



MEMO

**TO:** Planning and Zoning Commission  
**FROM:** Doni Wilbanks, Planning Technician  
**DATE:** April 14, 2014  
**SUBJECT:** **Conditional Use Permit- CUP14-001**  
208B S. Colcord Road; CUP for parking of a commercial vehicle larger than light duty

**Background**

This is a request by Dennis Zubek, property owner, for a Conditional Use Permit to allow the parking of a commercial vehicle larger than light duty in an R1-8-MH district at 208B S. Colcord Road, Assessor's parcel number 304-03-117D.

**Analysis**

The recent update to the Unified Development Code (UDC), Ord. 822, removed the outright prohibition on the parking of commercial vehicles that exceed one-ton capacity on residential properties. The amendment states a commercial vehicle is allowed without a permit in a residential district if parked inside a building. Parking is also allowed outside of a structure if the owner has obtained a conditional use permit.

The applicant proposes the parking of a semi-tractor trailer unit on the driveway of his residence located at 208B S. Colcord Road. The vehicle will be parked one to two weekends per month as the remaining days he and the truck are commissioned over the road. The applicant is an over-the-road semi-truck driver and is only home about every 3 weeks with the vehicle.

The vehicle is 67' feet long and the driveway is 165' long. It will be parked 100'+ from the street, Colcord Road. The property is zoned R1-8-MH, Single Family Residential, and is bordered by Single Family residences on all three sides, North, South, and West. Across the street, to the East, is a church. The applicant's driveway is located along the south side of the property. The area just to the south of the applicant's driveway is the driveway of the adjacent property owner and is separated by a fence.

**Staff Recommendation:**

Community Development staff recommends approval of this application subject to the conditions listed below:

1. Vehicle shall not block line of sight for traffic traveling on Colcord Road or neighbors pulling out of their driveways.
2. Vehicle shall be parked as indicated on the approved site plan.
3. 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 the parking of a commercial vehicle larger than light duty then the use permit is applicable. Change in uses or additional uses may require separate approvals or a modification to this Conditional Use Permit.
4. Failure to comply with the above conditions 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. A request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

**Suggested Motion to Approve:**

“I move the Planning & Zoning Commission approve CUP14-001, a request to allow the parking of a commercial vehicle larger than light duty on a residential property located at 208B S. Colcord Road Assessor Parcel number 302-03-117D subject to the conditions recommended by staff.”

**Neighborhood Involvement**

Property owners within 300' of the subject site were mailed notices of the public hearing for this request, the site was posted with information pertaining to this hearing, and a legal notice was published in the local newspaper in accordance with public notice provisions. Residential Conditional Use Permit requests are exempt from the Citizens Participation Plan and Citizen Participation Report.

Attachments:

Site plan showing the location of the vehicle on the property/Aerial, 300' map, Application, and Ordinance 822

2008 A

2008 B

Truck

B

2010

S COLCORD RD



Aerial 208B S. Colcord Road



303 North Beeline Highway  
Payson, Arizona 85541  
(928) 474-5242 [www.ci.payson.az.us](http://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.





## 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"/> Guest Quarters |
| <input type="checkbox"/> Administrative Appeal             | <input type="checkbox"/> Minor Land Division                     | <input type="checkbox"/> ADU            |
| <input type="checkbox"/> Code Amendment                    | <input type="checkbox"/> P & Z Commission Appeals                | <input type="checkbox"/> Annexation     |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat            | <input type="checkbox"/> Mobile Storage |
| <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                             |   |

Jul, 2012

**Project Address:** 208 B S. COLCORD RD      **Tax Parcel Number:** 304-03-117D (TMP633)  
**Subdivision:** \_\_\_\_\_      **Lot Number:** \_\_\_\_\_  
**Name of Applicant(s):** DENNIS ZUBEK      **Phone #:** (928) 606-8012  
**Mailing Address:** 208 B S. COLCORD RD      **Town:** PAYSON      **St:** AZ      **Zip:** 85541  
**Name of Property Owner(s):** DENNIS ZUBEK / DEANNE PESHO  
**Mailing Address:** 208 B S. COLCORD RD      **Town:** PAYSON      **St:** AZ      **Zip:** 85541  
**Contact Person:** DENNIS      **Phone #:** (928) 606-8012      **Fax #:** \_\_\_\_\_  
**Payson Business License #** \_\_\_\_\_      **Sales Tax #** \_\_\_\_\_

**Detailed Description of Request:**  
TO PARK SEMI ON PROPERTY - 67' tractor/trailer unit

(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.

DENNIS ZUBEK      [Signature]      2/24/14  
 Print Name      Signature      Date

### STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	2/24/14	DW	\$250 Paid DW CHECK NUMBER: 305      DATE: 2/24/14
COMPLETED APPLICATION	2/24/14	DW	
NEWSPAPER PUBLICATION	3/21/14	DW	
300' NOTIFICATION MAILOUT	3/24/14	DW	
POSTING DATE	3/27/14	DW	

<b>RECOMMENDATION</b> <u>Approval</u> By: <u>[Signature]</u> Date: <u>3/24/14</u>	<b>DECISIONS</b> By: _____      Date: _____
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**ORDINANCE NO. 822**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-02-004(C)(3), 15-04-002(E), 15-14-006(E)(2), 15-14-007(E), AND 15-11 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, RELATING TO THE PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.**

**WHEREAS**, the Town's Unified Development Code currently prohibits the parking of commercial vehicles that exceed one-ton capacity on residential property; and

**WHEREAS**, the Town desires to remove this outright prohibition on parking of commercial vehicles that exceed one-ton capacity on residential property and allow such parking if (1) the vehicle is parked in a building; or (2) outdoor parking if the owner has obtained a conditional use permit ("the Proposed Changes"); and

**WHEREAS**, on February 13, 2012 and March 19, 2012, the Planning and Zoning Commission held public hearings on the Proposed Changes; and

**WHEREAS**, on April 19, 2011, the Town Council held a public hearing on the Proposed Changes; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-02-004(C)(3), 15-04-002(E), 15-14-006(E)(2), 15-14-007(E), and 15-11 to amend the regulations governing the parking of large commercial vehicles on residential property,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That Section 15-02-004(C)(3) of Chapter 154 of the Code of the Town of Payson ("the UDC") is hereby amended and shall read as follows:

3. Commercial Vehicles larger than Light Duty Trucks.
  - a. Commercial Vehicles larger than Light Duty Trucks may be parked, stored or maintained in an enclosed structure. Such structure must be authorized by this Code and permitted under the Town's applicable building code.
  - b. Pursuant to a Conditional Use Permit, Commercial Vehicles larger than Light Duty Trucks may be parked, stored or maintained outside a structure in a residential district.
  - c. Except as provided in subsections a and b above, the parking, storage, or maintenance of Commercial Vehicles larger than a Light Duty Truck in any residential district, except for service or repair visits, is prohibited.

**FIRST READING AND PUBLIC HEARING**

APR 05 2012 D.S

Page 1

**SECOND READING AND PUBLIC HEARING**

APR 19 2012 G.4 4,279

Publish 2 \*  
Just 3 plus 42  
PO # 180465  
4/27/12/5/4/12  
cc: P+Z  
Engineering  
American Legal

Section 2. That Section 15-04-002(E) of the UDC is hereby amended and shall read as follows:

E. Reserved.

Section 3. That Section 15-14-006(E)(2)(b) of the UDC is hereby amended shall read as follows:

b. Commercial Vehicles larger than Light Duty Trucks are subject to the provisions of 15-02-004(C).

Section 4. That Section 15-14-007(E)(2)(b) of the UDC is hereby amended shall read as follows:

b. Commercial Vehicles larger than Light Duty Trucks are subject to the provisions of 15-02-004(C).

Section 5. That the following definitions are hereby added to Section 15-11 (Definitions) of the UDC:

**COMMERCIAL VEHICLE** A vehicle registered to or used in the operation of a business, home occupation, non-profit entity, or other similar entity or enterprise.

**LIGHT DUTY TRUCK** A truck, van, bus, box truck, or similar vehicle having a GVWR no greater than 13,500 lbs; and a payload capacity no greater than 7500 lbs. These vehicles are traditionally called 'one ton' or less vehicles.

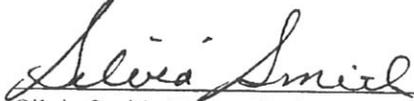
Section 6. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance and each section, subsection, or portion thereof despite the fact that any one or more sections, subsections, or portions would be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this 19<sup>th</sup> day of April, 2012, by the following vote:

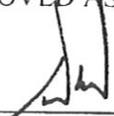
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Kenny J. Evans, Mayor

ATTEST:

  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
Timothy M. Wright, Town Attorney