



**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.

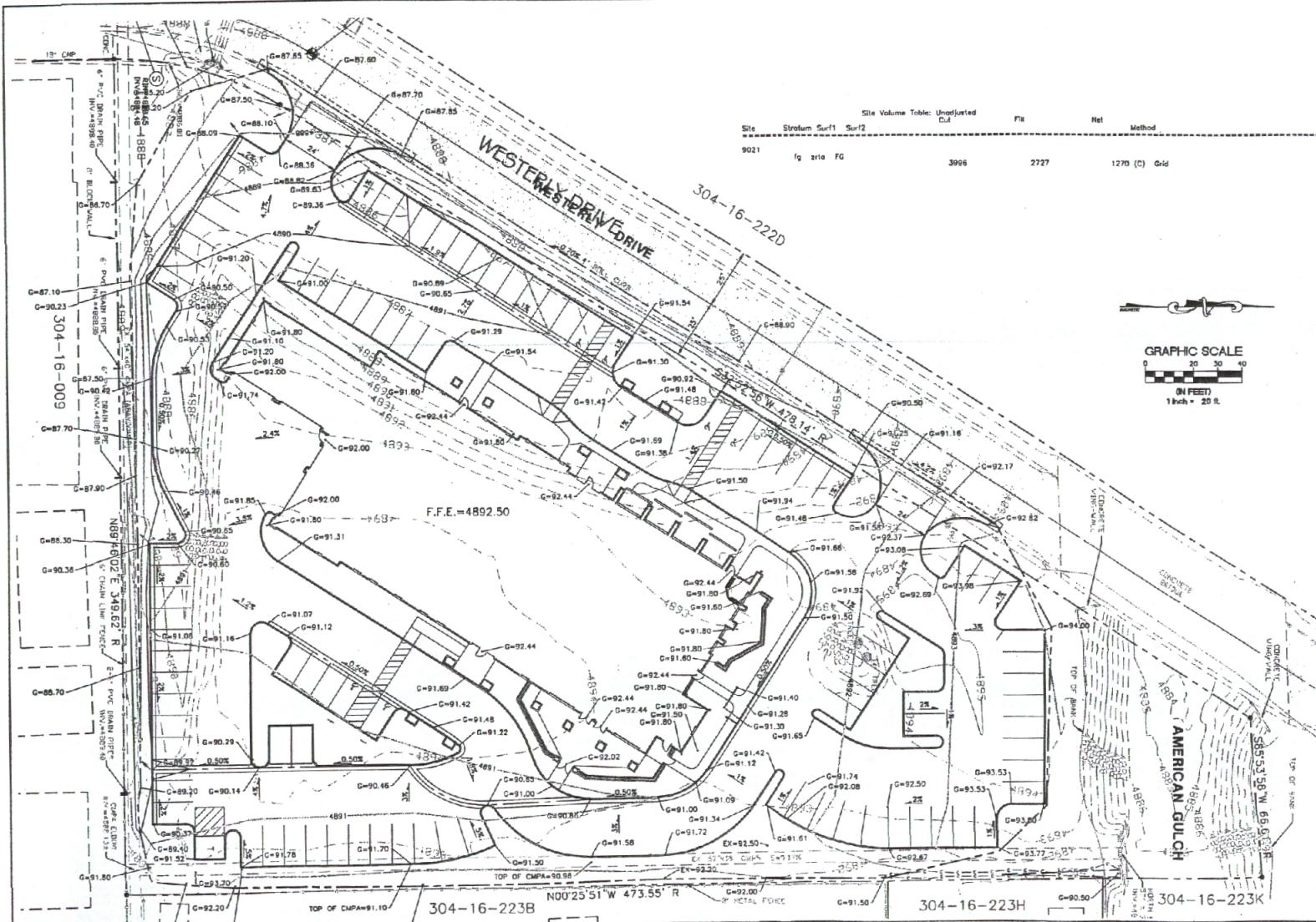
**Suggested Motion to recommend Approval:**

“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.





**CONSTRUCTION NOTES**

NO.	DESCRIPTION	EST. QTY.	THIS SHEET
<b>PAVING</b>			
101	A.C. PAVEMENT AND BASE PER STRUCTURAL SECTION NO. 1 - 2,192 S.F. 4" ASPHALT CONCRETE (MAG C3/4) 7.5" AGGREGATE BASE COURSE		TOW C1
102	A.C. PAVEMENT AND BASE PER STRUCTURAL SECTION NO. 2 - 705 S.F. 3" ASPHALT CONCRETE (MAG C3/4) 4" AGGREGATE BASE COURSE		TOW C3
108	CONCRETE ROLL CURB, TYPE "C", PER M.A.S. STD. DTL. 222		L.F.
109	MANHOLE CURB PER DTL. ON DWG. P01		L.F.
110	CONCRETE SINGLE CURB, TYPE "A", PER M.A.S. STD. DTL. 222 H=4"		L.F.
111	CONCRETE VERT. CURB & GUTTER, TYPE "A" PER M.A.S. STD. DTL. 220-1 H=5"		L.F.
112	CONCRETE CURB TRANSITION PER M.A.S. STD. DTL. 221		EA
125	CONCRETE SIDEWALK PER M.A.S. STD. DTL. 230 W=SEE PLAN		S.F.
126	CONCRETE SIDEWALK RAMP TYPE A PER DETAIL DWG. P01		S.F.
130	4" CONCRETE SLAB W/ REBAR PER M.A.S. STD. DTL. 234		S.F.
131	CONCRETE SIDEWALK RAMP TYPE B PER M.A.S. STD. DTL. 234		S.F.
133	CONCRETE VALLEY GUTTER AND APRON PER M.A.S. STD. DTL. 240, FINISH COLOR & TEXTURE TO BE DETERMINED BY OWNER		S.F.
134	CONCRETE SCUPPER MOD. 24" x 2" OPENING PER M.A.S. STD. DTL. 206		EA
135	STEPS PER ARCHITECTURAL REQUIREMENTS		EA
136	CONCRETE WALKWAY PER DLA COUNTY SPECIFICATIONS		S.F.
156	KEYSTONE BLOCK RETAINING WALL PER DTL. ON DWG. P01		S.F.
158	SMOOTHER ENCLOSURE PER DETAIL ON DWG. P01		EA
160	INTERCEPTOR DRAIN PER DETAIL ON DWG. P01		L.F.
162	CHURN DRAIN AND SPREAD PER DETAIL ON DWG. P01		EA
163	ROCK SINGLE 2" WIDE, 4" DEEP 650-4" 8" BRICK W/ FILTER FABRIC HANDERS PER ARCH. REQUIS.		C.S. S.F.
170			L.F.

NO.	DESCRIPTION	EST. QTY.	THIS SHEET
<b>DRAINAGE</b>			
202	12" STORM DRAIN		L.F.
203	18" STORM DRAIN		L.F.
206	36" STORM DRAIN		L.F.
207	42" STORM DRAIN		L.F.
208	48" STORM DRAIN		L.F.
211	END SECTION		EA
233	STORM DRAIN MANHOLE PER M.A.S. STD. DTL. 520 & 522		EA
241	RIPRAP CHANNEL SLOPE PROTECTION TYPE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		C.Y.
253	HEADWALL PER M.A.S. STD. DTL. 501-3		EA
254	18" x 22.5' BEND		EA
257	18" x 33.75' BEND		EA
260	18" x 45' BEND		EA
263	CATCH BASIN, TYPE "T", MOD. W=12" PER M.A.S. STD. DTL. 533		EA
265	CATCH BASIN, 12" x 12" METAL R-4-100-B OR APR. ED.		EA
272	CATCH BASIN, 12" x 12" CONTECH BRITON MODEL 1003 OR APR. ED.		EA
276	48" x 12" TEE		EA

PROFESSIONAL SEAL  
12248  
R. BOSSERT  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF ARIZONA  
CONSTRUCTION

NO.	REVISIONS	DATE	BY	CHK.

**Verde Engineering Group PLLC**  
1109 North McLane Road  
Payson, Arizona 85541  
Ralph Bossert P.E. R.L.S.  
(928) 978-4345  
Dan Fitzpatrick P.E.  
(928) 995-2816

**MESSINGER MORTUARY**  
PAYSON, ARIZONA

JOB NO.	9021
DESIGNED BY	RWB
DRAWN BY	RWB
CHECKED BY	RWB
APPROVED BY	RWB
DATE	08/04/08

**GRADING AND DRAINAGE PLAN**  
PRELIMINARY

SCALE: HORIZ. 1" = 20'  
VERT. 1" = 10'  
CONT. INTERVAL = 1'

**GR1**

SHEET NO. **X** OF **X**



303 North Beeline Highway  
Payson, Arizona 85541  
(928) 474-5242 [www.ci.payson.az.us](http://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.



**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.

**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 D & 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  
 Print Name

  
 Signature

June 3, 2009  
 Date

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

<b>Parcel/Tax ID</b>	304-16-222E
<b>Tax Year</b>	2009
<b>Site Address</b>	, PAYSON
<b>Owner Name</b>	EL CAMINO WESTERLY LLC,
<b>Owner Address</b>	7601 E INDIAN SCHOOL RD SCOTTSDALE, AZ 85251
<b>Tax Area</b>	1053
<b>Land Value</b>	\$63,079.00
<b>Improvement Value</b>	\$0.00
<b>Full Cash Value</b>	\$63,079.00
<b>Assessed Full Cash Value</b>	\$10,093.00
<b>Limited Value</b>	\$63,079.00
<b>Assessed Limited Value</b>	\$10,093.00
<b>Value Method</b>	Market
<b>Exempt Amount</b>	\$0.00
<b>Exempt Type</b>	
<b>Use Code</b>	0022
<b>Property Use</b>	0022-VL-CM-URBAN NONSUBDVD
<b>Class Code</b>	Commercial
<b>Assessment Ratio</b>	16.000000
<b>Sale Price</b>	
<b>Sale Date</b>	
<b>Instrument Type</b>	
<b>Book</b>	
<b>Page</b>	
<b>Parcel Size</b>	2.35
<b>Township, Range, Section</b>	10N, 10E, 0009
<b>Legal Description</b>	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)
<b>Property Type</b>	REAL

# Gila County Parcel Information Search

## Assessor Information 304-16-222F

<b>Parcel/Tax ID</b>	304-16-222F
<b>Tax Year</b>	2007
<b>Site Address</b>	,
<b>Owner Name</b>	MESSINGER PAYSON FUNERAL HOME INC,
<b>Owner Address</b>	7601 E INDIAN SCHOOL RD SCOTTSDALE, AZ 85251
<b>Tax Area</b>	1053
<b>Land Value</b>	\$63,827.00
<b>Improvement Value</b>	\$0.00
<b>Full Cash Value</b>	\$63,827.00
<b>Assessed Full Cash Value</b>	\$10,212.00
<b>Limited Value</b>	\$55,570.00
<b>Assessed Limited Value</b>	\$8,891.00
<b>Value Method</b>	Market
<b>Exempt Amount</b>	\$0.00
<b>Exempt Type</b>	
<b>Use Code</b>	0002
<b>Property Use</b>	0002-VL-UNDET-URB-NONSUBDIVID
<b>Class Code</b>	Vacant
<b>Assessment Ratio</b>	16.000000
<b>Sale Price</b>	
<b>Sale Date</b>	
<b>Instrument Type</b>	
<b>Book</b>	
<b>Page</b>	
<b>Parcel Size</b>	2.33
<b>Township, Range, Section</b>	, ,
<b>Legal Description</b>	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)
<b>Property Type</b>	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:

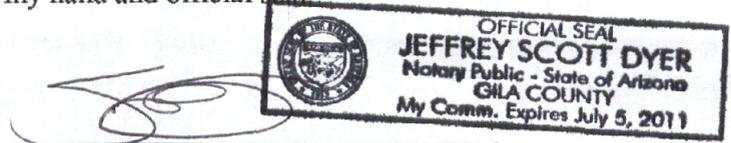
Rezoning Property  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*Cara R. Messenger*  
Principal

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

*Cara R. Messinger*  
Principal

(Need both signatures, if husband and wife)

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

**OFFICIAL SEAL**  
**JEFFREY SCOTT DYER**  
Notary Public - State of Arizona  
GILA COUNTY  
My Comm. Expires July 5, 2011

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

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**Letters of notification were mailed on:** May 5<sup>th</sup>, 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.

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