

ORDINANCE NO. 767

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 900 AND 901 S. WESTERLY ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 304-16-222E AND 304-16-222F, AS MORE PARTICULARLY DESCRIBED ON EXHIBITS A AND B ATTACHED HERETO, FROM R-3 TO C-3. (MESSINGER PAYSON FUNERAL HOME)

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-356-09 to amend the Official Zoning Map and Official Zoning Code has been made by Messinger Payson Funeral Home Inc. and El Camino Westerly LLC, property owners (Alex Stedman of LVA Urban Design Studio, LLC, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on July 13, 2009, considered the issues, and made recommendation on Application No. P-356-09 to the Town Council; and

WHEREAS, the Town Council held a public hearing on August 6, 2009, in regard to said Application No. P-356-09 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-3 for those portions of certain real property located at 900 S. Westerly Road, Gila County Assessor's Parcel Number 304-16-222E, more particularly described on Exhibit A attached hereto and made a part hereof by this reference ("Parcel A") and 901 S. Westerly Road, Gila County Assessor's Parcel Number 304-16-222F, more particularly described on Exhibit B attached hereto and made a part hereof by this reference ("Parcel B") (collectively the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-356-09 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:

First Reading + Public Hearing AUG 06 2009 G.4
Second Reading + Public Hearing AUG 20 2009 G.8

- A. The development of Parcel B shall be in substantial conformance with the Conceptual Site Plan, dated June 1, 2009.
- B. Engineered grading and drainage plans for Parcels A and B shall be submitted and approved prior to the issuance of any building permits.
- C. The completed construction of a five foot wide sidewalk along the Westerly Road frontage of Parcel B.
- D. Improvement plans for a portion of the public trail adjacent to the American Gulch shall be submitted and approved by the Town Engineer prior to commencing trail construction.
- E. If any conditions listed in this Section 3 are not met then the C-3 rezoning may revert to the original R-3 zoning, by 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 instrument(s) (in a form acceptable to the Town Attorney), executed by El Camino Westerly LLC and Messinger Payson Funeral Home Inc. 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

APPROVED AS TO FORM:

ATTEST:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 767

TAX PARCEL 304-16-222E

Legal Description: POR LAND NE4 SEC 9 T10N R10E;COMM SE COR NE4 SEC 9;TH S89D41'W 1675';TH N0D27'W 170' POB;TH S89D46'53 W 349.58';TH N0D19'50 W 0.10' TO PC;TH ALG CRV CONCAVE ELY R=125' ARC L72.47' CNTR ANG 33 D13'11 ;TH N32D53'15 E 478.14';TH N85D54'24 E 66.61';TH S0D25'W 472.75' (C) POB;=2.35 AC M/L (OUT OF 304-16-222C)

EXHIBIT B TO ORDINANCE 767

TAX PARCEL 304-16-222F

Legal Description: COMM AT THE NE COR OF SUNSET STRIP ADDITION PLAT 314;
TH S89 48' 42 W, 195.09'; TH S89 46'53 , 399.58' TO THE POB; TH S89 46'53 W, 198.59';
TH N0 25'28 W, 277.75'; TH NERLY 240.55' ALG LFT CRV; TH NERLY 159.46' ALG LFT
CRV; TH N85 54'24 E, 73.82'; TH S32 53'15 W, 440.49'; TH SRLY 101.46' TO THE POB NW
NE SEC 9 T10N R10E;=2.33 AC(OUT OF 304-16-221B, 222B & -222D)

SUMMARY OF AGENDA ITEM

DATE: August 6, 2009
TO: Mayor and Council
FROM: Ray Erlandsen
Acting Community Development Director
SUBJECT: Ordinance #767 900-901 S. Westerly Road
Rezoning from R3 to C-3 (P-356-09)

PURPOSE:

The applicant, Messinger Payson Funeral Home, Inc., is requesting approval of a zone change from R3 to C-3 at 900 & 901 S. Westerly Road, a total of 4.68 acres for development of the new Messinger Payson Funeral Home.

SUMMARY:

The site is currently vacant/undeveloped property split into two parcels by the recently constructed S. Westerly Road. Parcel A lies to the west of Westerly Rd. while Parcel B lies to the east. Parcel B is proposed to be developed with the new Messinger Payson Funeral Home. Parcel A is designated as future development. The current Messinger Payson Funeral Home is located at 302 W. Aero Drive and will be vacated upon completion of the new facility. Future use(s) of the current facility are yet to be determined.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Commercial development. Staff finds that this request meets these requirements. The Unified Development Code (UDC) allows mortuaries in C-3 zoning districts. Currently, C-3 zoning exists to the east and south of this property. R3 adjoins the property to the north and west. Staff recommends rezoning both parcels at the same time to proactively encourage development in the Green Valley Redevelopment Area. The applicant assisted the Town with the construction of Westerly Road and in doing so, split a nearly 5 acre parcel in two. Had the applicant submitted a rezoning request prior to the construction of Westerly Road, and thus prior to the split of the property, this request would have been considered on one piece of property.

Staff notes that the Conceptual Site Plans dated 4-13-09 (color version) and 6-1-09 (b&w version) correctly outline the property boundaries, however, have incorrectly listed the parcel area of Parcel A as 1.90 acres. A Quit Claim Deed filed by the Town of Payson in 2005 deeded approximately 0.55 ac. of a public utility and access easement to Messinger Mortuary and Chapel, Inc. This increased the size of Parcel A to approximately 2.45 acres. The Gila County parcel numbers are now 304-16-222E (Parcel B) and 304-16-222F (Parcel A).

The Planning and Zoning Commission held a public hearing on July 13, 2009, and recommended approval to the Town Council on a 6-0 vote subject to the four conditions as attached.

AUG 06 2009 G.4

P-356-09 Rezoning Request – R3 to C-3

P & Z Commission Motion

July 13, 2009

900 & 901 South Westerly Road

James Scheidt moved, seconded by Lori Meyers, to recommend to the Town Council approval of P-356-09, a request to rezone the property located at 900 & 901 South Westerly Road from R3 to C-3 as depicted on the Conceptual Site Plan, dated June 1, 2009, with conditions as recommended by staff.

Motion carried 6-0.

Conditions as recommended by staff and approved by the Planning & Zoning Commission:

1. The development shall be in substantial conformance with the Conceptual Site Plan, dated June 1, 2009.
2. Engineered grading and drainage plans for development of Parcel A shall be submitted and approved prior to issuance of a building permit for Parcel A.
3. A five foot wide sidewalk will be required for the east side of Westerly Road.
4. Improvement plans for a portion of the public trail adjacent to the American Gulch shall be submitted and approved by the Town Engineer prior to commencing trail construction.



MEMO

TO: Planning and Zoning Commission

FROM: Ray Erlandsen
Acting Community Development Director

DATE: July 13, 2009

SUBJECT: **Rezone R-3 to C-3** **P-356-09**
900-901 S. Westerly Road
Messinger Payson Funeral Home, Inc.

Background

The applicant, Messinger Payson Funeral Home, Inc., is requesting approval of a zone change from R3 to C-3 at 900 & 901 S. Westerly Road, a total of 4.68 acres for development of the new Messinger Payson Funeral Home.

Analysis

The site is currently vacant/undeveloped property split into two parcels by the recently constructed S. Westerly Road. Parcel A lies to the west of Westerly Rd. while Parcel B lies to the east. Parcel B is proposed to be developed with the new Messinger Payson Funeral Home. Parcel A is designated as future development. The current Messinger Payson Funeral Home is located at 302 W. Aero Drive and will be vacated upon completion of the new facility. Future use(s) of the current facility are yet to be determined.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Commercial development. Staff finds that this request meets these requirements. The Unified Development Code (UDC) allows mortuaries in C-3 zoning districts. Currently, C-3 zoning exists to the east and south of this property. R3 adjoins the property to the north and west. Staff recommends rezoning both parcels at the same time to proactively encourage development in the Green Valley Redevelopment Area. The applicant assisted the Town with the construction of Westerly Road and in doing so, split a nearly 5 acre parcel in two. Had the applicant submitted a rezoning request prior to the construction of Westerly Road, and thus prior to the split of the property, this request would have been considered on one piece of property.

Staff notes that the Conceptual Site Plans dated 4-13-09 (color version) and 6-1-09 (b&w version) correctly outline the property boundaries, however, have incorrectly listed the parcel area of Parcel A as 1.90 acres. A Quit Claim Deed filed by the Town of Payson in 2005 deeded approximately 0.55 ac. of a public utility and access easement to Messinger Mortuary and Chapel, Inc. This increased the size of parcel A to approximately 2.45 acres. The Gila County parcel numbers are now 304-16-222E (Parcel B) and 304-16-222F (Parcel A).

Staff Recommendation

Approval with the following conditions:

1. The development shall be in substantial conformance with the Conceptual Site Plan, dated June 1, 2009.
2. Engineered grading and drainage plans for development of Parcel A shall be submitted and approved prior to issuance of a building permit for Parcel A.
3. A five foot wide sidewalk will be required for the east side of Westerly Road.
4. Improvement plans for a portion of the public trail adjacent to the American Gulch shall be submitted and approved by the Town Engineer prior to commencing trail construction.

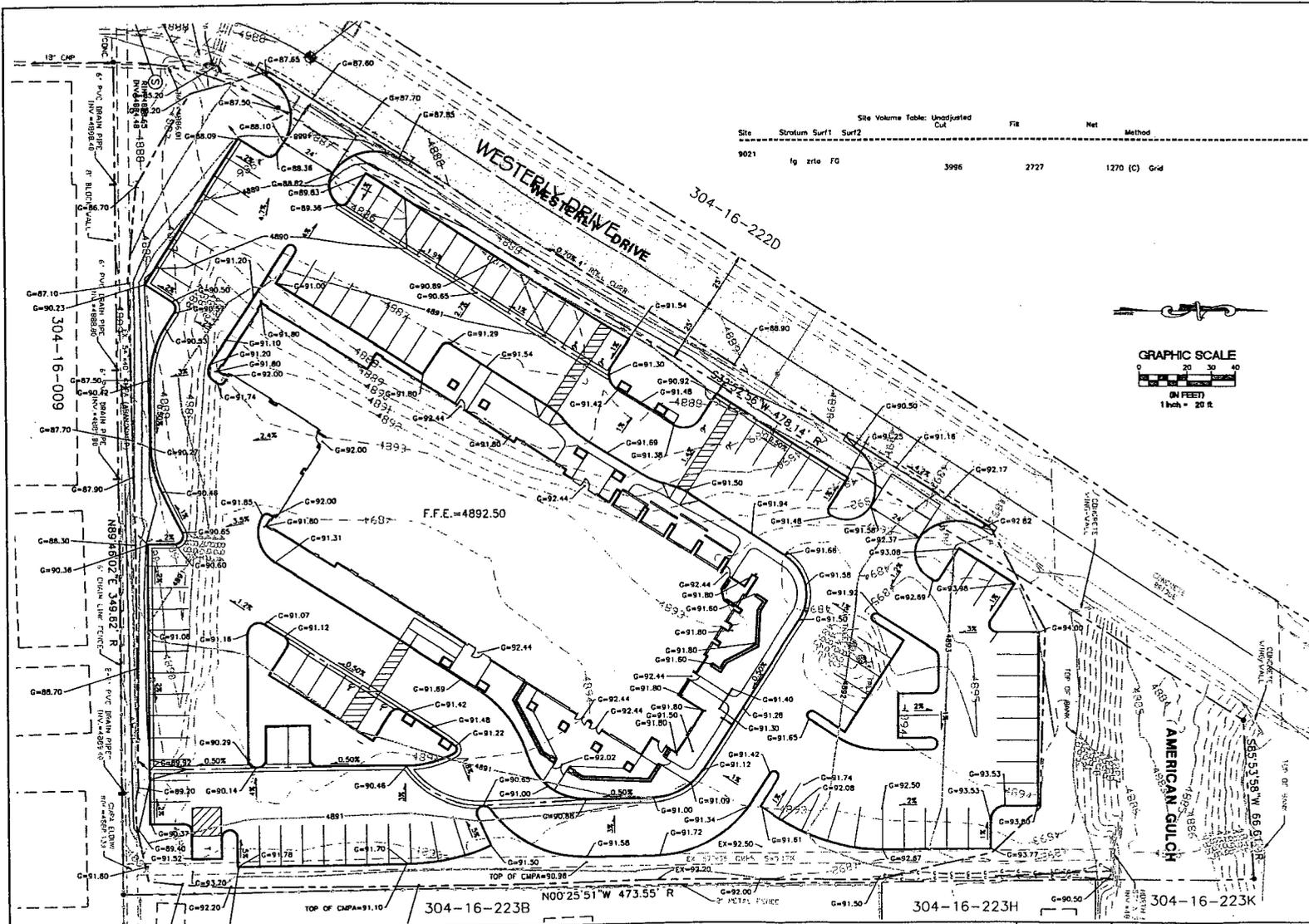
Any other condition the Commission deems necessary.

Suggested Motion to recommend Approval:

“I move the Planning & Zoning Commission recommend to the Town Council approval of P-356-09, a request to rezone the property located at 900 & 901 S. Westerly Road from R3 to C-3 as depicted on the Conceptual Site Plan, dated June 1, 2009, with conditions as recommended by staff.”

Neighborhood Involvement

A Citizens Participation Meeting was held on May 26, 2009. The report and related materials are enclosed for review.



Site Volume Table: Unadjusted

Site	Stratum	Surf1	Surf2	CUR	FIR	Net	Method
9021	fg	zrls	FG	3996	2727	1270 (C)	Grid

CONSTRUCTION NOTES

NO.	DESCRIPTION	EST. QTY.	THIS SHEET
PAVING			
101	A.C. PAVEMENT AND BASE PER STRUCTURAL SECTION NO. 1 - 2192 S.Y. 4" ASPHALTIC CONCRETE (MAG C3/4) 7.5" AGGREGATE BASE COURSE	10W	C.Y.
102	A.C. PAVEMENT AND BASE PER STRUCTURAL SECTION NO. 2 - 705 S.Y. 3" ASPHALTIC CONCRETE (MAG C3/4) 4" AGGREGATE BASE COURSE	10W	C.Y.
108	CONCRETE ROLL CURB, TYPE 'C', PER M.A.G. STD. DTL. 222		L.F.
109	MONOLITHIC CURB PER DTL. ON DMC POST		L.F.
110	CONCRETE SINGLE CURB, TYPE 'A', PER M.A.G. STD. DTL. 222 H=6"		L.F.
111	CONCRETE VERT. CURB & GUTTER, TYPE 'A' PER M.A.G. STD. DTL. 220-1 H=6"		L.F.
112	CONCRETE CURB TRANSITION PER M.A.G. STD. DTL. 221		E.A.
125	CONCRETE SIDEWALK PER M.A.G. STD. DTL. 230 W=SEE PLAN		S.F.
126	CONCRETE SIDEWALK RAMP TYPE A PER DETAIL DMC. PD1		S.F.
130	4" CONCRETE SLAB W/ REBAR10 W/M # W/M DEPTH ON 4" COMPACTED GRAVEL		S.F.
131	CONCRETE SIDEWALK RAMP TYPE D PER M.A.G. STD. DTL. 234		S.F.
133	CONCRETE VALLEY GUTTER AND APRON PER M.A.G. STD. DTL. AND FINISH COLOR & TEXTURE TO BE DETERMINED BY OWNER		S.F.
134	CONCRETE SCUMPER MOD. 24" x 2' OPENING PER M.A.G. STD. DTL. 206		E.A.
135	STEPS PER ARCHITECTURAL REQUIREMENTS		S.F.
136	CHAIR REINFORCING WALL PER OLA COUNTY STANDARD		S.F.
156	KEystone BLOCK RETAINING WALL PER DTL. ON DMC. FM OR APR. ED.		S.F.
158	DRAINAGE ENCLOSURE PER DETAIL ON DMC. PD1		L.F.
160	INTERCEPTOR DRAIN PER DETAIL ON DMC. PD1		E.A.
162	CHECK DAM AND SPREAD PAD PER KEystone WALL NOTES ON DMC. FM		S.F.
163	ROCK SHALE 2" WIDE, 4" DEEP 650#4" 8" THICK W/ FILTER FABRIC HANDED, PER ARCH. RECMTS.		C.Y.
170			L.F.
DRAINAGE			
202	12" STORM DRAIN		L.F.
203	18" STORM DRAIN		L.F.
206	30" STORM DRAIN		L.F.
207	42" STORM DRAIN		L.F.
208	48" STORM DRAIN		L.F.
211	END SECTION		E.A.
217	STORM DRAIN MANHOLE PER M.A.G. STD. DTL. 520 & 522		E.A.
241	RRAMP CHANNEL SLOPE PROTECTION TYPE L-650#7, 18" THICK W/FILTER FABRIC SEE DTL. ON DMC. PD1		C.Y.
253	HEADWALL PER M.A.G. STD. DTL. 501-3		E.A.
254	18" x 22.5' BEND		E.A.
257	18" x 33.75' BEND		E.A.
260	48" x 45' BEND		E.A.
263	CATCH BASIN, TYPE 'B', 1' x 6' PER M.A.G. STD. DTL. 533		E.A.
265	CATCH BASIN, TYPE 'Y', MOD. W=42" PER M.A.G. STD. DTL. 533		E.A.
272	CATCH BASIN, 12" x 12" MESH # 4-100-B OR APR. ED.		E.A.
276	CATCH BASIN MODEL TRCS OR APR. ED. 48" x 12" TEE		E.A.

NO.	REVISIONS	DATE	BY	CHK.

Verde Engineering Group PLLC
 1109 North McLane Road
 Payson, Arizona 85541
 Ralph Bossert P.E. R.L.S.
 (920) 578-4345
 Dan Fitzgerald P.E.
 (928) 595-2816

MESSINGER MORTUARY
 PAYSON, ARIZONA

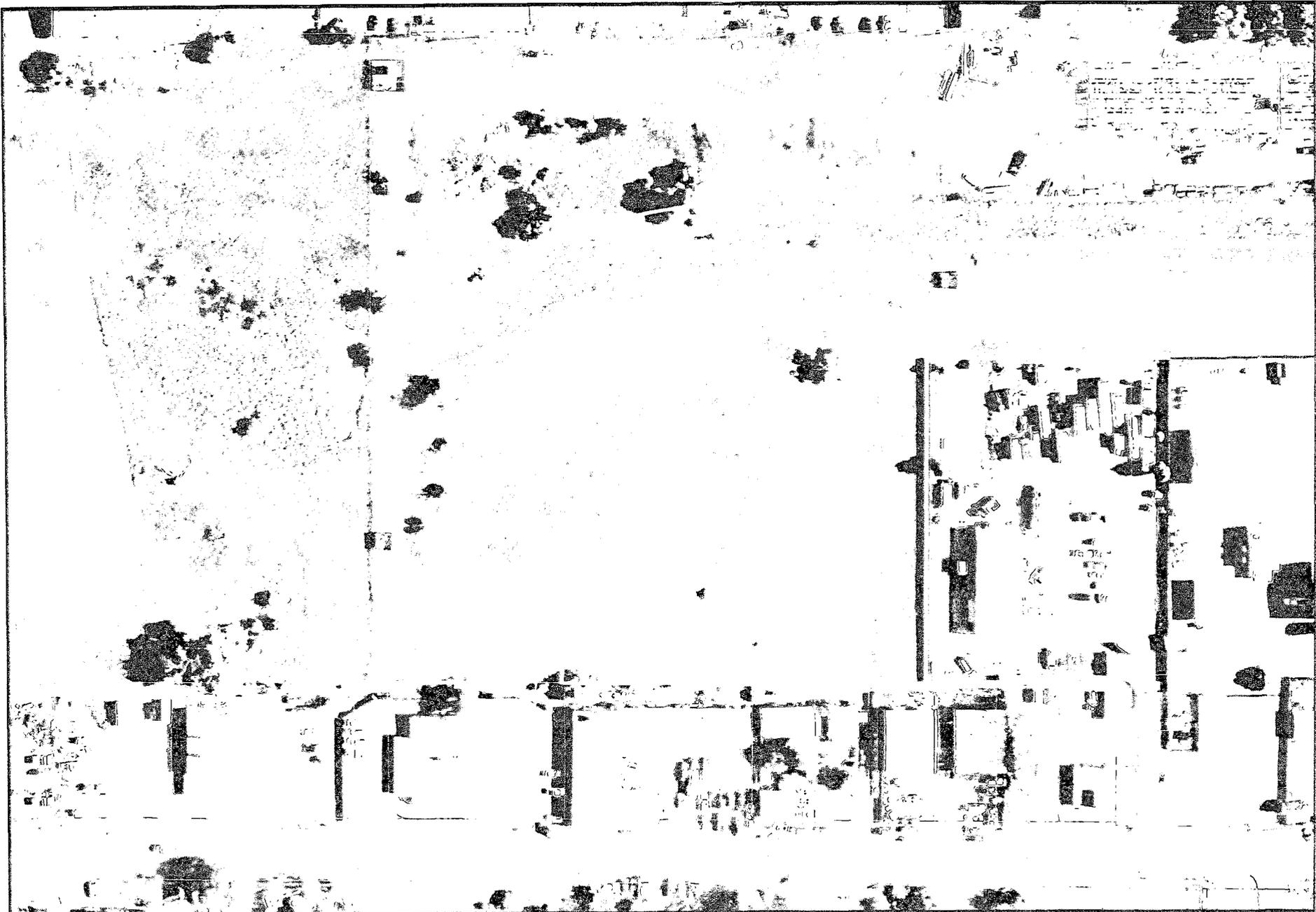
JOB NO.	9021
DESIGNED BY:	RBH
DRAWN BY:	RBH
CHECKED BY:	ROB
APPROVED BY:	ROB
DATE:	04/27/99

GRADING AND DRAINAGE PLAN
 PRELIMINARY

SCALE: HORIZ. 1" = 20'
 CONT. INTERVAL = 1'
 DRAINING DIST.

GR1

SHEET NO.	OF
X	X



303 North Beeline Highway
Payson, Arizona 85541
(928) 474-5242 www.ci.payson.az.us
GIS/PaysonGIS_Master.mxd 11/28/2007

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.





urban design studio
land planning • landscape architecture

**MESSINGER PAYSON FUNERAL HOME – REZONING APPLICATION
PROJECT NARRATIVE**

This application respectfully requests approval of a rezoning for two adjacent properties located at 900 and 901 S. Westerly Drive. The site is currently vacant/undeveloped although minor drainage improvements do exist on the 1.9 acre and 2.4 acre properties.

The parcels are proposed to be rezoned from the existing R-3 to C-3 (Commercial Three/Highway Commercial District) which is consistent with existing zoning to the south and east. The Town of Payson General Plan (2003) designates the property as commercial and within node #2. The node #2 commercial zone emphasizes a variety of regional commercial uses in support of the Hwy.260 and Main Street corridors.

Development of the property will include the relocation of the Messinger Payson Funeral Home into a new facility (see attached conceptual site plan). The current funeral home is located immediately south of the subject site at 302 W. Aero Drive. The proposed building is designed to blend into the surrounding natural character. The roof profiles are low and horizontal with stone pilasters and walls that give the building a solid base. The materials are stone and wood native to the area with a copper colored metal roof. The plan includes a Community Room which will be made available for community and club meetings. Please see the attached conceptual elevation of the proposed building.

The portion of the property west of Westerly Drive (Parcel A) will not be developed during the first phase of construction, and an ultimate land use for this property has not been determined. The parcel east of Westerly Drive (Parcel B) will include the planned development of the Messinger Payson Funeral Home. In addition to the funeral home building, site improvements will include approximately 96 parking spaces, landscaping and the construction of a public trail segment adjacent to the American Gulch.

120 south ash avenue • tempe, arizona 85281 • phone: 480.994.0994 • fax: 480.994.7332

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

The undersigned Applicant(s) hereby applies for:

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

May, 2007

=====
Project Address: 900 & 901 S. Westerly Drive Tax Parcel Number: 304-16-222 F & E
 Subdivision: n/a Lot Number: n/a
 Name of Applicant(s): Alex Stedman, LVA Urban Design Studio LLC Phone #: (480) 994-0994
 Mailing Address: 120 S Ash Avenue Town: Tempe St: AZ Zip: 85281
 Name of Property Owner(s): Paul Messinger, Messinger Mortuaries
 Mailing Address: 302 W Aero Drive, PO Box 379 Town: Payson St: AZ Zip: 85547
 Contact Person: Mark Waldrop Phone #: (928) 474-2800 Fax #: (928) 474-1658
 Payson Business License # _____ Sales Tax # _____

Detailed Description of Request:
Request to Re-Zone 4.3 acres of vacant land from R-3 to C-3 (Highway Commercial District) to allow for the development of the new Messinger Payson Funeral Home.

(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.

Alex Stedman, LVA Urban Design Studio LLC [Signature] June 3, 2009
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: <i>Zone Change Application</i> \$ 350 ⁰⁰
DATE FILED	6-8-09	Sld	
COMPLETED APPLICATION	7-7-09	(SE)	
NEWSPAPER PUBLICATION	6-26-09	Sld	
300' NOTIFICATION MAILOUT	6-22-09	Sld	
POSTING DATE	6-25-09	Sld	
			CHECK NUMBER: <i>4729</i> DATE: <i>6-8-09</i>

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

Gila County Parcel Information Search

Assessor Information 304-16-222E

Parcel/Tax ID	304-16-222E
Tax Year	2009
Site Address	, PAYSON
Owner Name	EL CAMINO WESTERLY LLC,
Owner Address	7601 E INDIAN SCHOOL RD SCOTTSDALE, AZ 85251
Tax Area	1053
Land Value	\$63,079.00
Improvement Value	\$0.00
Full Cash Value	\$63,079.00
Assessed Full Cash Value	\$10,093.00
Limited Value	\$63,079.00
Assessed Limited Value	\$10,093.00
Value Method	Market
Exempt Amount	\$0.00
Exempt Type	
Use Code	0022
Property Use	0022-VL-CM-URBAN NONSUBDVD
Class Code	Commercial
Assessment Ratio	16.000000
Sale Price	
Sale Date	
Instrument Type	
Book	
Page	
Parcel Size	2.35
Township, Range, Section	10N, 10E, 0009
Legal Description	POR LAND NE4 SEC 9 T10N R10E;COMM SE COR NE4 SEC 9;TH S89D41'W 1675';TH N0D27'W 170' POB;TH S89D46'53 W 349.58';TH N0D19'50 W 0.10' TO PC;TH ALG CRV CONCAVE ELY R=125' ARC L72.47' CNTR ANG 33 D13'11 ;TH N32D53'15 E 478.14';TH N85D54'24 E 66.61';TH S0D25'W 472.75' (C) POB;=2.35 AC M/L (OUT OF 304-16-222C)
Property Type	REAL

Gila County Parcel Information Search

Assessor Information 304-16-222F

Parcel/Tax ID	304-16-222F
Tax Year	2007
Site Address	,
Owner Name	MESSINGER PAYSON FUNERAL HOME INC,
Owner Address	7601 E INDIAN SCHOOL RD SCOTTSDALE, AZ 85251
Tax Area	1053
Land Value	\$63,827.00
Improvement Value	\$0.00
Full Cash Value	\$63,827.00
Assessed Full Cash Value	\$10,212.00
Limited Value	\$55,570.00
Assessed Limited Value	\$8,891.00
Value Method	Market
Exempt Amount	\$0.00
Exempt Type	
Use Code	0002
Property Use	0002-VL-UNDET-URB-NONSUBDIVID
Class Code	Vacant
Assessment Ratio	16.000000
Sale Price	
Sale Date	
Instrument Type	
Book	
Page	
Parcel Size	2.33
Township, Range, Section	, ,
Legal Description	COMM AT THE NE COR OF SUNSET STRIP ADDITION PLAT 314; TH S89 48' 42 W, 195.09'; TH S89 46'53 , 399.58' TO THE POB; TH S89 46'53 W, 198.59'; TH N0 25'28 W, 277.75'; TH NERLY 240.55' ALG LFT CRV; TH NERLY159.46' ALG LFT CRV; TH N85 54'24 E, 73.82'; TH S32 53'15 W, 440.49'; TH SRLY 101.46' TO THE POB NW NE SEC 9 T10N R10E;=2.33 AC(OUT OF 304-16-221B, 222B & -222D)
Property Type	REAL

**TOWN OF PAYSON
PRINCIPAL / AGENT FOR ZONING SUBMITTALS**

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

El Camino Westerly [Principal(s)] and
LVA (Agent),

for the purpose of:

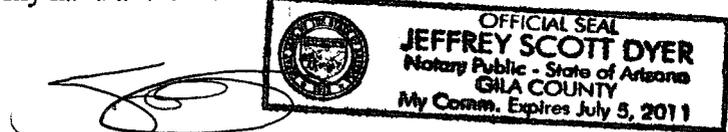
Rezoning Property

Paul Messenger
Principal
(Need both signatures, if husband and wife)

Cora R. Messenger
Principal

The foregoing Principal / Agent Relationship Statement was signed before me this 23 day of April, 2009, by Paul Messenger & Cora Messenger [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



Notary Public

My commission expires: July 5, 2011

**TOWN OF PAYSON
PRINCIPAL / AGENT FOR ZONING SUBMITTALS**

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

MESSINGER MORTUARIES & CHAPELS, INC [Principal(s)] and
LVA (Agent),

for the purpose of:

REZONING LAND

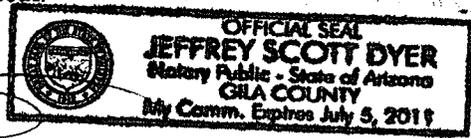
Paul Messinger
Principal
(Need both signatures, if husband and wife)

Cara R. Messinger
Principal

The foregoing Principal / Agent Relationship Statement was signed before me this 23 day of
April, 2009, by *Paul Messinger & Cara Messinger* [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:
July 5, 2011

EXHIBIT "A"
LEGAL DESCRIPTION
Westerly Drive Parcels

West Parcel:

Parcels 304-16-221B, 304-16-222B and 304-16-222D as shown on Record of Survey 3571, Gila county Records, located in the NE ¼ of Section 9, T 10 N, R 10 E, G&SRM, Town of Payson, Gila County, Arizona.

Said parcel of land contains 2.342 acres, more or less.

East Parcel:

Parcel 304-16-222E as shown on Record of Survey 3571, Gila county Records, located in the NE ¼ of Section 9, T 10 N, R 10 E, G&SRM, Town of Payson, Gila County, Arizona.

Said parcel of land contains 2.362 acres, more or less.

Project 9021
July 07, 2009



RECEIVED

JUL 07 2009

**COMMUNITY DEVELOPMENT
DEPARTMENT**

**CITIZENS
PARTICIPATION
MATERIAL**

**MESSINGER PAYSON FUNERAL HOME RE-ZONING APPLICATION
CITIZEN PARTICIPATION PLAN**
Updated: 6/3/2009

Letters of notification were mailed on: May 5th, 2009

Notification Area: 300' Radius from property

Materials included with notification mailing:

- Notification letter – project description and public meeting info
- Color rendered conceptual site plan for funeral home
- Color rendered conceptual building elevation for funeral home

Number of notification letters distributed: 24

List of notified property owners: See attached mailing labels

List of notification letters returned:

- Howard Hamer, 602 N Colcord Rd, Payson, AZ, 85541-3722
 - Payson First Baptist Church, 303 W Main St, Payson, AZ, 85541-5387
 - Benjamin Plumb, 212 W Estate Ln, Payson, AZ, 85541-5446
 - Structured Asset Trust 2005-11, Address Not Available
-

Neighborhood Meeting:

- Conducted on: Tuesday, May 26, 2009
- Location: 302 W. Aero Drive, Payson
- Time: 4:30pm to 6:30pm

Number of Attendees: 5 Residents, see attached sign-in sheet

Issues Discussed:

Site Drainage. Stormwater runoff has been historically problematic throughout the area. The Town and individual property owners have installed infrastructure to convey runoff towards the American Gulch. The proposed funeral home site acknowledges the receipt and conveyance of both on-site and off-site flows and has developed a plan that will not negatively impact adjacent and downstream property owners.

Other Issues. None. Neighbors in attendance were supportive of the proposed development.

Response Letters, Phone calls, emails or other communications received by applicant:
None to date.