MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, Planner II

DATE: August 10, 2009

SUBJECT: 1014 E. Canyon Drive
Rezone R1-90 to R1-35 **P-359-09**

Background

The applicants, J. Fred & Alyce Hollobaugh, are requesting approval of a zone change from R1-90 to R1-35 for the property located at 1014 E. Canyon Drive. Currently, there are two existing residences on the 1.84 acre site. The applicant proposes to divide the current lot into two parcels, one approximately 45,000 square feet and one approximately 35,000 square feet as depicted on Exhibit A to allow for separate ownership of the existing dwelling units on the site. Access to the existing residences at 1014 E. Canyon Drive consists of a decomposed granite driveway off of N. Briarwood Road and a concrete/asphalt driveway off of E. Canyon Drive.

Analysis

The site is currently bordered by R1-90 zoned properties on three sides and is bordered on the south by Gila Community College, which lies within an R3 zoning district.

Zoning for this site and the area surrounding this site was amended from R1-D8, R1-D10, C-1, and R4-D2 to R1L-D90 by Ordinance # 396 in 1993. Imposing the more restrictive zoning designation created a legal non-conforming situation for roughly half of the parcels within the area, because they did not meet the minimum lot standards for the R1-90 district. Later acquisitions of rights of ways further reduced the area and dimensions of even more parcels including this site.

A lack of certain improvements within the area was the primary reason for the staff initiated zoning change for this area. At that time the roadways were not paved and development was dependent upon septic systems and private wells. In addition, access to the area is limited to Mud Springs Road. Under the previous R1-D10 zoning designation, the area could have accommodated approximately 1000 homes. In 1996 a variance was granted over the parcels within this R1-90 area, which allowed development on each parcel to utilize the lot standards of the zoning district designation to which the size of the parcel was closest. For instance, to construct on a 46,000 square foot parcel, the setbacks for an R1-44 district would apply.

Under R1-90 zoning, a private water supply is allowed and both dwelling units are currently served by a private well on the property. A water line is currently available for connection to

this property in both Canyon Drive and Briarwood Road, and the applicant shall be required to provide separate public water service to one of the existing dwelling units prior to application for a minor land division.

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. The existing residences are served by separate septic tanks approved by the Gila County Health Department, but share common leach lines. The leach lines lie under the area of the southernmost driveway entrance on Briarwood Road. An easement would have to be provided on the Record of Survey/Minor Land Division map to allow the continued use or separate leach lines installed.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this area as Low Density Residential development, which generally consists of 1 to 2.5 dwelling units per acre. The density for the site subsequent to a minor land division would be 1.09 dwelling units per acre and would conform to the standards of low density residential as defined in the Land Use Element.

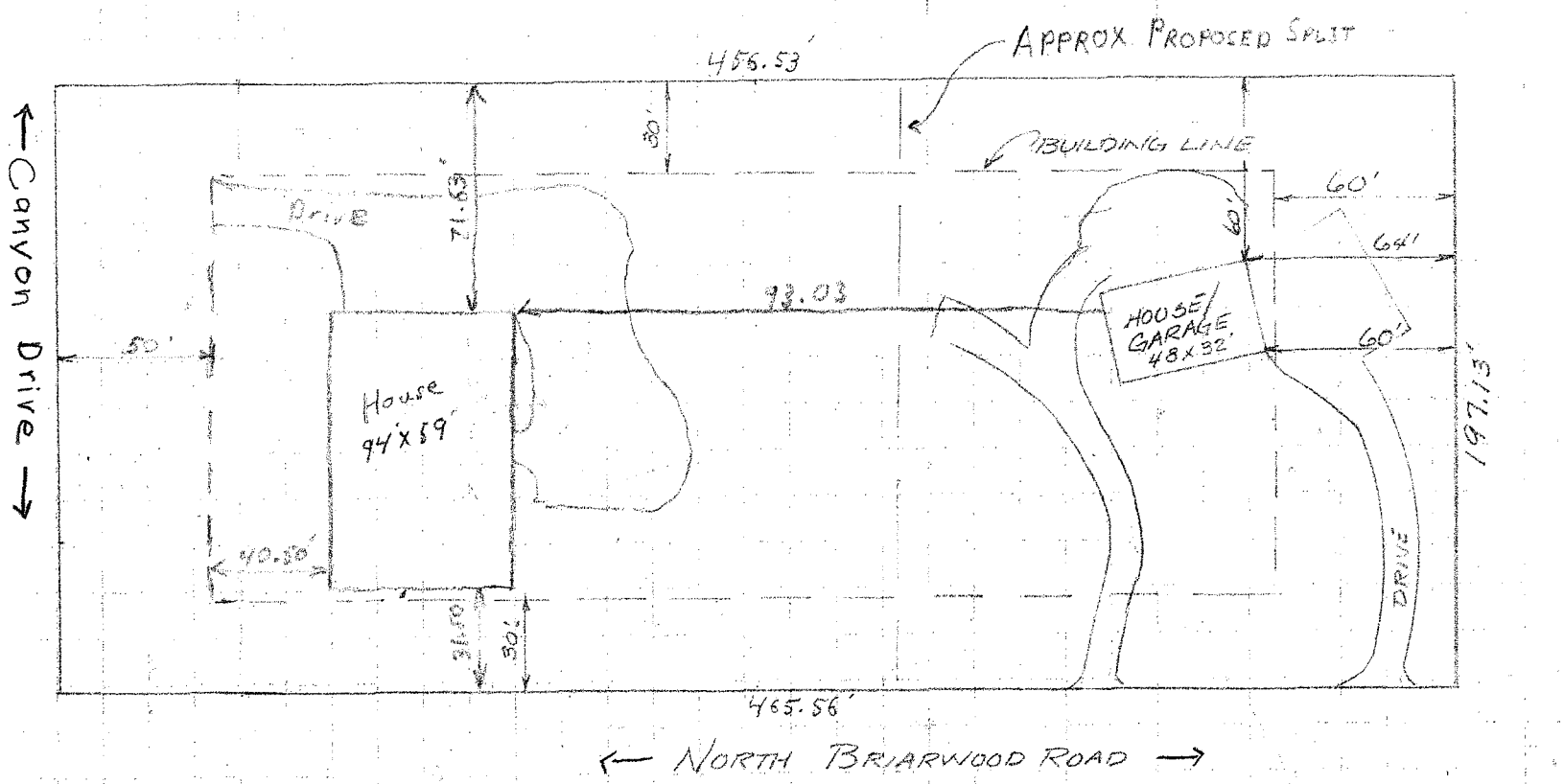
Staff Recommendation

Recommendation: Approval with conditions listed below.

1. Prior to application for a minor land division the applicant shall provide separate public water service to one of the existing dwelling units.
2. No guest house, guest quarters, or accessory dwelling units may be constructed on this site for which additional septic tanks or lines are required. No guest house, guest quarters, or accessory dwelling unit shall be granted unless the property has been annexed into the Northern Gila County Sanitary District and public sanitary services are provided to the site.
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 R1-35 zoning may revert to the original R1-90 zoning, pending Council action.

Suggested Motion to recommend Approval:

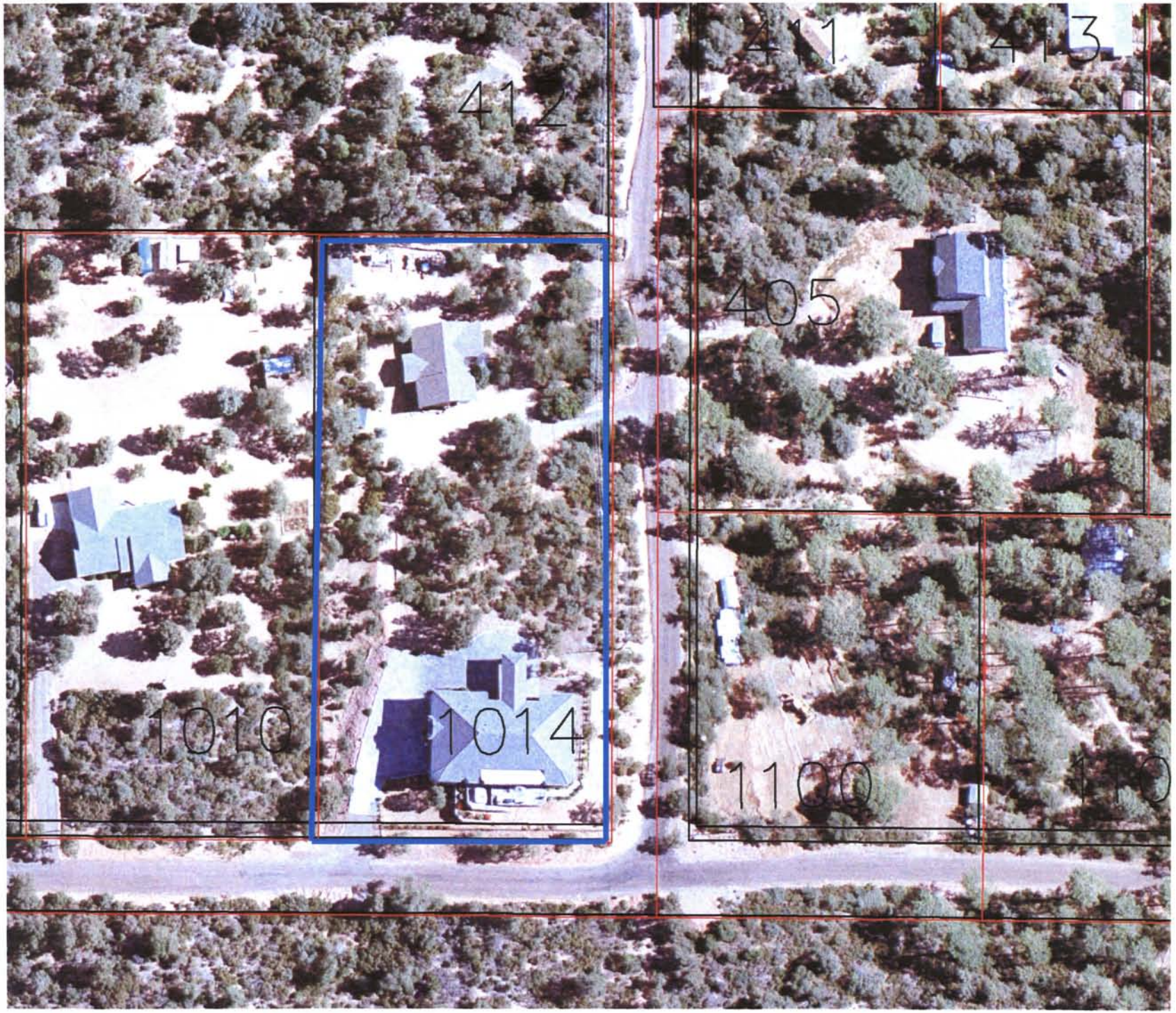
"I move the Planning & Zoning Commission recommend to the Town Council approval of P-359-09, a request to rezone a 1.84 acre property located at 1014 E. Canyon Drive, from R1-90 to R1-35 as depicted on Exhibit A to allow for the future division of this property with the conditions listed in the staff report."



NORTH
1" = 60'-0"

1014 N CANYON DR.

RECEIVED
JUN 30 2009
COMMUNITY DEVELOPMENT
DEPARTMENT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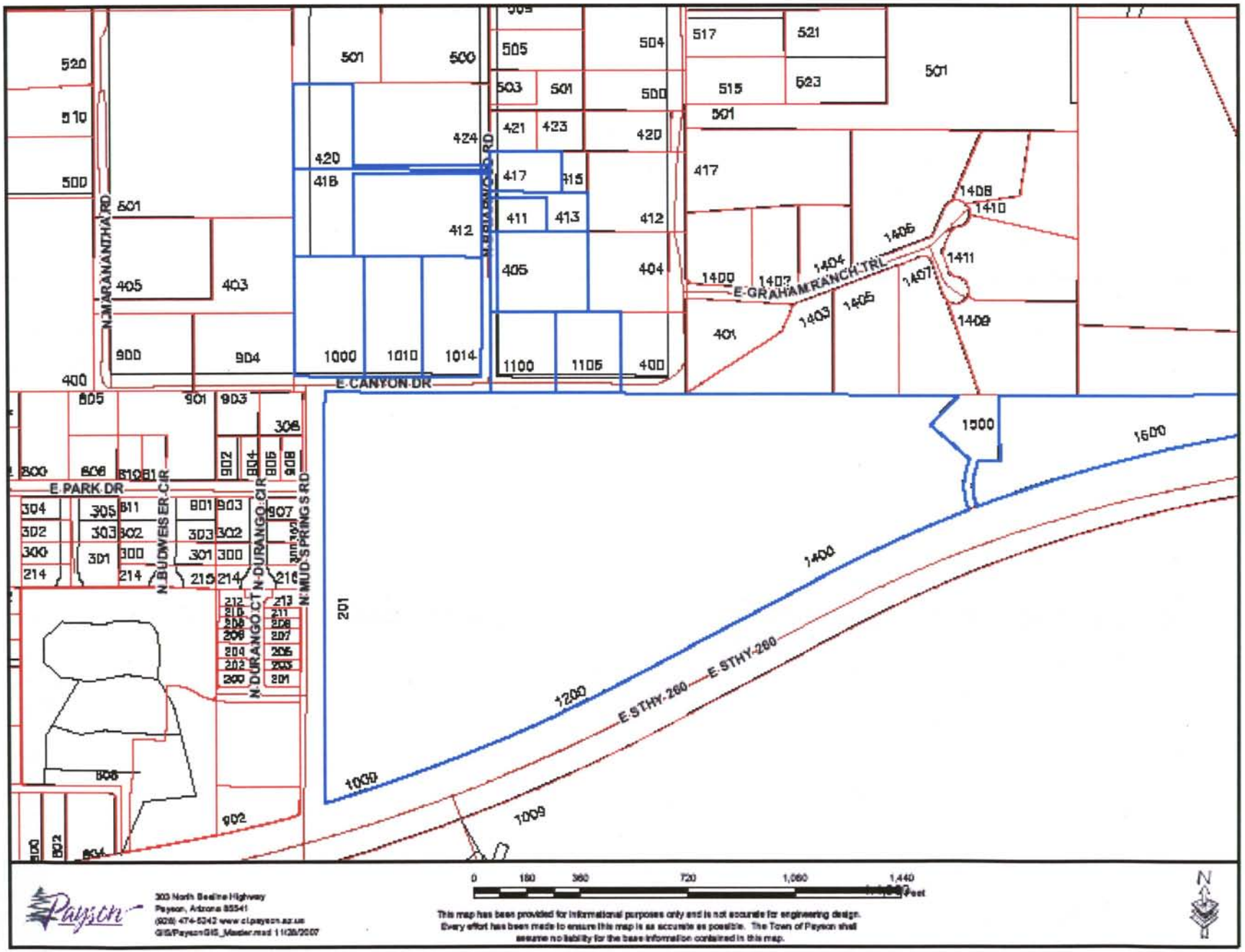
300' Notification Area



P-359-09 1014 E. Canyon Drive
302-23-015R

LEGAL DESCRIPTION

POR PCL C ROS 851;POR SW4 SW4 SEC 35 T11N R10E;COMM SW COR SEC 35 TH S89D45'48 E 432.91';TH N0D1'29 E 50' POB;TH CONT N0D1'29 E 406 .53';TH S89D44'38 E 197.13';TH S0D1'29 W 406.56';TH N89D45'48 W 197.13' POB, TOWN OF PAYSON, GILA COUNTY, ARIZONA=1.84 AC M/L (OUT OF 302-23-015P) (AKA PCL C ROS 851)

CASE NUMBER P-359-09

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: 1014 E. ~~Canyon~~ Canyon Dr. Payson, AZ 85541 Tax Parcel Number: 30223015R
Subdivision: _____ Lot Number: _____
Name of Applicant(s): James F. & Alyce A. Hollobaugh Phone #: 928-978-0929
Mailing Address: 1014 E. Canyon Drive Town: Payson St: AZ Zip: 85541
Name of Property Owner(s): Jame F. and Alyce A. Hollobaugh
Mailing Address: 1014 E. Canyon Drive Town: Payson St: AZ Zip: 85541
Contact Person: James F. Hollobaugh Phone #: 928-978-0929 Fax #: 928-468-6259
Payson Business License # _____ Sales Tax # _____

Detailed Description of Request:
For property split to bring subject property into compliance and provide for future retirement.

(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.

James F. Hollobaugh — Print Name
James F. Hollobaugh — Signature
4 June 2009 — Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	6/30/09	SLd	Zone Change $350.00
COMPLETED APPLICATION	6/30/09	SLd	
NEWSPAPER PUBLICATION	7/24/09	SLd	
300' NOTIFICATION MAILOUT	7/22/09	SLd	
POSTING DATE	7/23/09	SLd	CHECK NUMBER: cc DATE: 6/30/09

RECOMMENDATION		DECISIONS	
By:	Date:	By:	Date:

Gila County Parcel Information Search

Assessor Information
302-23-015R

Parcel/Tax ID	302-23-015R
Tax Year	2009
Site Address	1014 E CANYON DR, PAYSON
Owner Name	HOLLOBAUGH JAMES F & ALYCE A,
Owner Address	1014 E CANYON DR PAYSON, AZ 85541
Tax Area	1050
Land Value	$118,398.00
Improvement Value	$1,007,752.00
Full Cash Value	$1,126,150.00
Assessed Full Cash Value	$112,615.00
Limited Value	$900,825.00
Assessed Limited Value	$90,083.00
Value Method	Cost
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	1.84
Township, Range, Section	11N, 10E, 0035
Legal Description	POR PCL C ROS 851;POR SW4 SW4 SEC 35 T11N R10E;COMM SW COR SEC 35 TH S89D45'48 E 432.91';TH N0D1'29 E 50' POB;TH CONT N0D1'29 E 406 .53';TH S89D44'38 E 197.13';TH S0D1'29 W 406.56';TH N89D45'48 W 197.13' POB;=1.84 AC M/L (OUT OF 302-23-015P) (AKA PCL C ROS 851)
Property Type	REAL

Bldg ID	Occupancy	Built As	Quality	Sq Ft	Year	Cash Value

CITIZENS PARTICIPATION MATERIAL

June 26, 2009

Town of Payson
Planning & Zoning Department
303 N. Beeline Hwy.
Payson, AZ 85541

Re: Zone Change for Lot Split 1014 E. Canyon Drive

Dear Planning & Zoning Department:

A Citizen Participation Meeting was held on June 23, 2009 at 6:30 p.m. at 1014 E. Canyon Drive, Payson, Arizona for the purpose of providing information to property owners within a 300' range of the proposed change in zoning from R1-90 to R1-35.

There was one attendee, Larry Marshall. There were two e-mail responses with questions, one from Jeanette Rogers and one from Willie & Donna Alcorn. These e-mail exchanges are enclosed. Two of the meeting notifications were returned as unclaimed by the postal service.

Mr. Marshall filled out a comment sheet (also enclosed) that he had no objection. I believe that I have answered all questions my neighbors had with regards to this change. I would be happy to meet and talk with anyone that has further questions about this zone change.

Sincerely,

James F. Hollobaugh

James F. Hollobaugh
1014 E. Canyon Drive
Payson, AZ 85541

928-978-0929

cc: Ray Erlandson, Town of Payson Zoning Administrator
Sheila DeSchaaf, Town of Payson Planner II

NOTICE
OF
CITIZEN PARTICIPATION MEETING
BY

J. Fred & ALYCE HOLLOBAUGH
1014 E. CANYON DRIVE
PAYSON, AZ 85541
928-978-0929

Re: Zone Change Request to the Town of Payson
Change Zoning From R1-90 to R1-35

Dear Neighbor:

You are hereby notified of a Citizen Participation Meeting to be held on June 23 at 6:30 pm located at 1014 E. Canyon Drive, Payson, AZ 85541.

The purpose of this meeting is to provide information to property owners adjacent to the subject property regarding the proposed zone change. This is time set aside to ask questions, so please try to attend. An 8 1/2 x 11 copy of the proposed zone change and lot split is attached.

If you cannot attend the meeting and have questions or concerns regarding the proposed zone change and lot split, please call J. Fred Hollobaugh at the above phone number or e-mail your questions and/or concerns to alyjam@gmail.com. Also, I will be happy to make arrangements for any other time to meet with you personally.

Respectfully,

J. Fred and Alyce A. Hollobaugh

cc: Ray Erlandson, Town of Payson Zoning Administrator
Sheila DeSchaaf, Town of Payson Planner II

CITIZEN PARTICIPATION MEETING ATTENDEE:

DATE: June 23, 2009

NAME: Larry Marshall

ADDRESS: 1000 E. Canyon Dr.
Payson, Az. 85541

X **I APPROVE OF THE CHANGE**

___ **I DISAPPROVE OF THE CHANGE**

COMMENTS:

To: alyjam@gmail.com
Subject: Zone Change Request

Dear Mr. Hollobaugh,

I own property on N. Briarwood Road and received your Notice about the zone change request for a nearby parcel. I live in Utah and am unable to attend the meeting on June 23. Please answer these questions:

1. **Are you the party requesting the zone change?** Yes

2. **What is the street address of the property at issue?** 1014 E. Canyon Dr.

3. **How close is that address to 412 N. Briarwood Road (an undeveloped approx. 3 acre lot)?** Bordering yours to the south, right on the corner of Canyon and Briarwood

4. **If approved, will the zone change only affect the the parcel identified on the map you enclosed, or will it affect the entire neighborhood/area?** Just the parcel identified on the map.

5. **If approved, what will be the size of each of the two lots after the split?** The exact sizes are yet to be determined, but the zoning would be R1-35 which means as I understand it under 44000 square feet and would need to meet the towns approval.

6. **What is the reason given by the requestors for the zone change?** The parcel is currently developed there will not be any changes. As I understand it current development criteria does not match what was approved in 1995. The town would like to see the property compliant with current criteria. As for an advantage to us we could sell one parcel for retirement investment and be able to remain in the neighborhood on the other parcel.

7. **What is the definition of zone R1-90?** It has to do with property size. I'm not positive but I believe 90,000 means greater than 2 acres and in our neighborhood that includes horse privileges.

8. **What is the definition of zone R1-35?** There is a zoning for R1-45 also which I think means greater than 1 acre and is the minimum for horse privileges. R1-35 then would mean under 1 acre and no horse privileges.

9. **Will there be an opportunity for public comment or opposition by citizens to the Payson Zoning Department?** Yes, the process includes my responsibility to contact neighbors and collect feedback for my report to the town then there will be a planning and zoning meeting scheduled after which it will be placed on the Town Council agenda.

Thanks for the additional information.

Jeanette Rogers

James F. Hollobaugh

From: James F. Hollobaugh [alyjam@gmail.com]
Sent: Tuesday, June 09, 2009 6:32 AM
To: 'Willie and Donna Alcorn'
Subject: RE: proposed zone change

William and Donna Alcorn,

This is our property and has been since 1995. The property is already developed. This action will be for a split only. The proposed change will be from R1-90 to R1-35 and will lose its horse privileges. The property is approximately two acres and will be divided into two parts exact sizes will be determined with the Town and based on most appropriate location of split and information from surveyor. The proposed property line would then be marked with a fence. Included with your notice was a sketched footprint of the developed property with a dashed split line shown as an example only. The actual split would take into consideration the topography and vegetation as well as best land use. Thank you for your inquiry.

James F. Hollobaugh
alyjam@gmail.com

From: Willie and Donna Alcorn [mailto:walcorn1@cox.net]
Sent: Saturday, June 06, 2009 4:31 PM
To: alyjam@gmail.com
Subject: proposed zone change

How much land is being split and into what size? Is this your property that your're wanting to split and what is going to be built there? Could we have more information Thanks William Alcorn

James F. Hollobaugh

From: James F. Hollobaugh [alyjam@gmail.com]
Sent: Friday, June 19, 2009 6:23 PM
To: '... ROGERS'
Subject: RE: Zone Change Request

James F. Hollobaugh
alyjam@gmail.com

From: ... ROGERS [mailto:here-i-yam@msn.com]
Sent: Friday, June 19, 2009 6:21 AM
To: James F. Hollobaugh
Subject: Re: Zone Change Request

Mr. Hollobaugh,

Thanks for this information. I do have more questions:

1. How many houses are currently located on your undivided parcel? Two as indicated on the footprint drawing.

2. I am trying to understand your answer about non-compliance with the 1995 changes - what is it about your current parcel or the buildings on it are non-compliant with the 1995 zoning or code changes? I was compliant with what was required at the time by building representatives. As I understand it there have been changes since 1995 that fall more into line with what has been developed. It has to do with the guesthouse having a kitchen or not having a kitchen. The rezoning would update this parcel to these changes. I was unaware of this. My reasons are as previously stated, to have the option of selling one of the parcels created by the split.

Thanks again.

Jeanette Rogers

---- Original Message ----
From: James F. Hollobaugh
To: '... ROGERS'
Sent: Thursday, June 18, 2009 5:32 PM
Subject: RE: Zone Change Request

Thank you for your interest. We're sorry we won't get to meet you next week. I hope the following answers are clear and understandable. If you need further explanation or corrected grammar to help please let me know.

Sincerely,

James F. Hollobaugh
alyjam@gmail.com

From: ... ROGERS [mailto:here-i-yam@msn.com]
Sent: Thursday, June 18, 2009 5:42 AM