



Staff Report To the Board of Supervisors

Applicant Site



Board of Supervisors Meeting
October 22, 2013

I APPLICATION

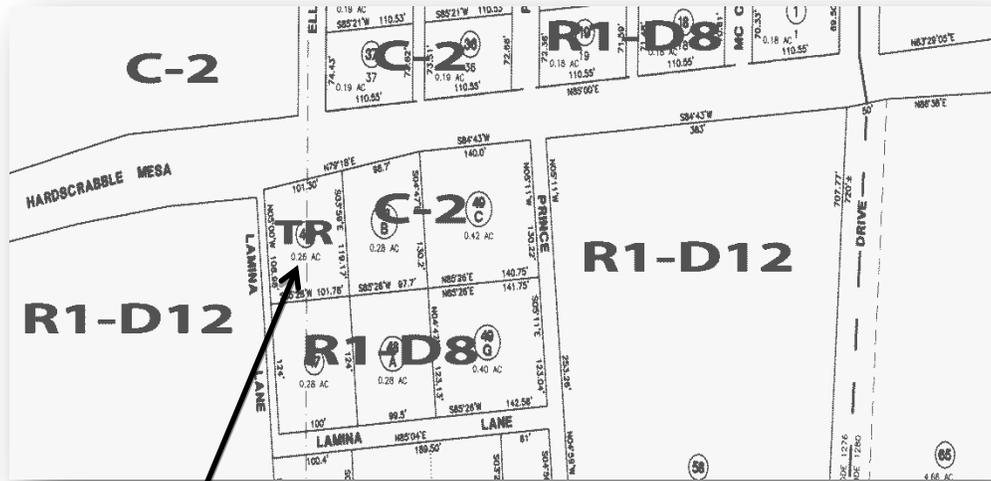
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| Applicant Name | J Pak |
| Applicant Address | PO Box 2033, Pine, Arizona |
| Site Address | 6261 Hardscrabble Road, Pine, AZ |
| APN Number | 301-21-046 |
| Current Zoning | TR – Transitional Residential Intent and Purpose: <ul style="list-style-type: none"> a. To provide a degree of flexibility in land use in transitional areas where a mixture of residential and light commercial uses will be beneficial. b. To allow for certain mixed-use developments subject to an approved site plan, provided such developments shall be in harmony with, and will result in a minimum disruption to, surrounding uses. c. To create transitional zones to serve as buffers between residential districts and commercial or industrial districts. |
| Current Comprehensive Plan Designation | Neighborhood Commercial: The Neighborhood Commercial category denotes the areas of the county where limited shopping and basic commercial services for the immediate area are preferred. Neighborhood Commercial areas shall not be greater than five (5) acres in size and shall be designed to be compatible with the character of the surrounding community. Neighborhood Commercial facilities are typically, but not always, located at intersections of streets that include traffic which is primarily generated from the immediate area. |
| Application Number | CUP-13-03 |

II Purpose & Description

On October 12, 2012 the Board of Supervisors approved two applications for this property. One application changed the Comprehensive Plan land use designation from Residential to Neighborhood Commercial. The other application applied Transitional Residential (TR) zoning to the property. Mr. Verhayan stated that it was his intent to have a small business such as a real estate office or candle shop operate at this location.

The applicant now proposes to operate a restaurant with indoor and outdoor service, as well as entertainment with sales of Beer and Wine.

III Zoning Regulations



Applicant Parcel

Zoning for the surrounding properties are either Commercial or Residential. The above map depicts the current zoning situation for the area.

The transitional residential zoning district allows a limited degree of commercial development. The primary purpose is to ensure that any use is compatible with adjacent residential uses.

Our current zoning ordinance allows us to consider an activity that is not outright permitted through the conditional use permit process where conditions may be applied to ensure compatibility with surrounding land uses.

TR zoning limits commercial development to no greater than 2500 square feet and limits hours of operation from 6AM to 11PM.

Any use established on this property through the conditional use permit process should be compatible with the residential zoned property to the south and west.

IV Primary issue or issues to consider

There are several issues that should be looked at for compatibility:

- a. Noise: Playing music till 11 PM outside can be disturbing to residential properties
- b. Lighting: Lighting needs to occur in a manner that assures surrounding residential properties will not be adversely affected.
- c. Sale of alcoholic beverages in residential areas needs to have adequate controls so it does not become a nuisance to surrounding property owners.

- d. Dust from unpaved parking facilities can be a nuisance to surrounding properties.

V Background

As stated earlier the current zoning on this property was established approximately one year ago. At that time the applicant wanted C-2 commercial, but after meetings with staff they decided to apply for TR zoning because staff wouldn't support the request for commercial zoning.

At that time staff felt that zoning this property C-2 would allow land use activities that could be detrimental to surrounding residential properties. These uses could be established with no legislative review and limited right of staff to deny. C-2 zoning would allow the establishment of restaurants with live music and no limitations on hours or whether they operated inside or outside. There would also be no limits to the size of the establishment.

VI Analysis

Residential development is very close to the side and rear property lines of this parcel. Because of this we should take appropriate action to include the following:

1. Limit the amount of dust that can be emitted into the air through customer traffic.
2. Limit the amount of noise from music that can cause disruption to residential uses
3. Limit the spillage of light onto adjacent residential properties
4. Sales of alcoholic beverages should be limited to patrons who come for meals and not allow the establishment of a bar for drinking customers only.

Existing adjoining residential development



VII Summary

Adjoining residential development is rural as compared with urban residential development of small lots and close proximity to each other. Because of this it is important that the potential intrusions from this proposed land use activity be limited. These intrusions include the four issues identified above.

VIII Recommendation

Staff would recommend that the Planning and Zoning Commission recommend approval of this application to the Board of Supervisors with the following conditions:

1. Outside dining is permitted but not the playing of music.
2. The parking facilities will be paved to decrease road dust.
3. All outdoor lighting shall be shielded from adjoining residential uses.
4. The primary use of this property will be a restaurant and not a place for bar patrons only.
5. Adequate security fencing shall be installed to keep any alcoholic beverages on the property.

IX Planning & Zoning Commission Hearing – September 19, 2013

The Planning & Zoning Commission held a public hearing on this application on September 19, 2013. Several concerns were expressed at the conclusion of the public hearing:

1. Concerns that due to the small size of the property the applicant cannot meet minimum parking requirements
2. Concerns over large truck blocking the 10 foot wide easement providing access to residential units in the rear of the property
3. Concerns over whether there is adequate land area to do what the applicant wants to do.

Motion to approve:

Mary Lou Myers moved that the application should be approved with the following conditions:

1. Outside dining is permitted but not the playing of music.
2. All outdoor lighting shall be shielded from adjoining residential uses.
3. The primary use of this property will be a restaurant and not a place for bar patrons only.
4. Adequate security fencing shall be installed to keep any alcoholic beverages on the property.
5. The 10' wide access easement will not be blocked

Motion failed with a vote of 3 aye and 4 Nay.

- Staff believes that due to the fact that staff voiced support for this application in the beginning that it may be appropriate to refund the application fee to the applicant. The applicant may not have filed the application if I had expressed my concerns in the beginning.

