

To: Planning & Zoning Commission

From: Robert Gould  
Community Development Director

Subject: Proposed Conditional Use Permit request to allow a restaurant to operate in R1 zoning district along Highway 188 in the Roosevelt area. (Lakehouse Grill is moving directly across the street from current location)

## **I. INTRODUCTION**

MEETING DATE: August 19, 2010

CASE NUMBER: CUP-10-02

LOCATION: The subject site is a 17.41 acre property in the unincorporated area of Gila County in the Roosevelt vicinity that is approximately 20 miles north of Globe.

TAX PARCEL: 204-06-005E

APPLICANT: Jenifer King, property owner

REQUEST: "Relocate Lake House Grill Restaurant across to the other side of State Highway 188."

PURPOSE: To determine how this request for a Conditional Use Permit, to construct a new restaurant on State Highway 188 shall be recommended to the Board of Supervisors.

## **II. EXISTING LAND USE / ZONING DESIGNATION**

Subject Site: Undeveloped TR-TD Property

North: Undeveloped TR-TD Property

South: Undeveloped TR-TD Property

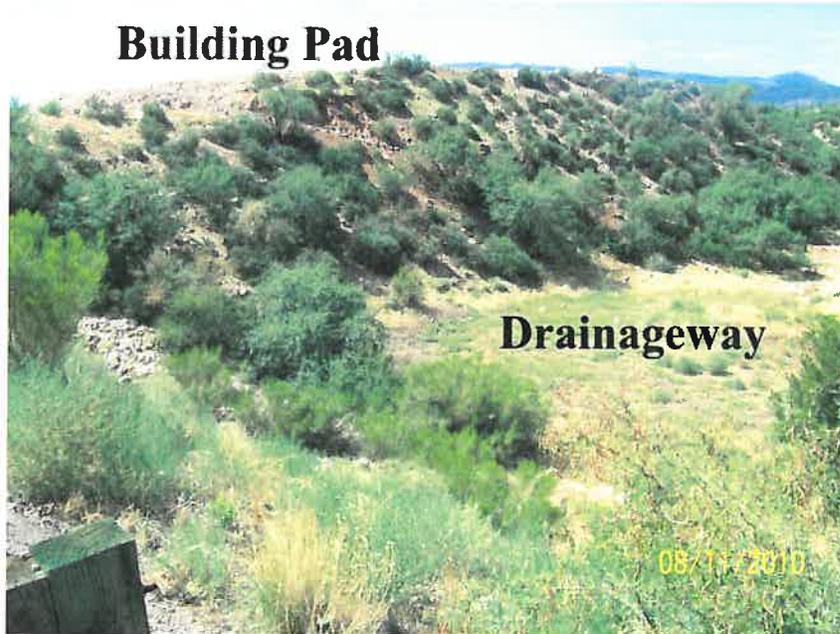
East: Undeveloped TR-TD Property Undeveloped C3 Properties

West: Undeveloped C3 Properties / Residential property R1-D10

The subject site and most surrounding parcels are currently zoned for small commercial development with buildings up to 2500 square feet. A small stretch of land on the west comes into contact with the Quail Run subdivision that is zoned R1-D10. The residential zoned property is at least 250 feet away from the proposed development of the restaurant.

**III. BACKGROUND INFORMATION**

- A. There is currently no development on this property. There has been grading for this site.
- B. The site is sitting on top of a hilly area.
- C. While there is no FEMA regulated floodplain or floodway on this parcel there is a county regulated floodplain area. The proposed parcel will require a floodplain use permit. It does not appear that the building site is within the floodplain area.



**IV. APPLICABLE REQUIREMENTS**

Zoning requirements for Conditional Uses and Condition Use Permits are provided in Section 103.11 of the zoning ordinance. The regulations for the TR District is located in Section 104.2 f(P) of the Zoning Regulation and the regulations for TD District is located in 104.3 (C) of the Zoning Code.

**103.11**  
**CONDITIONAL USES AND CONDITIONAL USE PERMITS**

1. **GENERAL:** As defined in Section 102, Conditional Uses are those uses which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions subject to the procedures for rezoning found in Section 105 Amendment Procedures.

### 3. HEARING:

- A. Upon receipt of a complete application and site plan and the non-refundable application fee, a hearing on the application shall be scheduled before the Planning and Zoning Commission.
- B. The Planning and Zoning Commission may either deny the application, recommend its approval subject to qualifying conditions, or return it to staff for further study prior to a rehearing.
- C. Once a recommendation has been made by the Planning and Zoning Commission, a hearing on the application shall be scheduled before the Board of Supervisors.
- D. The Board of Supervisors may either deny the application, accept the recommendation of the Planning and Zoning Commission, modify the recommendation, or send the application back to the Commission for further study.
- E. Upon the final approval of the Board, a Conditional Use Permit shall be issued by the Department setting forth all qualifying conditions.

## **VI. ANALYSIS**

- A. The current ingress and egress is across parcel 204-06-006K (zoned C3) off the Post Office entrance. Ingress and egress will most likely come off Highway 188 through Parcel 204-06-005D (zoned C3)
- B. Staff has inspected the subject site and finds that this 17 acre property can accommodate the proposed use and be compatible with surrounding parcels.
- C. The area for the restaurant is sitting at a higher elevation than any of the surrounding property. It is important that lighting be appropriate shielded from adjacent properties.
- D. Transitional Residential (TR) allows a mix of uses with the stipulation that non-residential uses be conducted within a building and no commercial activity between 11 PM and 6:00 AM.
- E. A property development plan will be required to be approved or disapproved by the Community Development Director.
- F. The reasons for utilizing the Conditional Use Permit process for this project is that while it is not listed as a permissible use an outright permitted use was General Retail with gross floor areas not exceeding 2500 square feet. This project will exceed 2500 square feet, but due to the existing terrain will be well separated from residential areas.

## **VII. RECOMMENDATION:**

Because the proposed use provides a needed service and because the proposed use could be compatible with the surrounding land uses and topography, and because the use is allowed by the Zoning Ordinance through the Conditional Use Permit process, staff suggests:

That the Planning and Zoning Commission recommend to the Board of Supervisors approval of application CUP-10-02. That the 17 acre property shall be allowed the restaurant use, if and when the following conditions are met:

1. Building permits shall be obtained.
2. Sanitary facilities for the use shall be designed, constructed and approved by the Wastewater Department.
3. All parking must meet county standards and be accommodated on the site.
4. Any applicable State and County Health Department regulations shall be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.
5. All outdoor lighting shall be appropriately shielded in accordance with county regulations.
6. A development must be submitted per the county Zoning Ordinance.
7. Outside dining tables will be permitted and must be shown on the development plan.
8. Violations of any of the seven previous conditions shall be grounds for suspension or revocation of this Conditional Use Permit.

## **VIII Planning & Zoning Commission Recommendation**

The Planning and Zoning Commission met on August 19, 2010 to consider public testimony and staff recommendation for this conditional use permit.

At the conclusion of the Public Hearing the Commission voted unanimously to approve this conditional use permit with the staff recommendations that included the eight conditions specified above.

**RESOLUTION NO. 10-08-02**

CASE NO. CUP-10-02

**A RESOLUTION OF THE  
GILA COUNTY BOARD OF SUPERVISORS  
TO ALLOW A CONDITIONAL USE PERMIT ON  
GILA COUNTY TAX ASSESSOR'S PARCEL 204-06-005E**

**WHEREAS**, the Gila County Planning and Zoning Commission, at a duly noticed public hearing held on August 19<sup>th</sup>, 2010, has recommended to the Board of Supervisors of Gila County, Arizona, that a zoning request, set forth in the attached Exhibit "A", be adopted as provided in Section 11-829, Arizona Revised Statutes; and,

**WHEREAS**, after holding a public hearing as provided by law, the Gila County Board of Supervisors is of the opinion that the adoption of such recommendation would be in the best interest of Gila County.

**NOW, THEREFORE, BE IT RESOLVED** that the Gila County Board of Supervisors, at a regularly scheduled and duly noticed public hearing did approve the zoning request set forth in the attached Exhibit "A."

**PASSED AND ADOPTED** this 21<sup>st</sup> day of September 2010 .

**ATTEST:**

**GILA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Marian Sheppard, Chief Deputy Clerk

\_\_\_\_\_  
Michael A. Pastor, Chairman of the Board

**Approved as to form:**

  
\_\_\_\_\_  
Bryan Chambers, Chief Deputy County Attorney

EXHIBIT "A"  
GILA COUNTY PLANNING AND ZONING CASE #CUP-10-02  
REQUEST: CONDITIONAL USE PERMIT  
Applicant: Salado Properties  
Owner: Jennifer King

Approval of a conditional use permit to allow construction of a restaurant, Lake House Grill, to be located at 18808 N. Hwy 188 in Roosevelt (across from the currently open Lake House Grill), Gila County Tax Assessor's Parcel 204-06-005E, Sec. 15, T3N, R13E.

LEGAL DESCRIPTION: A PARCEL OF LAND ALONG A CHORD OF SAID SPIRAL THAT IS IN CONCENTRIC ALIGNMENT TO SAID CENTERLINE OF STATE ROUTE 88 SPIRAL CURVE NORTH 28 DEGREES 13 MINUTES 02 SECONDS WEST, A DISTANCE OF 68.59 FEET;

THENCE SOUTH 48 DEGREES 50 MINUTES 43 SECONDS WEST, A DISTANCE OF 86.90 FEET;

THENCE SOUTH 05 DEGREES 55 MINUTES 37 SECONDS WEST, A DISTANCE OF 1,180.07 FEET;

THENCE SOUTH 25 DEGREES EAST, A DISTANCE OF 39.24 FEET;

THENCE SOUTH 09 DEGREES WEST, A DISTANCE OF 90.74 FEET;

THENCE SOUTH 64 DEGREES 24 MINUTES 39 SECONDS EAST 644.67 TO THE TRUE POINT OF BEGINNING.

Approved by the Board of Supervisors with the following conditions:

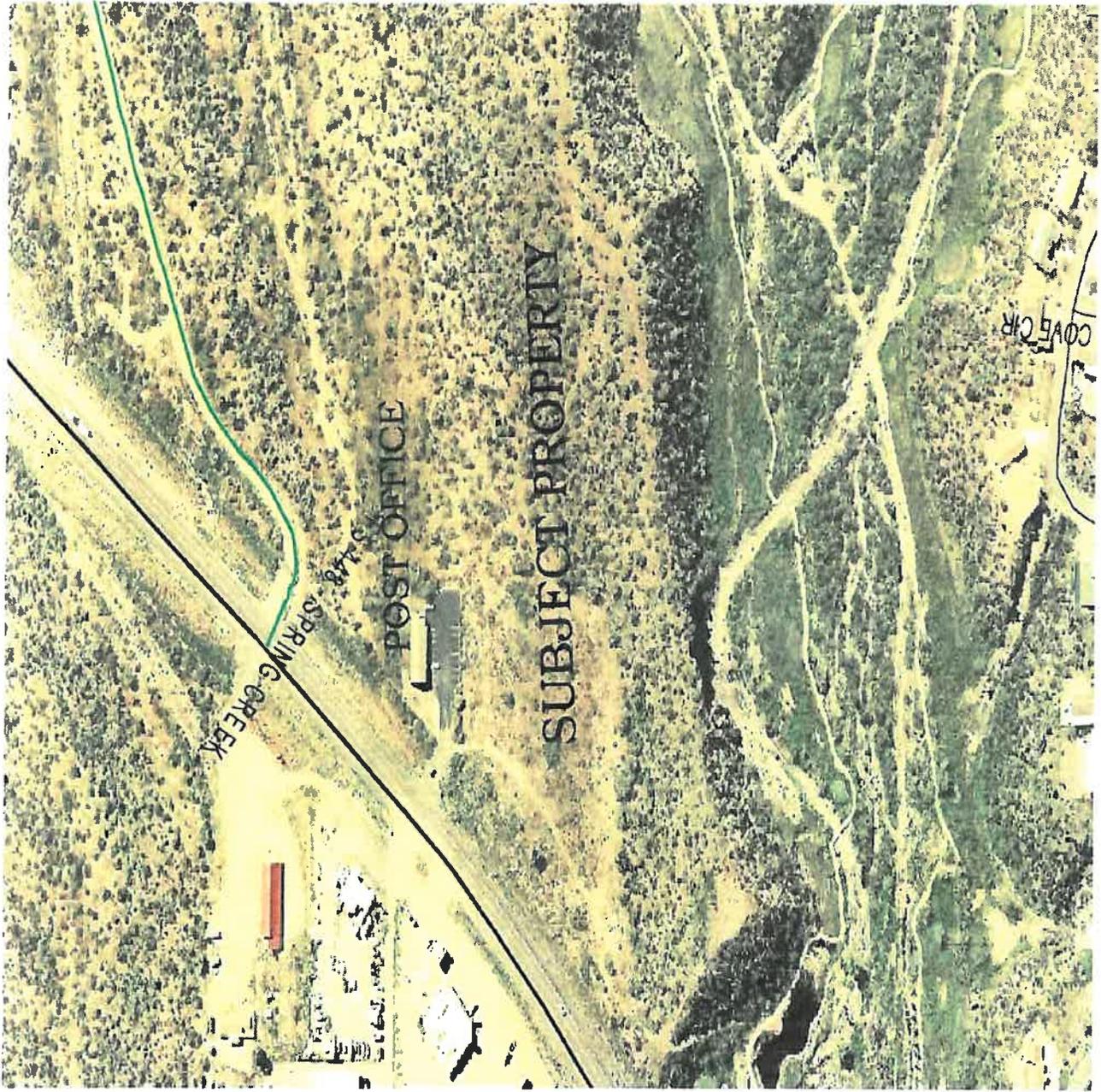
Because the proposed use provides a needed service and because the proposed use could be compatible with the surrounding land uses and topography, and because the use is allowed by the Zoning Ordinance through the Conditional Use Permit process, staff suggests:

That the Planning and Zoning Commission recommend to the Board of Supervisors approval of application CUP-10-02. That the 17 acre property shall be allowed the restaurant use, if and when the following conditions are met:

1. Building permits shall be obtained.
2. Sanitary facilities for the use shall be designed, constructed and approved by the Wastewater Department.

3. All parking must meet county standards and be accommodated on the site.
4. Any applicable State and County Health Department regulations shall be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.
5. All outdoor lighting shall be appropriately shielded in accordance with county regulations.
6. A development must be submitted per the county Zoning Ordinance.
7. Outside dining tables will be permitted and must be shown on the development plan.
8. Violations of any of the seven previous conditions shall be grounds for suspension or revocation of this Conditional Use Permit.





SPRING CREEK

POST OFFICE

SUBJECT PROPERTY

COVER CR

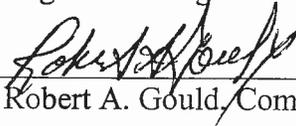
**LEGAL NOTICE  
GILA COUNTY  
PLANNING & ZONING COMMISSION  
AND  
BOARD OF SUPERVISORS**

*NOTICE IS HEREBY GIVEN* that the Gila County Planning & Zoning Commission will hold a public hearing on Thursday, August 19<sup>th</sup>, 2010 and the Board of Supervisors will hold a public hearing on Tuesday, September 21<sup>st</sup>, 2010 concerning Application CUP-10-02, filed by Salado Properties for owner Jennifer King. Application CUP-10-02 is a request for construction of restaurant, Lake House Grill, to be located on Hwy 188 (across from the currently open Lake House Grill), Gila County Tax Assessor's Parcel 204-06-005E, Sec. 15, T3N, R13E. The P & Z Commission hearing will be held at 10:00 a.m. in the Board of Supervisors Hearing Room located at 1400 E. Ash Street, Globe, Arizona. The Board of Supervisors hearing will be held at 10:00 a.m. in the Board of Supervisors Hearing Room at 1400 E. Ash Street, Globe, Arizona.

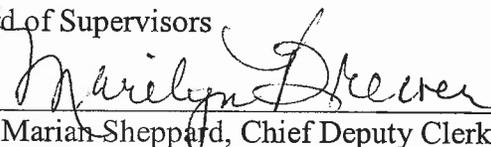
The Board of Supervisors hearing date will be continued if the Planning & Zoning Commission has not given a recommendation. Interested persons may file a statement in writing for or against the zoning change request or appear and be heard at the dates set forth. Citizens can mail their statements to the addresses listed below or email the Director at [rgould@co.gila.az.us](mailto:rgould@co.gila.az.us)

Information regarding Application CUP-10-02 will be available for review in the Gila County Community Development Departments located at 1400 E. Ash Street in Globe, Arizona and at 608 East Highway 260 in Payson, Arizona on July 28, 2010. Citizens may also call the offices at 928-425-3231 EXT 8513 (Globe) or at 928-474-9276 (Payson), during normal business hours.

Planning and Zoning

By:   
Robert A. Gould, Community Development Director

Board of Supervisors

By:   
for Marian Sheppard, Chief Deputy Clerk

Arizona Silver Belt: One Publication: August 4th, 2010 Acct 101556-20

Payson Roundup One Publication: August 3rd, 2010 Acct 10015682