



STAFF REPORT TOWN COUNCIL

Agenda Item: **CONDITIONAL USE PERMIT - CUP 090101** – Discussion and consideration for approval of a request for a Conditional Use Permit to allow for an outdoor swapmeet and farmers market within the currently zoned Central Business District (CB) at the northeast corner of Main Street and Eleventh Street, the property is otherwise identified as Yavapai County Assessor's Parcel # 400-03-190

Meeting Date: April 28, 2009

Staff Contact: Normalinda U. Zúñiga, Planner II

Background: The applicant, Glenarm Land Company, Inc. has submitted a request for a Conditional Use Permit (CUP), to establish an outdoor swapmeet, farmers market, and art/book fair on the parcel of land they own located on the corner of Main Street and Eleventh Street. The application was reviewed and approved with conditions by the Planning Commission at their March 26, 2009 meeting.

The applicant has stated that the vacant lot that will be utilized measures 100' X 100' and is covered with a concrete slab. The intent is to host up to 40 vendors that will each utilize 10' X 10' spaces with 10 foot aisles for foot traffic. The applicant has specified that an onsite event manager will be on the property before any vendors arrive and leave after all vendors have left.

Per the Town of Clarkdale's Zoning Code Section 3-9 C., outside display of goods and merchandise are permitted in the Central Business District with approval of a Conditional Use Permit.

There may be impacts to the residential neighbors to the west of said property which is currently zoned single family residential. The applicant shall adhere to Section 3-9 I., Performance Standards for Central Business District:

Performance Standards for Central Business District:

1. **Traffic and curbs**-No Commercial development will be permitted which permits or encourages vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.
2. **Landscaping and paving**-All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover. Undisturbed natural growth is encouraged. Covering with material that will provide an all weather surface is an alternative.
3. **Storage facilities**-Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence; or as otherwise designated by the Board of Adjustment.

4. **Illumination**-Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward streets and adjoining properties.
5. **Noise**-At no point on the boundary of residential or business zones shall the sound pressure level of an individual operation or plant exceed the decibel levels in the designated octave banks shown below (excluding operation of motor vehicles or other transportation facilities):

		Maximum Sound Pressure
Octave Bank	Level In Decibels	
Cycles Per Second		.0002 Dynes Per CM ²
0 to	75.....	72
75 to	150.....	67
150 to	300.....	59
300 to	600.....	52
600 to	1200.....	46
1200 to	2400.....	40
2400 to	4800.....	34
Above	4800.....	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be capable of being accurately measured with equipment. Noises capable of being so measured, for the purposes of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

6. **Smoke**-No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart as published by the U.S. Bureau of Mines shall be the standard.
7. **Glare or Heat**-Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
8. **Odors**-No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or such a manner as to create a nuisance or hazard along lot lines.
9. **Vibration**-No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.
10. **Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution**-No emission shall be

permitted which can cause damage to health, to animals, to vegetation, to other forms of property, or which can cause any excessive spoiling.

11. **Liquids and Solid Waste**-No wastes shall be discharged in the streets, drainage ways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
12. In any Commercial area, access from any state of federal highway shall be four hundred (400) feet minimum between driveways and shall be approved by the Building Official of the Town of Clarkdale.
13. **Screening**-An owner of Commercial property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall at his/her own expense, at the time of use of the property, construct a screen on his/her property to act as a barrier between his/her property and adjacent property having a more restrictive zoning classification. The screen may consist of plants and/or a fence of solid construction as prescribed by the Town of Clarkdale upon application of the owner at the time the property is put to use.

Required Findings:

In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements, as applies to that particular case:

1. **Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.
2. **Bulk Regulations:** The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.
3. **Performance:** That the location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
4. **Traffic Impacts:** The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition of approval.
5. **Landscaping:** Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intent of Town policies.
6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration, signage or illumination.

Required Conditions for a Use Permitted by Conditional Use Permit

All Conditional Use Permits, including those that require that the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town ordinances, restrictions, regulations, and policies of the Town of Clarkdale which are in effect at the time of issuance of the Conditional Use Permit. Compliance is a condition of the use permit, including but are not limited to:

Items in *italics and bold* are comments by staff.

1. Consistency with the General Plan.
The General Plan's Land Use Element includes this property in the Downtown Central Business District, the town's Zoning Code permits this use in the Downtown Central Business District with the approval of a Conditional Use Permit.
2. Sanitary waste improvements.
The use requested does not require sanitary improvements.
3. Street and/or sidewalk improvements.
The use requested does not require street or sidewalk improvements.
4. Fire protection measures.
The Clarkdale Fire District requires the following in order to allow for proper fire protection:
 - ***Access to fire hydrant remains clear at all times***
 - ***Alleyway remains unblocked at all times***
 - ***Parking areas must allow room for fire apparatus to safely enter and exit at all times***
5. Utility service improvements.
No utilities will be provided for the events.
6. Amount, type and location of outdoor lighting and signage.
Lighting: No outdoor lighting will be utilized for the use requested. If in the future the applicant chooses to provide outdoor lighting they will be required to submit a lighting plan to the Design Review Board for approval.

Signs: The applicant will use temporary sandwich board signs to advertise the events. The signs will be set up and taken down the day of the event. If in the future the applicant chooses to utilize permanent signage they will be required to submit their plans to the Design Review Board for approval.
7. Off-street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface.
The applicant has stated that existing parking on the property will be utilized as well as additional parking in the Su Casa Restaurant parking lot and the parking lot behind the apartment building on 11th Street, both areas are owned by the applicant.

Since parking has the potential to become problematic if not managed properly, staff suggests that signage be used to indicate the areas for vendor and customer parking and that the on-site manager of the event patrol all parking areas within their property.

8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer.
N/A
9. Water service improvements.
No water will be provided for the events.
10. Hours of operation.
The applicant stated they would like to utilize the following hours of operation:

 - Swapmeet/Flea Market: Either Saturdays or Sundays 7:00AM to 4:00PM*
 - Farmers Market: One evening a week, Tuesdays or Wednesdays 4:00PM to 8:30PM*
 - Art & Book Fair: Once a month, days and times have not been specified.*
11. Access.
The property has ingress/egress access from Eleventh Street, Main Street, Tenth Street, and the alley behind the property.
12. Landscaping standards.
Due to the temporary nature of the project, the applicant would not be required to submit a landscape plan to the Design Review Board. However, dust control must be addressed for the dirt area around the south and west side of the property to be used for vending.
13. Compliance with applicable Federal, State and Local regulations.
The applicant must obtain all required State, Federal, and Town permits.

Public Comments:

As required, staff has informed property owners within 300 feet of the property seeking the CUP. Staff received the following comments:

Wendy Rackov at 914 Main Street, Clarkdale. Mrs. Rackov was unable to make the Planning Commission meeting but wanted to comment that she “is okay with the proposed outdoor swapmeet and farmers market, Clarkdale needs all the business it can get.”

Marcia Brubaker 1104 Main Street, Clarkdale. Mrs. Brubaker submitted a letter stating her concerns about patrons parking in her driveway and the garbage that may be generated and left behind after the events.

Recommendations: Staff recommends the approval of the Conditional Use Permit with the following stipulations as approved and submitted by the Planning Commission at its March 26, 2009, meeting.

The Planning Commission Stipulations:

1. Hours of operation shall be:

Swapmeet/Flea Market: Saturday or Sunday (day to be determined by applicant and stay with that chosen day), 6:30 a.m. set up to 4:00 p.m. with clean up to follow.

Farmers Market: shall be one evening per week, Tuesday or Wednesday (day to be determined by applicant and stay with that chosen day), 3:30 p.m. set up with a closing time to be determined-30 minutes prior to sunset as defined by NOAA.

Art & Book Fair: Once a month, to be determined by the applicant and times to mirror the Farmers Market.

2. The applicant shall address the dirt area around the south and west sides of the parcel that will be used for vendors so that dust control will be observed. Placement of crushed rock is encouraged.
3. The applicant will be responsible for identifying on-site parking areas for vendors and customers. It will be the responsibility of the on-site manager of the event to patrol all parking areas within their properties.
4. The applicant will comply with the request by the Clarkdale Fire District:
 - Access to the fire hydrant to remain clear at all times.
 - Alleyway to remain unblocked at all times.
 - Parking areas must allow room for fire apparatus to safely enter and exit at all times.
5. All areas must be completely cleaned after each event, no items to remain on site after any event including signs.
6. The applicant shall provide trash receptacles on their site for each event, collect and dispose of all trash. The use of town trash receptacles on the sidewalk shall not be utilized to dispose of the trash collected during or after any event hosted by the applicant.
7. The applicant shall use temporary signage on days of the events to indicate that restroom facilities are available at the Su Casa restaurant. These signs shall be taken down after each event.
8. The applicant will use temporary sandwich board signs to advertise the events on their property but not in the public right of way. Temporary banners could be used on the property.
9. No P.A. or amplified music shall be permitted during any of the events. No acoustic music permitted before 10:00AM.