

ORDINANCE NO. 967

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE ZONING MAP, AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING APPROXIMATELY 9.99 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1900 N. BEELINE HIGHWAY, GILA COUNTY PARCEL NOS. 302-35-046A and 302-35-046B AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A, FROM R-3 AND C-2 TO C-3 TO ALLOW FOR INDOOR SELF-STORAGE, OUTDOOR COVERED CANOPY STORAGE AND RELATED RETAIL SALES.

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, AMERO Real Estate Company (Matthew F. Braccia), owner, by James Jessup and Dan Burke, agents, submitted Application P24-001 to amend the Official Zoning Map and Official Zoning Code for approximately 9.99 acres of real property generally located at 1900 N. Beeline Hwy, Payson, Arizona, as more particularly described on Exhibit A herein, from R-3 and C-2 to C-3 (the "Application"); and

WHEREAS, the Town of Payson's Planning and Zoning Commission, on August 5, 2024 voted to recommend the Application, and forwarded such recommendation to the Town Council.

WHEREAS, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1: The Town of Payson, the Official Zoning Map and Payson's Zoning Code are amended to establish a change of zoning for that real property generally located at 1900 N. Beeline Hwy, Payson, Arizona, more particularly described on Exhibit A attached hereto (the "Property"), from R-3 and C-2 to C-3.

Section 2: The requested rezoning of the Property as proposed by Application P24-001 is consistent with the Town of Payson General Plan, as amended, as required by A.R.S. § 9-462.01(F).

Section 3. This rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of Title XV of the Town of Payson Town Code (but which shall not cause a reversion of this rezoning), and which shall be binding on the property owners and their successors in interest:

FIRST READING AND PUBLIC HEARING

AUG 14 2024 F. 2

SECOND READING AND PUBLIC HEARING

SEP 11 2024 F. 1

1. All improvements shall be constructed in accordance with the Town Code, Chapter 152: Grading & Drainage and Chapter 154: Unified Development Code. In the event of conflicting sections or requirements in Chapter 154, the more stringent requirement shall apply, unless approved in writing by Town Staff.

2. A record of survey lot consolidation shall be prepared, reviewed, and recorded to combine the two parcels being developed into a single parcel.

3. The site access onto Beeline Highway (SR-87) shall comply with the following:
- a. The driveway shall be located at the location illustrated on the Proposed Site Plan, SPI.
 - b. The driveway shall include one entrance lane, 16 feet wide, and two exit lanes, each 12 feet wide. The two exit lanes shall be designated for right turn only or left turn only, as appropriate.
 - c. The driveway entrance shall be constructed in conformance with Arizona Department of Transportation Drawing No. C-05.20. Because snow and ice can occur in the Payson region, the maximum slope of the driveway shall be limited to 8%. The cross slope of the concrete sidewalk where it crosses the driveway may not exceed 2%.
 - d. The intersection of the driveway and N. Beeline Highway shall be designed with adequate clear vision triangles as specified in A Policy on Geometric Design of Highways and Streets, 7th Edition published by AASHTO. Care shall be taken in selection of landscape materials and placement of above grade utility appurtenances to ensure clear vision triangles are not obstructed.
 - e. Adequate street lighting shall be installed at the intersection of the driveway and N. Beeline Highway. Adequacy of lighting shall be approved by Town Engineer in cooperation with Arizona Department of Transportation (ADOT) at the time Building Plans are submitted.
 - f. Prior to submitting a Building Permit application, the applicant shall follow ADOT Traffic Guidelines and Processes 240 to complete either a Traffic Impact Analysis or Traffic Impact Statement, as appropriate.

4. A 5-foot-wide detached concrete sidewalk shall be constructed across the frontage of both parcels.

5. If there is a need to dedicate or abandon any easements for this development, the application shall occur at the time of Building Permit submittal.

6. There are two existing stormwater outfalls from this site along the southwesterly property boundary with the Payson Ranchos Subdivision. Each outfall is located within a drainage easement dedicated to the Town. The final grading and drainage plan shall clearly illustrate these easement locations, and the final drainage report shall analyze the hydraulic capacity of the existing outfalls in relation to adjacent existing structures to ensure that flooding does not negatively impact existing homes downstream from the development. If the results of this analysis

indicate that off-site improvements are required downstream from the subdivision within the drainage easements and public roadways, these shall be designed and installed by the developer, or the developer could opt to provide additional onsite detention to further mitigate negative downstream impacts.

7. If any of the conditions listed above cannot be met or if the applicant or developer does not have approved Improvement Plans and Building Permits within two (2) years of the approval date of the rezoning ordinance then the C-3 zoning designation may be removed and the subject properties shall revert to their R-3 and C-2 zoning, pending Council action.

8. A fence will be added to the western and southwestern property line against the residentially zoned properties.

Section 4: In addition to the provisions of Section 5 below, 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 the Property owner 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) 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 14 calendar days after this Ordinance is approved, this Ordinance shall be void and of no force and effect.

Section 5. Pursuant to A.R.S. § 19-142 and Town Code § 30.54, this Ordinance, if not otherwise void pursuant to Section 4 above, shall not become operative until 30 days after its passage.

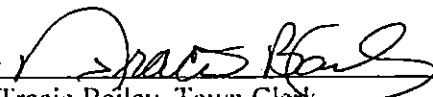
PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA this 11th day of September, 2024, by the following vote:

AYES 5 NOES 0 ABSTENTIONS 0 ABSENT 2

FOR THE TOWN OF PAYSON:


Chris Higgins, Mayor

ATTESTED TO:


Tracie Bailey, Town Clerk

REVIEWED BY:


Troy Smith, Town Manager

APPROVED AS TO FORM:


Pierce Coleman, PLLC Town Attorney

EXHIBIT A
TO
ORDINANCE NO. 967

[Legal Description of the Property]

Gila County Parcel No. 302-35-046 described as:

PARCEL 1:

PARCEL B, AS SHOWN ON RECORD OF SURVEY RECORDED AS SURVEY MAP NO. 1747, RECORDS OF GILA COUNTY, ARIZONA.

PARCEL 2:

AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES AS CREATED IN INSTRUMENT RECORDED AT FEE NO. 1999-12459, OF OFFICIAL RECORDS OF GILA COUNTY, ARIZONA.

Gila County Parcel No. 302-35-046B described as:

PARCEL A, AS SHOWN ON RECORD OF SURVEY RECORDED AS SURVEY MAP NO. 1747, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GILA COUNTY, ARIZONA.