



MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf,
Planning & Development Director

DATE: May 2, 2016

SUBJECT: Zoning Map amendment from C-1 to R-3
208 E. Bonita Street

P16-001

Background

The applicant is requesting approval of a zone change from C-1 Commercial One, Neighborhood Services District to R-3, Multiple Family Residential for the purpose of obtaining mortgage financing for the existing 1.27 acre property located at 208 E. Bonita Street. The subject site presently has a site-built home that was previously used as a bed and breakfast. However, it is currently occupied as a single family residence. No change in the current use of the property is proposed with this request.

The site is bordered on the west by C-1 zoned property, currently undeveloped but platted for condominiums. The property just east of this site is zoned R1-8-MH. Across Bonita Street the neighboring properties to the south are zoned R-3-MH and R1-8-MH.

Analysis

The applicant has requested to rezone this site from Commercial to Residential. 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.* R-3 (Multiple Family Residential District) is the only residential zoning district category that could accommodate both the applicant's request as well as conform to the Land Use Element of the General Plan. R-3 zoning districts would allow for a vertical mix of limited commercial and residential uses.

This property is adjacent to the proposed Phase II improvements to E. Bonita Street, which extends from State Route 87 to S. Bentley Street. The public right of way improvements will include wider driving lanes as well as bike lanes on both sides of the roadway. There is presently a 25 foot wide easement across the front of this lot for the public roadway. The property that is encumbered by this easement should be dedicated to the public for the roadway

improvements in conjunction with approval of this zoning change. In addition, a slope and drainage easement and temporary construction easements from the new front property line north are depicted in the improvement plans for the roadway. These easements should be recorded prior to the effective date of any rezoning action.

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) The front portion of this property encumbered by the 25 foot roadway easement shall be dedicated to the Town of Payson for E. Bonita Street Phase II improvements.
- 2) A Slope and Drainage Easement shall be granted over the front 15' feet of the site after necessary right of way has been dedicated.
- 3) The applicant shall grant a temporary construction easement to the Town of Payson in conjunction with E. Bonita Street Phase II improvements as shown in the proposed improvement plans for that project.

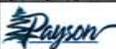
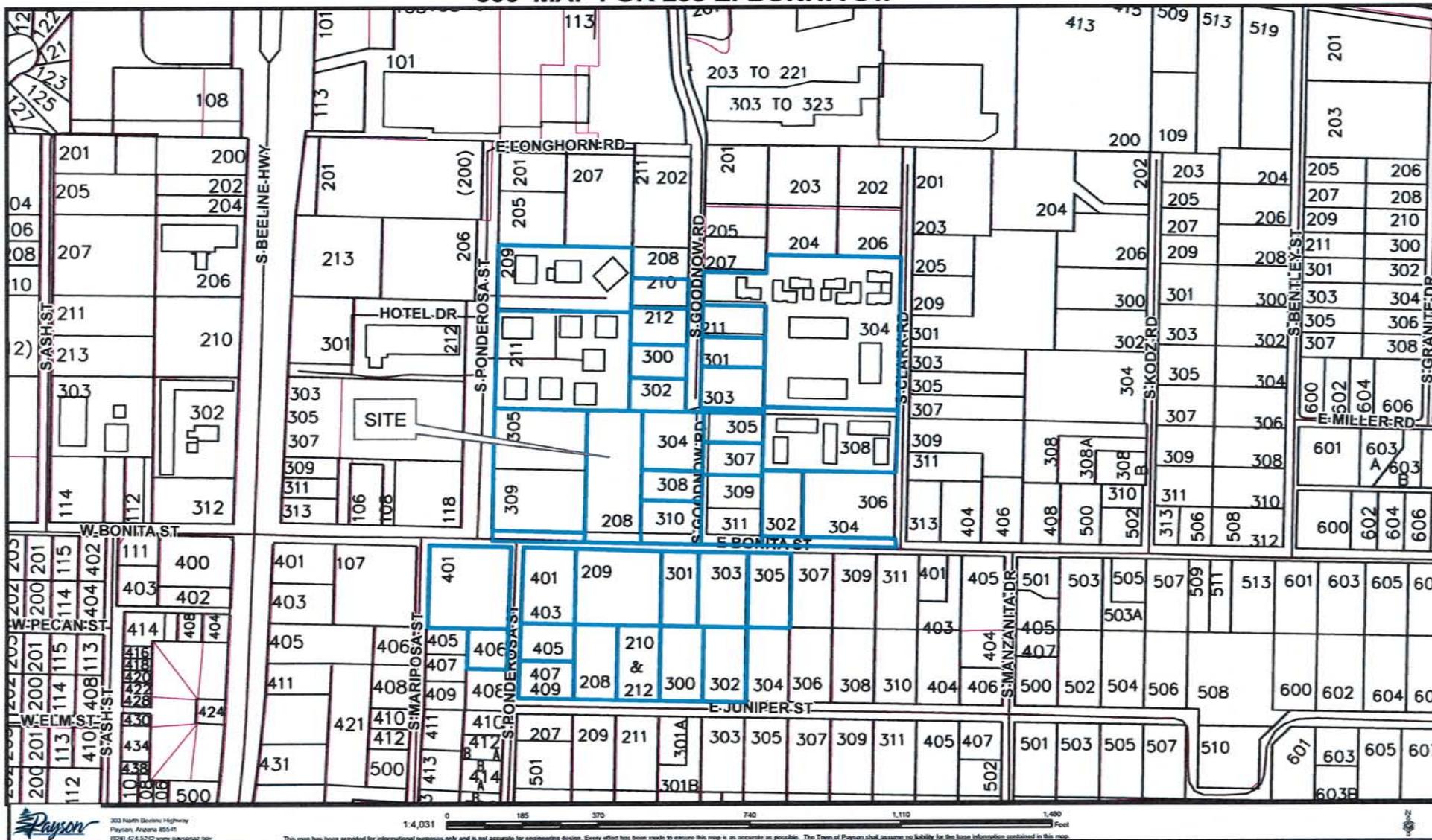
Suggested Motion to recommend Approval:

“I move the Planning & Zoning Commission recommend to the Town Council approval of P16-001, a request to rezone a 1.27 acre property located at 208 E. Bonita Street from C-1 to R-3 subject to the three conditions listed in the staff memo.”

Neighborhood Involvement

A Citizens Participation meeting was conducted on April 22, 2016 at 208 E. Bonita Street. The Citizens Participation Report is included with the submittal documents for review.

300' MAP FOR 208 E. BONITA ST.



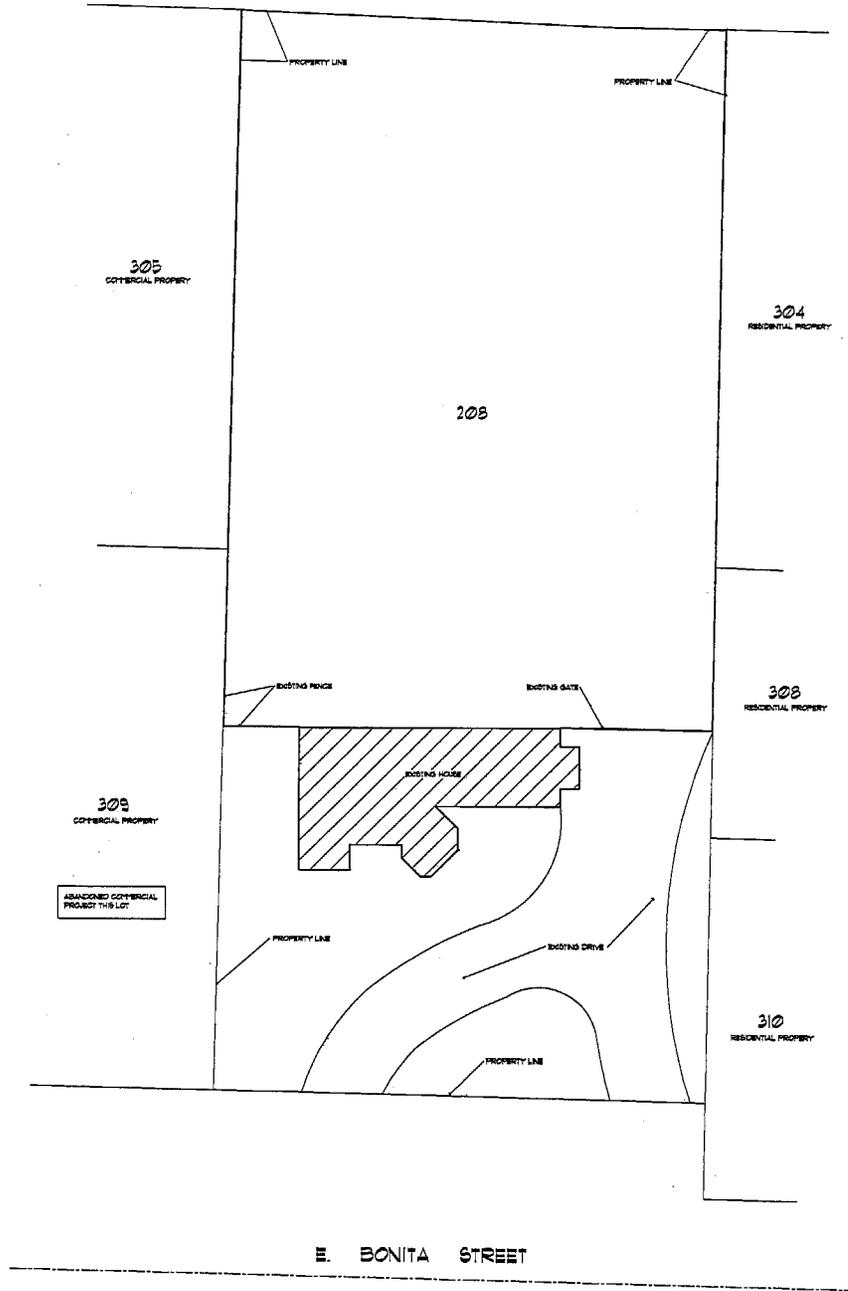
303 North Division Highway
 Payson, Arizona 85541
 (908) 474-5242 www.paysonaz.gov

This map has been provided for informational purposes only and is not accurate for engineering design. Every effort has been made to ensure this map is as accurate as possible. The Town of Payson shall assume no liability for the base information contained in this map.



208 E. Bonita Street





SEE NO.	3-23-10
DATE	MEC
DRAWN	MEC
CHECKED BY	MEC
REVISIONS	MEC



**Mark Daniels Design
And Drafting, LLC**
 2210 N. Rainbow Blvd
 Suite 100
 Payson, AZ 85541
 (928) 978-8282
 E-mail: mrdaniels@gmail.com

Sue Malineki Residence
 208 E. Bonita Street
 Payson, Arizona

RE-ZONE SITE PLAN

SHEET NO.

S

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 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: 208 E Bonita St **Tax Parcel Number:** 304-04-212A
Subdivision: Earl Russell **Lot Number:** 10
Name of Applicant(s): Mary Suzanne Malinski **Phone #:** 928-595-1569
Mailing Address: 1104 S Beeline Hwy **Town:** Payson **St:** AZ **Zip:** 85541
Name of Property Owner(s): same as above
Mailing Address: _____ **Town:** _____ **St:** _____ **Zip:** _____
Contact Person: same as above **Phone #:** _____ **Fax #:** _____
Payson Business License # n/a **Sales Tax #** n/a

Detailed Description of Request:
zone change from commercial to residential - No changes
purpose - Reverse Mortgage will stay residential

(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.

Mary Malinski [Signature] 4/25/16
 Print Name Signature Date
EM. suemalinski@gmail.com

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	3/16/16	Sld	Zone Change: \$1500. ⁰⁰
COMPLETED APPLICATION	4/25/16	Sld	
NEWSPAPER PUBLICATION	4/15/16	Sld	
300' NOTIFICATION MAILOUT	4/15/16	Sld	
POSTING DATE			
			CHECK NUMBER: <u>4479</u> DATE: <u>4/13/16</u>

RECOMMENDATION <u>Approval</u>	DECISIONS
By: <u>S. DeSchaaf</u> Date: <u>4/26/16</u>	By: _____ Date: _____

#C. The Citizen participated Report

(1) (a) April 22nd 2016
10:00am - 12:00pm

208 E. Bond St.

- (b) Every Home & apt. within 300 ft. of property.
- (c) sign in front of add. - News paper
- (d) Sue Maxwell (property owner) & Mark Puccio (reverse mortgage broker) & two property participants

(2) 10:03 AM Elton McKenzie - Next door neighbor.

His concern was item 4 of legal notice he thought I wanted to go to Commercial Not drop down & Mark explained it to me.

10:34 Peggy Newman: she is the manager of Apts - "Foundation for Senior Living". She wanted to meet me. had no concern.

No problems -

Mark Puccio

Sue Malinski
208 E Bonita St
Payson, AZ 85541

NOTICE OF CITIZEN PARTICIPATION MEETING

April 1, 2016

Dear Property Owner/Resident:

I, Sue Malinski, would like to cordially invite you to a citizen participation meeting regarding a zoning change of use of my property from commercial to residential, to conform to present usage and to secure a mortgage.

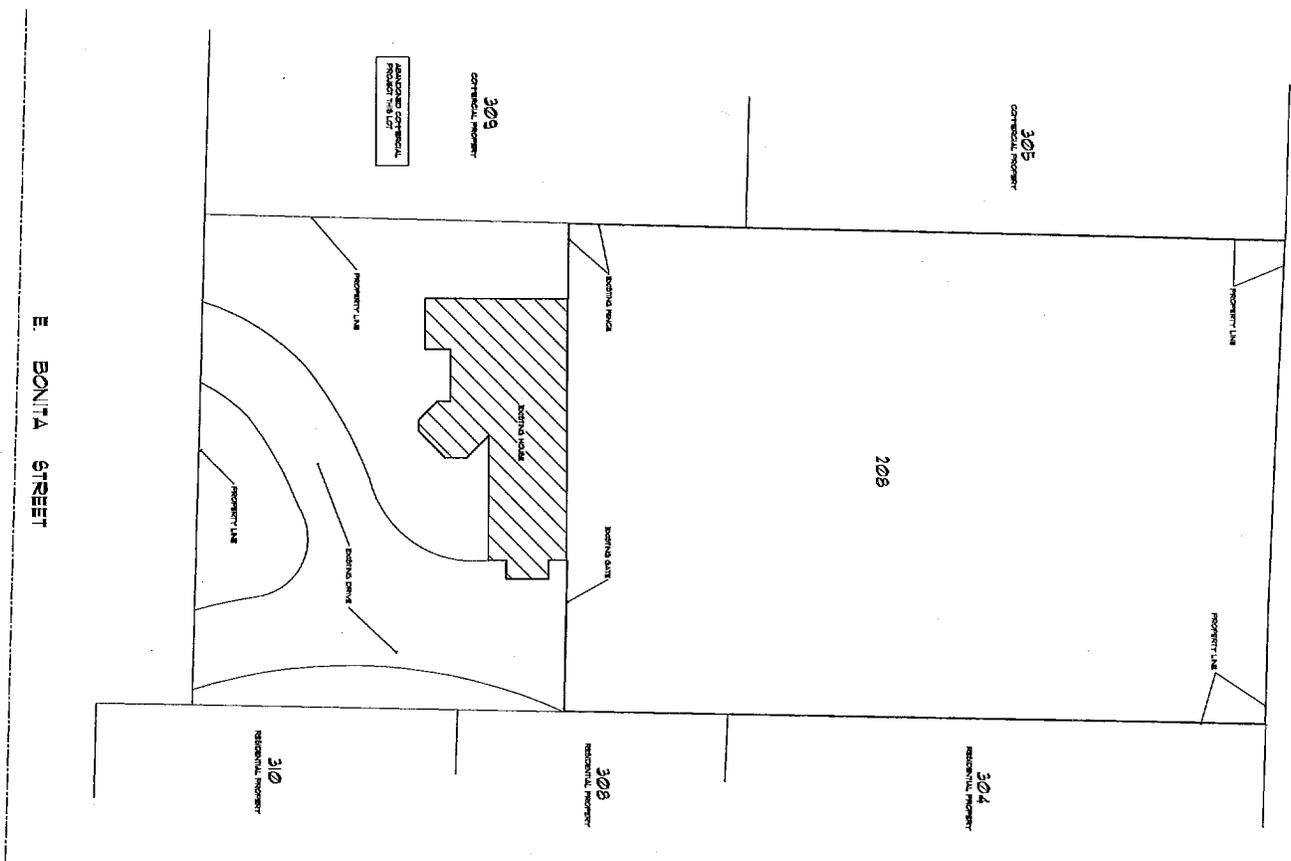
The meeting will be held on Friday, April 22nd at 10:00 to 12:00 in the morning at my home located at 208 E Bonita St, Payson.

A copy of the sitemap is enclosed.

If you cannot attend and you have any questions, please call 928-595-1559.

Cordially,

Sue Malinski
Property/Homeowner



E. BONITA STREET

<p>S</p>	<p>Sus Malinski Residence 208 E. Bonita Street Payson, Arizona</p>	<p>Mark Daniels Design And Drafting, LLC</p> <p>2210 N. Rainbows End Payson, Arizona 85541 (928) 978-0522 E-mail: mardanielsz@gmail.com</p>	<p>DATE DRAWN CHECKED BY REVISIONS</p>
<p>RE-ZONE SITE PLAN</p>			



LEGAL NOTICE

The Town of Payson Planning & Zoning Commission will hold a public hearing at 3:00 P.M. on Monday, May 2, 2016 on Item(s) A - F below. All meetings are held in the Town Council Chambers at 303 North Beeline Highway:

Item A P16-001, An application filed by Mary Suzanne Malinski, property owner, to rezone from C-1, Commercial to R-3 Multifamily Residential the property located at 208 E. Bonita Street, Gila County tax parcel number 304-04-212A.

Item B P16-002, An application filed by the Town of Payson to amend Unified Development Code Section 154-11-002 concerning the definition of a mobile storage unit.

Item C P16-003, An application filed by the Town of Payson to amend Unified Development Code Section 154-02-004 concerning keeping horses or livestock in front yards.

Item D P16-004, An application filed by the Town of Payson to amend Unified Development Code Section 154-02-003 concerning exempt accessory structures.

Item E P16-005, An application filed by the Town of Payson to amend Unified Development Code 154-04-002 to allow commercial parking lots in R3, Multifamily Residential zoning districts.

Item F P16-006, An application filed by the Town of Payson to amend the Unified Development Code Section 154-02-004 and Section 154-11-002 concerning Residential Lot Development Standards.

All interested persons are invited to attend this hearing and comment on these proposed requests. Materials relating to the above-referenced hearing items are available at the Town of Payson website, www.paysonaz.gov or at the Community Development Department at 303 N. Beeline Highway, Payson, Arizona 85541, a minimum of 48 hours prior to the scheduled hearing. This department welcomes written comments at the address listed above.

The Town of Payson endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 474-5242 (voice) or 472-6449 (TDD) to request an accommodation to participate in the meeting.

PUBLISH PAYSON ROUNDUP: April 15, 2016

Sheila DeSchaaf, Planning & Development Director