

ORDINANCE NO. 766

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1800 NORTH BEELINE HIGHWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-004K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO C-2 (PONDEROSA BAPTIST CHURCH).

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-354-09 to amend the Official Zoning Map and Official Zoning Code has been made by Ponderosa Baptist Church, property owner (Joseph Falkner, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 8, 2009, considered the issues, and made recommendation on Application No. P-354-09 to the Town Council; and

WHEREAS, the Town Council held a public hearing on June 18, 2009, in regard to said Application No. P-354-09 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 1800 North Beeline Highway, Gila County Assessor's Parcel Number 302-35-004K, 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-354-09 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. The foregoing changes in zoning shall be and are hereby specifically made contingent upon and conditional upon each of the following:

- A. The development shall be in substantial conformance with the Master Plan Site Plan, dated March 17, 2009.
- B. Engineered grading and drainage plans for all five phases shall be submitted and approved with Phase One.

First Reading and Public Hearing

JUN 18 2009 G.4

- C. A master tree and plant conservation plan and landscape master plan for all five phases shall be submitted and approved with Phase One.
- D. Development standards, including landscaping provisions, for each phase of development shall be satisfied concurrently with the respective phase of development. Commencement of future phases may be contingent upon satisfactory completion of preceding phases.
- E. If any conditions listed in this Section 3 are not met then the C-2 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. In addition to the provisions in Section 5, 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 Ponderosa Baptist Church 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 the Town's adoption of this ordinance. 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 and of no force and effect.

Section 5. 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 4 hereinabove, shall not become operative until 30 days after its passage.

Section 6. 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 766

PORTION OF PARCEL B OF 2691 DESC AS: BEG AT NE COR OF SAID PARCEL B; TH S1 24'07 W, 621.80'; TH N88 35'53 W, 93.44'; TH S25 30'20 E 25.19'; TH N40 53'34 W, 176.39'; TH N49 06'26 E, 20.0'; TH N39 07'49 W, 130.06'; TH N37 08'28 W, 61.13'; TH N49 32'43 W, 69.79'; TH S49 06'26 W, 17.5'; TH N40 53'34 W, 65.0'; TH N72 17'56 E, 10.17'; TH N43 43'15 W, 187.96'; TH N41 42'27 W, 162.66'; TH N89 46'23 E, 676.14' TO THE POB SW SW SEC 27 T11N R10E; = 5.52 AC (OUT OF 302-35-004H) EXCEPT THE EASTERLY 200 FEET.

SUMMARY OF AGENDA ITEM

DATE: June 18, 2009
TO: Mayor and Council
FROM: Ray Erlandson 
Acting Community Development Director
SUBJECT: Ordinance #766 1800 N. Beeline Highway
Rezone from R1-175 to C-2 (P-354-09)

PURPOSE:

The applicant, Ponderosa Baptist Church, is requesting approval of a zone change from R1-175 to C-2 as depicted in Exhibit A for construction of additional church facilities on a 5.52 acre property at 1800 N. Beeline Highway and to eliminate split zoning on this property.

SUMMARY:

Currently, C-2 zoning exists approximately 200 feet deep of the property frontage on N. Beeline Highway. The existing church facilities are located in this zoning district. The rest of the site to the west is currently zoned R1-175. The church wishes to expand their facility and bring the entire property into one zoning district which would allow this development.

The site is currently bordered by R3 zoned property on the north. The southeast side is currently C-2 and R1-6-MH, the east is C-2.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Commercial development. This area should include a planned commercial environment with clustered building, open spaces and adequate buffering from residential uses. Staff believes that with the submitted phased plans, these goals would be met.

A phased plan of development is being proposed by the applicant as follows:

Phase One – Parking/Retention

- Add south parking lot to future grades
- Install new retention basin for total future build out

Phase Two – Southwest Building Addition

- Build out southwest building addition @ ± 3888 sq. ft.

Phase Three – Northwest Building Addition

- Build out northwest building addition @ ± 3936 sq. ft.
- Add west package

Phase Four - East Building Addition/Auditorium

- Build out east auditorium @ ± 15,156 sq. ft.
- Add north parking

Phase Five – Church Activity Area

- Add outdoor church activity park area and parking
- Provide access to the park

There are several existing violations including a portion of the north parking lot that was constructed without taking into consideration drainage requirements. In addition, landscaping requirements were never fully completed when the original structure was completed. A timetable was arranged to allow the landscaping to be added as funds became available, however, church personnel changed and this timetable was never completed. In discussions with the applicant, they are aware of these issues and will be corrected in Phase I.

A Citizens Participation Meeting was held on April 21, 2009. The report and related materials are enclosed for review.

P-354-09 Rezoning Request – R1-175 to C-2

P & Z Commission Motion

June 8, 2009

1800 North Beeline Highway

Jere Jarrell moved, seconded by James Scheidt, to recommend to the Town Council approval of P-354-09, a request to rezone the west portion of the property located at 1800 North Beeline Highway from R1-175 to C-2 as depicted on Exhibit A of the staff report.

Motion carried 7-0.



MEMO

TO: Planning and Zoning Commission

FROM: Ray Erlandsen
Acting Community Development Director

DATE: June 8, 2009

SUBJECT: Rezone R1-175 to C-2 **P-354-09**
1800 N. Beeline Hwy
Ponderosa Baptist Church

Background

The applicant, Ponderosa Baptist Church, is requesting approval of a zone change from R1-175 to C-2 as depicted in Exhibit A for construction of additional church facilities on a 5.52 acre property at 1800 N. Beeline Highway and to eliminate split zoning on this property.

Analysis

A phased plan of development is being proposed by the applicant as follows:

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The site is currently bordered by R3 zoned property on the north. The southeast side is currently C-2 and R1-6-MH, the east is C-2.

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There are several existing violations including a portion of the north parking lot that was constructed without taking into consideration drainage requirements. In addition, landscaping requirements were never fully completed when the original structure was completed. A timetable was arranged to allow the landscaping to be added as funds became available, however, church personnel changed and this timetable was never completed. In discussions with the applicant, they are aware of these issues and will be corrected in Phase I.

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Staff Recommendation

Approval with the following conditions:

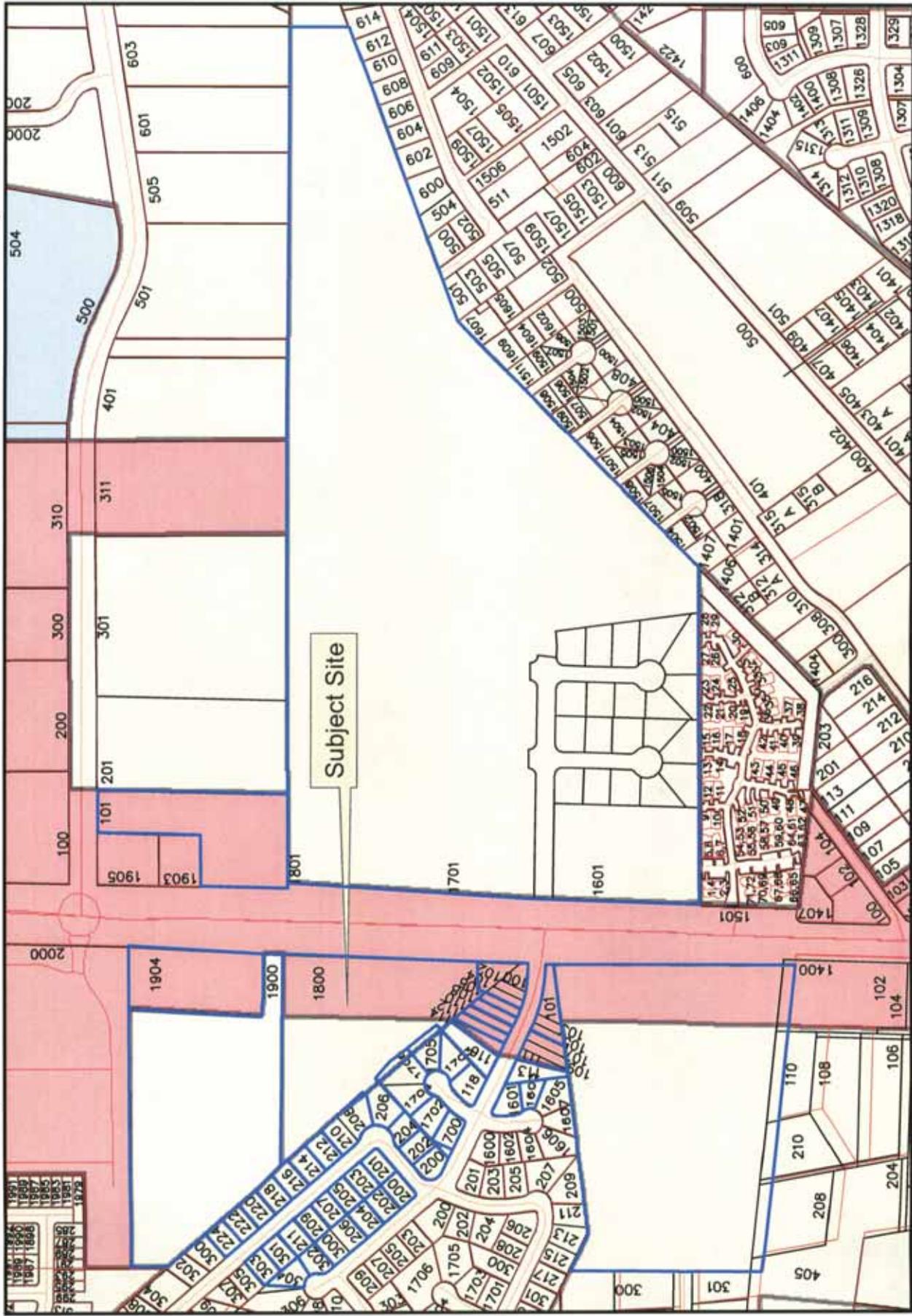
1. The development shall be in substantial conformance with the Master Plan Site Plan, dated March 17, 2009.
2. Engineered grading and drainage plans for all five phases shall be submitted and approved with Phase One.
3. A master tree and plant conservation plan and landscape master plan for all five phases shall be submitted and approved with Phase One.
4. Development standards, including landscaping provisions, for each phase of development shall be satisfied concurrently with the respective phase of development. Commencement of future phases may be contingent upon satisfactory completion of preceding phases.

Any other condition the Commission deems necessary.

Suggested Motion to recommend Approval:

“I move the Planning & Zoning Commission recommend to the Town Council approval of P-354-09, a request to rezone the west portion of the property located at 1800 N. Beeline Highway from R1-175 to C-2 as depicted on Exhibit A of the staff report.”

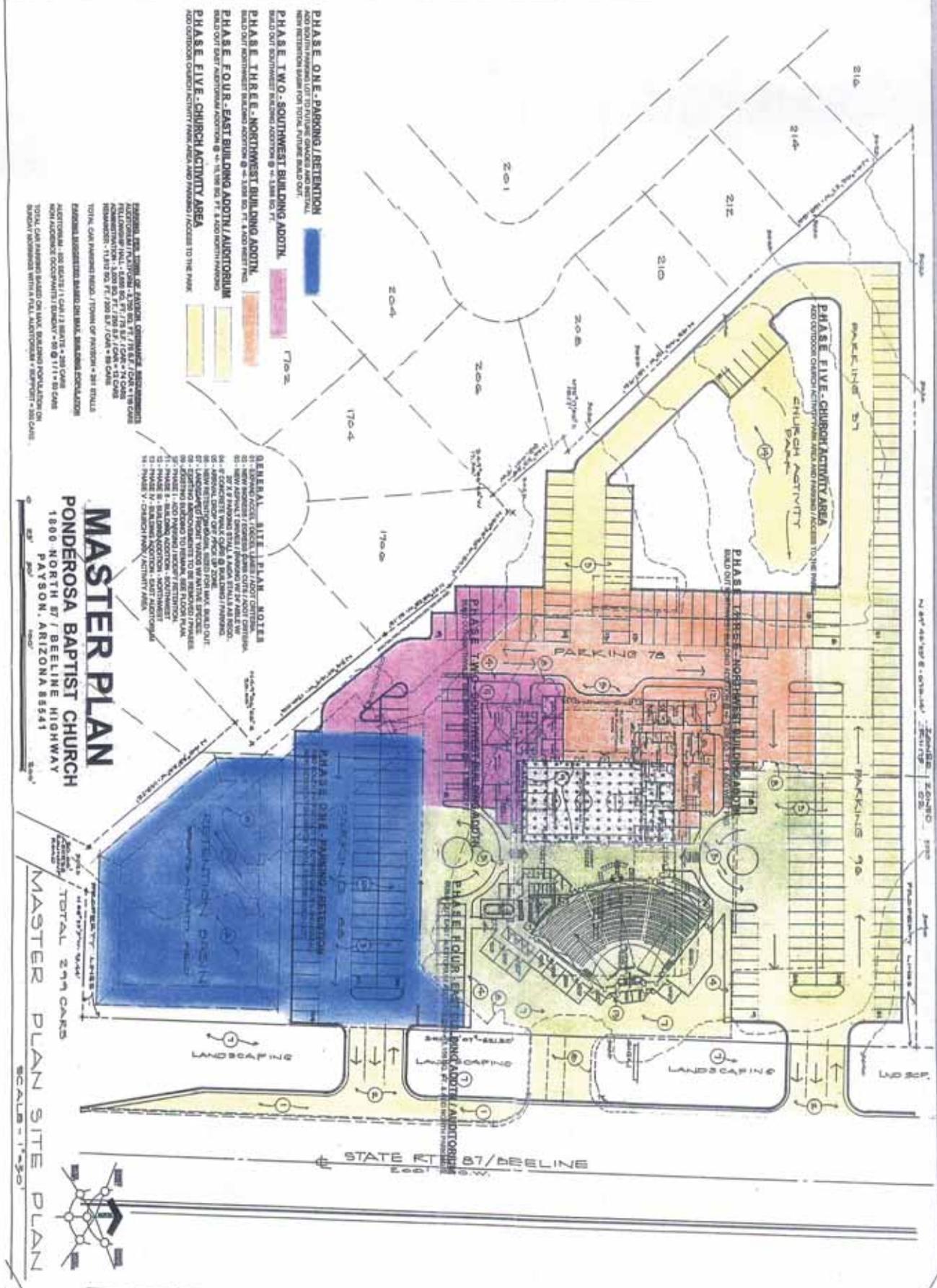
Properties within 300' Notification Area of 1800 N. Beeline Hwy



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.

303 North Beeline Highway
 Payson, Arizona 85541
 (928) 474-5242 www.ci.payson.az.us
 GIS/PaysonGIS_Master.mxd 1/28/2007





- PHASE ONE - PARKING / RETENTION**
- PHASE TWO - SOUTHWEST BUILDING ADOTD**
- PHASE THREE - NORTHWEST BUILDING ADOTD**
- PHASE FOUR - EAST BUILDING ADOTD / AUDITORIUM**
- PHASE FIVE - CHURCH ACTIVITY AREA**

GENERAL SITE PLAN - NOTES

1. SEE PHASE ONE - PARKING / RETENTION
2. SEE PHASE TWO - SOUTHWEST BUILDING ADOTD
3. SEE PHASE THREE - NORTHWEST BUILDING ADOTD
4. SEE PHASE FOUR - EAST BUILDING ADOTD / AUDITORIUM
5. SEE PHASE FIVE - CHURCH ACTIVITY AREA

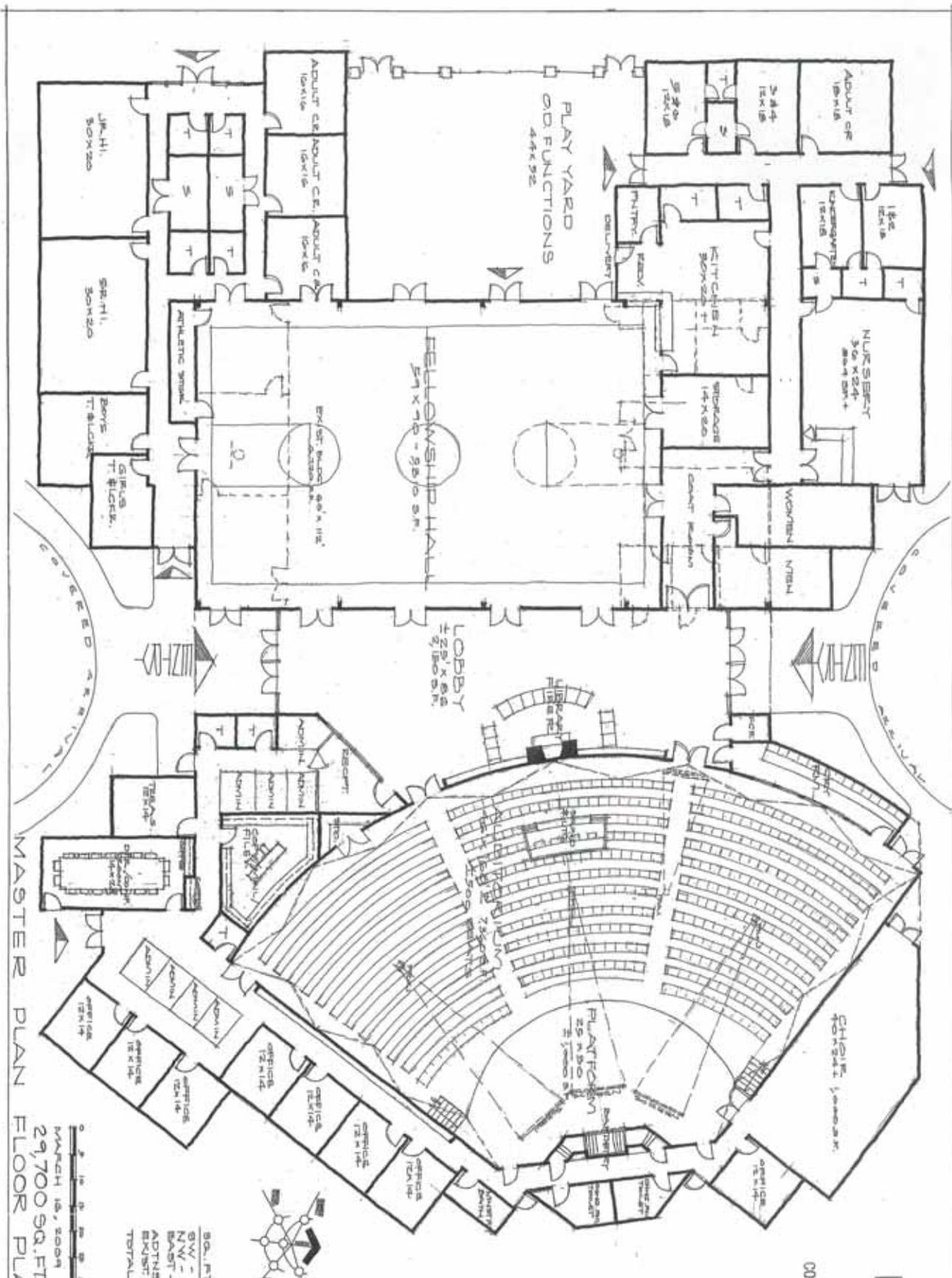
MASTER PLAN
PONDEROSA BAPTIST CHURCH
 1800 NORTH 87 / BEELINE HIGHWAY
 PAYSON, ARIZONA 85541

MASTER PLAN SITE PLAN
 SCALE - 1" = 30'

A1A

ARCHITECT - BERNIE LIEDER
 CELL (928) 970-2345 • FAX (928) 458-3405 • PH (928) 476-4998
 1415 N. ALPINE HEIGHTS DRIVE • PAYSON, AZ, 85541

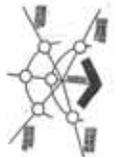
PONDEROSA BAPTIST CHURCH
 1800 NORTH 87 / BEELINE HIGHWAY
 PAYSON, ARIZONA 85541



MASTER PLAN FLOOR PLAN A2

0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60 62 64 66 68 70 72 74 76 78 80 82 84 86 88 90 92 94 96 98 100
 MARCH 18, 2009
 29,700 SQ. FT.

SQ. FT. CALC. TAB.	
GV -	3,888 S.F.
NV -	3,718 S.F.
EAST -	15,150 S.F.
ADTNS -	22,180 S.F.
EXIST -	6,710 S.F.
TOTAL -	29,700 S.F.



MASTER PLAN

PONDEROSA BAPTIST CHURCH

1800 NORTH 87 / BEELINE HIGHWAY
 PAYSON, ARIZONA 85541

RECEIVED
 APR 22 2009
 COMMUNITY DEVELOPMENT
 DEPARTMENT

ARCHITECT - BERNIE LIEDER
 CELL (928) 870-2348 - FAX (928) 480-2488 - PH (928) 478-4006
 1416 N. ALPINE HEIGHTS DRIVE - PAYSON, AZ. 85541

PONDEROSA BAPTIST CHURCH
 1800 NORTH 87 / BEELINE HIGHWAY
 PAYSON, ARIZONA 85541



TOPOGRAPHIC SURVEY

OF PARCEL B OF R.O.S. - LOT LINE ADJUSTMENT - LOT CONSOLIDATION MAP NO. 2691,
GILA COUNTY RECORDS LOCATED IN THE SW 1/4 OF SECTION 27, TOWNSHIP 11 NORTH,
RANGE 10 EAST OF THE GILA & SALT RIVER, TOWN OF PATON, GILA COUNTY,
ARIZONA.

SELYA-HORR
ZONED R-1 (70
(70 RESIDENTIAL)

WHEAT & SILVER
ZONED R-1 (70
(70 RESIDENTIAL)



NOTES

1. CURRENT ZONING = R-1 AND R-175
2. BENCH MARK ELEVATION = 5064.19 FEET M.S.L. IN S.W. CORNER TOP OF BRASS COP LOCATED AT THE S.W. CORNER SECTION 27, 11N, 10E.

LEGEND

- (N) = RECORD INFORMATION FOR THIS SURVEY
- (D) = FEATURES NOT ADAPTED TO THIS SURVEY
- (S) = SPACES TO BE MAINTAINED
- (V) = VEGETATION
- (W) = WATER
- (E) = ELEVATION
- (L) = LIGHT POLE
- (T) = TELEPHONE POLE
- (C) = CABLE TELEVISION LINE
- (U) = UTILITY POLE
- (G) = GAS VALVE / METER
- (O) = OIL VALVE / METER
- (M) = METER
- (S) = SIGN
- (F) = FENCE
- (R) = ROAD
- (P) = PAVEMENT
- (A) = ASPHALT PAVEMENT
- (C) = CONCRETE
- (S) = SAND
- (G) = GRAVEL
- (L) = LIGHT POLE
- (T) = TELEPHONE POLE
- (C) = CABLE TELEVISION LINE
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- (G) = GAS VALVE / METER
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- (R) = ROAD
- (P) = PAVEMENT
- (A) = ASPHALT PAVEMENT
- (C) = CONCRETE
- (S) = SAND
- (G) = GRAVEL

CERTIFICATION

This is to certify that the work was done in accordance with the standards of the International Board of Standards and Practices for Surveyors, Inc.



FOR: FORTRESS BAPTIST CHURCH
1800 NORTH BELLEVUE HWY.
PATON, AZ 85641

NORTHSTAR SURVEYING
INCORPORATED

100 N. BELLEVUE HWY., SUITE 2 - PATON, ARIZONA 85641 • (602) 475-8844
PROJECT NO. 08-124

A3



RECEIVED

APR 23 2009

COMMUNITY DEVELOPMENT
DEPARTMENT



R1-175

1800

C-2

CASE NUMBER P-354-09

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

May, 2007

Project Address: 1800 N. BEELINE HWY, PAYSON, AZ Tax Parcel Number: 302 35 004 K
 Subdivision: PAYSON RANCHOS NO. 2 Lot Number: 2 SECTION 27
 Name of Applicant(s): PONDEROSA BAPTIST CHURCH Phone #: 928-474-9279
 Mailing Address: 1800 N. BEELINE HWY Town: PAYSON St: AZ Zip: 85541
 Name of Property Owner(s): PONDEROSA BAPTIST CHURCH
 Mailing Address: 1800 N. BEELINE HWY Town: PAYSON St: AZ Zip: 85541
 Contact Person: KEN GRAY Phone #: 928-970-0387 Fax #: 928-474-3864
 Payson Business License # N/A Sales Tax # N/A

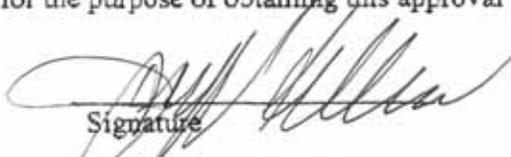
Detailed Description of Request:

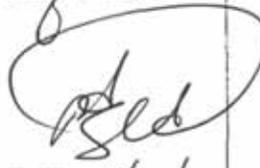
REZONE REAR PORTION OF PARCEL TO COINCIDE WITH EXISTING ZONING ON FRONT PORTION OF PROPERTY.

(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.

JOSEPH E. FALKNER
Print Name


Signature 5/19/09
Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	<u>4/22/09</u>	<u>SLD</u>	Zone Change Request \$ <u>350.00</u> 
COMPLETED APPLICATION	<u>5/19/09</u>	<u>SLD</u>	
NEWSPAPER PUBLICATION	<u>5/22/09</u>	<u>SLD</u>	
300' NOTIFICATION MAILOUT	<u>5/20/09</u>	<u>SLD</u>	
POSTING DATE	<u>5/20/09</u>	<u>SLD</u>	
			CHECK NUMBER: <u>1167</u> DATE: <u>4/22/09</u>

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

P-354-09
302-35-004K

1800 N. Beeline Highway

LEGAL DESCRIPTION

PORTION OF PARCEL B OF 2691 DESC AS: BEG AT NE COR OF SAID PARCEL B; TH S1 24'07 W, 621.80'; TH N88 35'53 W, 93.44'; TH S25 30'20 E 25.19'; TH N40 53'34 W, 176.39'; TH N49 06'26 E, 20.0'; TH N39 07'49 W, 130.06'; TH N37 08'28 W, 61.13'; TH N49 32'43 W, 69.79'; TH S49 06'26 W, 17.5'; TH N40 53'34 W, 65.0'; TH N72 17'56 E, 10.17'; TH N43 43'15 W, 187.96'; TH N41 42'27 W, 162.66'; TH N89 46'23 E, 676.14' TO THE POB SW SW SEC 27 T11N R10E; TOWN OF PAYSON, GILA COUNTY, ARIZONA.

Gila County Parcel Information Search

Assessor Information 302-35-004K

Parcel/Tax ID	302-35-004K
Tax Year	2009
Site Address	1800 N BEELINE HWY, PAYSON
Owner Name	PONDEROSA BAPTIST CHURCH OF PAYSON,
Owner Address	1800 N BEELINE HWY PAYSON, AZ 85541
Tax Area	1053
Land Value	\$170,728.00
Improvement Value	\$628,784.00
Full Cash Value	\$799,512.00
Assessed Full Cash Value	\$127,921.00
Limited Value	\$799,512.00
Assessed Limited Value	\$127,921.00
Value Method	Cost
Exempt Amount	\$127,921.00
Exempt Type	Full
Use Code	9270
Property Use	9270-CHURCH, RELIG USE
Class Code	Religious
Assessment Ratio	16.000000
Sale Price	
Sale Date	
Instrument Type	
Book	
Page	
Parcel Size	5.52
Township, Range, Section	11N, 10E, 27
Legal Description	PORTION OF PARCEL B OF 2691 DESC AS: BEG AT NE COR OF SAID PARCEL B; TH S1 24'07 W, 621.80'; TH N88 35'53 W, 93.44'; TH S25 30'20 E 25.19'; TH N40 53'34 W, 176.39'; TH N49 06'26 E, 20.0'; TH N39 07'49 W, 130.06'; TH N37 08'28 W, 61.13'; TH N49 32'43 W, 69.79'; TH S49 06'26 W, 17.5'; TH N40 53'34 W, 65.0'; TH N72 17'56 E, 10.17'; TH N43 43'15 W, 187.96'; TH N41 42'27 W, 162.66'; TH N89 46'23 E, 676.14' TO THE POB SW SWSEC 27 T11N R10E; = 5.52 AC(OUT OF 302-35-004H)
Property Type	REAL

CITIZENS
PARTICIPATION
MATERIAL



Ponderosa Baptist Church

April 22, 2009

Town of Payson
303 N. Beeline Highway
Payson, AZ 85541
ATTN: Planning and Zoning Department
Payson, AZ 85541

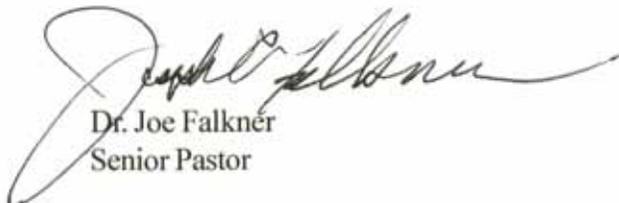
Dear Sirs:

As stated in our letter of April 2, 2009, a meeting was held at Ponderosa Baptist Church at 7:00 PM last evening, April 21, for the purpose of explaining our future church building expansion plans to our neighbors. A copy of the invitation letter to our neighbors is attached along with a list of the names and addresses to whom the letters were sent.

Also attached is a list of those in attendance at the meeting. These are members of our Church Building Committee. There were no neighbors in attendance.

We are requesting to be put on the agenda for May's zoning meeting.

In His Service,



Dr. Joe Falkner
Senior Pastor

P.S. Also enclosed is our check in the amount of \$350.00 to cover the rezoning fee.
Our architect, Bernie Lieder, will personally deliver two site plans and two floor plans to your office.

RECEIVED

APR 22 2009

COMMUNITY DEVELOPMENT
DEPARTMENT



April 2, 2009

Town of Payson
303 N. Beeline Highway
Payson, AZ 85541
ATTN: Zoning Department

Dear Neighbor:

We are pleased to invite you to our neighborhood meeting on April 21, 2009, at 7:00 PM, in the Ponderosa Baptist Church auditorium to show you our exciting physical plans that we are planning so as to allow for greater spiritual growth in Payson and the Rim Country. Our present facility has reached capacity and needs to be expanded and our site needs to be improved to accommodate this growth. We certainly hope your plans will allow you to attend this informational meeting so you can see what we hope to accomplish and we in turn would like to hear your views and opinions that could make the plan even better.

We have created a master plan that utilizes the entire 5+ acre site and rezones the west 1/2 of the site from R1-175 to C2 to match the east 1/2 current zoning of C2. A major portion of the west triangle is being set aside as a church activity park for various outdoor church activities, but most of the area will be left in a quite natural state.

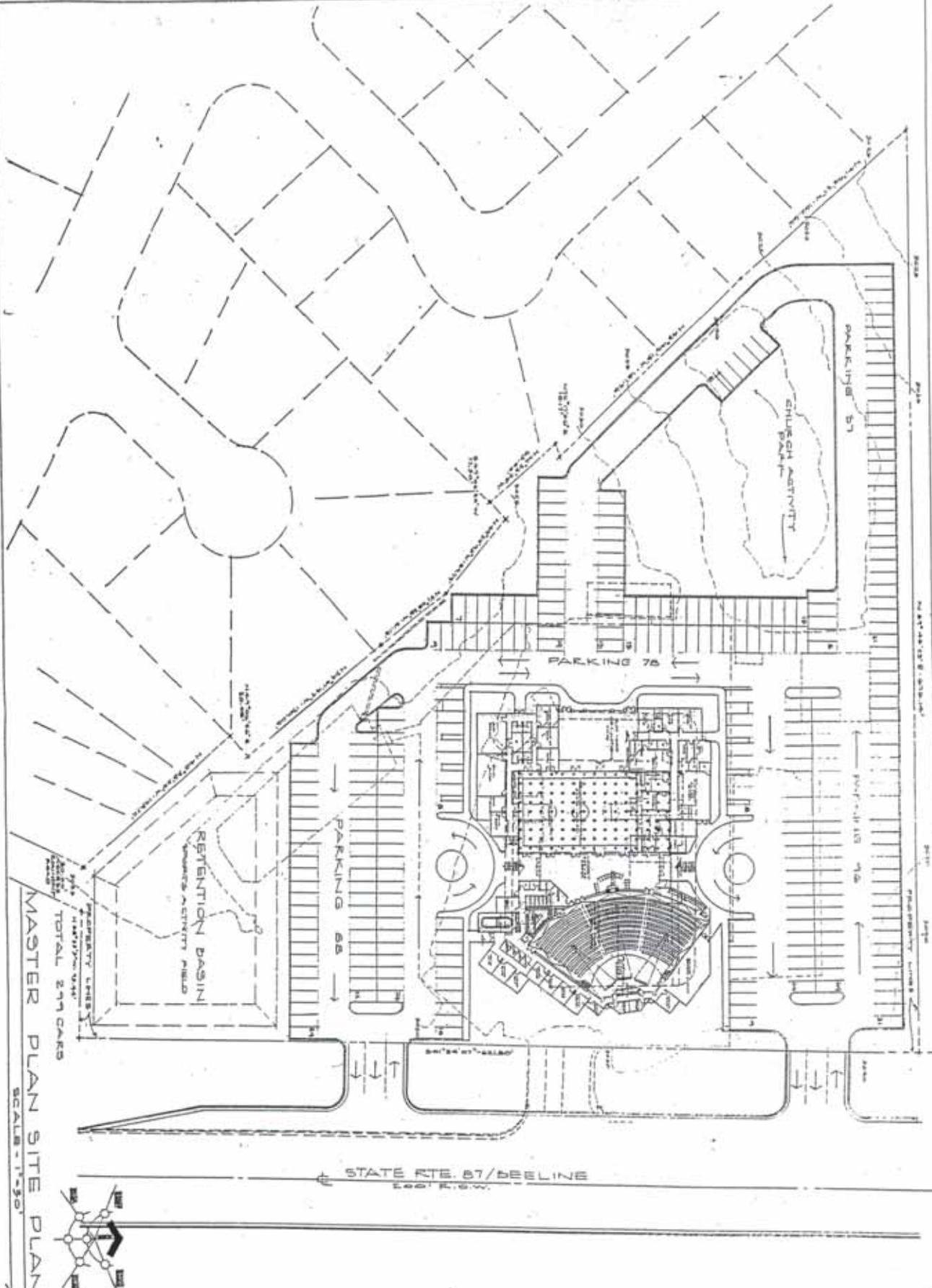
The Town requests that we maintain a list of the neighbors who attend our meeting and that we also keep a record of any comments that we receive from the neighbors at this neighborhood meeting. This attendance list and comments will be submitted to the Town of Payson for their records and subsequent hearings for this rezoning request. We thank you for your cooperation and understanding of our request for you to sign in and our recording of your comments.

If you are not able to attend, we would appreciate receiving any comments you may have via mail or any other form of communication appropriate for you. Enclosed please find an 8 1/2 x 11 copy of the master site plan for your information.

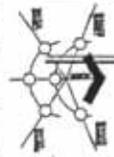
May God bless you with a wonderful week.

Pastor Joe Falkner

Dr. Joseph E. Falkner
Senior Pastor

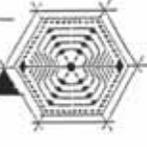


MASTER PLAN SITE PLAN
 SCALE - 1"=50'



ARCHITECT - BERNIE LIEDER
 CELL (928) 875-2348 • FAX (928) 488-2485 • PH (928) 471-4988 •
 1418 N. ALPINE HEIGHTS DRIVE • PAYSON, AZ 85541

PONDEROSA BAPTIST CHURCH
 1800 NORTH 87 / BEELINE HIGHWAY
 PAYSON, ARIZONA 85541



PONDEROSA BAPTIST CHURCH

NEIGHBORHOOD MEETING
APRIL 21, 2009

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Duane Stark	700 W. Longhorn Rd	474-3036
BERNIE LIEDER	1415 N. ALPINE HILLS DR	476-4998
KEN GRAY	2109 N COLD SPRINGS PT	970-0387
Margaret Gray	2109 N. COLD SPRING PT	970-1650
Joseph E. Falkner	305 West Forest Dr.	468-8538
Robert Scott	607 W Summit	474-4339