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RESOLUTION NO. 09-03-07

CASE NO. Z-08-01

**A RESOLUTION OF THE
GILA COUNTY BOARD OF SUPERVISORS
TO RE-ZONE
GILA COUNTY TAX ASSESSORS PARCEL 301-46-001B**

WHEREAS, the Gila County Planning and Zoning Commission, at a duly noticed public hearing held on February 19, 2009, 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 Board of Supervisors of Gila County, Arizona, 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 March 17, 2009.

Gila County Board of Supervisors

By: Shirley L. Dawson
Shirley L. Dawson, Chairman

Approved as to form:

Bryan Chambers, Deputy County Attorney

ATTEST:

Steven L. Besich, Clerk of the Board

EXHIBIT "A" TO RESOLUTION 09-03-07
Case Number Z-08-01

Location: Subject site is a portion of HES 613 that is located in Sections 8 & 17 of Township 10 North and Range 9 East of the Gila & Salt River Meridian. The subject site is 7 miles west of Payson and is commonly known as "Simonton Flat", a half mile before Doll Baby Ranch; Gila County Tax Assessor's Parcel 301-46-001B.

Legal Description for 301-46-001B, Property Owner Jolene K. Winkle: Gila County Records Plat 796 B, being a private property bordered by Lots 95, 96, 112, 114, 115 and 116 of the Canyon River Ranch Subdivision.

ZONING REQUIREMENTS FOR THE R1-D40 DISTRICT

Zoning change from the R1-D175 (1 dwelling per 4 acres) to R1-D40 (1 dwelling per 40,000 sq. ft.) will match the current zoning for the surrounding Canyon River Ranch Subdivision.

The zoning stipulations and provisions for the R1-D40 (Residence One District with a D40 Density) are as follows:

A. Height = 2 stories or 30', exceeding either requires a Conditional Use Permit
B. Front Yard = 20'
C. Rear Yard = 20'
D. Street Side of Corner Lot = 10'
E. Interior Side Yards = 7', 9' if vehicular access is needed
F. Distance Between Buildings = 6'
G. Detached Accessory Buildings = same for front and side yards and 7' in rear
H. Minimum Lot Area = 40,000 square feet
I. Minimum Lot Width at Front Setback Line = 92'
J. Minimum Lot Depth = 180'
K. Maximum Building Coverage = 20% of gross lot area
L. Maximum Impervious Surface Coverage = 25% of gross lot area

These stipulations and provisions will be applicable to any parcels created by a Minor Land Division of the subject site.

ANALYSIS

Compatibility Aspects

1. If the subject site is rezoned R1-D40, there would be no land use concerns because the subject site would have the same land uses as the surrounding property.
2. Although there is a 100 year floodplain crossing the southwest corner of the subject site and portions of the property have 15% slopes, staff finds that the 40,000 square foot minimum lot size would allow development with minimum negative impacts to the environment.

APPROVED:

As the subject site would be compatible with the surrounding land use category, zoning designation and topography, staff suggests:

That the Planning and Zoning Commission recommend to the Board of Supervisors approval of applications CPA-08-02 and Z-08-03. That the Comprehensive Master Plan shall be amended to recognize tax parcel 301-46-001B, as being within the classification of 'Residential – 0.4 to 1.0 du/ac' and that the tax parcel shall be rezoned from R1-D175 to R1-D40.

Note: Staff finds that a reversionary clause is unnecessary.