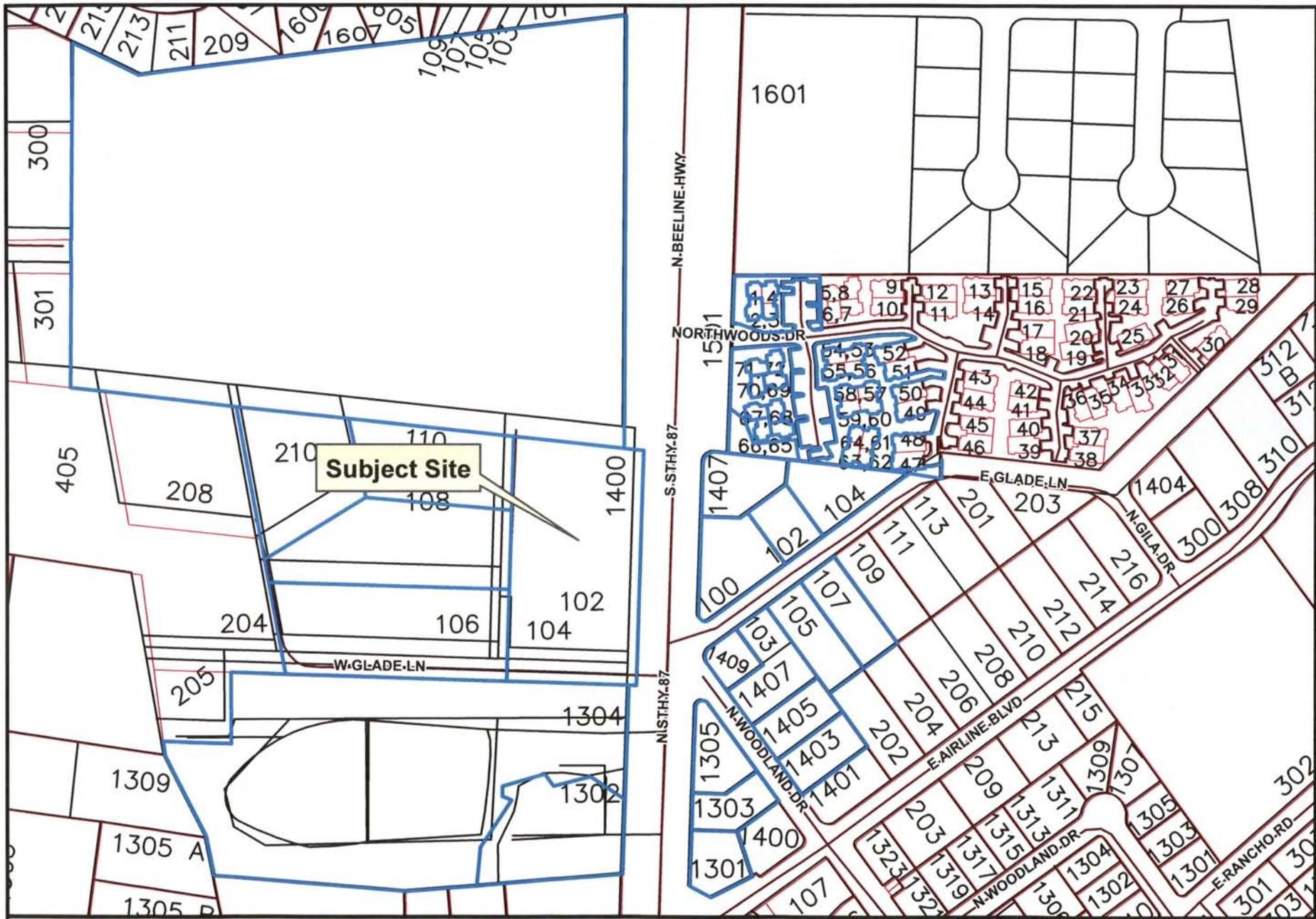
Staff recommends approval of CUP10-004 with the conditions listed below.

1. The site shall comply with all Town of Payson development regulations, including design review requirements for commercially zoned property.
2. All outside storage of merchandise and equipment shall be located beyond the front 50' of the lot or parcel and screened by materials approved by design review requirements.
3. All fencing on the site shall comply with design review requirements for C-2 property.
4. Combine the two existing freestanding pole signs into one sign that meets current UDC requirements.
5. An approved business occupancy permit (BOP) is required prior to this CUP becoming effective.
6. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as the outside display and storage of merchandise and equipment at 1400 N. Beeline Highway conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.

Suggested Motion to Approve:

"I move the Planning & Zoning Commission approve CUP10-004, a request to allow outside display and storage of merchandise and equipment in a C-2 zoning district at 1400 N. Beeline Highway with the conditions listed in the staff report."

Properties within 300' Notification Area for 1400 N. Beeline Hwy



303 North Beeline Highway
 Payson, Arizona 85541
 (928) 474-5242 www.ci.payson.az.us
 GIS/PaysonGIS_Master.mxd 11/28/2007



This map has been provided for informational purposes only and is not accurate for engineering design. Every effort has been made to ensure this map is as accurate as possible. The Town of Payson shall assume no liability for the base information contained in this map.





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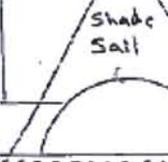
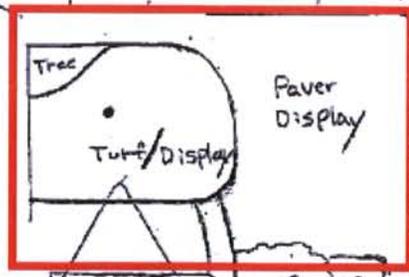
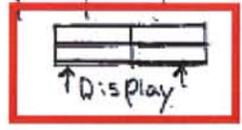
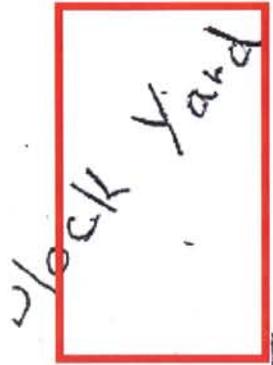
Beeline Hwy

??????????????????

Free standing wall Display/MT



Employee parking and company vehicles



Display

Shade sail

Shade sail

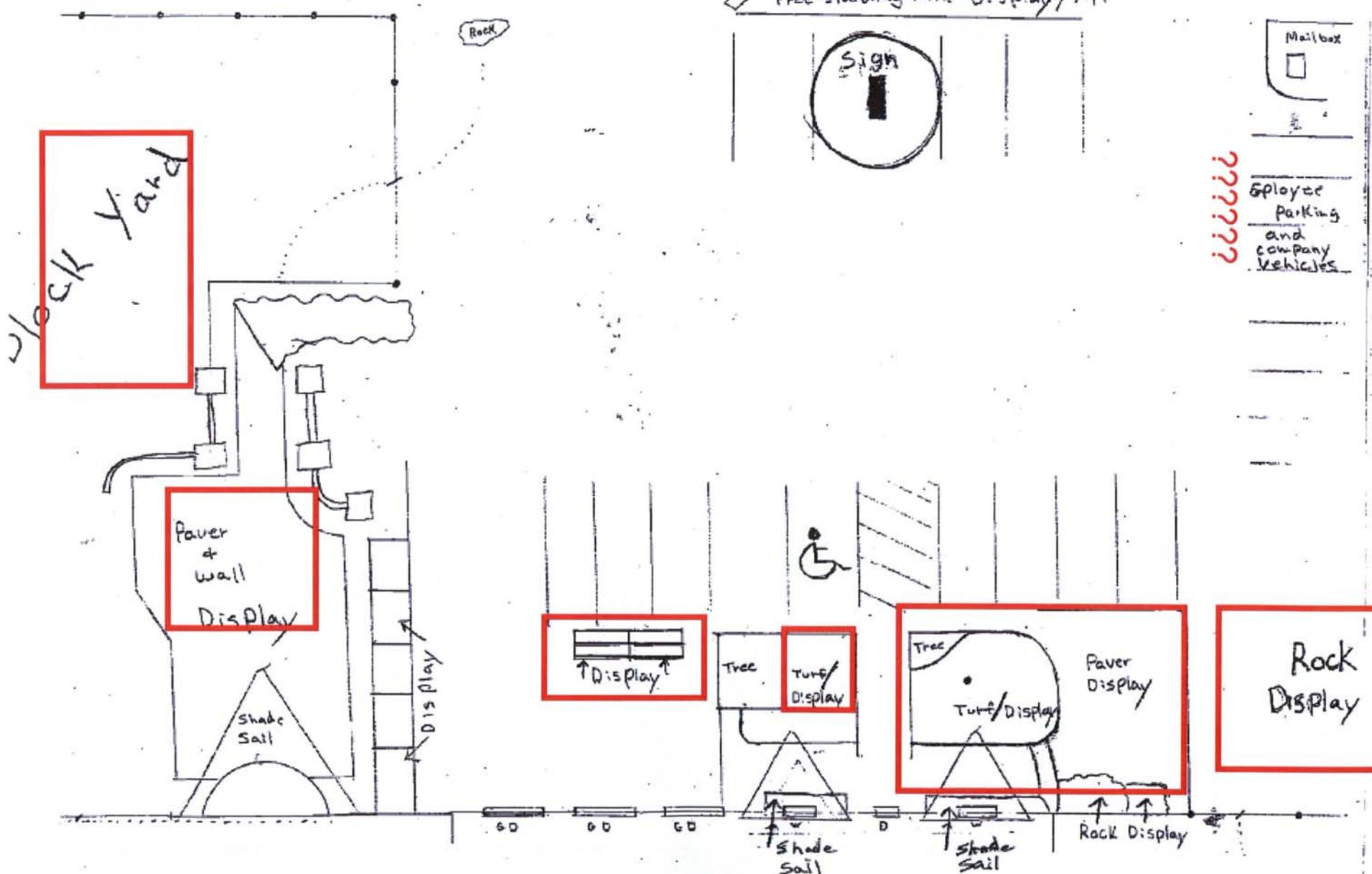
Rock Display

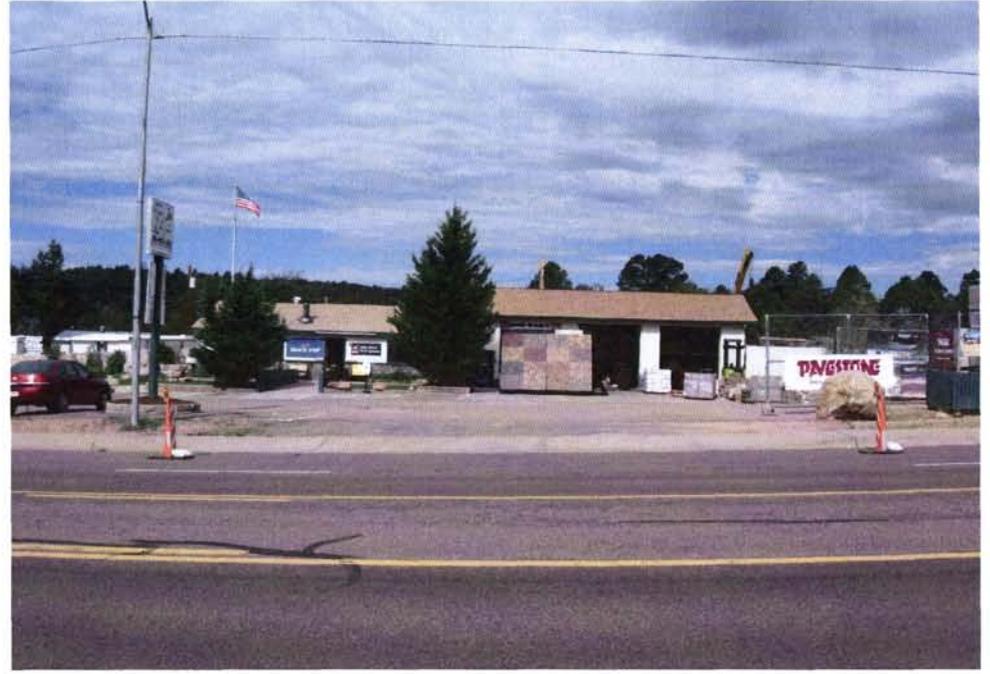
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**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION OR
BOARD OF ADJUSTMENTS APPLICATION**

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 type="checkbox"/> P & Z Commission Appeals |
| <input checked="" 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: 1400 N Beeline Hwy Tax Parcel Number: 302-42-006
 Subdivision: _____ Lot Number: _____
 Name of Applicant(s): ~~Kacy~~ American Sales & Products Phone #: 474-1766
 Mailing Address: 1400 N Beeline Hwy Town: Payson St: a2 Zip: 85541
 Name of Property Owner(s): Kyle & Lanette Parker
 Mailing Address: 1400 N Beeline Hwy Town: Payson St: a2 Zip: 85541
 Contact Person: Kacy Parker Phone #: 474-1766 Fax #: 474-7812
 Payson Business License # PY8907 Sales Tax # 203 955 32

Detailed Description of Request:

We are requesting a C.U.P. in order to effectively display and store our merchandise. We would like to inventory masonry supplies on the north east section of our property. We would also like to display these items in that same general area. Furthermore we want to put a small display parallel to highway 87 just off the right of way.

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.

Kacy Parker _____ [Signature] _____ 2-10-10
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	8-9-10	<u>KE</u>	Conditional Use Permit Application \$1000. ⁰⁰ <u>[Signature]</u>
COMPLETED APPLICATION	8-24-10	<u>SLD</u>	
NEWSPAPER PUBLICATION	8-27-10	<u>SLD</u>	
300' NOTIFICATION MAILOUT	8-26-10	<u>SLD</u>	
POSTING DATE	8-27-10	<u>SLD</u>	
			CHECK NUMBER: <u>1056</u> DATE: <u>8-10-10</u>

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

**TOWN OF PAYSON
PRINCIPAL / AGENT FOR ZONING SUBMITTALS**

A **Principal** (owner) / **Agent** (acts for the owner) **relationship** has been created between

Kyle & Lanette Parker [Principal(s)] and
Kacy Parker (Agent),

for the purpose of:

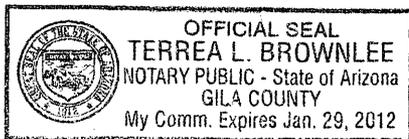
Obtaining a CUP & other Town of Payson
relationships in reference to 1400 N Beeline

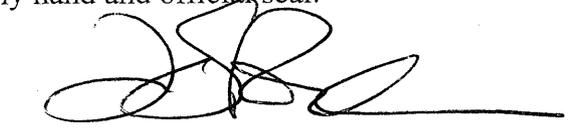

Principal
(Need both signatures, if husband and wife)


Principal

The foregoing Principal / Agent Relationship Statement was signed before me this 18th day of
Feb., 2010, by Kyle O. Parker + Lanette O. Parker [Principal(s)],
JB
known to me to be the person(s) who signed said statement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.




Notary Public

My commission expires:

CITIZENS
PARTICIPATION
MATERIAL

American Sales and Products

1400 N. Beeline Highway

Payson, AZ 85541

Phone: (928) 474-1766

Fax: (928) 474-7812

August 23, 2010

The citizens participation meeting which was held on February 25, 2010 only brought six citizens, of the six only three wrote comments. All three comments were positive however Mrs. Lanham was positive with comments. She would like to see more "vegetation" out by the highway. Sorry, but due to my poor office skills, I have misplaced my comment sheet.

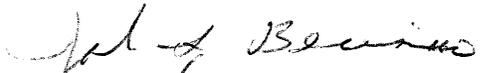
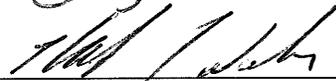
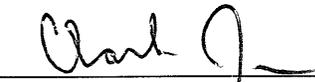
Thanks,

Kacy Parker

Citizen Participation Meeting

Attendance Sheet

February 25, 2010

Name	Signature	Comments Yes or no
JOHN I. BERESIC		yes
MIKE BIEMERSMA		yes.
Lori Meyers		
Heath Wacker		
Clark Jones		
	JEANIE LAMICHAMA	yes



Quest for Wellness LLC™

103 E. Glade Lane
Payson, AZ 85541
928-468-5800

February 18, 2010

To address the Citizen Participation Meeting

RE: Request for conditional use permit for American Sales business

To Whom It Concerns,

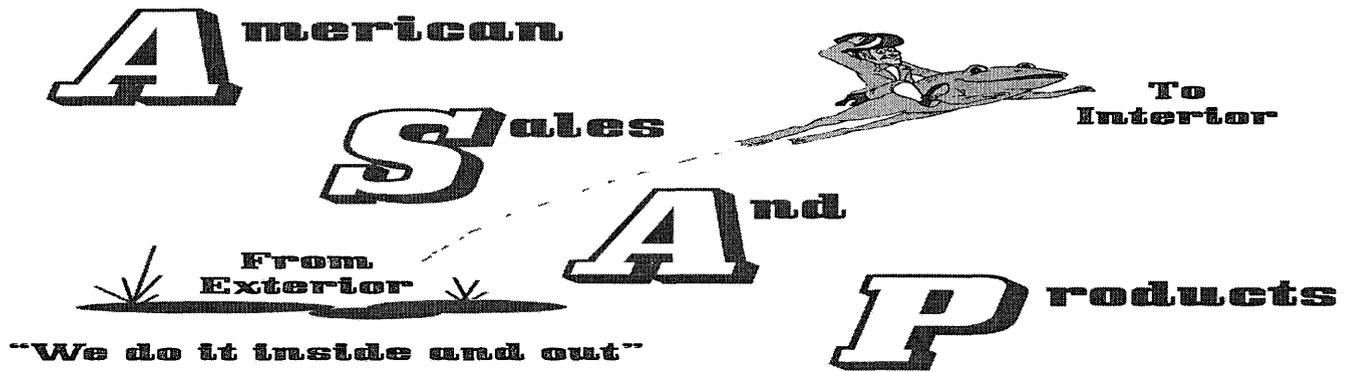
This meeting is proceeding at a time that we cannot personally attend; and wish to write this letter to express our personal viewpoint as citizens and business owners from a proximal location.

This property has been cleaned and landscaped with beautiful viewing options of their landscaping trade. We did notice a fence that was placed around, what one can imagine, to be valuable products of inventory. Logic for a business seems to dictate that such a fence be necessary and appropriate. We do not find this fence objectionable; rather as a whole we see the changes are vastly improved and positive

We are happy to have such a business in this location and wish it the very best for long term success.

Sincerely,

Gary and Margo Lalman, members of Quest For Wellness, LLC



February 10, 2010

RE: Request for conditional use permit.

Dear Property Owner,

As you all have noticed, 1400 N. Beeline looks a lot better. We have removed thousands of tires and unhealthy debris, remodeled and landscaped.

We are inviting you to a citizen participation meeting to be held in our office at February 25, 2010 from 8:00 a.m. to 11:00 a.m.

This meeting is to discuss the fencing in of materials to be stored and our current and projected displays.

If you can not attend this meeting or you have questions please contact me at (928) 474-1766.

Thanks,

Kacy Parker