

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*  
*Second Reading & Public Hearing*

MAY 07 2009

G.7

MAY 19 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)

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### 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-MH 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

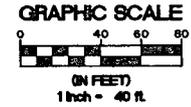
# EXHIBIT "A"

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

STATE OF ARIZONA, COUNTY OF GILA  
I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED  
AND RECORDED AT THE REQUEST OF LEROY & JEANNE HAACK  
DATE 10/16/06 TIME 10:53 AM MAP NO. 3230  
OFFICIAL RECORDS OF GILA COUNTY, AZ  
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR  
FIRST WRITTEN ABOVE  
LINDA HAUGHT CRITEGA, GILA COUNTY RECORDER

*Nikki Peña Deputy*  
2006-017764

TOWN OF PAYSON APPROVALS  
R. Elam 10-6-06  
ZONING ADMINISTRATOR DATE  
DeBon D. Smith 10-6-06  
PUBLIC WORKS ENGINEER DATE  
T.O.P. JOB NO. 061006



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

- THIS SURVEY WAS BASED UPON THAT REPORT BY PIONEER TITLE AGENCY, INC., ORDER No. 00128255, EFFECTIVE DATE BEING 8-6-06.

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



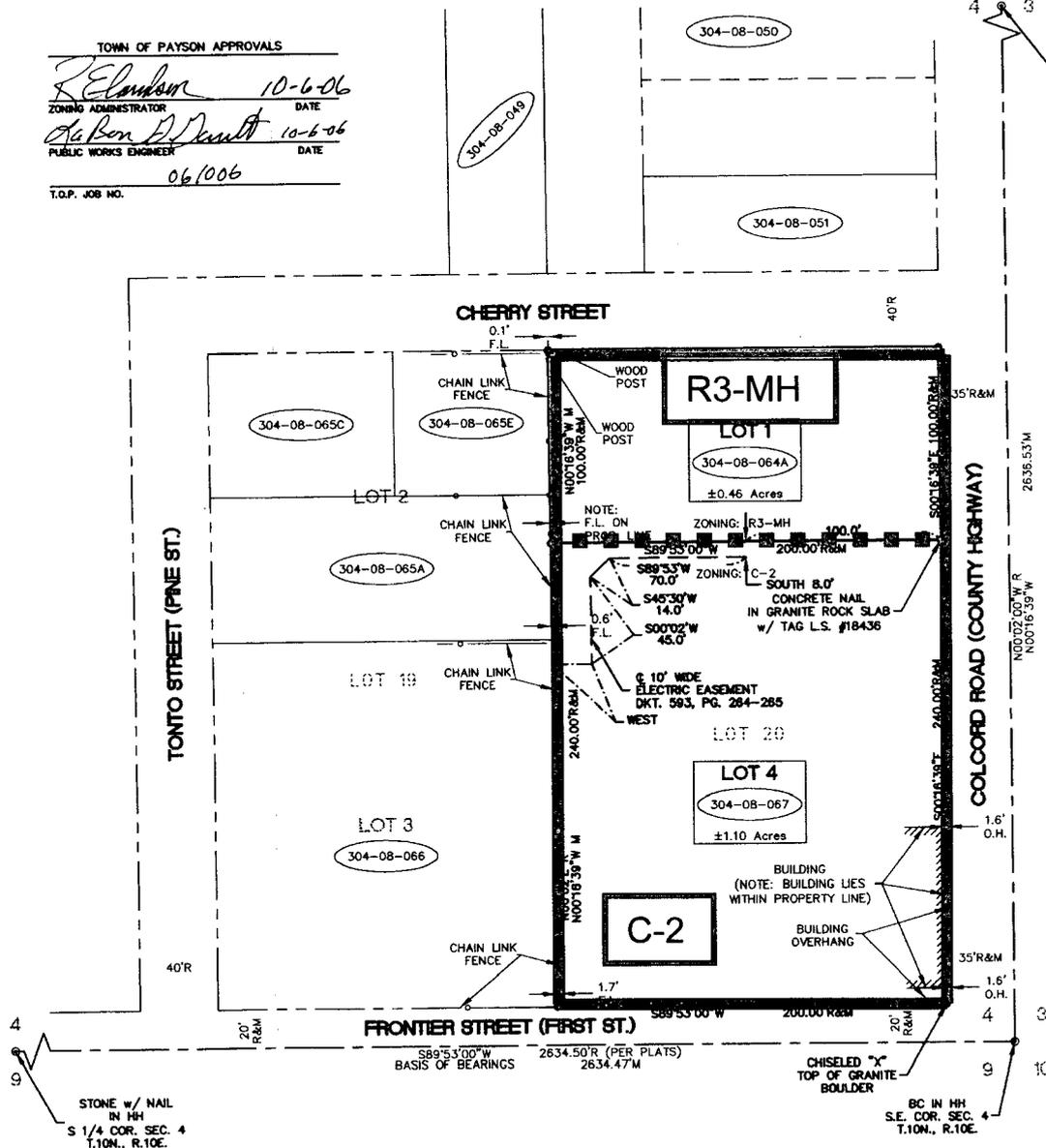
BLAIR C. MEGGITT, R.L.S. #18436

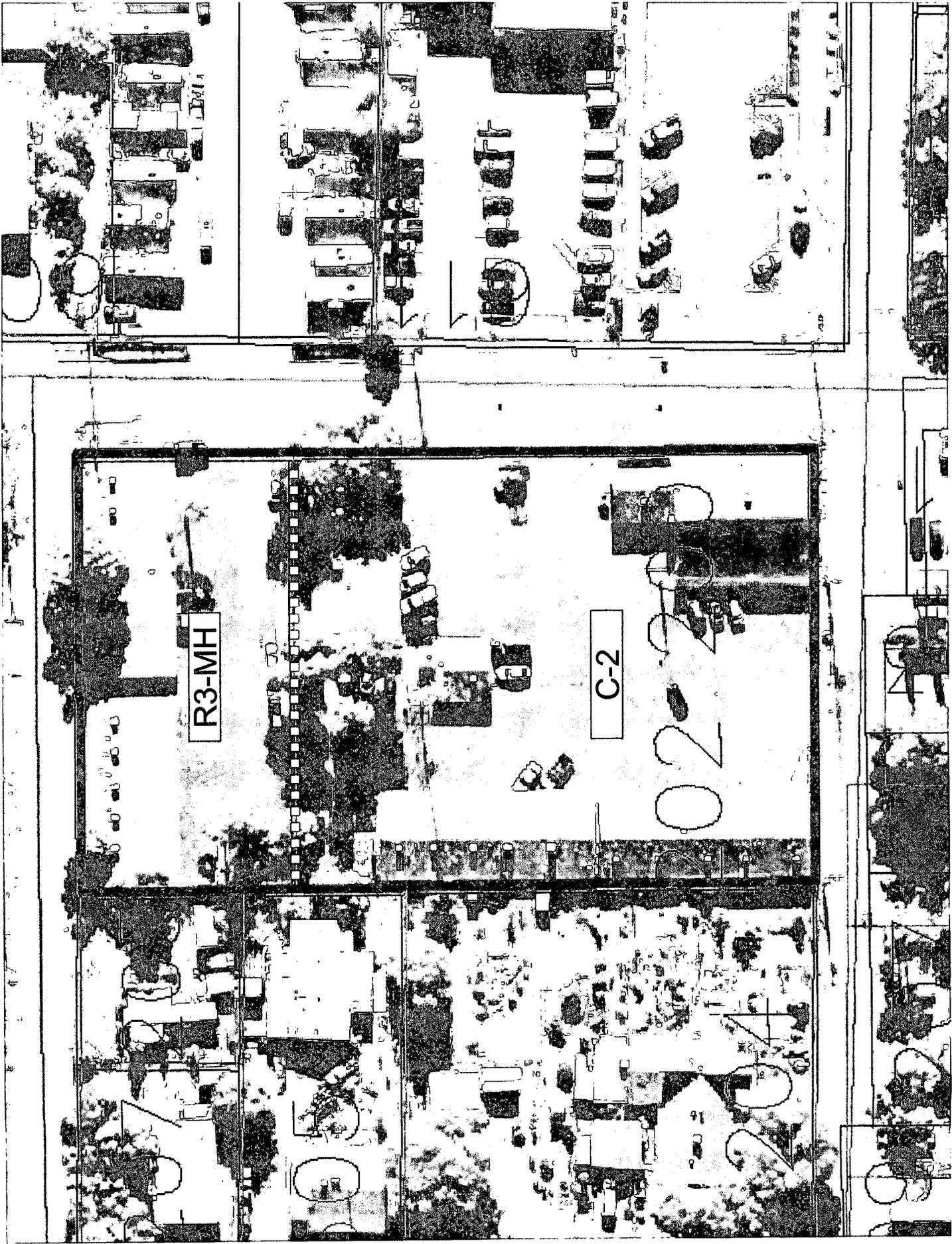
JOB NO. 06074

SHEET 1 OF 1



600 E. HIGHWAY 280  
SUITE 114  
PAYSON, ARIZONA 85541  
PHONE (928) 474-8484  
FAX (928) 472-8783





R3-MH

C-2

0224

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 197-20) Lot Number: 1  
 Name of Applicant(s): Seven JS LLC Phone #: \_\_\_\_\_  
 Mailing Address: P.O. Box 13108 (Chandler) Town: Chandler St: A2 Zip: 85248  
 Name of Property Owner(s): Same  
 Mailing Address: P.O. Box 13108 Town: Chandler St: A2 Zip: 85248  
 Contact Person: ROB MCKINLEY Phone #: 602-616-5224 Fax #: \_\_\_\_\_  
 Payson Business License # \_\_\_\_\_ Sales Tax # 20150387

Detailed Description of Request:

REZONE 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]  
Signature

3-6-09  
Date

#### STAFF USE ONLY - PERTINENT DATA

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

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

## **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.

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 N. 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 13108  
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 10<sup>th</sup> 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](mailto:pkder12@juno.com), or call 602.616.3558**

**Cordially,**



**Rob McKinley**

**Managing Partner**

**RECEIVED**

**FEB 19 2009**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**