



MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, AICP
Zoning Administrator

DATE: September 10, 2012

SUBJECT: **Conditional Use Permit Request** **CUP12-001**
434 S. Beeline Highway, Auto Hobby Shop & Repair

Background

A request has been submitted by James C. McCloud, property owner, Tami McCloud, agent to allow a vehicle repair use in the existing building located at 434 S. Beeline Highway. Vehicle repair and/or general automotive services in a C-2 zoning district requires approval through the Conditional Use Permit process.

Analysis

The existing building in which the hobby shop and auto repair uses has retail and office uses in the portion of the building that faces Highway 87. The automotive uses occupy the rear portion of the building, which is visible from and has vehicular access from S. Ash Street.

The applicant's request has been reviewed by other affected Town departments and utilities. It has been determined that the building, in its current condition, does not meet code requirements to allow spraying of flammable paints, varnishes, or lacquers, or any other flammable materials, or mixtures. Therefore, this use is expressly prohibited unless plans are first submitted to the Town and permits obtained for such uses to bring the building in compliance with applicable Building, Fire and Zoning Code requirements to conduct such operations. In addition, a backflow preventer must also be installed if the automotive repair and hobby shop operations involve flushing of radiators.

No buffer or screen exists between the site and adjacent residential areas and the parking for this facility is shared parking among all of the property owners within the Tonto Plaza subdivision. For that reason, vehicle repair or maintenance shall only be allowed inside of the building as the Unified Development Code defines vehicles in a state of disrepair, partially wholly dismantled, wrecked, stripped or scrapped as junk and/or a public nuisance.

Based upon the review of the existing facilities and the feedback that has been received, staff finds that the applicant's request could be compatible with the surrounding area, if the recommended conditions are met.

Staff Recommendation:

Approval with conditions listed below:

1. All vehicles in need of repair or associated with the automotive use on this site shall be stored inside the building if the vehicle appears to be in a state of disrepair, is partially or wholly dismantled, wrecked, stripped, or scrapped.
2. All repair/maintenance shall be done within the garage bay and not on the exterior of the building.
3. Flushing of auto radiators not permitted unless approved reduced pressure backflow assembly is installed at the meter.
4. The building in its current condition, does not meet code requirements to allow spraying of flammable paints, varnishes, or lacquers, or any other flammable materials, or mixtures. This use is expressly prohibited unless plans are first submitted to the Town and permits obtained for such uses to bring the building in compliance with applicable Building, Fire and Zoning Code requirements to conduct such operations.
5. All property tenants, users, and patrons shall have access to the rest room facilities in this building during their hours of operation.
6. The length of this conditional use permit shall run concurrent with the use of this property. So long as the site is used for vehicle repair use, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval if not expressly permitted in the C-2 zoning district.
7. Failure to comply with the above conditions shall be grounds for zoning enforcement action which may include, at the discretion of the Zoning Administrator, a review by the P & Z Commission.

Suggested Motion to Approve:

“I move the Planning & Zoning Commission approve CUP12-001, a request to allow a vehicle repair use in a C-2 zoning district at 434 S. Beeline Highway, with the conditions as recommended by staff.”

Neighborhood Involvement

A Citizens Participation meeting was conducted on August 29, 2012, at 422 S. Beeline Highway. The Citizens Participation Report is attached for review.

* Note: There is a 30 day appeal period before the action of the Planning and Zoning Commission becomes effective.



430

434

438

428

401

S 434 S

WELM ST

ORIGINATED
REVISIONS:

Stamp
Handwritten initials

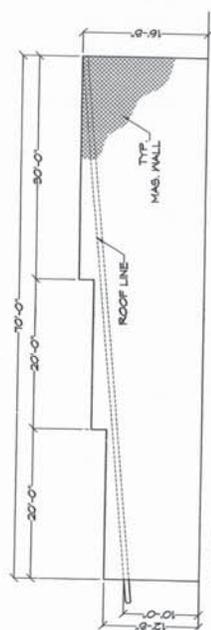
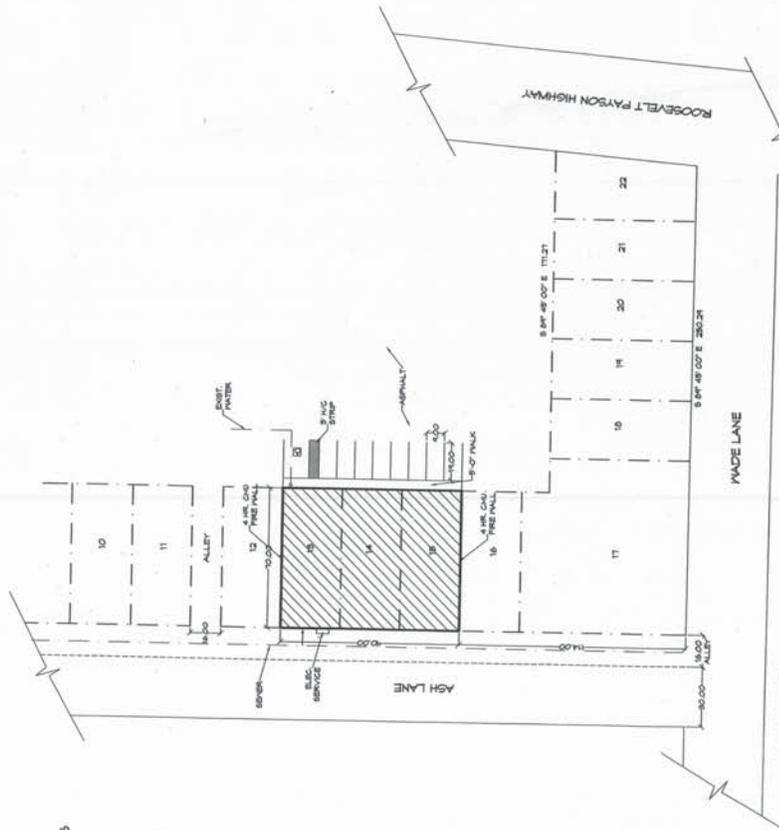
NEW BUILDING
 BIG BEAR ENTERPRISES
 PAYSON AZ



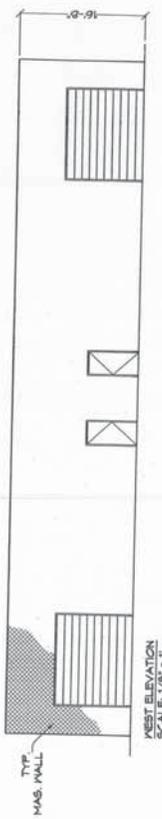
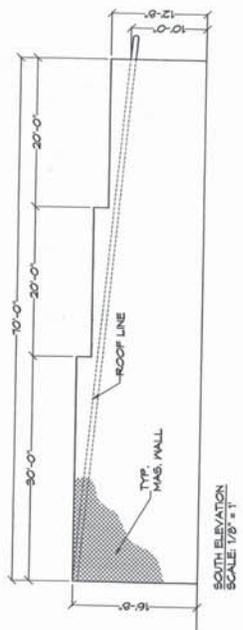
JOHN ELDO BROWN
 ARCHITECT/PLANNER INC.
 2108 N. 24TH ST., PHOENIX, ARIZONA
 (602) 273-1943
 85008

Project No. 015
 Date: 7/20/00
 Sheet L51

LOT AREA: 6500 SQ. FT. = .144 ACRES
 BUILDING AREA: 6900 SQ. FT.
 PARKING:
 COMMON PARKING: 91 PROVIDED
 3/24 FOR THIS PROJECT = 12
 REG. WAREHOUSE: 0
 RETAIL: 2400 SQ. FT. / 300 = 8
 NUMBER OF EMPLOYEES: 4
 TOTAL PROVIDED: 12



GENERAL NOTE:
 VERIFY ALL DIMENSIONS AND FLASHING DETAILS
 MWTL BLD. DWS & DETAILS



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

The undersigned Applicant(s) hereby applies for:

- Abandonment Request
- Administrative Appeal
- Code Amendment
- Conditional Use Permit
- Development Master Plan
- Devel. Agreement, PAD & SPD
- Final Subdivision Plat
- General Plan or Land Use Plan Amendment
- Minor Land Division
- P & Z Commission Appeals
- Preliminary Subdivision Plat
- Temporary Use Permit
- Variance
- Zone Change
- Guest Quarters
- ADU

Jul, 2012

Project Address: 434 S. Beeline Hwy Tax Parcel Number: 304-03174B1
 Subdivision: Tonto Plaza Lot Number: 13, 14 + 15
 Name of Applicant(s): James C. McCloud Phone #: 928-474-5105
 Mailing Address: 8422 S. Beeline Hwy Town: Payson St: AZ Zip: 85541
 Name of Property Owner(s): James C. McCloud
 Mailing Address: Same Town: _____ St: _____ Zip: _____
 Contact Person: Tami McCloud Phone #: 928-517-1345 Fax #: _____
 Payson Business License # PY6519 Sales Tax # 04-012373-A

Detailed Description of Request:
Continued Auto Hobby shop + Auto Repair

(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.

James C. McCloud [Signature] 8-14-12
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	8-15-12	Sld	500. ⁰⁰
COMPLETED APPLICATION	8-29-12	Sld	Commercial Conditional Use Permit
NEWSPAPER PUBLICATION	8-21-12	Sld	
300' NOTIFICATION MAILOUT	8-23-12	Sld	
POSTING DATE	8-22-12	Sld	CHECK NUMBER: 1793 DATE: 8-15-12

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

TOWN OF PAYSON
PRINCIPAL / AGENT FOR ZONING SUBMITTALS

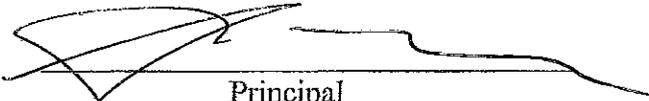
A Principal (owner) / Agent (acts for the owner) relationship has been created between

James C. McCloud [Principal(s)] and

Tami E. McCloud (Agent),

for the purpose of:

obtaining a conditional use permit
for the property at 434 S. Beeline Hwy


Principal
(Need both signatures, if husband and wife)

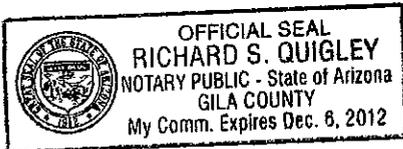
Principal

The foregoing Principal / Agent Relationship Statement was signed before me this 15TH day of

AUGUST, 2012, by JAMES C. McCLOUD [Principal(s)],

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:

12-6-12

**CITIZENS
PARTICIPATION
MATERIAL**

To: Town of Payson
Community Development Department

From: Tami McCloud – Agent

Subject: Citizen's Participation Report, Conditional Use Permit
434 S. Beeline Hwy

Date: August 29, 2012

A Citizens Participation Meeting was held at 422 S. Beeline Hwy in the "Big Bear Antiques" store in Tonto Plaza.

Attendees were:

Sandra Henry 1501 E. Granite Dells Payson, AZ

Phone Call From:

Steve Ellis 10055 N. 142nd St. #1240 Scottsdale, AZ

No Concern expressed by Steve Ellis

Concern expressed by Sandra Henry regarding parking in the center of Tonto Plaza. I advised Mrs. Henry that in no way the parking would be affected, that it would be status quo. She then expressed No concern.

There were no other phone calls or attendees.

Respectfully submitted:



Tami McCloud – agent

Attachments:

Meeting Notice

Meeting sign in sheet

Comment sheet

Project CUP12-001

COMMERCIAL RENTALS

Tonto Plaza
434 S. Beeline Hwy.
Payson, AZ 85541

August 14, 2012

Re: Request for issuance of a Conditional Use Permit

Dear Property Owner:

You are invited to a Citizen Participation Meeting regarding a request to approve a conditional use permit for automotive repair inside the existing building located at 434 S. Beeline Hwy.

The purpose of the meeting is to provide neighboring property owners and tenants with the opportunity to share their concerns or support for the proposed use.

This meeting will be held on Wednesday August 29, 2012 from 10:00am till Noon at 422 S. Beeline in the Big Bear Antiques store in Tonto Plaza. If you are unable to attend or have questions please call me at 928-474-5105.

Sincerely,

Tami McCloud
Coordinator

PROPOSED CONDITIONAL USE PERMIT
PROJECT CUP12-001
434 S. BEELINE HWY.

CITIZENS PARTICIPATION MEETING
AUGUST 29, 2012

NAME Sandra Henry

ADDRESS 1501 E. Granite Wells

PHONE NUMBER 928-474-2630

COMMENTS:

Concern about parking in the center
of complex.

Told her that this will not affect
the parking. Things will be
status quo.

*Voiced no concerns after discussion.