

## SUMMARY OF AGENDA ITEM

**DATE:** September 4, 2008

**TO:** Mayor and Council

**FROM:** Ray Erlandsen, Zoning Administrator

**SUBJECT:** 812 S. McLane Road. – CUP-168-08 A  
Appeal of CUP-168-08, Humane Society Kennel Use Request

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**PURPOSE:** An Appeal of the Planning and Zoning Commission's decision approving a conditional use permit (CUP) for the Payson Humane Society to allow a kennel use (animal shelter) as well as an accessory use of an aluminum can crushing operation in an enclosed building in a C-3 zoning district at 812 S. McLane Rd., Gila County Tax Parcel #304-15-002H, filed by Hallie Jackman (Overman).

**SUMMARY:** The Planning and Zoning Commission heard this case on July 14, 2008. The staff report recommended approval with five conditions – see the attached staff report dated July 14, 2008. The Planning and Zoning Commission approved the Humane Society CUP application on a 7-0 vote, adding two additional conditions. Within the 30 day appeal period, a written appeal (see attached) was subsequently filed to the Town Council of the Planning & Zoning Commission's decision to approve the CUP. The conditions of approval by the Planning and Zoning Commission are listed below:

1. The issuance of a permit for a conditional use shall apply only to the particular use and site plan for which it was issued, and such approval shall be deemed to run with the land.
2. Development shall be in substantial conformance with the site plan sealed May 30, 2008.
3. Expansion of the approved use, changes in use, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in C-3 zoning district.
4. The following Design Review Board requirements shall be complied with prior to the issuance of a certificate of occupancy:
  - a. All outdoor wall lighting must conform to the dark sky requirements of the UDC.
  - b. Landscaping must be augmented on the site, especially in the area of the recycling facility.
5. Development shall comply with all applicable town codes in effect at the time of building permit application.
6. Operations will be conducted in a manner that will minimize outdoor barking.
7. Establish a time limit of 9 a.m. to 3 p.m., Monday-Friday, for operations of can crushing.

SEP 04 2008 F.I.

**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"/> Administrative Appeal       | <input type="checkbox"/> Minor Land Division                     |
| <input type="checkbox"/> Code Amendment              | <input checked="" type="checkbox"/> P & Z Commission Appeals     |
| <input 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                             |

May, 2007

Project Address: 812 S. McLane Rd Tax Parcel Number: 304-15-002H  
 Subdivision: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
 Name of Applicant(s): HALLIE JACKMAN (Owner) Phone #: \_\_\_\_\_  
 Mailing Address: PO Box 576 Town: Payson St: AZ Zip: 85547  
 Name of Property Owner(s): HALLIE (Owner) JACKMAN  
 Mailing Address: SAME AS ABOVE Town: PAYSON St: AZ Zip: 85547  
 Contact Person: HALLIE JACKMAN Phone #: 928-238-0091 Fax #: \_\_\_\_\_  
 Payson Business License # \_\_\_\_\_ Sales Tax # \_\_\_\_\_

Detailed Description of Request:

PLEASE SEE ATTACHED EXHIBIT "A" of attached Warranty Deeds for the (3) three PORTIONS OF PARCE # 304-15-002B  
Appeal of P&Z Commission's Decision To Approve CUP for Humane Society  
 (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.

HALLIE JACKMAN  
 Print Name

[Signature]  
 Signature

8-12-08  
 Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	8-12-08	(P)	P&Z Commission Appeal = \$125.00 Pd (P)
COMPLETED APPLICATION	8-12-08	(P)	
NEWSPAPER PUBLICATION	8-19-08	(P)	
300' NOTIFICATION MAILOUT			CASH: \$125.00
POSTING DATE			CHECK NUMBER: _____ DATE: 8-12-08

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

## EXHIBIT "A"

- 1) This proposed development is in a floodway, little discussion of how the Humane Society planned to handle this occurred. No dissolve was show. Mention was made that they plan on having some type detention/retention but nothing was shown that they have done any engineering work on the floodway and floodplain. They did not show in their plans that they have enough area allowed for adequate transition of water occurring in 100 year event or any significant event.
- 2) Prior to the first public meeting that was held by the Humane Society, the public was told that it was a completely enclosed building. At this time we were informed that the building has a breeze way and that the dogs would be outside during the day in kennels and that they plan on having a "meeting and greeting" area for the dogs to meet (hopefully) their future owners. Both of the above are outdoor activities and again feel public was misled that the dogs would be enclosed.
- 3) This area is presently in a Redevelopment Area and the Town of Payson through grants is planning to spend over \$350,000.00 in improvements on Main Street which is less than 300 ft from this project.

"Is this the highest and best use for this property?" asked Commissioner Jere Jarrell, the response was "right or wrong we must build our shelter there." by the director of the Humane Society.

- 4) The can crusher was noticed to be in an "enclosed building". Now it is an open building and will therefore emit much more noise. This is a change from the environment submitted in the notice to residents.

The can crusher building will be in the American Gulch floodway. Water entering or flowing through the Gulch is not allowed to be contaminated. In the event of a flood in the crusher building high levels of lubricant and metals dust will be flushed into the gulch. This is not allowed by Town standard.

High enough levels of either lubricant as used in the crusher or metal dust that results over time in such a process would prove toxic to the lakes.

- 5) That the Town of Payson purchased part of the Little property, a portion of Tax Parcel # 304-15- 002B, being as the Little's would not sell split (there) THEIR property. The Town along with the Humane Society and Justices purchased the property from the Littles.

I am sure that the Humane Society felt that they need not be concerned with what their neighbors felt being that the Town of Payson's Water Department had partnered with them on the land purchase.

It would make sense to me that the Town should have gotten the CUP prior to the Humane Society purchasing the property and making sure that it was the "Highest and best use of the land."

The Chilson Project was required to remove the horse stables because someone had the property to the West of the project in escrow, and they did not want horses. That was a company that didn't even have ownership of that property and the Town Staff required that we remove the future horse stables. (PS. the land never closed.) The swing of the "best use of land" pendulum seems to be a bit off kilter, or is it by who owns the land?

In closing, I feel that it is only pertinent that the Town of Payson looks to the facts and not to the emotional demands of a non-profit when making such important decisions. The choices made today will be what we will have to live with in future of our community.



Gila County, AZ  
 Linda Haught Ortega, Recorder  
 08/19/2005  
 04:22PM  
 Doc Code: 40

Doc Id: 2005-015048  
 Receipt #: 38537  
 Rec Fee: 13.00

PIONEER TITLE AGENCY RECORDING

at the request of Pioneer Title Agency, Inc.

When recorded mail to:  
 TOWN OF PAYSON  
 303 N. BEELINE HWY.  
 PAYSON, AZ. 85541



2005-015048  
 Page: 1 of 2  
 08/19/2005 04:22P  
 13.00

00122948-TB

Tax Code: A PORTION OF 304-15-002B

**WARRANTY DEED**

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

**LEONARD L. LITTLE and MARY LOU LITTLE, husband and wife, as joint tenants with right of survivorship**

do/does hereby convey to

**TOWN OF PAYSON, an Arizona municipal corporation**

the following real property situated in Gila County, Arizona:

See Exhibit A attached hereto and made a part hereof.

EXEMPT FROM AFFIDAVIT OF PROPERTY VALUE PER ARS 11-1134 A 3.

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 13th day of July, 2005

*Leonard L. Little*  
 LEONARD L. LITTLE

*Mary Lou Little*  
 MARY LOU LITTLE

State of Arizona }  
 County of Gila } SS



State of Arizona }  
 County of Gila } SS

This instrument was acknowledged before me this  
 14th day of Aug. 2005 by  
 LEONARD L. LITTLE and MARY LOU  
 LITTLE.

*Cynthia Nissen*  
 Notary Public

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

Notary Public

My commission will expire \_\_\_\_\_



Exhibit A

**Parcel C, as shown on Record of Survey recorded as Survey Map No. 2896, being a portion of Homestead Entry Survey No. 127 and Section 9, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County Arizona.**

Unofficial Copy

at the request of Pioneer Title Agency, Inc.

When recorded mail to:  
JAMES A. JUSTICE  
916 S. MUD SPRINGS RD.  
PAYSON, AZ. 85541



2005-006420  
Page: 1 of 2  
04/21/2005 04:18P  
15.00

00122568-TB

Tax Code: A PORTION OF 304-15-002I

### Joint Tenancy Deed

For consideration of Ten Dollars, and other valuable considerations, I or we,  
**LEONARD L. LITTLE and MARY LOU LITTLE, Husband and Wife,**  
do/does hereby convey to

**JAMES A. JUSTICE and AMITY M. JUSTICE, Husband and Wife,**

not as tenants in common and not as community property estate, and not as community property with right of survivorship, but as joint tenants with right of survivorship, the following described property in the County of Gila, State of Arizona.

**SEE ATTACHED:**

**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.

The Grantees by signing the acceptance below evidence their intention to acquire said premises as joint tenants with the right of survivorship, and not as community property and not as tenants in common and not as community property with right of survivorship.

Dated March 31, 2005

Accepted and approved:

Grantees

Grantors

JAMES A. JUSTICE

LEONARD L. LITTLE

AMITY M. JUSTICE

MARY LOU LITTLE

STATE OF ARIZONA

County of Gila

SS

This instrument was acknowledged before me  
this 19<sup>th</sup> day of April, 2005 by  
**LEONARD L. LITTLE and MARY LOU  
LITTLE**

Notary Public

My commission will expire \_\_\_\_\_

STATE OF ARIZONA

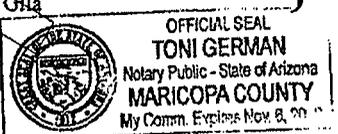
County of Gila

SS

This instrument was acknowledged before me this  
19<sup>th</sup> day of April, 2005 by  
**JAMES A. JUSTICE and AMITY M.  
JUSTICE**

Notary Public

My commission will expire \_\_\_\_\_



2005-009186

Page: 2 of 4  
05/26/2005 04:31P  
13.00



CJTD

Gila County, AZ



Escrow No. 122568-TB

That portion of Parcel "B" and Parcel "C." as recorded in Record of Survey 294, Gila County Records, situated in a portion of H.E.S. No. 127 and a portion of Section 9, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel "B";

THENCE North 12°33'57" West, (basis of bearings) a distance of 42.29 feet to a point;  
THENCE North 89°56'36" West, a distance of 84.00 feet to a point;  
THENCE South a distance of 132.97 feet to a point;  
THENCE West, a distance of 93.19 feet to the True Point of Beginning.  
THENCE continuing West a distance of 312.73 feet to a point;  
THENCE South 01°15'20" West a distance of 303.61 to the Southwest corner of said Parcel "B";  
THENCE South 89°34'14" a distance of 319.40 feet to the Southeast corner of said Parcel "B";  
THENCE North a distance of 305.94 feet to the TRUE POINT OF BEGINNING.

Unofficial





That portion of Parcel "B" and Parcel "C." as recorded in Record of Survey 294, Gila County Records, situated in a portion of H.E.S. No. 127 and a portion of Section 9, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel "B";

THENCE North  $12^{\circ}33'57''$  West, (basis of bearings) a distance of 42.29 feet to a point;

THENCE North  $89^{\circ}56'36''$  West, a distance of 84.00 feet to a point;

THENCE South a distance of 132.97 feet to a point;

THENCE West, a distance of 93.19 feet to the True Point of Beginning.

THENCE continuing West a distance of 312.73 feet to a point;

THENCE South  $01^{\circ}15'20''$  West a distance of 303.61 to the Southwest corner of said Parcel "B";

THENCE South  $89^{\circ}34'14''$  East a distance of 319.40 feet to the Southwest corner of said Parcel described in Fee No. 2005-004417;

THENCE North along the West line of said Parcel described in Fee No. 2005-004417 a distance of 305.94 feet to the TRUE POINT OF BEGINNING.

Unofficial Copy



2005-004417

Page: 1 of 2  
03/18/2005 04:09P  
15.00

at the request of Pioneer Title Agency, Inc.

When recorded mail to:  
**PAYSON HUMANE SOCIETY, INC.**  
P.O. BOX 242  
PAYSON, AZ. 85547

00122494-TB

Tax Code: A PORTION OF 304-15-002B

### WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,  
**LEONARD L. LITTLE and MARY LOU LITTLE, husband and wife**  
do/does hereby convey to

**PAYSON HUMANE SOCIETY, INC., an Arizona non-profit corporation**

the following real property situated in Gila County, Arizona:

See Exhibit A attached hereto and made a part hereof.

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 18th day of March, 2005

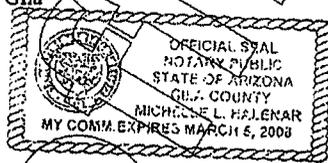
*Leonard L. Little*  
LEONARD L. LITTLE

*Mary Lou Little*  
MARY LOU LITTLE

State of Arizona

ss

County of Gila



State of Arizona

ss

County of Gila

This instrument was acknowledged before me this  
18<sup>th</sup> day of Mar, 2005 by  
**LEONARD L. LITTLE and MARY LOU LITTLE**

*Michelle L. Halenar*  
Notary Public

My commission will expire \_\_\_\_\_  
This instrument was acknowledged before me this  
\_\_\_\_ day of \_\_\_\_\_, 20 by

Notary Public

My commission will expire \_\_\_\_\_



**Exhibit A**

That portion of Parcel "B" and Parcel "C." as recorded in Record of Survey 294, Gila County Records, situated in a portion of H.E.S. No. 127 and a portion of Section 9, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

**BEGINNING** at the Northeast corner of said Parcel "B";  
**THENCE** North 12°33'57" West, (basis of bearings) a distance of 42.29 feet to a point;  
**THENCE** North 89°56'36" West, a distance of 84.00 feet to a point;  
**THENCE** South a distance of 132.97 feet to a point;  
**THENCE** West, a distance of 93.19 feet to a point;  
**THENCE** South a distance of 309.94 feet to a point on the South line of said Parcel "B";  
**THENCE** South 89°34'14" East, a distance of 275.47 feet to the Southeast corner of said Parcel "B";  
**THENCE** North 12°33'57" West, a distance of 409.42 feet to the Point of Beginning.

Unofficial Copy



COMMUNITY DEVELOPMENT DEPARTMENT  
TOWN OF PAYSON  
303 N. BEELINE HIGHWAY  
PAYSON, ARIZONA 85541-4306  
PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

## NOTICE OF ACTION

July 16, 2008

Payson Humane Society  
P O Box 242  
Payson AZ 85547  
Attn: Barbara Brenke, President

Re: CUP-168-08, Conditional Use Permit – 812 South McLane Road – Humane Society

Dear Ms. Brenke,

This letter serves to inform you that the Planning and Zoning Commission approved your application for Conditional Use Permit CUP-168-08, on July 14, 2008, subject to the following conditions:

1. The issuance of a permit for a conditional use shall apply only to the particular use and site plan for which it was issued, and such approval shall be deemed to run with the land.
2. Development shall be in substantial conformance with the site plan sealed May 30, 2008.
3. Expansion of the approved use, changes in use, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in C-3 zoning district.
4. The following Design Review Board requirements shall be complied with prior to the issuance of a certificate of occupancy:
  - a. All outdoor wall lighting must conform to the dark sky requirements of the UDC.
  - b. Landscaping must be augmented on the site, especially in the area of the recycling facility.
5. Development shall comply with all applicable town codes in effect at the time of building permit application.
6. Operations will be conducted in a manner that will minimize outdoor barking.
7. Establish a time limit of 9 a.m. to 3 p.m., Monday-Friday, for operations of can crushing.

A 30-day appeal period is in effect from the date of approval. If there are no appeals during that time, the CUP becomes effective August 14, 2008.

Section 15-09-004 E.2. of the Unified Development Code requires you to sign the approved Conditional Use Permit, have it notarized and recorded by the Town with the Gila County Recorder. Staff will assist you with this process at your earliest convenience after August 14, 2008.

If you have any questions please feel free to contact me at your convenience.

Respectfully,

  
Ray Erlandsen  
Zoning Administrator

Cc: Marcus Macfarlane, Amon Builders  
Ray LaHaye, CBO



MEMO

**TO:** Planning and Zoning Commission  
**FROM:** Ray Erlandsen, Zoning Administrator  
**DATE:** July 14, 2008  
**SUBJECT: Conditional Use Permit Request**  
812 S. McLane Rd., Payson Humane Society **CUP-168-08**

**Background**

This case is a request by the Payson Humane Society for a conditional use permit (CUP) to allow a kennel use (animal shelter) as well as an accessory use of an aluminum can crushing operation in an enclosed building in a C-3 zoning district at 812 S. McLane Rd.

The property in question is located in a C-3 zoning district. The Unified Development Code (UDC) requires a CUP for “Kennels” in a C-3 district (see attached Section 15-12-002). The current property is and has been zoned C-3 since the Humane Society began operations. When the UDC was adopted in 1996, a CUP became a requirement for a “Kennels” use. At that time the existing Humane Society kennel use became legal nonconforming, which means that it existed legally prior to 1996 without a use permit. However, if enlarged, extended, reconstructed or structurally altered, it must conform to the current code – the UDC requirement of a CUP (see attached Section 15-02-003 B.1.c). In 2005, the Humane Society acquired more property contiguous to the existing facility on which they now plan to construct a new facility, triggering UDC requirements.

**Analysis**

The applicant intends to construct a new facility on their contiguous property just to the west of the current facility. A temporary roadway will be constructed partially on a portion of Town property, currently utilized as a driveway, to allow access to the new facility. After the completion of the new facility, the existing building will be removed and a new road will be constructed to service the properties to the west. Once the new roadway is completed the temporary road would be abandoned. The 2.5 ± acre site is bordered by C-3 property on the north and west, R3 property to the east and south (future Chilson Ranch development).

The proposed development would consist of a 17,487 sq. ft. new structure housing enclosed kennels for dogs and cats, as well as other miscellaneous offices, exam rooms and a meeting room. As part of this CUP request, the applicant is asking that an aluminum can crushing operation in an enclosed building be approved as an accessory use. This operation is a major fund raising source for the Humane Society.

This portion of the Humane Society property would be separated from the main building once the new roadway is completed, and should be considered a "Unique Compatibility Concern" as described in Unified Development Code (UDC) Section 15-12-002, Table of Commercial District Uses. As such, the specific piece of equipment used to crush aluminum cans would be required to be located within a roofed enclosure. Because of the unique circumstances, this "fund raising service area" could be considered accessory to the primary use of the site as an animal shelter.

The new kennel facility will be oriented on the south portion of the property after the new road is constructed. It will provide secure sallyports for dropping off animals to reduce the opportunity for their escape. Sufficient parking for clients as well as employees has been provided.

On June 10, 2008, the Design Review Board approved the applicants submittal with two conditions: 1) All outdoor wall lighting must conform to the dark sky requirements of the UDC and 2) Landscaping must be augmented on the site, especially in the area of the recycling facility.

Engineered paving, grading and drainage plans prepared by an Arizona registered professional are required for this project. Storm water detention shall be provide for all runoff generated by the new impervious surfaces (building, paving, etc) in accordance with the Town's requirements.

Public sanitary facilities are required. The site is currently within the Northern Gila County Sanitary District (NGCSD) boundaries and development shall comply with NGCSD standards.

**Staff Recommendation:**

Approval with conditions listed below:

1. The issuance of a permit for a conditional use shall apply only to the particular use and site plan for which it was issued, and such approval shall be deemed to run with the land.
2. Development shall be in substantial conformance with the site plan sealed May 30, 2008.
3. Expansion of the approved use, changes in use, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in C-3 zoning district.
4. The following Design Review Board requirements shall be complied with prior to the issuance of a certificate of occupancy:
  - a. All outdoor wall lighting must conform to the dark sky requirements of the UDC.
  - b. Landscaping must be augmented on the site, especially in the area of the recycling facility.
5. Development shall comply with all applicable town codes in effect at the time of building permit application.

Any other conditions the commission deems necessary.

**Suggested Motion to Approve:**

"I move the Planning & Zoning Commission approve CUP-168-08, a request to allow a kennel use (animal shelter) as well as an accessory use of an aluminum can crushing operation in an enclosed building in a C-3 zoning district at 812 S. McLane Road subject to the conditions recommended by staff."

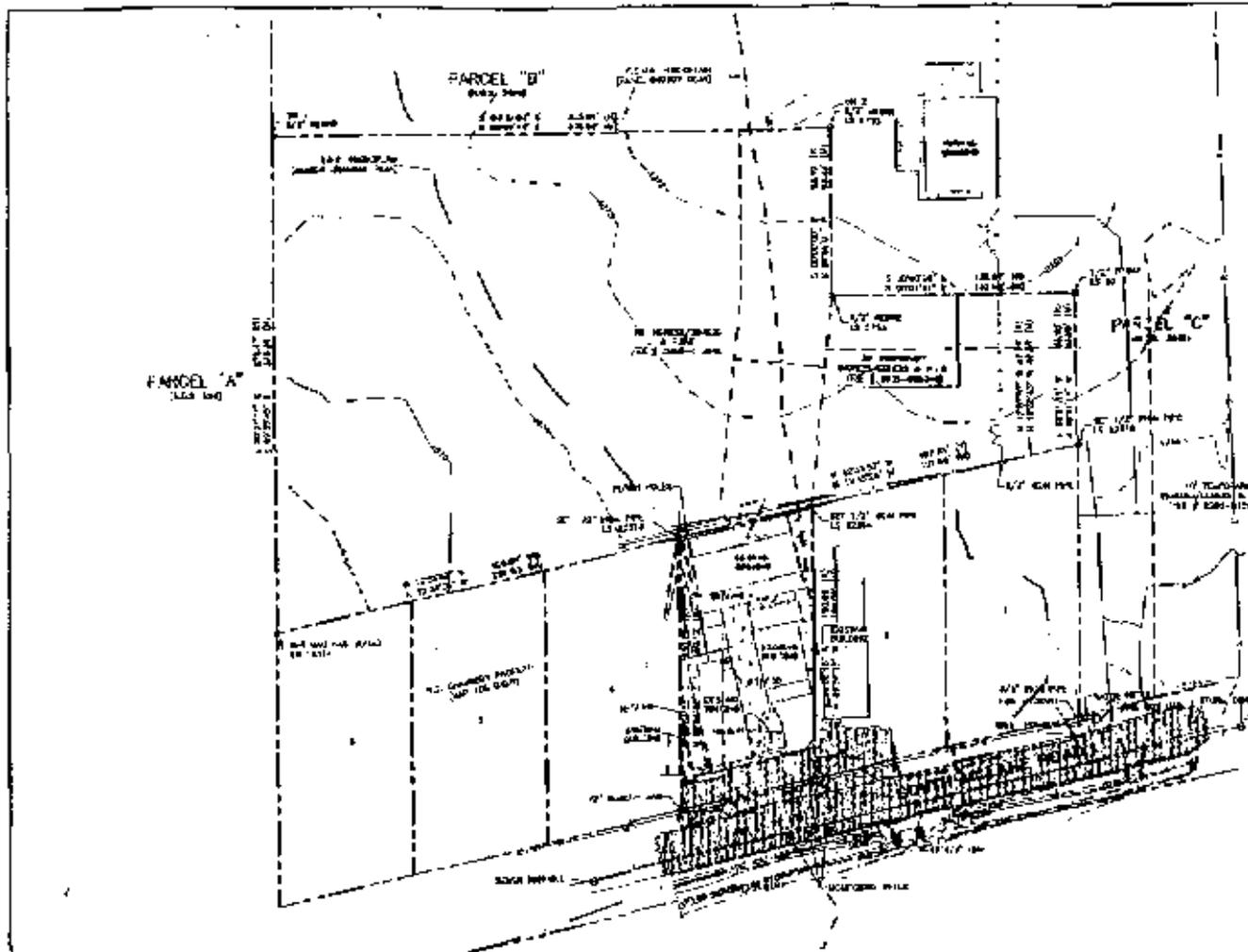
### **Neighborhood Involvement**

A citizen's participation meeting concerning this request was held on May 15, 2008. Information regarding that meeting is attached to this report.









**LEGEND**

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	36\"/>
	38\"/>
	40\"/>

**BASIS OF BEARING**  
 THE BOUNDARIES OF THIS SURVEY HAVE BEEN RUN ON THE BASIS OF THE TRUE MERIDIAN.

- BENCHMARKS**
1. IN. HORIZONTALLY ADJUSTED TOP OF 1/2\"/>
  2. IN. HORIZONTALLY ADJUSTED TOP OF 1/2\"/>

**LEGAL DESCRIPTION**  
 THIS SURVEY IS A RE-SURVEY OF THE BOUNDARIES OF THE PAYSON HUMANE SOCIETY, AS SHOWN ON THE SURVEY MAP OF THE PAYSON HUMANE SOCIETY, AS SHOWN ON THE SURVEY MAP OF THE PAYSON HUMANE SOCIETY, AS SHOWN ON THE SURVEY MAP OF THE PAYSON HUMANE SOCIETY.



THIS IS TO CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARIZONA SURVEYING ACT, AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARIZONA SURVEYING ACT.



NO.	DATE	BY	REVISION



**PAYSON HUMANE SOCIETY**  
 PAYSON, ARIZONA

DATE	10/15/2024
PROJECT	BOUNDARY AND TOPOGRAPHIC SURVEY
CLIENT	PAYSON HUMANE SOCIETY
LOCATION	PAYSON, ARIZONA
SCALE	1\"/>

**BOUNDARY AND TOPOGRAPHIC SURVEY MAP**

DATE	10/15/2024
PROJECT	BOUNDARY AND TOPOGRAPHIC SURVEY
CLIENT	PAYSON HUMANE SOCIETY
LOCATION	PAYSON, ARIZONA
SCALE	1\"/>
NO.	1



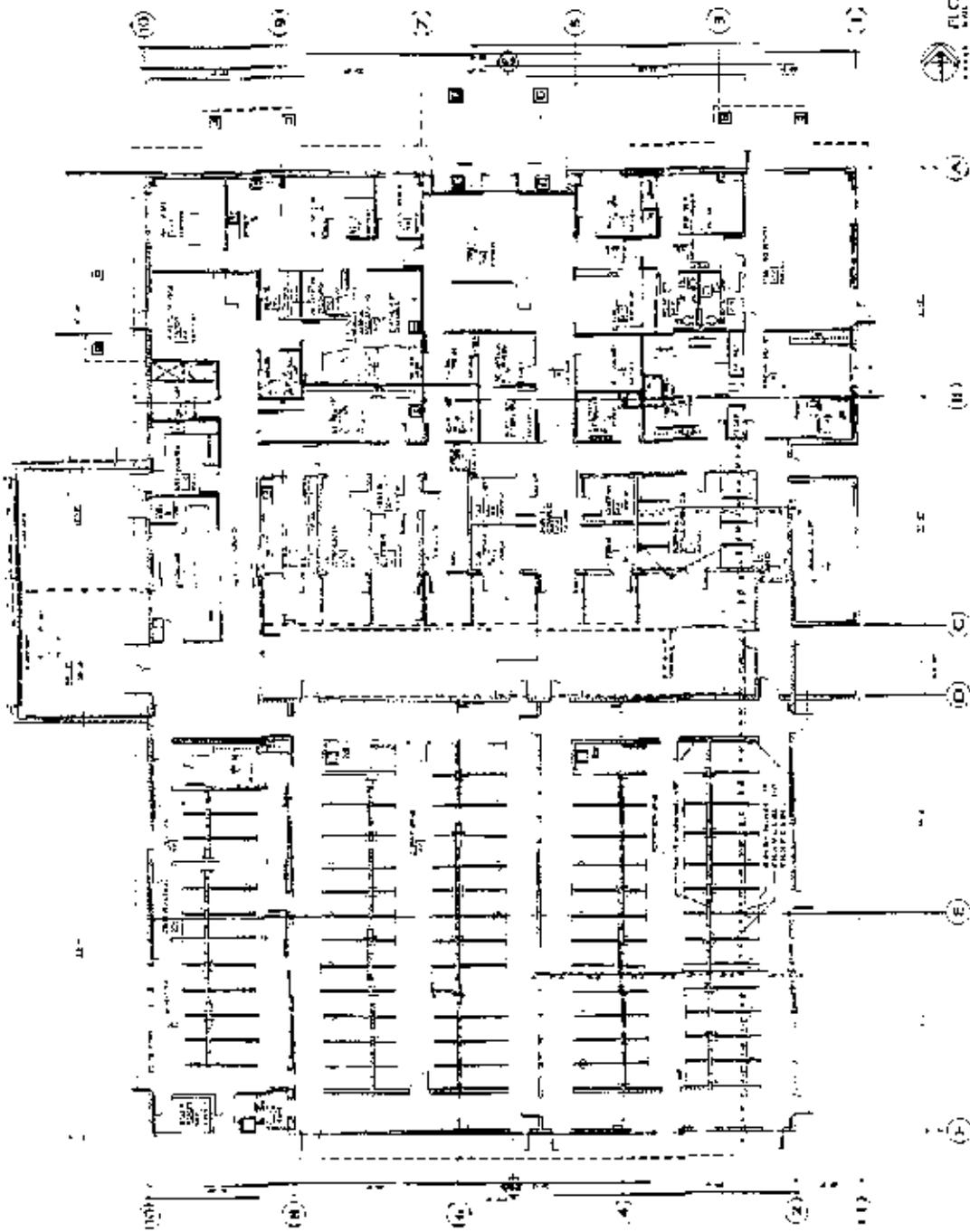


PREPARED FOR:  
**Payson Humane Society**  
 812 SOUTH MOUNTAIN ROAD  
 PAYSON, ARIZONA 85541

PREPARED BY:  
**Payson Humane Society**  
 812 SOUTH MOUNTAIN ROAD  
 PAYSON, ARIZONA 85541

PROJECT NO.:  
**PHS-2017-001**

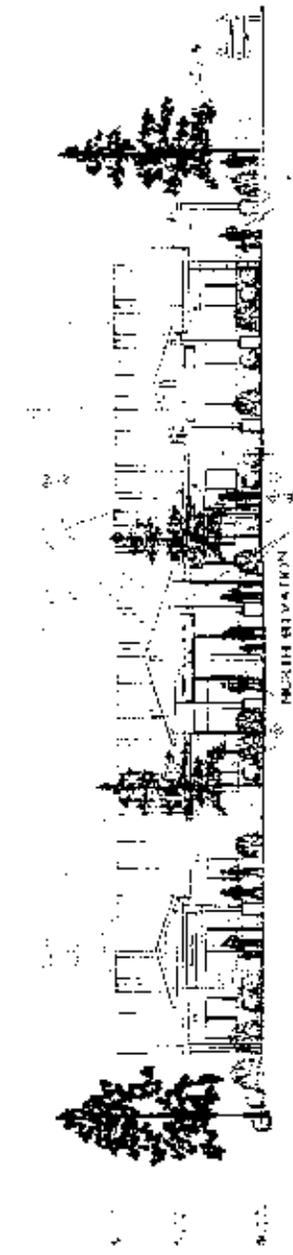
SHEET NO.:  
**A-2**  
 OF  
**4**  
 DATE:  
**11/15/2017**



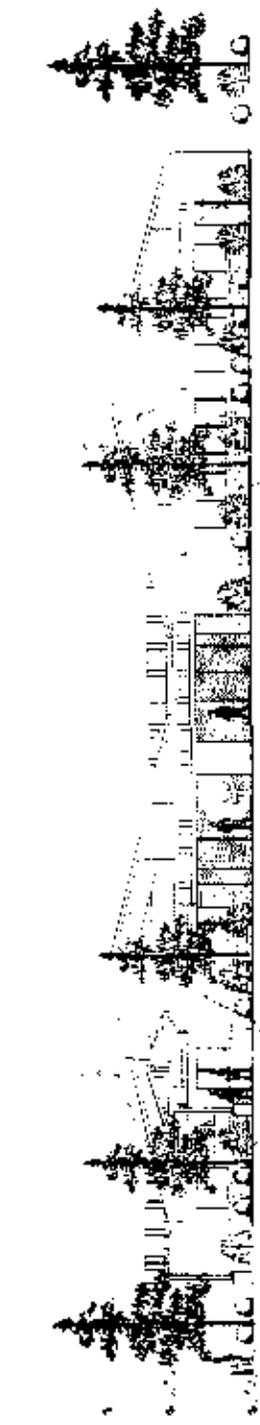
**FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 DATE: 11/15/2017  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



COMMUNITY COLLEGE CITY  
 1000 UNIVERSITY AVENUE  
 WASHINGTON, D.C. 20004  
 (202) 462-1000  
 WWW.COMMUNITYCOLLEGE.CITY



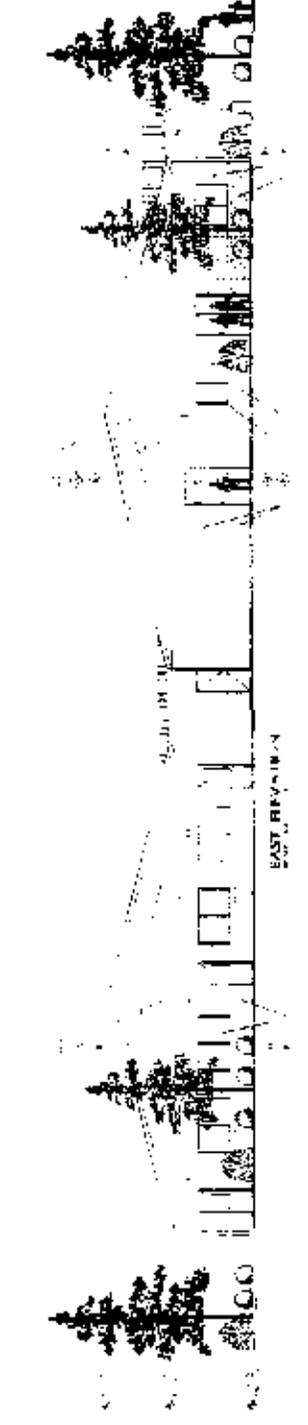
COMMUNITY COLLEGE CITY  
 1000 UNIVERSITY AVENUE  
 WASHINGTON, D.C. 20004  
 (202) 462-1000  
 WWW.COMMUNITYCOLLEGE.CITY



COMMUNITY COLLEGE CITY  
 1000 UNIVERSITY AVENUE  
 WASHINGTON, D.C. 20004  
 (202) 462-1000  
 WWW.COMMUNITYCOLLEGE.CITY

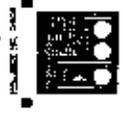


COMMUNITY COLLEGE CITY  
 1000 UNIVERSITY AVENUE  
 WASHINGTON, D.C. 20004  
 (202) 462-1000  
 WWW.COMMUNITYCOLLEGE.CITY



PHYLON  
 Humana  
 Society  
 1000 UNIVERSITY AVENUE  
 WASHINGTON, D.C. 20004  
 (202) 462-1000  
 WWW.COMMUNITYCOLLEGE.CITY

A-3  
 1/4" = 1'-0"  
 DATE: 08/17/14  
 DRAWN BY: J. J.



CLARENCE W. BROWN  
 ARCHITECT  
 1000 UNIVERSITY AVENUE  
 TUCSON, ARIZONA

UNIVERSITY OF ARIZONA  
 ARCHITECTURAL DEPARTMENT  
 TUCSON, ARIZONA

PHOTOGRAPH BY  
 CLARENCE W. BROWN  
 TUCSON, ARIZONA

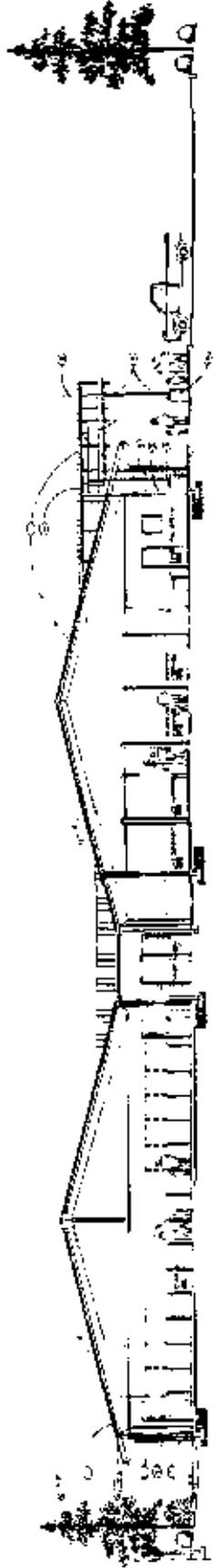
Payson  
 Humane  
 Society  
 RAYSON MOUNTAIN ROAD  
 TUCSON, ARIZONA



A-4  
 OF 4

O.R.B.  
 SUBMITTAL  
 SET

- KEY NOTES :
1. SEE PLAN FOR LOCATION OF THIS SECTION
  2. FINISHES AS SHOWN ON PLAN
  3. MATERIALS AS SHOWN ON PLAN
  4. SEE PLAN FOR LOCATION OF THIS SECTION
  5. SEE PLAN FOR LOCATION OF THIS SECTION
  6. SEE PLAN FOR LOCATION OF THIS SECTION
  7. SEE PLAN FOR LOCATION OF THIS SECTION
  8. SEE PLAN FOR LOCATION OF THIS SECTION
  9. SEE PLAN FOR LOCATION OF THIS SECTION
  10. SEE PLAN FOR LOCATION OF THIS SECTION



SECTION A-A  
 FINISH AS SHOWN



**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION OR  
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- Abandonment Request
- Administrative Appeal
- Code Amendment
- Conditional Use Permit
- Development Master Plan
- Devel. Agreement, PAD & SPD
- Final Subdivision Plat
- General Plan or Land Use Plan Amendment
- Minor Land Division
- P & Z Commission Appeals
- Preliminary Subdivision Plat
- Temporary Use Permit
- Variance
- Zone Change

May, 2007

Project Address: 812 S McLANE Tax Parcel Number: 30A-15-002H  
 Subdivision: CHAMBERS PRIMARY MAP 10.5 Lot Number: LET-ADJUSTED  
 Name of Applicant(s): PAYSON HUMANE SOCIETY Phone #: 928 474-5540  
 Mailing Address: P.O. Box 342 Town: PAYSON St: A-2 Zip: 85547  
 Name of Property Owner(s): PAYSON HUMANE SOCIETY  
 Mailing Address: P.O. Box 342 Town: PAYSON St: A-2 Zip: 85547  
 Contact Person: FRED MOLDENHAUER Phone #: 928 970-2170 Fax #: EMAIL: FREDM1976@GMAIL.COM  
 Payson Business License # \_\_\_\_\_ Sales Tax # \_\_\_\_\_

Detailed Description of Request:

CONDITIONAL USE PERMIT TO CONSTRUCT A NEW ANIMAL SHELTER AND FUND RAISING ACTIVITY CENTER AND DEMOLISH EXISTING SHELTER AND CONSTRUCT NEW ACCESS ROAD

(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.

PAYSON HUMANE SOCIETY  
FORBES BRENKE PRESIDENT  
 Print Name

Forbes Brenke  
 Signature

6-2-08  
 Date

**STAFF USE ONLY - PERTINENT DATA**

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	6-3-08	(KE)	Conditional Use Permit (OTHER THAN SFR) = \$32500 Pd (PS) CHECK NUMBER: *107 DATE: 6-3-08
COMPLETED APPLICATION	6-3-08	(KE)	
NEWSPAPER PUBLICATION	6-27-08	(KE)	
300' NOTIFICATION MAILOUT	6-24-08	(KE)	
POSTING DATE	6-24-08	(KE)	

**RECOMMENDATION**  
 By: \_\_\_\_\_ Date: \_\_\_\_\_

**DECISIONS**  
 By: \_\_\_\_\_ Date: \_\_\_\_\_

# Gila County Parcel and Tax Information Search

Email [webmaster@gilacountyaz.gov](mailto:webmaster@gilacountyaz.gov) for problems with this page

Search

Assessment Information

Tax Information

## Assessor Information 304-15-002H

<b>Parcel ID</b>	304-15-002H
<b>Site Address</b>	MCLANE RD
<b>Owner Name</b>	PAYSON HUMANE SOCIETY INC, ,
<b>Owner Address</b>	PO BOX 242, PAYSON, AZ 85547
<b>Legal Description</b>	ADJ LOT 3 ROS 2896 SEC09 T10N R10E; =2.25 AC (OUT OF 304-06-214, 304-15-002D)
<b>Land Full Cash Value</b>	\$60,395.00
<b>Improvements Full Cash Value</b>	\$103,864.00
<b>Land Legal Class</b>	02R - AG/VACANT LAND/NON-PROFIT-REAL PROPERTY AND IMPROVMENTS
<b>Improvement Legal Class</b>	02R - AG/VACANT LAND/NON-PROFIT-REAL PROPERTY AND IMPROVMENTS
<b>Total Full Cash Value</b>	\$164,259.00
<b>Limited Property Value</b>	\$161,769.00
<b>Real Property Ratio</b>	0.16000000
<b>Use Code</b>	9780
<b>Property Size</b>	2.25
<b>Assessed Full Cash Value</b>	\$26,281.00
<b>Assessed Limited Value</b>	\$25,883.00
<b>Total Exemption Amount</b>	\$26,281.00
<b>Docket Recorded Date</b>	3/18/2005 12:00:00 AM
<b>Sale Docket</b>	441
<b>Sale Page</b>	705
<b>Affidavit Sale Price</b>	\$342,858.00
<b>Instrument Type</b>	WARRANTY DEED
<b>Tax Year</b>	2008

Imp ID	Sec ID	Type	Rank	Floor Area	Year	Full Cash Value
1	1	012 - "A" FRAME HOME	2 - Slightly Below Average Quality	854	1978	\$39,817.00

2	1	212 - VETERINARY CLINIC	3 - Average Quality	576	1982	\$32,679.00
3	1	212 - VETERINARY CLINIC	3 - Average Quality	792	1982	\$31,368.00

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TOWN OF PAYSON  
PRINCIPAL / AGENT FOR ZONING SUBMITTALS

A Principal (owner) / Agent (acts for the owner) relationship has been created between

PAYSON HUMANE SOCIETY \_\_\_\_\_ [Principal(s)] and

AMON BUILDERS, MARCUS McFARLANE \_\_\_\_\_ (Agent),

for the purpose of:

SECURING CONDITIONAL USE PERMIT \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PAYSON HUMANE SOCIETY

BY: BARBARA BRENKE, PRESIDENT Barbara Brenke

Principal

Principal

Need both signatures (if husband and wife) SIGNED

6-2-08

The foregoing Principal / Agent Relationship Statement was signed before me this 3rd day of

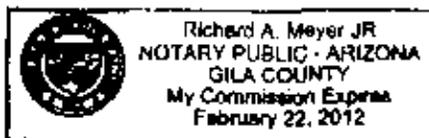
June . 2008, by BARBARA BRENKE \_\_\_\_\_ [Principal(s)],

known to me to be the person(s) who signed said statement

IN WITNESS WHEREOF I have hereunto set my hand and official seal

[Signature]  
Notary Public

My commission expires:



**CITIZENS  
PARTICIPATION  
MATERIAL**

**TO: TOWN OF PAYSON  
COMMUNITY DEVELOPMENT DEPARTMENT  
FROM: FRED MOLDENHAUER  
PAYSON HUMANE SOCIETY, BUILDING COMMITTEE CHAIRMAN  
SUBJECT: CITIZEN PARTICIPATION REPORT, CONDITIONAL USE PERMIT  
DATE: MAY 15, 2008**

**A CITIZENS PARTICIPATION MEETING WAS HELD AT THE OFFICES OF  
TETRA TECH, 431 S. BEELINE HIGHWAY, PAYSON, AZ AT 10:00 AM.**

**ATTENDEES WERE:**

**HELEN MARTIN, 900 S. MCLANE  
PHILIP MARTIN " "  
KARYN NELSEN, 617 W. MAIN ST  
HALLIE JACKMAN, 703 A W. MAIN ST/ 912 S. MCLANE  
DREW AND AMITY JUSTICE, 916 S. MUD SPRINGS ROAD  
JIM KEYWORTH, 7736 N. TOYA VISTA/ RIM COUNTRY GAZETTE  
VINCE RADER, 607 W. MAIN ST/ OXBOW  
FRED MOLDENHAUER, PAYSON HUMANE SOCIETY  
BARBARA BRENKE, " " "  
ELLIE WATSON " " "  
LISA BOYLE " " "  
JOHN WAKELIN " " "  
MARCUS MCFARLANE, AMON BUILDERS**

**MARCUS MCFARLANE GAVE A DETAILED DESCRIPTION OF THE  
PROPOSED PROJECT AND REFERRED TO THE SITE PLAN, FLOOR PLAN,  
AND BUILDING ELEVATIONS.**

**THERE WAS DISCUSSION DURING AND AFTER MARCUS MCFARLANE'S  
PRESENTATION.**

**CONCERNS EXPRESSED WERE AS FOLLOWS:**

**1. THAT NOT ALL PROPERTY OWNERS WITHIN THE 300' RADIUS WERE  
NOTIFIED OF THE MEETING.**

**FRED MOLDENHAUER REPLIED THAT ALL PROPERTY OWNERS ON THE  
LIST PROVIDED BY THE TOWN OF PAYSON WERE MAILED A NOTICE OF  
MEETING. EVEN THOUGH KARYN NELSEN AND VINCE RADER (OXBOW)  
WERE NOT ON THE MAILING LIST THEY WERE IN ATTENDANCE.**

**2. THE MAJOR CONCERN EXPRESSED WAS THAT OF NOISE FROM THE  
DOG KENNELS. IT WAS SUGGESTED THAT ALL CELLS OF THE CONCRETE  
BLOCK EXTERIOR WALLS BE GROUTED TO REDUCE SOUND  
TRANSMISSION.**

**THE PAYSON HUMANE SOCIETY WILL EXPLORE SOUND REDUCING  
SUBSTANCES AND INCORPORATE THE MOST EFFICIENT INTO THE  
BUILDING DESIGN.**

**RECEIVED**

**MAY 16 2008**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

**3. CONCERN WAS EXPRESSED THAT THE FACILITY NOT CAUSE PROPERTY VALUES TO DECLINE IN ANYWAY.**

**4. CONCERN WAS EXPRESSED THAT THERE BE SUFFICIENT FUNDS AVAILABLE TO COMPLETE THE PROJECT.**

**5. A SUGGESTION WAS MADE THAT ALL MERCHANTS AND RESIDENCES BEYOND THE 300' RADIUS BE NOTIFIED OF THE PROJECT TO BE SURE THAT NO REJECTIONS ARE MADE AT THE LAST MINUTE. THE HUMANE SOCIETY INTENDS TO FULLY PUBLICIZE THE PROJECT IN MANY TYPES OF MEDIA IN CONJUNCTION WITH THE FUND RAISING ACTIVITIES.**

**WITH THE EXCEPTION OF THE ABOVE COMMENTS THE ATTENDEES WERE FAVORABLY IMPRESSED WITH THE PROJECT.**

**RESPECTIVELY SUBMITTED:**



**FRED MOLDENHAUER**

**ATTACHMENTS:**

- 1) MEETING SIGN IN SHEET**
- 2) COMMENT SHEETS**
- 3) MEETING NOTICE**
- 4) 300' RADIUS MAP**
- 5) LIST OF PROPERTY OWNERS INVITED TO THE MEETING**





PROPOSED CONDITIONAL USE PERMIT (C.U.P.)  
PAYSON HUMANE SOCIETY  
CITIZEN'S PARTICIPATION MEETING

May 15, 2008

NAME Karen Nelson  
ADDRESS 617 W Main St Payson, AZ 85541  
PHONE NUMBER (928) 468-6484

COMMENTS:

#1 Concern is that the facility not cause my property to be devalued in anyway.

#2. That they not start construction w/out the funds to finish it.

#3. Noise - <sup>Suggest</sup> strict grant limits

#4. Notify all the merchants & residence more than 30 to be sure you get no objections at the last minute.



PROPOSED CONDITIONAL USE PERMIT (C.U.P.)  
PAYSON HUMANE SOCIETY  
CITIZEN'S PARTICIPATION MEETING

May 15, 2008

NAME Vince Rader  
ADDRESS 607 W. Main  
PHONE NUMBER 480-606-2009

COMMENTS:

Grant All cells on 8x8x16 block  
walls to insure sound proofing.  
This will cut 30% of sound/barking  
concerns.

## **PAYSON HUMANE SOCIETY**

---

812 S. McLane  
Payson, AZ 85541

April 25, 2008

Re: Request for issuance of a Conditional Use Permit.

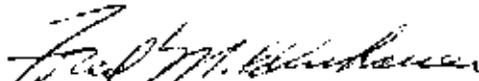
Dear Property Owner:

On behalf of The Payson Humane Society, you are invited to a Citizen Participation Meeting regarding a request to approve a conditional use permit to allow the Payson Humane Society to construct and occupy a new facility and demolish the old at property located at 812 S. McLane Road, Payson, AZ.

This meeting will be held on Thursday, May 15, 2008, at 10:00 AM in the conference room of Tetra Tech, Inc., 431 S. Beeline Highway, Payson, AZ. The purpose of the meeting is to provide information to property owners and residents adjacent to subject property regarding the proposed improvements and to provide you with an opportunity to share your questions or comments about the project.

If you cannot attend the meeting and/or have questions regarding the proposed development, please call Fred Moldenhauer, (928) 468-2170. Please plan to attend.

Sincerely,



Fred Moldenhauer  
Payson Humane Society  
Building Committee Chairman  
and Director.

15-12-002 Table of Commercial District Uses '22

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit Use Description	District		
	C-1	C-2	C-3
<i>Agricultural and Related Uses</i>			
All types of agricultural and horticulture	P	P	P
Keeping of horses and other livestock	N	N	N
Keeping of poultry	N	N	N
Apiaries/aviaries in rear 1/3 of lot; minimum 30' from any property line	C	C	C
Animal clinics in fully enclosed building	C	C	C
Animal clinics, not fully enclosed	N	N	C
Kennels	N	N	C
<i>Residential Uses</i>			
Single family dwelling unit, site built '99	P	P	P
Guest House	C	C	C
Manufactured home, detached	N	N	N
Multiple family dwelling units	P	P	P
Recreational vehicle/travel trailer park	N	C	C
<i>Public, Institutional and Quasi-Commercial Uses</i>			
Home Occupations	P	P	P
Bed and Breakfast establishments and country inns	P	P	P
Rooming and boarding houses	P	P	P
Fraternities and Sororities	P	P	P
Places of Worship, convents and monasteries	P	P	P
Nursery Schools and day care centers	P	P	P
Elementary and secondary schools including associated facilities	P	P	P
Vocational and business schools	P	P	P

## B. General Zoning Provisions

1. **Nonconforming Uses** - Legally existing nonconforming uses, structures, buildings and other improvements existing upon the real property subject to a nonconforming use may continue as provided below, unless the use creates a nuisance or otherwise violates any other law, rule or regulation.
  - a. **Continuing Existing Uses**: Any use of land, building, structure, or improvement lawfully existing at the time this Code, or subsequent amendments, may be continued, even though such use does not conform with the provisions of this Code.
  - b. **Discontinuance or abandonment of nonconforming uses**:
    - (1) If a non-conforming use of land or structure is discontinued or abandoned for 12 consecutive months, any and all future uses shall conform to this Code. Intention to abandon a use may be evidenced by a change in that use, removal of equipment, materials, improvements, structures, or other indications that the use is no longer intended to continue on that property. Discontinuance of a nonconforming use may be evidenced by removal of equipment, materials, improvements or other indications that such nonconforming use is no longer being made of that property, and/or by a lack of use of the nonconforming use of the subject property for the 12 month period, whether or not any intention to abandon such use is present.
    - (2) If a non-conforming use or structure is destroyed by fire, earthquake, flood, explosion, natural disaster, or act of public enemy, the nonconformance may be reconstructed and used as before if done within 12 months of the event date.
    - (3) The Council may acquire, by purchase or condemnation, any nonconforming lot, structures, or signs, provided, the amount paid does not exceed the amount to which the owner would otherwise be entitled in a condemnation proceeding.
    - (4) Any request for rezoning or variance by the property owner shall be grounds to require that existing nonconforming uses be brought into compliance with this Code.
  - c.  Notwithstanding paragraph b(2) above and normal maintenance, a nonconforming use of land or structure shall not be enlarged, extended, reconstructed or structurally altered, unless such enlargement, extension, expansion, reconstruction or structural alteration and further use of such property conforms with the provisions of this Code.
2. **Variances** - A Property owner, or his representative, shall receive a variance from the Board of Adjustment according to 15-09-006, before using such lot to erect a structure, landscaping, or other use not in accordance with the provisions of this Code.
3. **Public Nuisance** - Uses, activities, conditions and structures in any district in the Town that create a nuisance, as defined in Section 15-11 of this Code, shall be prohibited.