

**Staff Report to the Board of Supervisors  
From the Robert Gould, Deputy Director/Planning Manager**

August 19, 2010

**Rezoning Application Z-10-01**

Rezone Parcel 301-03-015A from R1-D35 to R1-D35 PAD.

**Applicant:**

Neal Nelson  
2836 East Gary  
Mesa, Arizona 85213

**Owner:**

Milo LeBaron  
1454 East Elmwood  
Mesa, Arizona 85202

**Location:**

Parcel 301-03-015A, located in Strawberry, Arizona at 9597 West Juniper

**Property Description:**

Parcel is 4.37 acres in size with five residential units. Our current zoning regulations allow up to five residential units in R1 zoning districts under certain circumstances. See section 104.2.A.3.b of our zoning regulations.

Property is impacted by floodplain and floodway in the northern part of the parcel

**Proposed Project:**

This parcel is a family compound. The family members want to divide the parcel into five lots. One of the lots will be a tract and one of the proposed lots will contain two residential units. The tract will be for everyone's use as a recreation area.

The purpose of having the PAD extension added to the zoning district is to allow variable lot sizes, but where the average area dedicated to each owner will be calculated to be at least 35,000 square feet.

**Zoning Surrounding Property:**

To the south of this parcel is R1-D35 undeveloped residential.  
To the north is R1-D35 Developed Residential  
To the west is R1-D35 Developed Residential  
To the East is R1-D12 Developed Residential

**Environmental:**

The 100 year flood plain is the major issue of concern but due to the fact that this proposal is not for the purpose of development but for land ownership only this is not a concern by staff.

**Building Permits:**

Building permits have been issued for this parcel. No code compliance issues outstanding.

**Circulation:**

There will be an ingress/egress easement provided during the subdivision process.

**Compliance with Comprehensive Plan:**

The Comprehensive Plan has designated this property for one to two dwelling units per acre. This proposal is appropriate for our Comprehensive Plan.

**Citizen Participation Meeting:**

A Citizen Participation meeting was set for May 15, 2010 and notice was mailed out by the applicant to property owners in the area. No adverse comments were received by any of the property owners in the area.

**Staff Analysis:**

Staff find the proposed zoning to be compatible with the area and our Comprehensive Plan. The purpose of this rezoning is to effect land ownership and allow the current owners to go through the small subdivision process. This will not allow more residential units to be built on the property.

**Staff Recommendation:**

Staff would recommend to the Commission that this request be approved to rezone the parcel from R1-D35 to R1-D35 PAD to allow parcels to vary from the requirements of minimum lot area and dimensions and setbacks for a D35 lot where the average lot size will be at least 35,000 square feet.

### **Planning & Zoning Commission Recommendation**

The Planning & Zoning Commission met on August 19, 2010 to review this application at a public hearing.

After closing the public hearing the Commission made a motion to recommend approval of this application to the Board of Supervisors as recommended by staff.

**RESOLUTION NO. 10-08-01**

CASE NO. Z-10-01

**A RESOLUTION OF THE  
GILA COUNTY BOARD OF SUPERVISORS  
TO RE-ZONE GILA COUNTY TAX ASSESSOR'S PARCEL 301-03-015A**

**WHEREAS**, the Gila County Planning and Zoning Commission, at a duly noticed public hearing held on August 19<sup>th</sup>, 2010, has recommended to the Board of Supervisors of Gila County, Arizona, that a zoning request, set forth in the attached Exhibit "A", be adopted as provided in Section 11-829, Arizona Revised Statutes; and,

**WHEREAS**, after holding a public hearing as provided by law, the Gila County Board of Supervisors is of the opinion that the adoption of such recommendation would be in the best interest of Gila County.

**NOW, THEREFORE, BE IT RESOLVED** that the Gila County Board of Supervisors, at a regularly scheduled and duly noticed public hearing did approve the zoning request set forth in the attached Exhibit "A."

**PASSED AND ADOPTED** this 21<sup>st</sup> day of September 2010 .

**ATTEST:**

**GILA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Don E. McDaniel Jr., County Manager

\_\_\_\_\_  
Michael A. Pastor, Chairman of the Board

**Approved as to form:**

  
\_\_\_\_\_  
Bryan Chambers, Chief Deputy County Attorney

EXHIBIT "A"  
PLANNING AND ZONING CASE NO. Z-10-01  
Applicant: Neal Nelson  
Owner: Milo LeBaron

Location: Subject site is addressed as 9597 W. Juniper, Strawberry, AZ. and is Parcel "A" of ROS 1193 in Sec. 29, T12N, R8E. Property was zoned R1-D35 and has been approved to rezone to R1-D35 w/PAD.

Legal Description for Gila County Tax Assessor's Parcel 301-03-015A: A parcel of land lying in the Northwest quarter of the Northwest quarter of section 29, Township 12 North, Range 8 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 29;

THENCE west along the section line a distance of 1299.34 feet to a point,

THENCE leaving said section line South 00 degrees 08 minutes 36 seconds West, a distance of 226.00 feet to the Northeast corner of the property being described herein, said point being the TRUE POINT OF BEGINNING;

THENCE South 00 degrees 08 minutes 03 seconds West, a distance of 372.87 feet to the Southeast corner of said property;

THENCE North 89 degrees 59 minutes 53 seconds West, a distance of 524.88 feet to the Southwest corner of said property;

THENCE North 00 degrees 08 minutes 36 seconds East, a distance of 287.88 feet to an angle point;

THENCE North 55 degrees 47 minutes 03 seconds a distance of 151.16 feet to another angle point on the north line of said property;

THENCE along the North line of said property East 00 degrees, a distance of 400 feet to the POINT OF BEGINNING.

The Gila County Board of Supervisors approved:

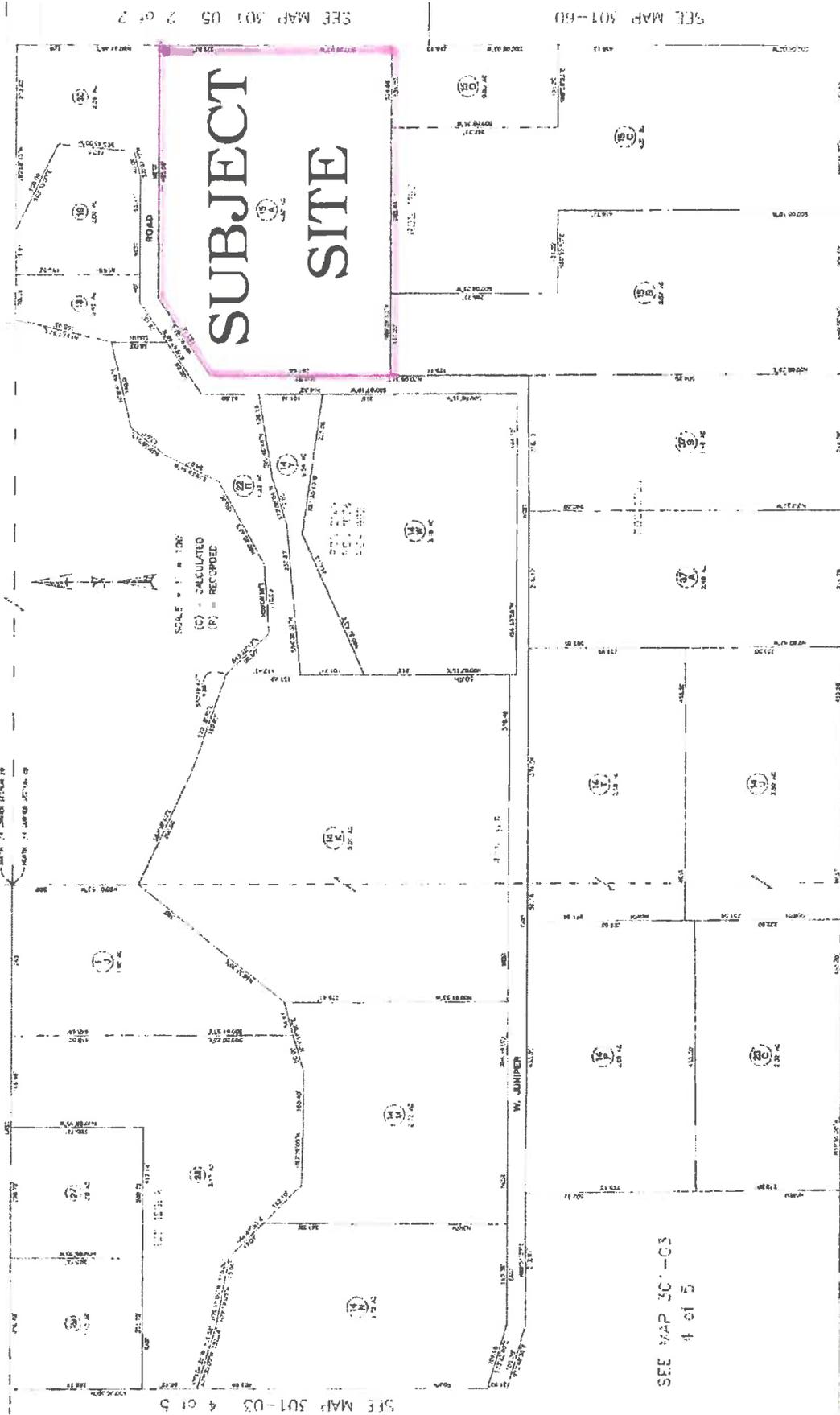
The rezoning of Gila County Tax Assessor's Parcel 301-03-015A from R1-D35 to R1-D35 w/PAD to allow parcels to vary from the requirements of minimum lot area, dimensions and setbacks for a D35 lot where the average lot size will be at least 35,000 square feet.

PT N 1/2 N 1/2 SECTION 29  
T 12 N R 8 E

301-03  
5 of 5  
CODE 1276  
DATED 11-04-09

SEE MAP 301-03 1 of 5

SEE MAP 301-68



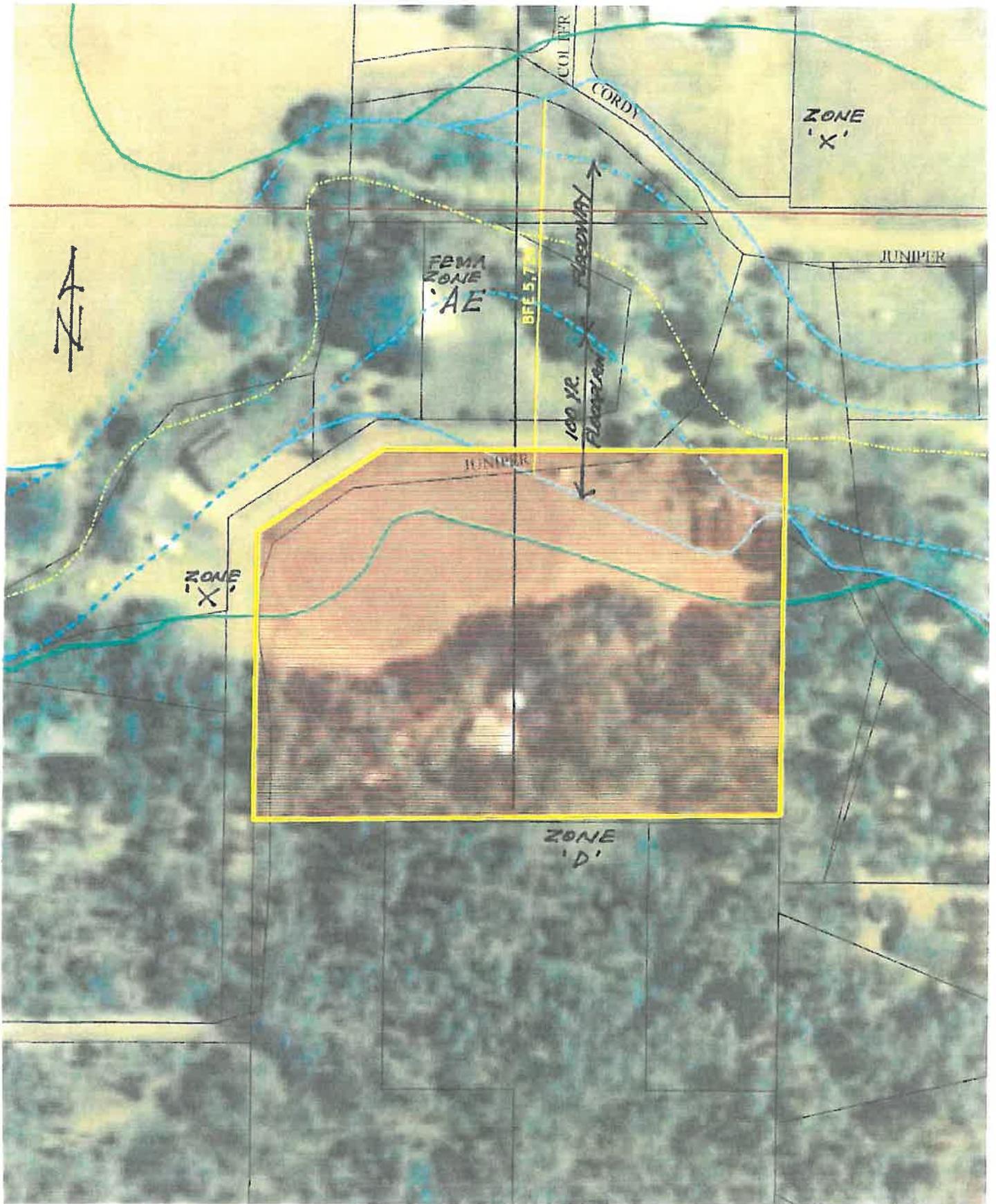
FOR INFORMATION ONLY NO LIABILITY ASSUMED  
GILA COUNTY ASSESSOR

TONTO NATIONAL FOREST

SEE MAP 301-02

SEE MAP 301-03  
4 of 5

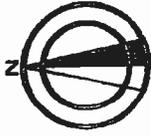




Total Len: 1725 ft, Total Brg: 360° 00' 0.0", Enclosed Area: 0.00671 sq mi

**RECORD OF SURVEY / MINOR LAND DIVISION**  
 OF PARCEL A AS RECORDED ON R.O.S. 1193, G.C.R. SITUATED IN A PORTION OF THE N.W.¼  
 OF THE N.W.¼ OF SEC. 29, T-12-N., R-8-E. OF THE G.488.R.M., GILA COUNTY, ARIZONA

PREPARED FOR:  
 MILD R. LEBARON JR.  
 1004 E. ELWOOD STREET  
 MESA, AZ 85203



0 25 50 100  
 GRAPHIC SCALE IN FEET

**LEGEND**

- (C) CALCULATED INFORMATION
- (R) RECORD INFORMATION
- (M) MEASURED INFORMATION
- FOUND 1/2" REBAR W/OUT TAG (UNLESS OTHERWISE NOTED)
- SET 1/2" REBAR W/TAG L.S. (UNLESS OTHERWISE NOTED)

**I HEREBY CERTIFY  
 THAT THE IMPROVEMENTS  
 EXIST AS SHOWN HEREON.**

**MILD R. LEBARON**

THIS PROPERTY IS ACCESSIBLE BY TWO  
 WHEEL DRIVE AUTOMOBILE

THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION DURING  
 THE MONTH OF MARCH, 2006.

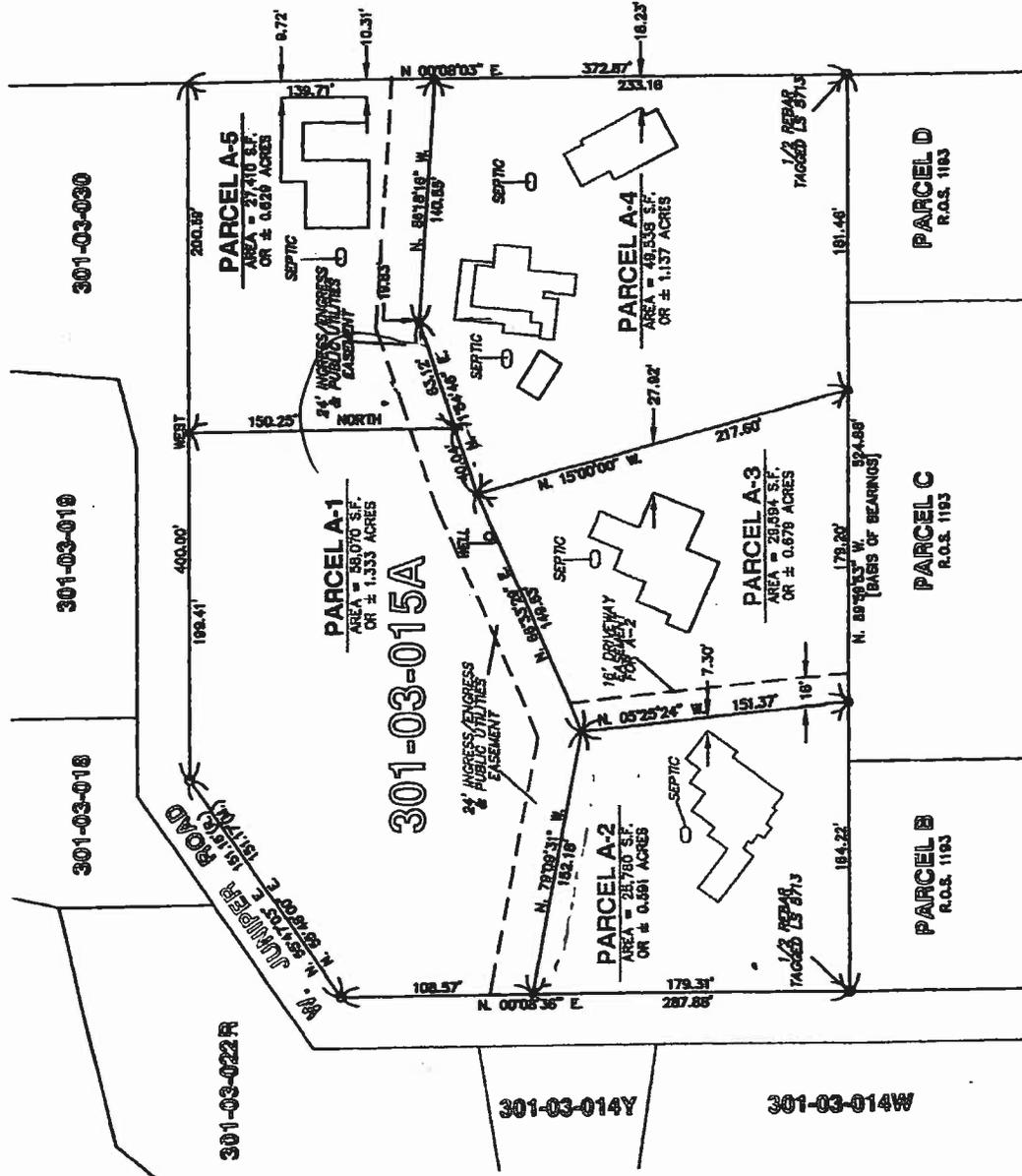


RAYMOND LEE JONES, R.L.S. #8713  
 LICENSE EXPIRES: 6/30/09

**RJS RAY JONES SURVEYING**

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

JOB NO: K409-009 DATE: 04/07/08  
 SCALE: 1" = 50' SHEET: 1 OF 1



301-03-018

301-03-019

301-03-022R

301-03-015A

301-03-014Y

301-03-014W

PARCEL A-5  
 AREA = 27,410 S.F.  
 OR ± 0.629 ACRES

PARCEL A-1  
 AREA = 58,070 S.F.  
 OR ± 1.333 ACRES

PARCEL A-4  
 AREA = 49,338 S.F.  
 OR ± 1.137 ACRES

PARCEL A-3  
 AREA = 29,094 S.F.  
 OR ± 0.678 ACRES

PARCEL A-2  
 AREA = 28,780 S.F.  
 OR ± 0.661 ACRES

PARCEL D  
 R.O.S. 1193

PARCEL C  
 R.O.S. 1193

PARCEL B  
 R.O.S. 1193

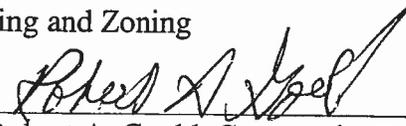
**LEGAL NOTICE  
GILA COUNTY  
PLANNING & ZONING COMMISSION  
AND  
BOARD OF SUPERVISORS**

*NOTICE IS HEREBY GIVEN* that the Gila County Planning & Zoning Commission will hold a public hearing on Thursday, August 19<sup>th</sup>, 2010 and the Board of Supervisors will hold a public hearing on Tuesday, September 21<sup>st</sup>, 2010 concerning Application Z-10-01, filed by Neal Nelson (Owner: Milo La Baron). Application Z-10-01 is a request for a change in zoning from R1-D35 to R1-D35 w/PAD for Gila County Tax Assessor's Parcel 301-03-015A, Section 29, T12N, R8E, located at 9597 W. Juniper in Strawberry, AZ. Applicant intends to divide a 4.37 acre property into five lots with one lot being vacant, one lot with two dwellings and utilize the Gila County Small Subdivision Process. The P & Z Commission hearing will be held at 10:00 a.m. in the Board of Supervisors Hearing Room located at 1400 E. Ash Street, Globe, Arizona. The Board of Supervisors hearing will be held at 10:00 a.m. in the Board of Supervisors Hearing Room at 1400 E. Ash Street, Globe, Arizona.

The Board of Supervisors hearing date will be continued if the Planning & Zoning Commission has not given a recommendation. Interested persons may file a statement in writing for or against the zoning change request or appear and be heard at the dates set forth. Citizens can mail their statements to the addresses listed below or email the Director at [rgould@co.gila.az.us](mailto:rgould@co.gila.az.us)

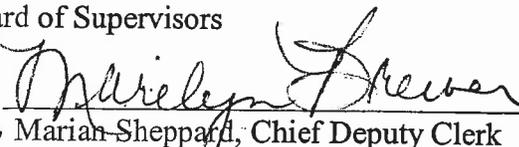
Information regarding Application Z-10-01 will be available for review in the Gila County Community Development Departments located at 1400 E. Ash Street in Globe, Arizona and at 608 East Highway 260 in Payson, Arizona on July 28, 2010. Citizens may also call the offices at 928-425-3231 EXT 8513 (Globe) or at 928-474-9276 (Payson), during normal business hours.

Planning and Zoning

By: 

Robert A. Gould, Community Development Director

Board of Supervisors

By: 

for Marian Sheppard, Chief Deputy Clerk

Arizona Silver Belt: One Publication: August 4th, 2010 Acct 101556-20

Payson Roundup One Publication: August 3rd, 2010 Acct 10015682

PROPOSITION 207 WAIVER

Date: 8-9-2000

I, Milo LeBARON applicant for the rezoning of Gila County

Assessors Parcel 301-03-015A do hereby waive

Proposition 207 and duly believe that the rezoning and plan amendment of this property will increase the value of property.

  
Applicant