



MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf,
Planning & Development Director

DATE: November 7, 2016

SUBJECT: Zoning Map amendment from R1-8 MH to C-1
301 S. Colcord Rd

P16-008

Background

The applicant is requesting approval of a zone change from R1-8 MH Single Family Residential to Commercial to accommodate the opening of a coffee shop at 301 S. Colcord Road. This could be accomplished by amending the zoning to C-1 Commercial, Neighborhood Services District. The subject site presently has church uses established.

Churches are *conditionally* permitted uses in R1 districts. The church use of this property was established prior to the requirement for conditional use permit approval. Therefore, the church use of this site is a legal, non-conforming use. A non-conforming use of land or structure may not be enlarged, extended, reconstructed or structurally altered, unless such enlargement, extension, expansion, reconstruction or structural alteration and further use of the property conforms with Chapter 154 of Payson Town Code (Unified Development Code). Accessory uses are expressly permitted, and the proposed coffee shop could be considered accessory to the primary use of this property as a church. However, any use that is not permitted in a particular zoning district shall not be considered as an accessory use in that district. Because the coffee shop is categorized as a neighborhood retail type use within the Table of Residential District Uses and classified as a “Use Not Permitted”, a rezoning of the property is necessary to accommodate the desired use. Any request for rezoning by the property owner requires existing non-conforming uses be brought into compliance with Chapter 154 of Payson Town Code.

The site is bordered by C-2 and R3-MH zoned property to the east, presently utilized as a self-service carwash, and apartment homes respectively. The site is bordered to the south by R3-MH zoned property, which presently contains a mix of residential and limited commercial uses. R1-8 MH zoned property borders this site to the north and west. Typical residential uses have been established on the west side of S. Colcord Road west of this site, and the property north of the subject site is currently in use as a classroom facility, a legal-nonconforming use.

Analysis

The Unified Development Code requires changes in land use to be consistent with the Town of Payson General Plan. The Land Use Element (Section 6.4) of the 2014 Town of Payson General

Plan designates this property for Mixed-Use development. Mixed-Use designations denote *areas where a vertical mix of uses is encouraged (i.e., buildings with retail or restaurants/cafes on the ground floor with office or residential units above). The buildings will range in density and intensity with the highest density of development focused at district cores or major intersections. Minimum FAR of 1.25.* The C-1 Commercial (Neighborhood Services District) zoning district category could accommodate the applicant's request and conform to the Land Use Element of the General Plan. C-1 zoning districts would allow for a vertical mix of limited commercial and residential uses.

This application has been reviewed by the Development Services Committee, no adverse comments were received. Engineering/Public Works, Building and Sanitary did provide comments for consideration during the entitlement process including roadway improvements, parking, permitting and capacity.

The public right of way improvements adjacent to this site do not currently comply with Town of Payson minimum standards for the level of improvement. Generally, when a property requests additional entitlements, it is made incumbent upon the applicant to bring the property into conformance with minimum standards. Specifically, curb, gutter, sidewalk, street right of way and right of way landscaping between the public way and private parking lots are required. South Colcord Road adjacent to this site is substandard in that it does not have any of these elements. The right of way is currently not wide enough for all of these elements to be constructed, nor is it feasible to construct the necessary improvements one property at a time exclusive of surrounding properties. In order to have adequate right of way for future construction of roadway improvements, so that South Colcord Road may be reconstructed (from the improvements adjacent to Cottage Creek Subdivision north of this site to the intersection of West Bonita and South Colcord Road) the property owner shall dedicate 5 feet of property along the west property boundary of this site.

West Bonita Street adjacent to this site includes a curb, gutter and sidewalk but no landscaping/screening or buffering of the parking lot. South Ash Street adjacent to this site is paved, but much like the west property line, the street improvements and private parking improvements run together as one continuous strip of asphalt with no curb, gutter, sidewalk, or landscape buffer.

The proposed coffee shop building presently has three parking spaces west of the building west entrance, which require drivers to back out onto South Colcord Road. Current Town Code requires all parking lots to be entered and exited in a forward motion of the vehicle. Upon application for a building permit the owner/applicant shall address site improvements that will remove these parking spaces and reconfigure this portion of the site to conform to minimum standards.

Tenant improvements for the conversion of the coffee shop building from its previous use to the proposed use require approval through the building permit process. Permits have not yet been obtained. The owner/applicant shall obtain all necessary permits related to the establishment of this use. This includes complying with Northern Gila County Sanitary District requirements. Additional capacity of 250 gallons per day is anticipated.

Staff Recommendation:

Staff finds that this rezoning request could be appropriate and consistent with surrounding land uses. Staff recommends approval of this rezoning application subject to the following three conditions:

- 1) Applicant/owner shall obtain all necessary building permits for the tenant improvements within the coffee shop structure.
- 2) Upon application for a building permit the applicant/owner shall address site improvements that will remove the parking spaces on the west side of the coffee house and reconfigure this portion of the site to conform to minimum standards.
- 3) Applicant/owner shall dedicate 5 feet of property along the west property boundary of this site for future public roadway improvements prior to submitting an application for a building permit for this project.

Suggested Motion to recommend Approval:

“I move the Planning & Zoning Commission recommend to the Town Council approval of P16-008, a request to rezone a 2.51 acre property located at 301 S. Colcord Road 304-03-007A from R1-8 MH to C-1 subject to the three conditions listed in the staff memo.”

Neighborhood Involvement

A Citizens Participation meeting was conducted on October 13, 2016 at 301 S. Colcord Road. The Citizens Participation Report is included with the submittal documents for review.

301 S. Colcord Rd



GCR# 4319

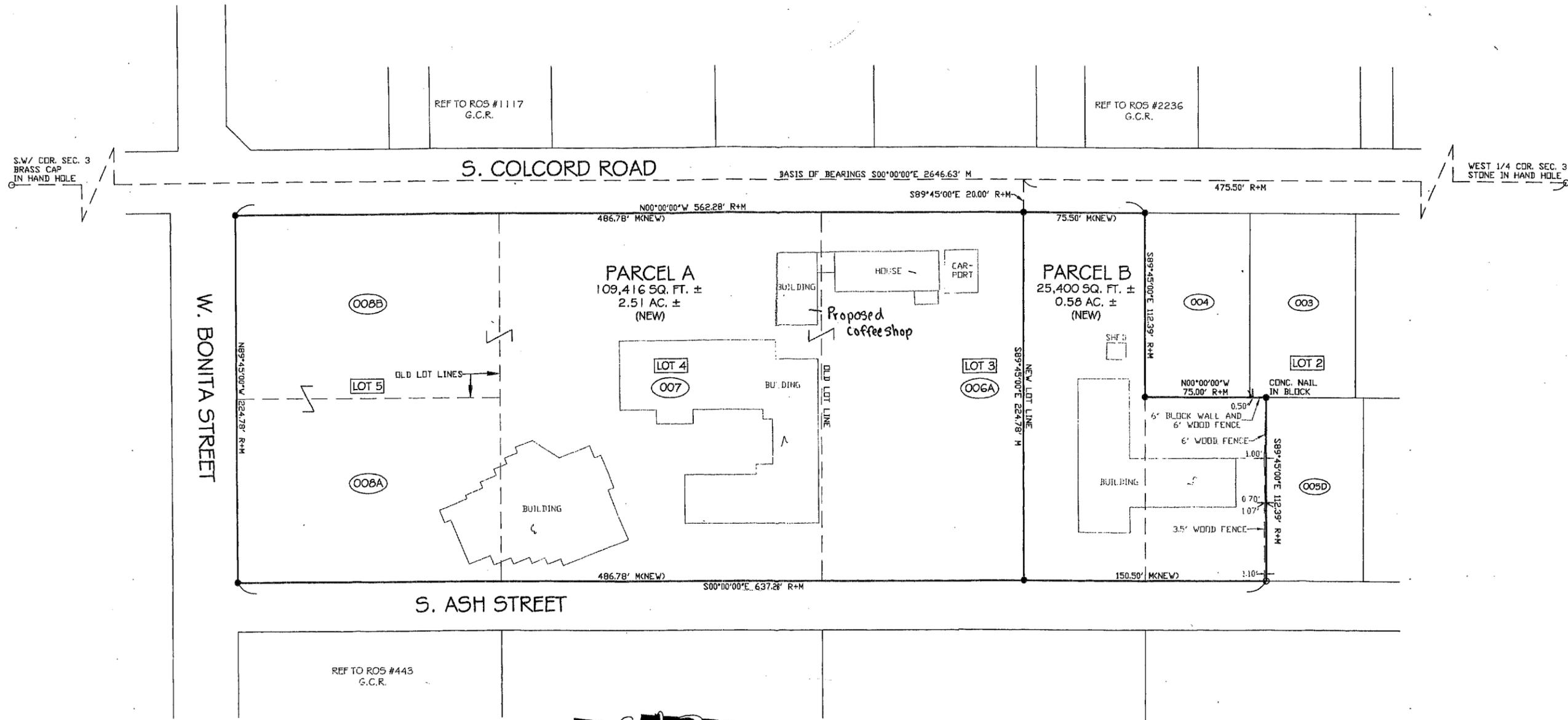
RECORD OF SURVEY—LOT LINE ADJUSTMENT—LOT CONSOLIDATION

OF LOTS 3, 4, 5 AND A PORTION OF LOT 2, MOGOLLON RIM ADDITION (G.C.R. MAP #111) LOCATED IN THE S.W. 1/4 OF SECTION 3, TOWNSHIP 10 NORTH, RANGE 10 EAST, OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.

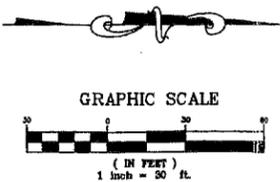
FOR: FIRST SOUTHERN BAPTIST CHURCH
302 S. ASH STREET
PAYSON AZ. 85541



State of Arizona, County of Gila
I hereby certify that the within instrument
was filed and recorded at the request of
First Southern Baptist Church
Date **5-13-14** Time **3:48** Map No. **4319**
Official Records of Gila County, AZ
Witness my hand and official seal
the day and year written above
Sadie Tomerlin Dalton
Gila County Recorder
By **Melanie Boyer** Fee # **2014-004610**



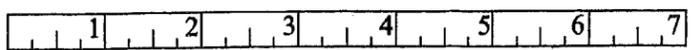
LEGEND
R = RECORD PER MAP NO. 111 G.C.R.
M = MEASURED
O = FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
● = SET 5/8" REBAR W/BRASS TAG "LS 34555"
[LOT #] = ORIGINAL LOT NUMBER
[007] = ASSESSOR PARCEL NUMBER 304-03-
CURRENT ZONING = R1-8-MH



STATEMENT
THIS MAP, CONSISTING OF ONE SHEET CORRECTLY REPRESENTS A SURVEY PERFORMED IN APRIL 2014.

T.O.P. APPROVALS
[Signature] ZONING ADMINISTRATOR 5-8-14
[Signature] Public Works Dir 5-8-14
T.O.P. JOB# 140508

GOLDEN RULE SURVEYING LLC



P.O. BOX 3360
PAYSON, ARIZONA 85541
PHONE (928)474-3377



JOB NAME: LOTS 5-4-3 & PORT. OF LOT 2
MOGOLLON RIM ADDITION
DESCRIPTION: ROS-LLA-LOT CONSOLIDATION

SCALE: 1" = 30'	VERT: NONE
DATE: 4-22-14	
JOB NUMBER: 14032	SHEET: 1 OF 1

**TOWN OF PAYSON
PLANNING AND ZONING**

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 checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Code Amendment | <input type="checkbox"/> Minor Land Division | |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Mobile Storage | |

Jul, 2014

Project Address: 301 S Colcord, Payson Tax Parcel Number: 304-03-007A
 Subdivision: _____ Lot Number: _____
 Name of Applicant(s): Expedition Church Phone #: 928-474-9128
 Mailing Address: 301 S Colcord Town: Payson St: AZ Zip: 85541
 Name of Property Owner(s): Expedition Church
 Mailing Address: 301 S Colcord Town: Payson St: AZ Zip: 85541
 Contact Person: Jeff Heinemann Phone #: 602-370-7764 Fax #: _____
 Payson Business License # _____ Sales Tax # Exempt

Detailed Description of Request:

To re-zone parcel 304-03-007A to allow for a community coffee house as a ministry of Expedition Church. Any bottom line profits will be donated to charitable community causes on a quarterly basis.

(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.

Jeff Heinemann
Print Name

[Signature] 10/17/16
Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	10/14/16	SLD	Zoning Charge \$1500
COMPLETED APPLICATION	10/17/16	SLD	
NEWSPAPER PUBLICATION	10/21/16	SLD	
300' NOTIFICATION MAILOUT	10/20/16	SLD	
POSTING DATE	10/21/16	SLD	
RECOMMENDATION		DECISIONS	
By:	Date:	By:	Date:



P.O. Box 1256
Payson, AZ 85547
928.474.9128
discoverexpedition.com

To: Town of Payson - Community Development Department
From: Jeff Heinemann, Elder - Expedition Church
Re: ReZoning Application
Date: October 17, 2016

Hi Sheila,

Per your letter to Donovan, please accept the following for our ReZoning Application:

1. Enclosed the the Invite for the Community Participation, which you have;
2. I had delivered the plans to your office, which include the site and floor plans for the Property. Doni had these reduced, and your office still has the originals and copies;
3. The Zoning Application is attached;
4. You have the request for a fee waiver from Donovan;
5. The narrative is included in the Zoning Application under comments. It's simply that we want to open the Coffee Shop which we will call "Common Grounds". We will charge for the Drinks, and if we offer any type of pastries or the like, we will buy them and simply resell them. Any profits we may realize from this ministry, we will donate on a quarterly basis to various local charities in Payson.

Thank you very much Sheila. We hope this suffices to get on the November Agenda so we can move forward.

Sincerely



Jeff Heinemann
Elder, Expedition Church
602-370-7764 cell



P.O. Box 1256
Payson, AZ 85547
928.474.9128
discoverexpedition.com

September 26, 2016

Dear Neighbor,

As you may be aware, Expedition Church will be opening a small neighborhood coffee shop, "Common Grounds", in the coming months. On behalf of Expedition, you are invited to a Citizen Participation Meeting regarding a request to rezone the Church to allow us to open Common Grounds.

Expedition Church is a non-profit Organization which gives back to the community in many ways, as well as internationally. One of our goals is to improve our neighborhood and community, which we feel the coffee shop will be a plus.

This meeting will be held on Thursday, October 13th, 2016 at noon at Expedition Church, 301 S. Colcord Rd. The purpose of this meeting is to provide information to property owners and residents that are adjacent or close to the Church regarding plans for the Coffee Shop. This is also an opportunity to ask questions, comment, and see the progress of Common Grounds.

If you are unable to attend the meeting and have questions regarding the rezoning for the coffee shop, please call Jeff Heinemann, 602-370-7764. I look forward to hearing from you or meeting you at our Church.

Blessings,

A handwritten signature in black ink, appearing to read "Jeff Heinemann", with a long horizontal line extending to the right.

Jeff Heinemann

Elder

jheinemann1@npgcable.com



RECEIVED

OCT 14 2016

COMMUNITY DEVELOPMENT
DEPARTMENT

P.O. Box 1256
Payson, AZ 85547
928.474.9128
discoverexpedition.com

To: Town of Payson - Community Development Department
From: Jeff Heinemann, Elder - Expedition Church
Re: Citizen Participation Report - ReZoning Application
Date: October 13, 2016

The Citizens Participation Meeting was held Thursday, October 13, 2016 at noon at Expedition Church, 301 S. Colcord Rd.

The following is a list of people who attended and were in favor of our rezoning and the addition of the coffee shop, Common Grounds:

Yvonne Moulton, representing Pinecrest Apartments
Joy Avakian, representing Payson Community Kids

Sincerely,

Jeff Heinemann
Elder, Expedition Church
602-370-7764 cell

