

ORDINANCE NO. 764

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 200 W. FRONTIER STREET, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-08-064C, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R3-MH TO C-2. (NORTHERN PORTION OF BONANZA SQUARE)

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-353-09 to amend the Official Zoning Map and Official Zoning Code has been made by Seven Js, L.L.C., property owner (Robert D. McKinley, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 13, 2009, considered the issues, and made recommendations on Application No. P353-09 to the Town Council; and

WHEREAS, the Town Council held a public hearing on May 7, 2009, in regard to said Application No. P-353-09 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson, and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of C-2 for that portion of the certain real property located at 200 West Frontier Street, Gila County Assessor's Parcel Number 302-08-064C, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-353-09 are hereby made contingent upon those conditions set forth in Section 3 below and are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. In addition to the provisions in Section 4, hereunder, this ordinance shall not become effective until the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Seven Js, L.L.C. and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of

First Reading & Public Hearing MAY 07 2009 G.7

the Town's adoption of this ordinance and the proceedings in connection herewith. If this waiver instrument is not executed and provided to the Town for recording within 7 calendar days after the motion approving this ordinance, this ordinance shall be void ab initio and of no force and effect.

Section 4. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance if not otherwise void pursuant to Section 3 herein above, shall not become operative until 30 days after its passage.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2009, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 764

LEGAL DESCRIPTION

LOT 1 OF RESUBDIVISION OF LOTS 19 & 20, GREER ADDITION G.C.R. MAP 104; LOCATED IN A PORTION OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 4 T10N R10E OF THE G. & S.R.M., TOWN OF PAYSON, GILA COUNTY, ARIZONA.

SUMMARY OF AGENDA ITEM

DATE: May 7, 2009
TO: Mayor and Council
FROM: Ray Erlandsen 
Acting Community Development Director
SUBJECT: Ordinance #764 200 W. Frontier Street
Rezone from R3-MH to C-2 (P-353-09)

PURPOSE:

The applicant, Seven Js LLC, is requesting approval of a zone change from R3-MH to C-2 for the northern 100 feet of the property located at 200 W. Frontier Street, as depicted on Exhibit A of the staff report, to accommodate a wider variety of commercial uses within the existing commercial buildings, and to eliminate split zoning on this property.

SUMMARY:

The site is currently bordered by R3-MH zoned property on the north and west. The south and east sides are currently C-2, the south being the remainder of the applicant's property and a portion of the existing shopping center and the east a manufactured home park.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Commercial development that may include large or neighborhood shopping centers, hotels and motels, and/or convenience centers dependent upon controlled access and compatibility of land uses.

The current R3-MH zoning and commercial uses were inherited from Gila County when the Town incorporated in 1973.

The Planning and Zoning Commission recommended approval to the Town Council on April 13, 2009, on a 6-0 vote.

P-353-09 Rezoning Request – R3-MH to C-2

P&Z Commission Motion

April 13, 2009

200 W. Frontier Street

James Scheidt moved, seconded by Lori Meyers, to recommend to the Town Council approval of P-353-09, a request to rezone the northern 100 feet of the shopping center located at 200 W. Frontier Street from R3-MII to C-2 as depicted on Exhibit A of the staff report.

Motion carried 6-0.



MEMO

TO: Planning and Zoning Commission
FROM: Ray Erlandsen, Zoning Administrator
DATE: April 13, 2008
SUBJECT: 200 W. Frontier Street
Rezone R3-MH to C-2

P-353-09

Background

The applicant, Seven Js LLC, is requesting approval of a zone change from R3-MH to C-2 as depicted on Exhibit A to accommodate a wider variety of commercial uses within the existing commercial buildings, and to eliminate split zoning on this property.

Analysis

The site is currently bordered by R3-MH zoned property on the north and west. The south and east sides are currently C-2, the south being the remainder of the applicants property and a portion of the existing shopping center and the east a manufactured home park.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Commercial development that may include large or neighborhood shopping centers, hotels and motels, and/or convenience centers dependent upon controlled access and compatibility of land uses.

Staff Recommendation

Recommendation: Approval

Suggested Motion to recommend Approval:

"I move the Planning & Zoning Commission recommend to the Town Council approval of P-353-09, a request to rezone the northern 100 feet of the shopping center located at 200 W. Frontier Street from R3-MH to C-2 as depicted on Exhibit A of the staff report."

RECORD OF SURVEY

EXHIBIT "A"

OF LOTS 1 AND 4, RESUBDIVISION OF LOTS 19 AND 20, GREER ADDITION G.C.R. MAP 104
LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4,
TOWNSHIP 10 NORTH, RANGE 10 EAST OF THE G. & S.R.M., TOWN OF PAYSON, GILA COUNTY, ARIZONA

TOWN OF PAYSON APPROVALS

R. Elamson 10-6-06
ZONING ADMINISTRATOR DATE

Jason D. Smith 10-6-06
PUBLIC WORKS ENGINEER DATE

06/006
T.O.P. JOB NO.

STATE OF ARIZONA, COUNTY OF GILA
I HEREBY CERTIFY THAT THE WITHIN MAPPING WAS FILED
AND RECORDED AT THE PRO. BUREAU OF *John J. Schmitt* *Seal*
DATE *10/25/06* *10:52 AM* MAPS *3230*
OFFICIAL RECORDS OF GILA COUNTY
WITNESS MY HAND AND OFFICIAL SEAL, THIS DAY AND YEAR
FIRST WRITTEN BOOK
SHERIFF MARGIE CRISDA, GILA COUNTY RECORDER

Nikki Peana Deputy
2006-017164



FOR: LEROY HAACK LIVING TRUST
LEROY P. & JEANNE K. HAACK, TRUSTEES
208 W. SHERWOOD
PAYSON, ARIZONA 85541

LEGEND

- R = RECORD INFORMATION (PER G.C.R. MAP No. 104)
- M = MEASURED INFORMATION
- C = CALCULATED INFORMATION
- F.L. = FENCE LINE
- O.H. = OVERHANG OF BUILDING
- = FOUND MONUMENT (AS NOTED)
- = SET 5/8" REBAR W/TAG MARKED "L.S. #18436" (UNLESS NOTED OTHERWISE)
- (with number) = COUNTY ASSESSORS PARCEL NUMBER

NOTES

1. THIS SURVEY WAS BASED UPON THAT REPORT BY PIONEER TITLE AGENCY, INC., ORDER No. 00128255, EFFECTIVE DATE BEING 9-6-06.

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF SEPTEMBER, 2006.



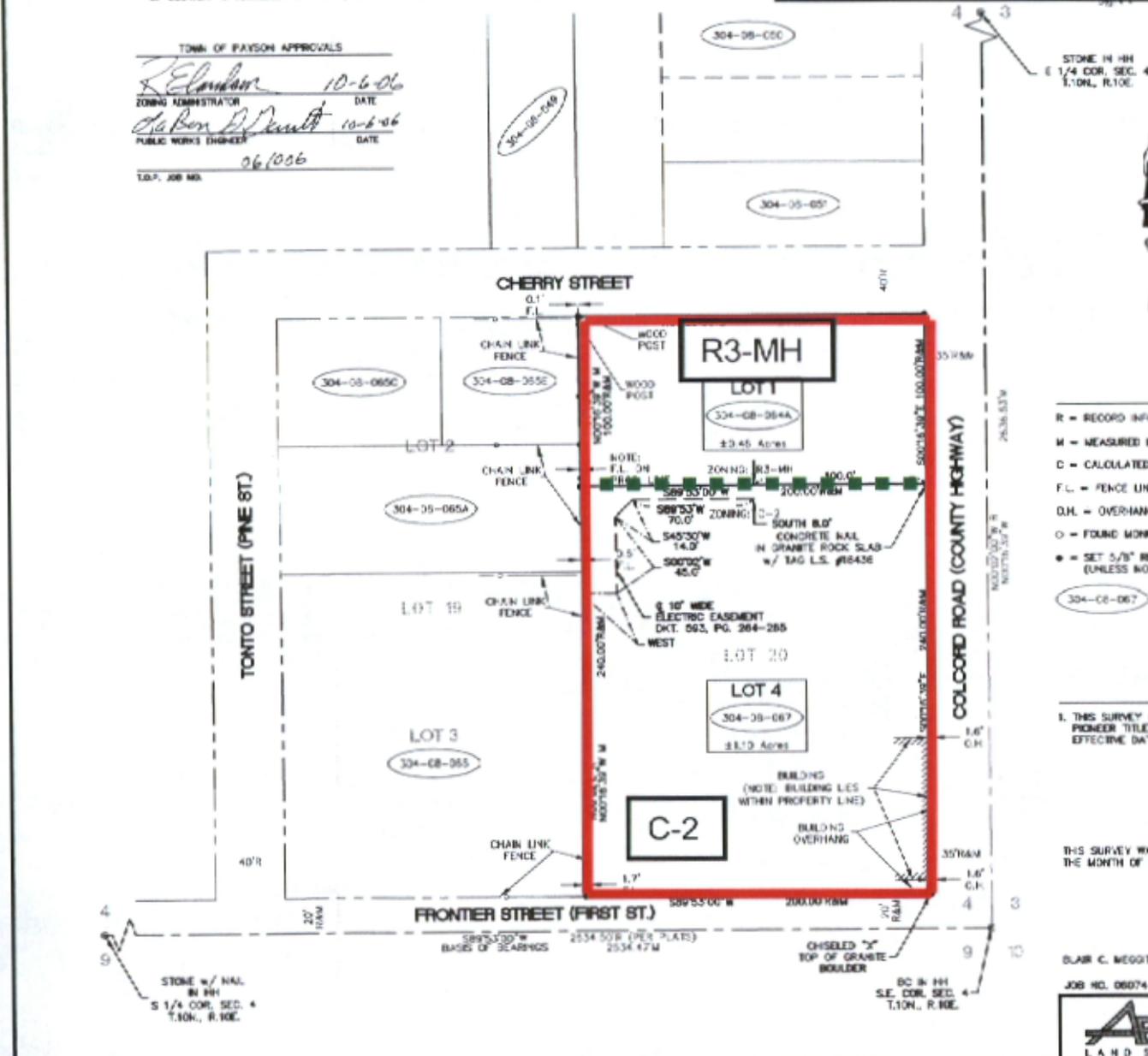
BLAIR C. MEGOTT, R.L.S. #18436

JOB NO. 06074

SHEET 1 OF 1



600 E. HIGHWAY 260
SUITE "101"
PAYSON, ARIZONA 85541
PHONE (928) 474-8404
FAX (928) 472-8783





CASE NUMBER P-353-09

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

RECEIVED

MAR 10 2009

COMMUNITY DEVELOPMENT
DEPARTMENT
May, 2007

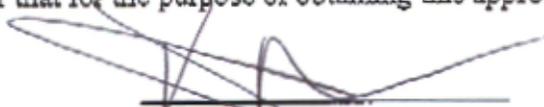
Project Address: 200 W. FRONTIER ST. Tax Parcel Number: 304-08-064C
 Subdivision: GREER ADDITION (Lots 197-206) Lot Number: 1
 Name of Applicant(s): Seven JS LLC Phone #: _____
 Mailing Address: P.O. Box 13108 (Chandler) Town: Chandler St: AZ Zip: 85248
 Name of Property Owner(s): Same
 Mailing Address: P.O. Box 13108 Town: Chandler St: AZ Zip: 85248
 Contact Person: ROB MCKINLEY Phone #: 602-616-5224 Fax #: _____
 Payson Business License # _____ Sales Tax # 80150387

Detailed Description of Request:
RG ZONE Lot 1 FROM R3-MH to C-2 to
CONFORM WITH REST OF PROPERTY & to PRESENT
USAGE

(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.

Rob McKinley
Print Name


Signature

3-10-09
Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	<u>3/10/09</u>	<u>SLD</u>	\$ 350 ⁰⁰
COMPLETED APPLICATION	<u>3/25/09</u>	<u>SLD</u>	
NEWSPAPER PUBLICATION	<u>3/27/09</u>	<u>SLD</u>	
300' NOTIFICATION MAILOUT	<u>3/25/09</u>	<u>SLD</u>	
POSTING DATE	<u>3/24/09</u>	<u>SLD</u>	

CHECK NUMBER: CC DATE: 3-10-09

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

Gila County Parcel Information Search

Assessor Information 304-08-064C

Parcel/Tax ID 304-08-064C
Tax Year 2009
Site Address 200 W FRONTIER ST, PAYSON
Owner Name SEVEN JS LLC,
Owner Address C/O ROBERT D MCKINLEY PO BOX 13108
 CHANDLER, AZ 85248
Tax Area 1053
Land Value \$19,313.00
Improvement Value \$286,318.00
Full Cash Value \$305,631.00
Assessed Full Cash Value \$67,239.00
Limited Value \$280,185.00
Assessed Limited Value \$61,641.00
Value Method Cost
Exempt Amount \$0.00
Exempt Type
Use Code 1130
Property Use 1130-RETAIL STRIP CENTER
Class Code Commercial
Assessment Ratio 22.000000
Sale Price
Sale Date
Instrument Type
Book
Page
Parcel Size 0.00
Township, Range, Section , ,
Legal Description GREER ADD RESUB LOT 19 & 20; W 200' OF N
 100' LOT 1 OUT OF 304- 08-064A & B
Property Type REAL

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year	Cash Value
1	Neighborhood Shopping Center	Neighborhood Shopping Center	Average	2560	1985	\$122,829.00
2	Neighborhood Shopping Center	Neighborhood Shopping Center	Average	3072	1985	\$163,489.00

P-353-09
304-08-064C

200 W. Frontier Street

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CITIZENS
PARTICIPATION
MATERIAL

Citizen Participation Meeting

March 10, 2009

— BONANZA SQUARE —

A meeting was held on above date from 10:00 am to 12:00 ~~noon~~ at 200 W. Frontier Street, Unit 2 - for citizens to attend & voice their concerns about their request for zoning change.

One citizen attended the meeting. Her name is Audrey James of Payson. She had no objection to the rezoning.



Rob McKinley

Seven JS LLC

BONANZA SQUARE

RECEIVED

MAR 10 2009

COMMUNITY DEVELOPMENT
DEPARTMENT

**SEVEN JS LLC
P. O. BOX 13103
CHANDLER, ARIZONA 85248**

NOTICE OF CITIZEN PARTICIPATION MEETING

February 20, 2009

Dear Property Owner/Resident:

Seven Js LLC, owners of Bonanza Square, 200 W. Frontier St., would like to cordially invite you to a citizen participation meeting regarding a zoning change of Lot #1 of the site in question from R3-MH to C-2, to conform with present usage.

The meeting will be held on Tuesday, March 10th at 10:00 to 12:00 in the morning at Bonanza Square in Unit "L".

A copy of the sitemap is enclosed.

If you cannot attend and you have any questions, please email them to pkder12@juno.com, or call 602.616.3558

Cordially,



Rob McKinley

Managing Partner

RECEIVED

FEB 19 2009

COMMUNITY DEVELOPMENT
DEPARTMENT