



MEMO

TO: Planning and Zoning Commission
FROM: Ray Erlandsen, Zoning Administrator
DATE: April 13, 2009
SUBJECT: 807 N. Whitehouse Drive
Rezone R1-90 MH to R1-44

P-352-09

Background

The applicant, Nancy Edwards, is requesting approval of a zone change from R1-90 MH to R1-44 for the property located at 807 N. Whitehouse Drive. Currently, there are two residences on the 2.84 acre site located within the Country Club Ranchos Subdivision. The applicant proposes to divide the current lot into two parcels of 1.497 acres and 1.34 acres as depicted on Exhibit A to allow for separate ownership of the existing dwelling units on the site.

The applicant purchased the property with the original residence located on the northwestern portion of this site and used it as the main residence while building a new home on the southern portion of the property. A Conditional Use Permit was approved in 2006 allowing the original residence to remain after completion of the new dwelling unit and be utilized as guest quarters with kitchen facilities.

Analysis

The site is currently bordered by R1-90 MH zoned properties on the north, east and west side. The site is bordered on the south side by R1-10 zoned properties. The zoning for all parcels within the Country Club Ranchos Amended Subdivision was changed in 2000 from R1-10 MH to R1-90 MH.

The Payson Future Land Use Plan (Chapter 3) of the Town of Payson General Plan was amended in December of 2000 from Medium Density Residential to Low Density Residential development up to 2.5 dwelling units per acre prior to the zoning designation change. As the density proposed is <1 dwelling unit per acre, the proposed development meets the criteria of the Land Use Element.

Access to the existing residences at 807 N. Whitehouse Drive consists of a decomposed granite driveway. A minimum of 35' of frontage on a dedicated and improved roadway is required for the creation of a new lot. The applicant is proposing a lot line adjustment on the southeast corner of the site to provide necessary frontage for Parcel "B-2". Currently, the site abuts the easement for W. Palmer Drive, and a lot line adjustment (as shown) between this site and the adjacent lot # 97 of Country Club Vista Unit 2 would provide the required minimum frontage. The area of the lot line adjustment within the existing easement shall be dedicated to the Town of Payson in conjunction with the Minor Land Division/Lot Line Adjustment.

This property is not currently within the Northern Gila County Sanitary District (NGCSD) and public sanitary facilities were not required for construction under the R1-90 zoning designation. Both of the existing residences are served by separate on-site septic systems, previously approved by the Gila County Health Department.

Staff Recommendation

Recommendation: Approval with conditions listed below.

1. The portion of the newly created frontage that falls within the 14' roadway easement shall be dedicated to the Town of Payson in conjunction with the Minor Land Division/Lot Line Adjustment.
2. The developer shall submit a proposal for affordable/workforce housing contribution prior to Council consideration of the zone change request.
3. If any of the conditions listed above cannot be met or the applicant has not recorded an approved minor land division survey map within two (2) years of the approval date of the zoning change, then the R1-44 zoning may revert to the original R1-90 MH zoning, pending Council action.

Suggested Motion to recommend Approval:

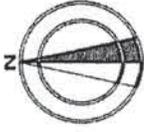
“I move the Planning & Zoning Commission recommend to the Town Council approval of P-352-09, a request to rezone a 2.84 acre property located at 807 N. Whitehouse Drive R1-90 MH to R1-44 as depicted on Exhibit A to allow for the future division of this property with the conditions listed in the staff report.”

EXHIBIT A

OF PARCEL "B" AS RECORDED ON R.O.S. 3013, G.C.R. SITUATED IN A PORTION OF SEC. 31, T.-11-N., R.-10-E. OF THE G.&S.R.M., GILA COUNTY, ARIZONA



PREPARED FOR:
NANCY EDWARDS
807 N. WHITEHOUSE DR.
PAYSON, AZ 85541



LEGEND

- (C) CALCULATED INFORMATION
- (R) RECORDED INFORMATION
- (M) MEASURED INFORMATION
- FOUND 5/8" REBAR W/TAG L.S. 18436 (UNLESS OTHERWISE NOTED)
- SET 1/2" REBAR W/TAG L.S. 5713 (UNLESS OTHERWISE NOTED)
- FOUND 3/8" REBAR WITHOUT TAG

THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JANUARY, 2009.



Raymond Lee Jones
RAYMOND LEE JONES, P.L.S. #5713
LICENSE EXPIRES: 6/30/09

RJS RAY JONES SURVEYING

1118 North Karen Way
Payson, AZ 85541
Phone: (928) 474-4004

JOB NO: KJ09-001 DATE: 01/28/09
SCALE: 1" = 50' SHEET: 1 OF 1

**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 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 checked="" type="checkbox"/> Zone Change |

May, 2007

Project Address: 807 N Whitehouse, Dr Tax Parcel Number: 302-38-256B
 Subdivision: COUNTRY CLUB RANCHOS Lot Number: 10
 Name of Applicant(s): NANCY C. EDWARDS Phone #: 480-236-9625
 Mailing Address: 807 N. Whitehouse Town: PAYSON St: AZ Zip: 85541
 Name of Property Owner(s): NANCY C. EDWARDS
 Mailing Address: SAME Town: _____ St: _____ Zip: _____
 Contact Person: SAME Phone #: _____ Fax #: _____
 Payson Business License # N/A Sales Tax # N/A

Detailed Description of Request:
A REQUEST FOR A ZONE CHANGE FROM RI-90-MH TO RI-44 FOR A ZAC. PROPERTY TO ALLOW A MINOR LAND DIVISION TO CREATE 2 SEPARATE PARCELS FOR THE EXISTING DWELLING UNITS.

(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.

Nancy C. Edwards Nancy C. Edwards 2/19/09
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	<u>2/10/09</u>	<u>SLD</u>	ZONE CHANGE <u>\$ 350.00</u>
COMPLETED APPLICATION	<u>4/2/09</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>3/26/09</u>	<u>SLD</u>	

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

Gila County Parcel Information Search

Assessor Information 302-38-256B

Parcel/Tax ID	302-38-256B
Tax Year	2009
Site Address	807 N WHITEHOUSE DR, PAYSON
Owner Name	EDWARDS NANCY C,
Owner Address	807 N WHITEHOUSE PAYSON, AZ 85541
Tax Area	1050
Land Value	\$65,425.00
Improvement Value	\$369,162.00
Full Cash Value	\$434,587.00
Assessed Full Cash Value	\$43,459.00
Limited Value	\$370,112.00
Assessed Limited Value	\$37,011.00
Value Method	Reconciled
Exempt Amount	\$0.00
Exempt Type	
Use Code	0182
Property Use	0182-SFR+RES URB NONSUBDIV
Class Code	Residential
Assessment Ratio	10.000000
Sale Price	
Sale Date	
Instrument Type	
Book	
Page	
Parcel Size	2.84
Township, Range, Section	' '
Legal Description	PARCEL B ROS 3013 SEC 31 T11N R10E; =2.84 AC (OUT OF 302-38-256A, 302-38-266B)
Property Type	REAL

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year	Cash Value
1	Single Family Residential	Ranch 1 Story	Fair	747	1988	\$61,527.00
2	Shed - Equipment	Shed - Equipment	Good	1152	2004	\$61,527.00
3	Residential Yard Improvements	Residential Yard Improvements	Average	1	1979	\$61,527.00

P-352-09
302-38-256B

807 N. Whitehouse Drive

LEGAL DESCRIPTION

PARCEL B, G.C.R. ROS 3013; LOCATED IN A PORTION OF SEC 31
T11N R10E, OF THE G. & S.R.M., TOWN OF PAYSON, GILA COUNTY,
ARIZONA.

CITIZENS
PARTICIPATION
MATERIAL

February 10, 2009

Town of Payson
Ray Erlandsen
303 N. Beeline Highway
Payson, AZ 85541

RE: Citizen Participation Report

Dear Ray:

As required by the Payson Unified Development Code #15-09-014, I am submitting the following information:

1. Citizen Participation Meeting letter was mailed on January 8, 2009 to forty-four parties, either concerned citizens on the list and all names provided within the 300' requirement.
2. Citizen Participation Meeting was held on January 25th at 807 N. Whitehouse, Payson. Eleven people showed up representing six properties on the 300' list. The meeting opened at 11:15a.m.
 - A. Information was provided for the residents, i.e. existing plot plan and plot plan showing the proposed changes.
 - B. A tour was given of the property showing the location of the changes requested.

The meeting started at approximately 11:15 a.m. I informed the attendees of the request for zone change, minor land division, and entrance to property coming in off of Palmer Road. Then explained that the property was now zoned R-90 and would leave it up to the Town to reclassify zoning. Several the attendees were concerned that the property was going to be re-subdivided into smaller than two parcels. I explained that I want to divide the property into two sections one of 1.497 acres and the other 1.34 acres. I would try and restrict any further divisions by way deed of trust.

Resident indicated the traffic coming on and off the property to Palmer would be increased. Currently the small amount of traffic that does come in and out of the property comes out on Whitehouse and still goes down Palmer.

Town of Payson
Citizen Participation Report
February 10, 2009
Page 2

There was a question how the crossing would impact the future flow of the water. Several residents indicated they thought it could be a potential problem with the water flooding over and onto Palmer Rd. I explained to the group that I was hiring an engineering firm to design the best method of construction so that would not happen. I have met with Dan Fitzpatrick from Verde Engineering Group on the property and did a site survey. He will be the Engineer on the project if this is approved.

Two residents indicated that they did not want to see the driveway approved if it meant taking out an old tree on the corner. I told them that I did not believe in would be a problem with site vision and did not want the tree to be removed either.

The next issue was presented by Penny DeGroot. Mrs. DeGroot had a copy of the original plot plan for Country Club Ranchos. We talked about the Declaration of Restrictions dated Aug. 23, 1971. The Declaration is 38 years old and there is not an active HOA here in Country Club Ranchos so any decision of the Town would prevail.

On January 31, 2009, I mailed out eleven letters to property owners who had a post office box, or who had an address outside of Payson. This letter explained what I was proposing and asked them to sign approving the change and please mail back to me.

On February 1st and February 7th, 2009, I canvassed the neighbor and spoke to residents that where home. Of the owners I spoke to, not one refused to the sign the approval.

To date I have done everything I know possible to notify the property owners within the 300' area of the proposed zone change, minor land division request and new driveway request.

If the Town needs further information please call me.

Respectfully submitted,



Nancy C. Edwards
807 N. Whitehouse Drive
Payson, Arizona

January 8, 2009

RE: Zone Change request for lot division of 807 N. Whitehouse Drive

Dear Property Owner:

You are invited to a Citizen Participation Meeting regarding a request to split the above named lot. This meeting will be held on Sunday, January 25, 2009 at 11:00 a.m. at the same address. The purpose of this meeting is to provide information to property owners and residents adjacent to subject property regarding the proposed rezoning and to provide you with an opportunity to share your questions or comments about the project. An 8-1/2x11" copy of the Preliminary Site Plan will be on site for your review.

If you cannot attend the meeting and/or have questions regarding the proposed rezoning, please call me at 480-236-9625. Please plan to attend

Respectfully,

A handwritten signature in black ink that reads "Nancy C. Edwards". The signature is written in a cursive style with a large initial "N" and "E".

Nancy C. Edwards, Homeowner
807 N. Whitehouse Drive
Payson, AZ 85541

Cc: Ray Erlandsen, Zoning Administrator, Town of Payson

Marilyn + Dick Hesser

Roy + Connie Bachman
Jim DuFrere
Daren DuFrere > ?

Mark ~~off~~ + Penny DeGroot - 2404 W
Palmer
Scott Fedick 2601 W. Palmer Dr.

Everett Cyphers + wife

1/25/09 11:15
meeting attendees

January 31, 2009

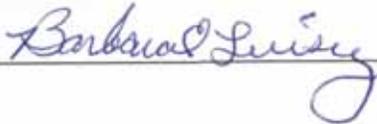
Jeffrey L. De Meester
6934 Mohawk St.
San Diego, CA 92115

RE: Minor Land Division/Rezoning
Driveway Entrance on Palmer Drive

To: Town of Payson
Planning Zoning Commission

We are aware of the above proposal that Nancy Edwards is requesting. We live within in the 300' boundaries set by the Town of Payson and have no objection to the approval of the change.





Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

302-38-094

January 31, 2009

Seth ORRIS
2501 W. Palmer

RE: Minor Land Division/Rezoning
Driveway Entrance on Palmer Drive

To: Town of Payson
Planning Zoning Commission

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Seth Orris

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Tammy L. Sparber
16248 W. Moreland St.
Goodyear, AZ 85338

RE: Minor Land Division/Rezoning
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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Derold & Pat Omdahl
3373 Airport Rd
Belgrade, MT 59714

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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Everett M. Cyphers

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~~Deceased~~

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Wayne & DARA Higgins

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Wayne Higgins

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Daniel C. Cyrbers

RE: Minor Land Division/Rezoning
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Nancy Edwards

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Roger & Daria Annabel
2400 W. Palmer Drive
Payson, AZ 85541

RE: Minor Land Division/Rezoning
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To: Town of Payson
Planning Zoning Commission

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A handwritten signature in cursive script, appearing to read 'Nancy Edwards', is written over a horizontal line. A second horizontal line is positioned below the first one.

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

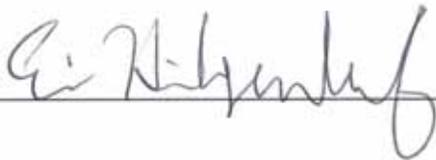
January 31, 2009

Eric + Jaimee Hilgendorf
2502 W. Vista

RE: Minor Land Division/Rezoning
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Planning Zoning Commission

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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Dennis & Barb Satterfield
2603 W. Palmer Drive
Payson, AZ 85541

RE: Minor Land Division/Rezoning
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Planning Zoning Commission

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Barbara Satterfield

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

2602 E. Nicklaus

January 31, 2009

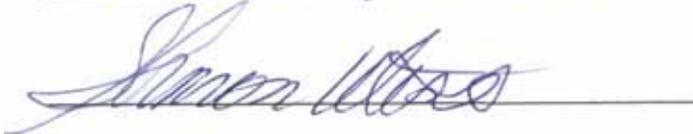
Edward & Sharon Wise
515 E. Carefree Hy PMB 588
Phoenix, AZ 85085

RE: Minor Land Division/Rezoning
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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Christie L. Chapman
2410 W. Bulla Drive
Payson, AZ 85441

RE: Minor Land Division/Rezoning
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To: Town of Payson
Planning Zoning Commission

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 (Formerly Chapman)

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Bette Bloom
2408 W.Bulla
Payson, AZ 85441

RE: Minor Land Division/Rezoning
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To: Town of Payson
Planning Zoning Commission

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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

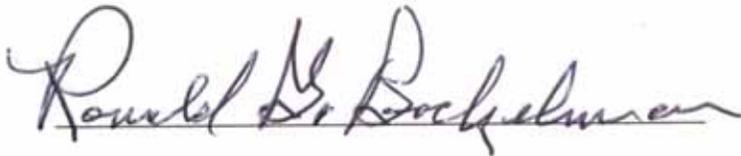
January 31, 2009

Ron & Connie Bockelman
2408 W. Palmer Drive
Payson, AZ 85541

RE: Minor Land Division/Rezoning
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Ronald B. Bockelman

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

302-38-098
2500 W. PALMER

January 31, 2009

William R. Duncan
16104 E. Fairview St.
Gilbert, AZ 85297

RE: Minor Land Division/Rezoning
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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

302-38-267A
2501 W. Graff

January 31, 2009

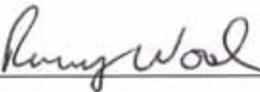
RANDALL + KAREN WOOD

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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Jamie & Sharon Silva
P.O. Box 1131
Payson, AZ 85547

RE: Minor Land Division/Rezoning
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Sharon Silva

January 31, 2009

Duke & Peggy Wilbanks
803 N. Whitehouse Drive
Payson, AZ 85541

RE: Minor Land Division/Rezoning
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Duke E. Wilbanks

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Wes & Pam Wilcox
2503 W. Graff Drive
Payson, AZ 85541

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Wes & Pam Wilcox

2503 WEST GRAFF DRIVE

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

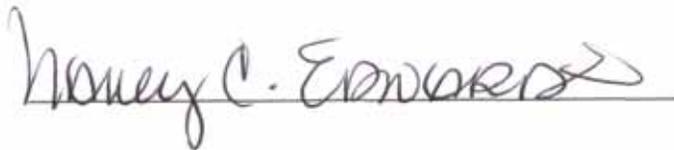
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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Preston Dalgai
2503 W. Bulla Drive
Payson, AZ 85441

RE: Minor Land Division/Rezoning
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Preston Dalgai

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Scott & Judy A. Frederick
2601 W. Palmer
Payson, AZ 85541

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Scott B Frederick

Scott B. Frederick

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

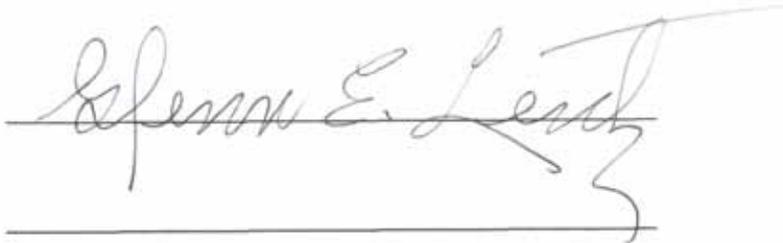
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Glenn & Billie Lentz
2509 W. Palmer Drive
Payson, AZ 85441

RE: Minor Land Division/Rezoning
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A handwritten signature in cursive script, reading "Glenn E. Lentz", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

January 31, 2009

Michael & Edeen Neal
2604 W. Nicklaus
Payson, AZ 85441

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Michael Neal SR

Edeen Neal

Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

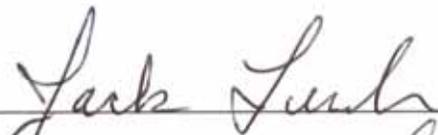
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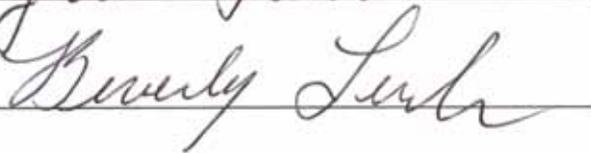
Jack. P. & Beverly Lerch
2601 W. Nicklaus Drive
Payson, AZ 85441

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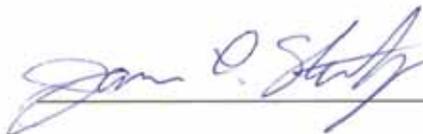
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James F. & Patricia Steely
2600 W. Palmer Drive
Payson, AZ 85541

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Nancy Edwards
807 N. Whitehouse Drive
Payson, AZ 85541

Mark and Penny DeGroot
2404 West Palmer Drive
Payson, AZ 85541
(928) 595-0354

March 31, 2009

Planning and Zoning Commission
ATTN: Mr. Ray Erlandsen
Town of Payson
303 N. Beeline Highway
Payson, Arizona 85541

RE: Nancy Edwards – 807 N. Whitehouse Drive

Dear Mr. Erlandsen:

My husband and I would like to resend our letter to you of February 2009 regarding our rejection to Mrs. Edwards re-zoning of her property to R1-10.

We are not in objection to her current decision to request re-zoning to R1-44. Thank you for your help.

Sincerely,



Penny DeGroot
Homeowner

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APR 02 2009
COMMUNITY DEVELOPMENT
DEPARTMENT

Mark and Penny DeGroot
2404 West Palmer Drive
Payson, AZ 85541
(928) 595-0354

February 8, 2009

Planning and Zoning Commission
ATTN: Mr. Ray Erlandsen
Town of Payson
303 N. Beeline Highway
Payson, Arizona 85541

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FEB 17 2009

COMMUNITY DEVELOPMENT
DEPARTMENT

RE: Nancy Edwards – 807 N. Whitehouse Drive

Dear Mr. Erlandsen:

My husband and I attended an informal meeting at Mrs. Edwards home on January 25th to discuss her wishes to re-zone her property (which borders ours) and obtain access to the southern portion of her property by means of her neighbor's property.

We are very concerned about both issues. In order for Mrs. Edwards to gain access to her property, she would have to purchase a portion of property from her neighbor and then bridge or culvert the wash that separates her property from that neighbor. Approximately every two years, the culverts that are installed at the corner (Lema and Palmer Drive) are unable to handle the debris and water that washes down and floods both our property (approximately 150 feet northward) and our neighbor's property to the south (Jim and Daren Helms – 2407 N. Palmer Drive). We along with Mr. and Mrs. Helms expressed our concerns that an additional obstacle (bridge, culvert) up stream could cause the flooding to intensify and re-route the water higher up on each of our properties. We ask that if a permit is required for such a bridge or culvert that this request be strongly considered. During these rain events, flooding usually occurs after we receive several days of rain and the rain causes debris to block the current culverts installed by the town. Currently, there is one large and four small culverts that can easily handle rain, but are easily clogged with debris.

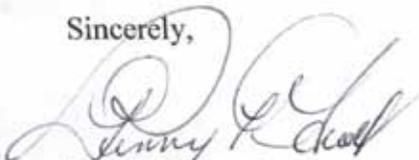
Our second opposition to Mrs. Edwards's proposal is the re-zoning to R1-10. It is currently R1-90 which is in accordance with our deed restrictions. The deed restrictions allow for each of the lots to be split once. Mrs. Edward's lot has been split once. There is no lot in our subdivision that is smaller than two acres. It was recommended to Mrs. Edwards to seek the zoning of the adjacent properties; however, as I recall no person from our subdivision was openly in favor of the rezoning to R1-10.

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Besides being in violation of our deed restrictions, this would allow for future splits and we feel would de-value our property.

If Mrs. Edwards were granted the ability to re-zone the property, it could lead to future legal action to enforce our deed restrictions. I ask that you consider these oppositions and not allow the rezoning.

Sincerely,

A handwritten signature in cursive script, appearing to read "Penny DeGroot".

Penny DeGroot
Homeowner