



MEMO

TO: Planning and Zoning Commission

FROM: Ray Erlandsen
Acting Community Development Director

DATE: March 15, 2010

SUBJECT: **Conditional Use Permit Amendment Request** **CUP10-004**
409 S. Tonto Street, Payson Community Kids Inc.

Background

A request has been submitted by the Payson Community Kids, Inc., applicant and property owner, to allow a day care center use in a R-3 zoning district at 409 S. Tonto Street.

Analysis

Payson Community Kids Inc. is seeking approval of a day care center use to continue their program, which until recently was operating as a home-based business at 300 W. Wade Lane and on a portion of the property located at 409 S. Tonto Street. The organization no longer owns the property at 300 W. Wade Lane and is seeking to expand their use of the property at 409 S. Tonto Street.

In 2005 Lot 13 of the Mogollon Rim Addition 3 Subdivision (407 S. Tonto Street) was deeded to Payson Community Kids by Daloris Luebbbers. Payson Community Kids split the property on Tonto into two parcels (see exhibit A). Lot 13B, 409 S. Tonto Street was retained by Payson Community Kids Inc. and Lot 13A, 407 S. Tonto Street was conveyed to Habitat for Humanity for construction of a single family residence.

Suzy Tubbs, President of the Payson Community Kids, Inc. governing board, has outlined the services provided by this organization in her narrative stamped 2-15-2010, which is included in this report. The proposed use is most similar to a day care center, for which the Unified Development Code (UDC) classifies as a “conditional” use in a R-3 zoning district.

Payson Community Kids, Inc. operates chiefly with the assistance of volunteers, which allows them to offer programs and services at a minimal cost. Volunteers work with the children on a regular basis by providing meals and after school programs and actively participating in fundraising projects. Future expansion of the program is planned with the addition of a recreation room facility as depicted on the site plan dated 2-5-10. This site plan is preliminary and has not yet been reviewed by the Development Services Committee. The project will need to comply with all Town of Payson Commercial Development Standards. In addition, upgrades to the roadway adjacent to this project will need to be improved to meet minimum standards.

The zoning application fee for a conditional use permit is \$1000.00. On February 18, 2010, the Town Council directed staff to waive the application fee at the request of the applicant.

Staff finds that the applicant's request could be compatible with the surrounding area, if the recommended conditions are met.

Staff Recommendation:

Approval with conditions listed below:

1. The development shall be in substantial conformance with the Preliminary Site Plan study, dated February 5, 2010.
2. Site shall comply with all Town of Payson development regulations including fire, building, design review, and water conservation measures.
3. The use shall comply with all state licensure requirements. Failure to comply with state requirements shall be grounds for revocation of the CUP.
4. Off-street parking requirements of the Unified Development Code shall be met, and all parking spaces and driving aisles must be paved.
5. The existing street pavement ends prior to reaching this property. That street pavement must be extended to the south side of this property. The improvements shall include, at a minimum, a 24' wide paved roadway with a thickened edge.
6. Storm water detention must be provided in accordance with the current Town requirements.
7. The length of this conditional use permit shall run concurrent with the use of this property. So long as the site is used for a day care center use, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the R-3 zoning district.
8. Failure to comply with conditions one (1) thru five (5) above 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 or Public Works Engineer, with a 24 hour notification to the property owner, an inspection shall be allowed at the school. If violations of the conditions of this CUP persist, 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 CUP10-004, a request to allow a day care center use in a R-3 zoning district at 409 S. Tonto Street, with the conditions as recommended by staff."

Neighborhood Involvement

A Citizens Participation meeting was conducted on February 25, 2010, at 409 S. Tonto Street. The Citizens Participation Report and related correspondence received by staff are attached for review.

* Note: There is a 30 day appeal period before the action of the Planning and Zoning Commission becomes effective.



N 1201M LN

S TONTO ST

407

408

409

**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 checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat | |
| <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 | |

Aug, 2009

Project Address: 409 S Tonto Street Tax Parcel Number: 304-03-103B
 Subdivision: Magallon Rim Addition 3 Lot Number: portion of 13
 Name of Applicant(s): Payson Community Kids Phone #: 928-978-3256
 Mailing Address: PO Box 1856 Town: Payson St: A Zip: 85547
 Name of Property Owner(s): Payson Community Kids Inc
 Mailing Address: PO Box 1856 Town: Payson St: A Zip: 85547
 Contact Person: Suzanne Tubbs Phone #: 928-978-3256 Fax #: 928-468-6290
 Payson Business License # N/A Sales Tax # 03-0376861

Detailed Description of Request:

Please see attached

(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.

Suzanne Tubbs
Print Name

Suzanne Tubbs
Signature

2-11-10
Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	2-11-10	Sld	Waived by Town Council 2.18.10 Sld
COMPLETED APPLICATION	3-3-10	Sld	
NEWSPAPER PUBLICATION	2-26-10	Sld	
300' NOTIFICATION MAILOUT	2-25-10	Sld	
POSTING DATE	2-25-10	Sld	
			CHECK NUMBER: <u>N/A</u> DATE: <u>N/A</u>

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

The ***Payson Community Kids Program*** was started in 1996 to provide a supportive group to “at risk” children in Payson whose parents, for various reasons, are unable to provide adequate care, clothing, food or other essential needs to these children. As of December 2009, there are approximately seventy children that are assisted by Payson Community Kids Inc, Our goal in helping these children’s needs be met by providing: food and clothing as needed, dental and medical care when needed, school supplies to ensure the children have a chance to do well in school and positive reinforcement for good behavior, honesty, courage are an important element that these children require to succeed at home, school and in life.

Currently the Payson Community Kids has an afterschool program currently open one day per week on Wednesdays from 3:00 p.m. to 5:30 p.m. available to children six to eighteen years of age. As of January 2010, we are limited to 6 children under the age of 16 without a custodial parent attending the program with them. The program is currently only open for one day per week. This makes our program very limited.

The after school program starts where they are treated to a snack when then come in the door from school and dinner before they go home. They do art, music, and positive life lesson classes. Homework is a must and tutoring is available for all children.

The afterschool program also has a job skills program for the teenagers of Payson Community Kids they are known as Student Teachers. The Student Teacher must be a beneficiary of Payson Community Kids program for no less than 6 months before entering into the job skills program. The job skills program has been very successful and, gives the Student Teacher the skills necessary to apply and hold a job giving them the responsibilities expected of them as an employee. Currently there are three Student Teachers in the program.

Goal for June 2010 is to have accommodations that would support the afterschool program of upwards to forty children on an operational daily basis of three days per week.

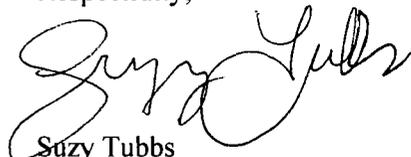
Payson Community Kids requires Community Involvement from the beneficiary’s of the program such as in community projects like “adopt a street” and celebrating grand parent’s day with the elders in Payson, assisting neighbors that may need assistance of their own.

This program helps keep these children off the streets and gives them a place of hope and care that they may not otherwise receive.

Please review the attached proposed site plan to add the additional building to be able to meet our goal to assist the children in our program. The additional building is necessary to continue this program and help the children of Payson Community Kids.

If you have any questions please feel free to give me a call at 928-978-3256.

Respectfully,



Suzy Tubbs
President

Payson Community Kids Inc,
(928) 978-3256

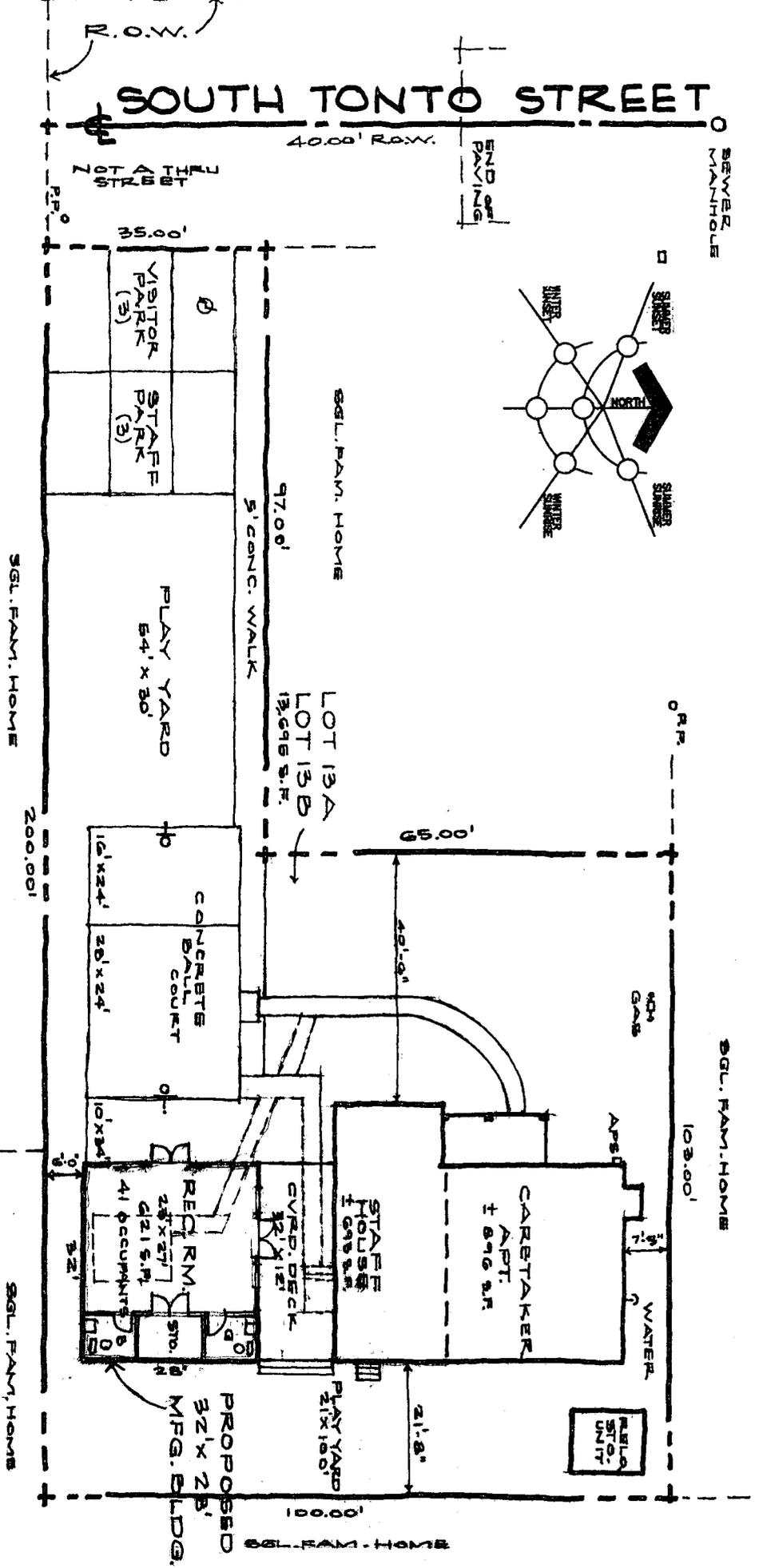
FEB 15 2010

SOUTH TONTO STREET

40.00' ROW



**PAYSON COMMUNITY KIDS
NEIGHBORHOOD CENTER**
409 SOUTH TONTO ST., PAYSON, ARIZONA



SITE STUDY
SCALE: 1" = 32' 02/05/10
PRELIMINARY

**CITIZENS
PARTICIPATION
MATERIAL**

15-09-014 Citizens Participation Report

**Payson Community Kids
409 S. Tonto Street
Payson, AZ 85541**

**Mailing:
PO BOX 1856
Payson, AZ 85547**

February 8, 2010 the Notice of citizens Participation Meeting was mailed to the attached 70 neighbors. The notice provided a description of the Payson Community Kids program and what the future plans entailed. Included in the notice was an enclosure of a Preliminary drawing of an additional structure to accommodate the current program. (See attached)

The date of the Citizens Participation Meeting was Thursday, February 25, 2010 from 5:00 p.m. to 6:00 p.m. The location was 409 S. Tonto Street Payson, AZ 85541.

There were six representatives from Payson Community Kids in attendance (Suzy Tubbs, Chris Avakian, Carol Quigley, Bobby Tucker, Cherie Wait, and Laura Meidinger) to assist with answering questions and concerns.

Three neighbors (Jim Cooper, Greg DeClaire and Misti DeClaire) were in attendance in addition to a member (Lori Meyers) of the Town of Payson, Planning and Zoning Department.

The following concerns were discussed:

- 1. Trash bin located at the end of Tonto Street**
- 2. Parking on street**
- 3. Speeding cars staff, volunteers or parents**
- 4. To early start time of operation of the program**
- 5. Property values**

Plans to address:

- 1. Trash bin – Trash bin is not associated with Payson Community Kids and this was discussed. Neighbor said he would discuss issue with the responsible party.**
- 2. Parking – There will not be any parking in the street from any individual affiliated with Payson Community Kids. This will be stopped immediately. Parking spaces will be provided at point of construction to illuminate any additional parking confusion.**
- 3. Speeding – Payson Community Kids will not tolerate speeding by staff, volunteer or parent if such action takes place consequences shall be imposed**

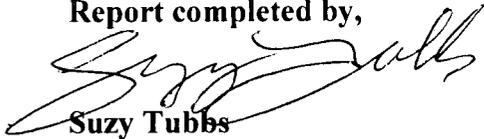
thereof. However neighbor should not hesitate to contact police if this ever occurs.

4. Time of operation – The program does not start until 2:30 p.m. and ends at 5:30 p.m. during school year. Summer and vacation time the program is open from 10:00 a.m. to 2:00 p.m.
5. Property values – The additional building will promote positive values and assist in mischief being kept off the streets of the neighborhood.

The above items were the concerns that were brought up by the attending neighbors by the end of the meeting all neighbors in attendance felt their questions were answered and appeared to be very satisfied with the response.

In conclusion there were no issues that we are aware of that we can not be unwilling or unable to address at this time.

Report completed by,



Suzy Tubbs

President,

Payson Community Kids

107 North Mogollon Trail

Payson, AZ 85541

928-978-3256

Notice of Citizens Participation Meeting

February 8, 2010

Dear Neighbor:

The Payson Community Kids Board of Directors will hold a public meeting at the Payson Community Kids Inc, Center located at: 409 S. Tonto Street, Payson, AZ 85541 at 5:00 p.m. to 6:00 p.m. Thursday, February 25, 2010. The purpose of the meeting will be to discuss our application for a **Conditional Use Permit** at 409 S. Tonto Street; Gila County Assessor's Parcel No. 304-03-103B, the Conditional Use Permit would refer to Payson Community Kids Inc, a non-profit for at risk children in Payson, Arizona.

The *Payson Community Kids Program* was started in 1996 to provide a supportive group to "at risk" children in Payson whose parents, for various reasons, are unable to provide adequate care, clothing, food or other essential needs to these children. As of December 2009, there are approximately seventy children that are assisted by Payson Community Kids Inc, Our goal in helping these children's needs be met by providing: food and clothing as needed, dental and medical care when needed, school supplies to ensure the children have a chance to do well in school and positive reinforcement for good behavior, honesty, courage are an important element that these children require to succeed at home, school and in life.

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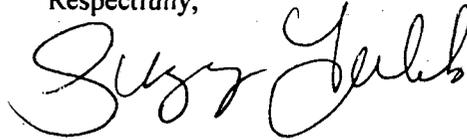
This program helps keep these children off the streets and gives them a place of hope and care that they may not otherwise receive.

Please review the attached proposed site plan to add the additional building to be able to meet our goal to assist the children in our program. The additional building is necessary to continue this program and help the children of Payson Community Kids.

If you are unable to attend this meeting and have questions or comments regarding this project, feel free to contact Suzy Tubbs, Payson Community Kids Inc, Board President at (928) 970-7441.

If you would like to make a monetary donation to assist in the cost of building this additional facility please checks to Payson Community Kids PO Box 1856 Payson, AZ 85547.

Respectfully,

A handwritten signature in cursive script that reads "Suzy Tubbs". The signature is written in black ink and is positioned above the printed name and title.

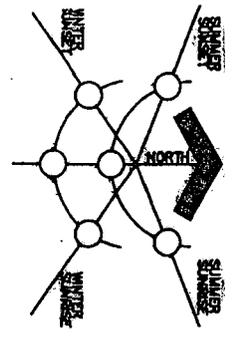
Suzy Tubbs
President
Payson Community Kids Inc,
(928) 970-7441

SOUTH TONTO STREET

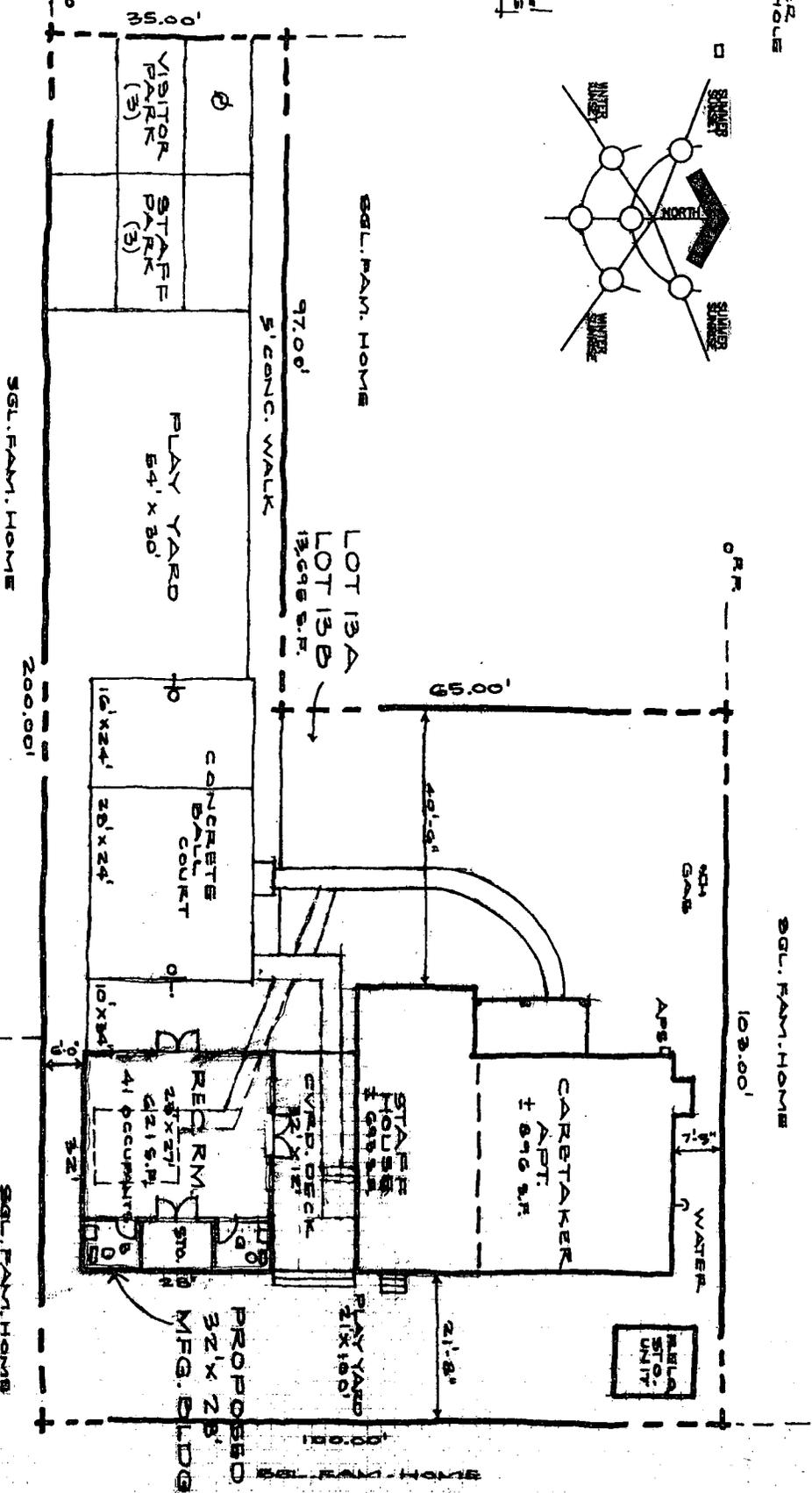
40.00' R.O.W.

NOT A TYPICAL STREET

SEWER MANHOLE



PAYSON COMMUNITY KIDS NEIGHBORHOOD CENTER
409 SOUTH TONTO ST. PAYSON, ARIZONA



SITE STUDY
SCALE - 1" = 52' 02/05/10
PRELIMINARY



Gila County, AZ
 Linda Haught Ortega, Recorder
 07/27/2005
 04:14PM
 Doc Code: WD

PIONEER TITLE AGENCY RECORDING

at the request of Pioneer Title Agency, Inc.

When recorded mail to:
PAYSON COMMUNITY KIDS, INC.
 300 W. Wade
 Payson, AZ 85541



2005-013329
 Page: 1 of 1
 07/27/2005 04:14P
 15.00

00122785-TB

Tax Code: 304-03-103

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,

DALORIS A. LUEBBERS, a widow

do/does hereby convey to

PAYSON COMMUNITY KIDS, INC., an Arizona non-profit corporation

the following real property situated in Gila County, Arizona:

Lot 13, MOGOLLON RIM ADDITION PLAT THREE, according to Map No. 151, records of Gila County, Arizona.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

DATED this 20th day of July, 2005

Daloris A. Luebbers
 DALORIS A. LUEBBERS

State of Arizona

County of Gila



This instrument was acknowledged before me this 20 day of July, 2005 by DALORIS A. LUEBBERS.

Cynthia Nissen
 Notary Public

State of Arizona

County of Gila

My commission will expire 10-8-2006
 This instrument was acknowledged before me this ___ day of ___, 20 by

Notary Public

My commission will expire _____



Gila County, AZ
Linda Haught Ortega, Recorder
07/27/2005
04:14PM
Doc Code: WD

PIONEER TITLE AGENCY RECORDING

at the request of Pioneer Title Agency, Inc.

When recorded mail to:
PAYSON AREA HABITAT FOR HUMANITY, INC.
1013 S. GOODFELLOW RD.
PAYSON, AZ. 85541



2005-013330
Page: 1 of 1
07/27/2005 04:14P
15.00

Gila County, AZ

WD

00122817-TB

Tax Code: A PORTION OF 304-03-103

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,

PAYSON COMMUNITY KIDS, INC., an Arizona corporation

do/does hereby convey to

PAYSON AREA HABITAT FOR HUMANITY, INC., an Arizona corporation

the following real property situated in Gila County, Arizona:

Lot 13A, as shown on that certain Record of Survey/Minor Land Division recorded as Map No. 2916, records of Gila County, Arizona, being a portion of Lot 13, MOGOLLON RIM ADDITION PLAT THREE, according to Map No. 151, records of Gila County, Arizona.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

DATED this 22nd day of July, 2005

PAYSON AREA HABITAT FOR HUMANITY, INC., an Arizona non-profit corporation

Marcy Rogers, President

MARCY ROGERS, President

State of Arizona

County of Gila

ss

This instrument was acknowledged before me this
22nd day of July, 2005 by
MARCY ROGERS, as President of PAYSON
COMMUNITY KIDS, INC., an Arizona non-
profit corporation.

[Signature]

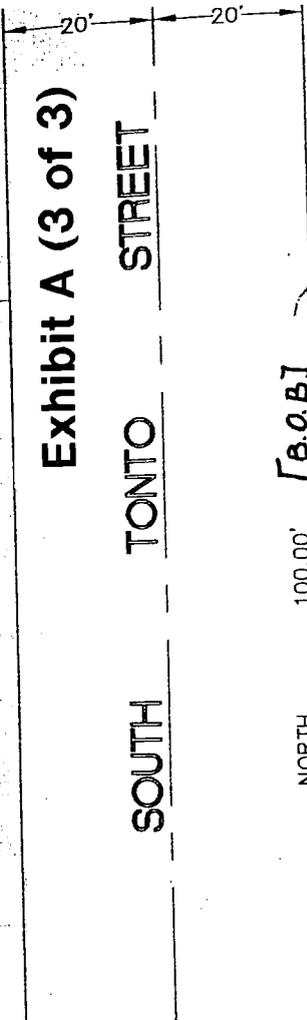
Notary Public

My commission will expire _____



Exhibit A (3 of 3)

SOUTH TONTO STREET

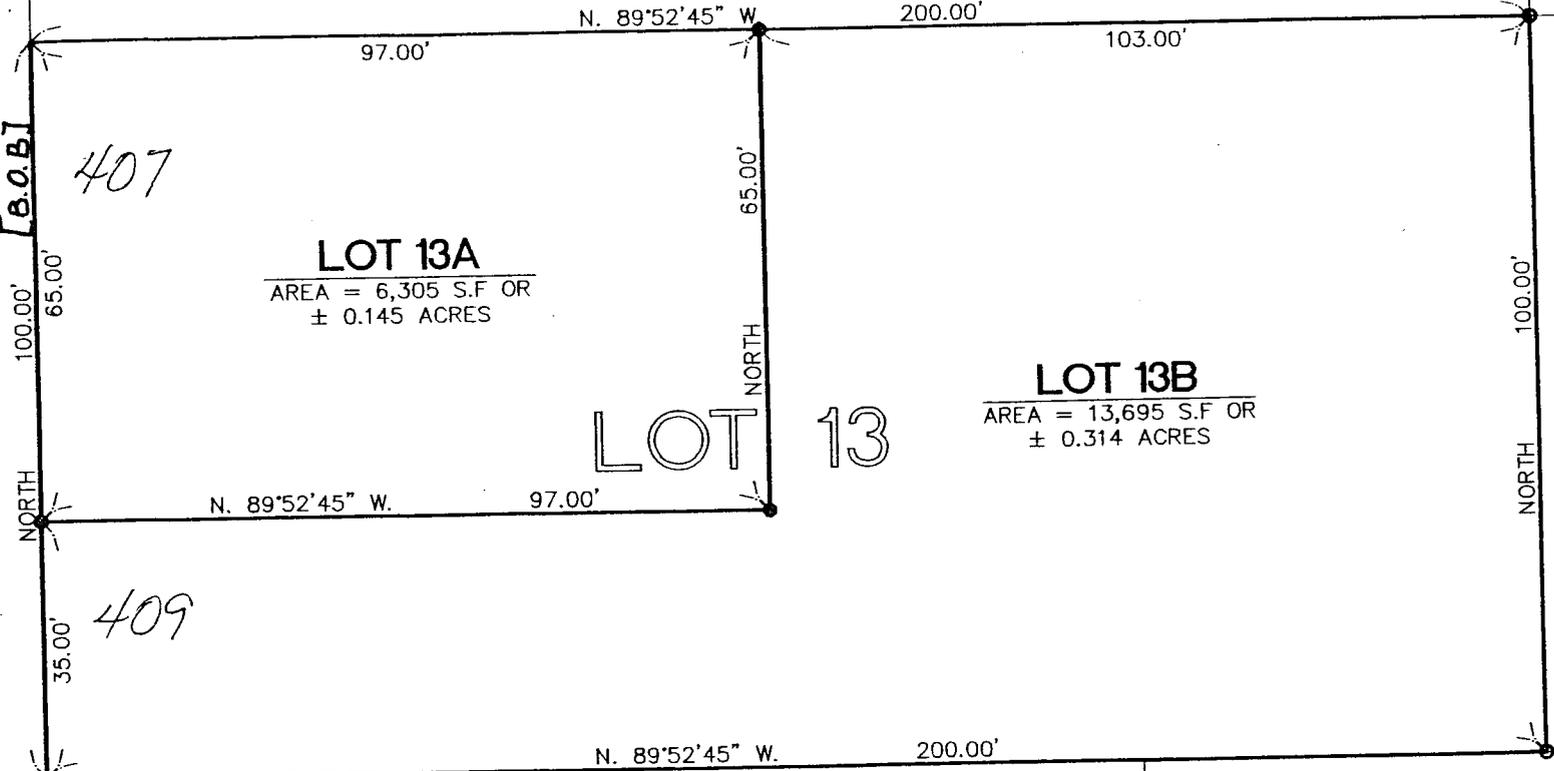


407

409

LOT 14

LOT 34



LOT 13A
AREA = 6,305 S.F OR
± 0.145 ACRES

LOT 13

LOT 13B
AREA = 13,695 S.F OR
± 0.314 ACRES

LOT 35

125
A

125
K