



MEMO

TO: Planning and Zoning Commission
FROM: Doni Wilbanks
Planning Specialist
DATE: December 8, 2014
SUBJECT: Conditional Use Permit Request
908 N. Beeline Hwy; outside display

CUP15-001

Background

This is a request by Gary and Chiryl Cole Trustees, property owner; Steven Cole, applicant, to allow a Conditional Use Permit for outside display of merchandise in a C-2 zoning district at 908 N. Beeline Hwy, parcel number 302-64-234. The property is zoned C-2, General Commercial. The Unified Development Code (UDC) requires a conditional use permit (CUP) for “outside display”. The site is bordered by C-2 zoned properties on three (3) sides and R-1 in the rear separated by an alleyway.

Analysis

The area proposed for display and sales is an area of roughly 200 square feet and along the front entrance of the retail store and extending between the front porch of the store and the parking area. The proposed outside display area does not encroach into any parking spaces or inhibit pedestrian access or ADA accessibility.

Outside sales and displays are regulated under the Commercial Design Review overlay district guidelines. The display area presently is under temporary shade structures and utilizes removable tables for showcasing the products. Any non-permanent structures (shade canopies, tables, etc) shall be maintained in good condition and shall complement the exterior of the store. Tents/canopies do require a fire department permit, and the applicant will need to obtain this clearance through the fire department prior to recordation of this Conditional Use Permit.

Temporary signage associated with the approval of this Conditional Use Permit shall comply with the Town of Payson sign code. Any temporary or permanent signage installed on or at this site shall obtain appropriate permits. Banners affixed to vehicles parked on or near the site are not allowed. A banner may be displayed in the right of way adjacent to this site as provided for in the Town Code.

The proposed display areas were reviewed by the Development Services Committee prior to application. The applicant has also currently obtained a Temporary Use Permit (TUP) for their

outside sales and display. There have been no concerns or complaints since the issuance of their TUP, February 18, 2015.

Staff Recommendation:

Staff finds that the applicant’s request could be compatible with the surrounding area, and recommends approval of CUP15-001 with the conditions listed below.

1. Display area shall be limited to the areas depicted on the site plan as submitted, stamped March 10, 2015.
2. Display areas shall not interfere with minimum required parking, pedestrian access or ADA accessibility.
3. All signage associated with the business and proposed outside sales shall comply with all Town of Payson sign regulations.
4. All temporary portable structures and displays shall be maintained in good condition and shall complement the exterior of the store.
5. Fire Department clearance for the tents/canopies shall be obtained prior to recordation of this Conditional Use Permit.
6. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as outside display use at 908 N. Beeline Hwy. conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.
7. Failure to comply with the above six (6) 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 CUP15-001, a request to allow outside display of merchandise in a C-2 zoning district at 908 N. Beeline Hwy subject to the conditions recommended by staff.”

Neighborhood Involvement

A Citizens Participation meeting was held February 24, 2015 with five (5) citizens in attendance in support of the applicant’s proposed use. The Citizens Participation Report and related correspondence received by staff are attached for review.

**TOWN OF PAYSON
PLANNING AND ZONING APPLICATION**

The undersigned Applicant(s) hereby applies for:

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

Jul, 2014

Project Address: 908 N. Beeline Hwy Payson AZ Tax Parcel Number: 302-604-234
 Subdivision: Payson North Unit 2 Lot Number: 90
 Name of Applicant(s): Steven Cole Phone #: 928-970-2545
 Mailing Address: 908 N. Beeline Hwy Town: Payson St: AZ Zip: 85541
 Name of Property Owner(s): Gary J. Cole
 Mailing Address: 331 N. Dewclaux St. Town: Globe St: AZ Zip: 85501
 Contact Person: Steven Cole Phone #: 928-970-2545 Fax #: _____
 Payson Business License # _____ Sales Tax # 20955939

Detailed Description of Request:

Request to set up fruit & baked good stand in front of Back to Basics. This is for Toad's Farm and other local and vendors passing by. It will be located right out front of our building.

(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/her behalf.

Steven Andrew Cole
Print Name

[Signature]
Signature

2-3-15
Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	<u>2/12/15</u>	<u>DW</u>	<u>\$500</u>
COMPLETED APPLICATION	<u>3/10/15</u>	<u>DW</u>	
NEWSPAPER PUBLICATION	<u>3/20/15</u>	<u>sed</u>	
300' NOTIFICATION MAILOUT	<u>3/19/15</u>	<u>DW</u>	
POSTING DATE	<u>3/19/15</u>	<u>DW</u>	
			CHECK NUMBER: _____ DATE: _____

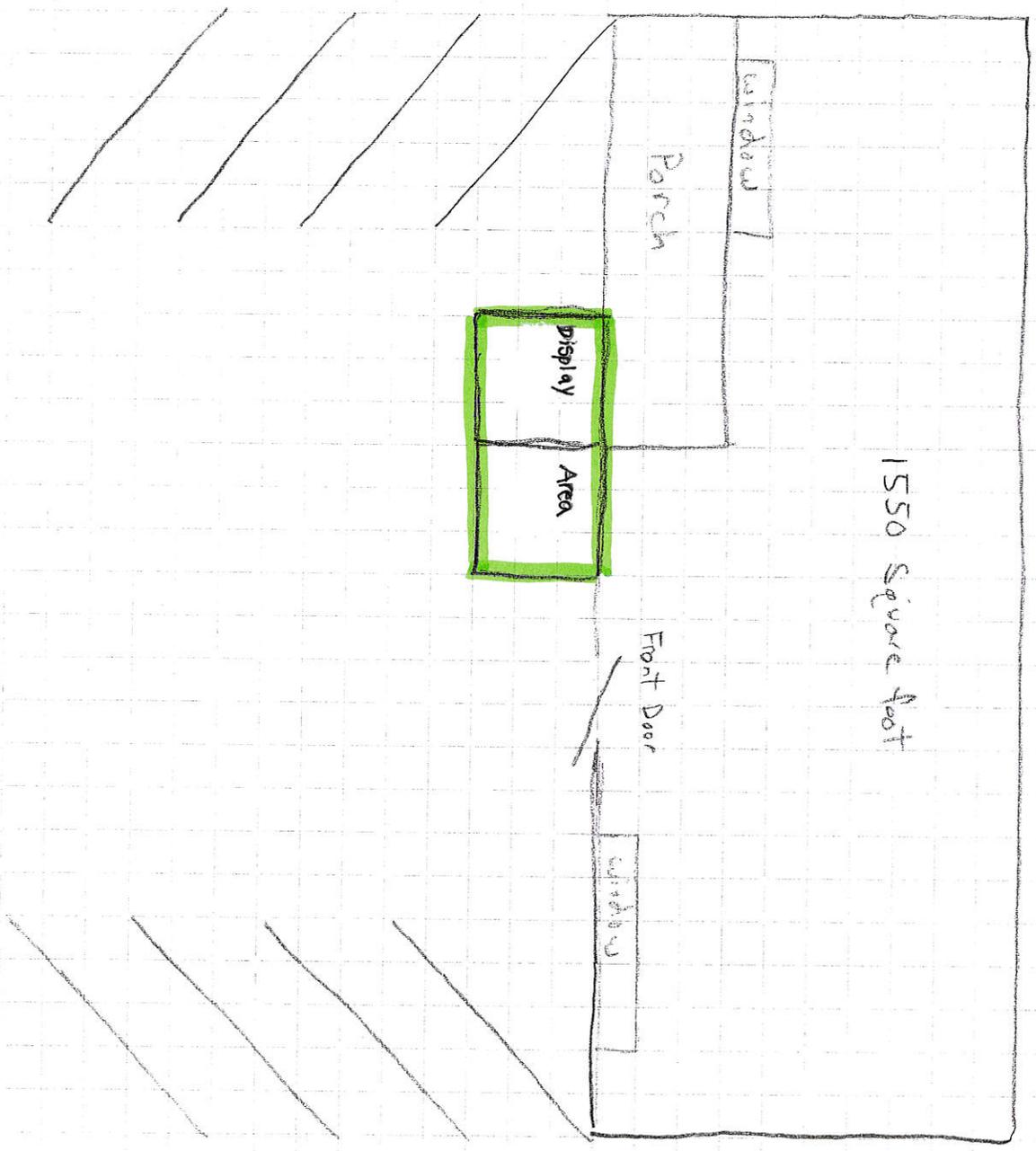
RECOMMENDATION	DECISIONS
By: <u>DW</u> Date: <u>3/31/15</u>	By: _____ Date: _____



N BEELINE HWY

BACK TO BASICS
908 N Beeline Hwy

1550 Square Foot



Beeline Hwy

RECEIVED

MAR 10 2015

COMMUNITY DEVELOPMENT
DEPARTMENT

Sign

Back To Basics
908 N. Beeline Hwy Payson, Arizona 85541
928-474-8935

February 12, 2015

Dear Property Owner

Back to Basics has been operating and supporting the Payson community for over twenty years. On behalf of Back to Basics, you are invited to a Citizen Participation Meeting regarding a request to approve a conditional use permit to allow Back to Basics to let our local vendors, such as 'Argo' who owns Toad's Farm, to continue to set up and sell his locally grown produce and hand-made products (as well as chosen others) in front of our location at 908 N. Beeline Hwy, Payson AZ.

We believe in the term (be local, buy local) and not only donate to multiple charities and other non-profit organizations in our community, but we believe in giving those who make a living, locally, with their farm goods, baked goods and other non-commercial products, by letting them operate in front of our shop.

This meeting will be held at 6:00 PM on Tuesday, February 24, 2015 at Back to Basics located on the address provided above. The purpose of this meeting is to provide information to property owners and residents that are adjacent to the subject property regarding the farm stand. This is also your opportunity to ask questions or comment about the fruit stand.

If you are unable to attend the meeting and have questions regarding the requested form, please call Steven Cole, 928-970-2545. I look forward to hearing from you and meeting you at our location.

Sincerely,

Steven Cole
Owner
928-970-2545
stevenandrewcole@hotmail.com

RECEIVED
MAR 10 2015
COMMUNITY DEVELOPMENT
DEPARTMENT

To Whom it May Concern:

This letter is in regards to the Citizen Participation Meeting regarding the approval of a conditional use permit to allow Back to Basics to let our local vendors sell their products in front of our store at (908 N. Beeline Hwy.) This meeting was held on ^{Feb. 24} ~~March 10th~~ at Back to Basics. I have sent out all of the letters regarding this meeting and actually had a few people show up to attend the discussion. The five people that did attend arrived to support our cause and the vendors whom we support. There wasn't any negative feedback to this permit and on behalf of this conclusion, we are excited to move forward and help out our local vendors by allowing them, through the decision of the town of Payson, to set up and sell their locally grown and made products in front of our shop.

If there are any further questions pertaining to this permit please feel free to contact me.



Steven Andrew Cole
928-970-2545