



NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

STAFF REPORT

PLANNING AND ZONING COMMISSION

HEARING DATE: September 17, 2015

CASE #: 15-22

ACTION: Zone Change

APPLICANT/OWNER: Gary & Vickey DeSpain

PROJECT NAME: DeSpain Zone Change

PARCEL INFORMATION:

Location: Located south on SR 99 in the Winslow area

APN: 108-23-015D

Legal Desc: A portion of Section 9, Township 18 North, Range 23 East, Gila and Salt River Meridian

District: II – Supervisor Jesse Thompson

Parcel Size: 5.556 acres (approximate)

STATED REASON FOR REQUEST: The applicants, Gary & Vickey DeSpain, would like to change the zoning from Rural-1 Zoning to Industrial-1 Zoning to allow for a contractor's yard for their construction business.

BACKGROUND & DISCUSSION:

NAVAJO COUNTY ORDINANCES, PLANS & REGULATIONS:

ZONING DISTRICTS:

- (RURAL 1) ONE (1) ACRE PER DWELLING UNIT: The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than one (1) acre in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses.

- (IND-1) LIGHT INDUSTRIAL ZONING DISTRICT: The principal purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principle uses permitted in this zoning district include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazards to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noises, vibrations, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare.

COMPREHENSIVE PLAN / AREA PLANS:

The Navajo County Comprehensive Plan, adopted on May 24, 2011, indicates that the land use category for the site and surrounding area is in a Community Village area.

GENERAL CHARACTER OF AREA: The immediate surrounding area is a mix of agricultural and low density residential uses.

REVIEWING AGENCY COMMENTS & RECOMMENDATIONS:

COUNTY ATTORNEY:

No legal objection to this Zone Change as long as applicant abides by all County, State and Federal rules and regulations.

Initial: B.C.

Date: 9-1-15

ENGINEERING:

Engineering has no objection to the Zone Change.

Initial: W.R.B.

Date: 9-1-15

FLOOD CONTROL:

The parcel is within flood hazard Zone X: the DFIRM map does not show a flood hazard for this area.

Initial: R.P.

Date: 9-2-15

PLANNING & ZONING:

Planning & Zoning staff has reviewed the Zone Change request and determined it is ready for Commission action. Staff supports the zone change request.

Initial: P.S.

Date: 9-2-15

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission recommend granting this Zone Change, staff recommends the following condition be applied:

1. Future development of the site (new construction) shall comply with all applicable Navajo County requirements, including those of the Zoning Ordinance, Flood Control Ordinance, Building Safety Ordinance, etc.

NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Carter Drive
Holbrook, Arizona 86025
(928) 524-4100 FAX (928) 524-4399

APPLICATION FOR A ZONE CHANGE

RU-1 Current Zoning To V-C-R-I-1 Proposed Zoning

OWNER INFORMATION:

OWNER'S NAME: Gary and Vickie Despain
AGENT/POINT OF CONTACT:

CONTACT PHONE NO.: 928-587-1474 FAX NO.:

MAILING ADDRESS: 8600 S. Hwy 99

CITY: Winslow STATE: AZ ZIP CODE: 86047

SUBJECT PARCEL INFORMATION:

LEGAL DESCRIPTION: T 18 N - R 16 E, SECTION 9, ASSESSOR PARCEL NO.: 108-23-015D

SUBDIVISION NAME: LOT:

RURAL ADDRESS: AREA:

PARCEL SIZE: 5.556 DATE OF OWNERSHIP:

PRESENT USE OF PROPERTY:

GENERAL DIRECTION TO PARCEL:

CURRENT ZONING: (Please Check appropriate Zoning Classification)

A-Gen RU-20 RU-10 RU-5 [X]RU-1 R1-43 R1-10
R-2 R-3 C-R I-1 I-2 Special Development

OWNER'S AFFIDAVIT:

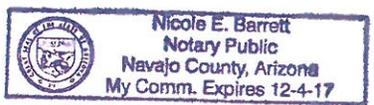
I, (print name) Gary and Vickie Despain, being duly sworn, depose and say that I am an owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

[Signature] Owner's Signature

STATE OF ARIZONA)
COUNTY OF Navajo)SS

Sworn and subscribed before me on this 10 Day of July, 20 15

[Signature] Notary Public



12-4-17 My Commission Expires

07/09/15

To whom it may concern,

We are requesting a zone change on the submitted parcel 5.56 acres. We are requesting a change to (C-R). The purpose shall be a Contractors Yard. We are needing the change for insurance purposes, bonding etc for our construction company.

Thank you
Gary L. DeParis

SECTION 16, T12N, R10W

177.13'

PROPOSED
15'X15'
BUILDING

PARCEL 1
5.556 Acres

N 90°00'00" W 612.11'

N 00°00'02" W 611.69'

S 00

S 35°10'05" E 152.34'
S 35°19'28" E 152.34'
S 35°19'28" E 152.34'
S 35°19'28" E 152.34'

885.55' E
887.46' (P1)
885.89' (M)
(R2&R3)

133.55'

FOUND 6.5' VERTICAL RR RAIL
ACCEPTED AS SECTION CORNER
AS PER (R1) NOTE

N 89°18'33" E 845.6' OF BEARING (R1) 992.56 (M)
N 85°25'22" E 225.0' (R2&R3)
745.33

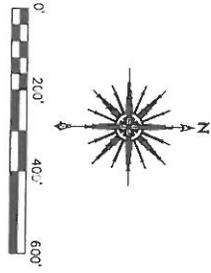
REMAINDER
70.187 Acres

PARCEL 1
5.556 Acres

108-23-01B
2006-0278
PRESTON AND LAINSSA DESPAIN
PREVIOUSLY SURVEYED BY ME

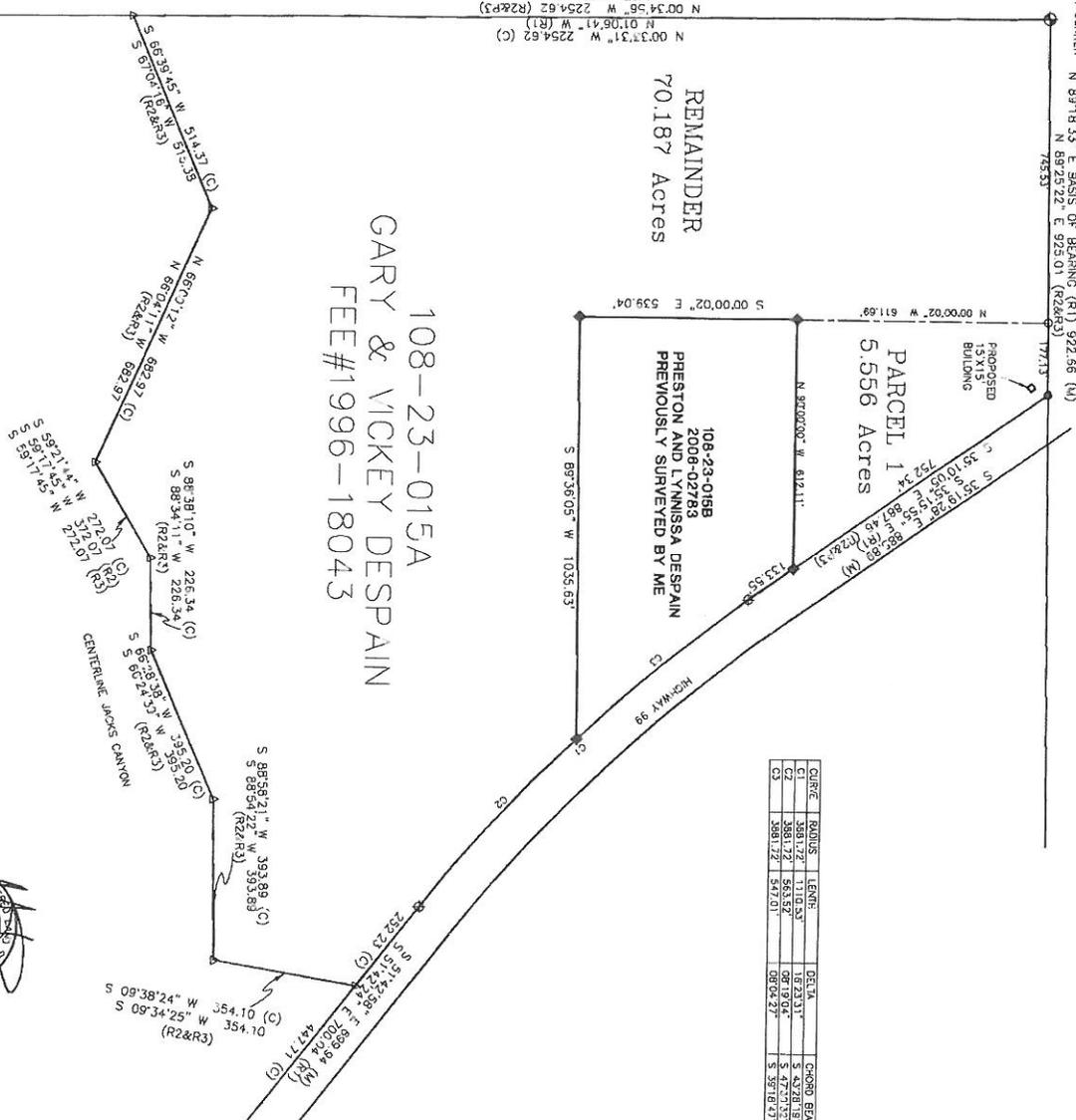
108-23-015A
GARY & VICKEY DESPAIN
FEE#1996-18043

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1	388.172	118.53'	18°23'31"	S 45°28'18" E	1106.74'
C2	388.172	109.04'	08°19'04"	S 47°17'55" E	583.92'
C3	388.172	271.81'	58°04'27"	S 39°18'17" E	546.58'

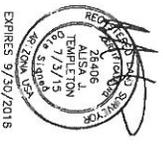


- (R1) RECORD PER BOOK 8 OF SURVEY, PAGE 36
- (R2) RECORD PER BOOK 17 OF PLATS, PAGE 72
- (R3) RECORD PER INSTRUMENT 2006-02783
- (R4) RECORD PER INSTRUMENT 2006-02783
- (C) CALCULATED DIMENSIONS
- (M) MEASURED DIMENSIONS
- (F) FOUND SECTION CORNER
- (G) FOUND REBAR WITH ALUM. CAP "GREER" L55704
- (S) FOUND REBAR W/CAP AND RLS 26408
- (P) PREVIOUSLY SET 1/2" REBAR W/CAP MARKED RLS 26408

SURVEYOR'S NOTE: THE LEGAL DESCRIPTION IN R3 DOES NOT CLOSE ANTI-CLOCKWISE IN ADDITION R3 AND R2 BOTH CALL OUT THE CENTERLINE OF JACKSON CANYON. THE CENTERLINE OF JACKSON CANYON IS SHOWN AS A STRAIGHT LINE RATHER THAN THE CURVE THAT ACTUALLY EXISTS. THEREFORE, I UTILIZED THE RECORD OF SURVEY (R1) AS THE BASIS OF BEARING. HOWEVER, I DID HOLD THE CALL ALONG THE WEST LINE OF THE PARCEL, AND ALONG THE CENTERLINE OF JACKSON CANYON BEING THE CENTERLINE OF JACKSON CANYON AS SHOWN ON THE MAP AS IT FOLLOWS THE EXISTING FENCE LINE ALONG THE WEST AND SOUTH SIDES OF JACKSON CANYON. REGARDING THE CENTERLINE OF JACKSON CANYON.



FOUND 1/2" REBAR AT SW CORNER 89
BENT OVER SHOT BASE



THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY UPON WHICH IT IS BASED WERE DRAWN BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

EXPIRES 9/30/2018

EXTREME MEASURES LAND SURVEYS, INC.
10800 HIGHWAY LN FLAGSTAFF, AZ 86004
extrememeasureslls@gmail.com

RECORD OF SURVEY
AND SPLIT OF
108-23-015A
IN THE NW1/4 OF
SEC 9 TWP 18N, RGE 16E
G&S RB&M
NAVAJO COUNTY, ARIZONA

SCALE: 1" = 200'	SHEET: 1
SURVEYOR: GARY & VICKEY DESPAIN	OF: 1
DATE: 3 JULY 2015	JOB NO: 04-44-2015

PARCEL 1
LEGAL DESCRIPTION

A tract of land being a portion of that certain parcel of land as set forth in Fee # 1996-18043, hereinafter referred to as R3, which lies North of and adjacent to that portion of R3 conveyed through Instrument 2006-02783, hereinafter referred to as R4, both of the Records of the Navajo County Recorder, said tract lies within the Northwest quarter of Section 9, Township 18 North, Range 16 East of the Gila and Salt River Base and Meridian in Navajo County, Arizona and is more particularly described as follows:

COMMENCING, for reference, at the Northwest corner of said Section 9, said corner being a found 6.5' high vertical railroad rail firmly set in the ground;

THENCE North $89^{\circ}18'33''$ East along the North line of Section 9 (Basis of Bearing as per Book 8 of Surveys, Page 36) a distance of 745.53 feet to the TRUE POINT OF BEGINNING of this description;

THENCE continuing North $89^{\circ}18'33''$ East along the North line of Section 9 a distance of 177.13 feet to the intersection with the Westerly right-of-way line of State Highway 99;

THENCE South $35^{\circ}19'28''$ East along said Westerly right-of-way line a distance of 752.34 feet to the Northeast corner of said R4;

THENCE North $90^{\circ}00'00''$ West a distance of 612.11 feet to the Northwest corner of R4;

THENCE North $00^{\circ}00'02''$ West a distance of 611.69 feet to the point of beginning.

SAID tract of land contains 5.556 acres, more or less.

at the request of

2015-08934
Page 1 of 3
Requested By: Vickey L Despain
Navajo County Recorder - Laura V. Sanchez
07-10-2015 01:11 PM Recording Fee \$15.00

When recorded mail to
GARY L. DESPAIN
8666 S. Hwy 99
Winslow, Az. 86047

Joint Tenancy Deed

For consideration of Ten Dollars, and other valuable considerations, I or we,
GARY L. DESPAIN AND VICKEY L. DESPAIN
do/does hereby convey to Husband & Wife

GARY L. DESPAIN AND VICKEY L. DESPAIN

not as tenants in common and not as community property estate, and not as community property with right of survivorship, but as joint tenants with right of survivorship, the following described property in the County of Navajo, State of Arizona.

See Exhibit A attached hereto and made apart hereof

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

The Grantees by signing the acceptance below evidence their intention to acquire said premises as joint tenants with the right of survivorship, and not as community property and not as tenants in common and not as community property with right of survivorship.

ARS B-5

Dated this 10 day of July, 2015

Accepted and approved:

Grantees

Grantors

Gary L. Despain
GARY L. DESPAIN

Gary L. Despain
GARY L. DESPAIN

Vickey L. Despain
VICKEY L. DESPAIN

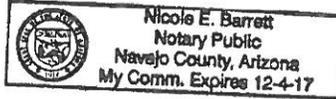
Vickey L. Despain
VICKEY L. DESPAIN

State of Arizona }
County of Navajo } ss.

The foregoing instrument was acknowledged before me this 10 day of July, 2015, by Garry L Despain

My commission expires: 12-4-17

Nicole E. Barrett
NOTARY PUBLIC

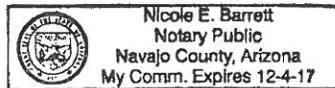


State of Arizona }
County of Navajo } ss.

The foregoing instrument was acknowledged before me this 10 day of July, 2015 by Vickey L Despain

My commission expires: 12-4-17

Nicole E. Barrett
NOTARY PUBLIC



RESOLUTION NO. 15-15P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING & ZONING
COMMISSION RECOMMENDING APPROVAL OF A
ZONE CHANGE FROM RU-1 TO IND-1
FOR ASSESSOR PARCEL NUMBER 108-23-015D**

WHEREAS, a Change of Zoning Classification from RU-1 to IND-1 was duly filed on July 9, 2015 by Gary & Vickey DeSpain, in regard to the following described property: APN: 108-23-015D, a.k.a. a portion of Section 9, Township 18 North, Range 16 East of the G&SRM in the Winslow area, and

WHEREAS, Gary & Vickey DeSpain is the owner of the above parcel according to a Joint Tenancy Deed recorded in the Office of the Navajo County Recorder's on 7-10-2015 in 2015-08934; and

WHEREAS, a Public Hearing for a Zone Change, as required by Section 2902(2) of the Navajo County Zoning Ordinance was duly noticed and held on September 17, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, finds that the Board of Supervisors should approve the requested Zone Change.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends APPROVAL of the Zone Change for APN 108-23-015D from RU-1 to IND-1 subject to the following condition:

1. Future development of the site shall comply with all applicable Navajo County and State of Arizona requirements, including but not limited to those of the Navajo County Planning & Zoning, Flood Control and Building Safety Ordinance.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED, APPROVED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on September 17, 2015.

**Chairman, Navajo County
Planning & Zoning Commission**

ATTEST:

Public Works Secretary

RESOLUTION NO. 15-15P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING & ZONING
COMMISSION RECOMMENDING DENIAL OF A
ZONE CHANGE FROM RU-1 TO IND-1
FOR ASSESSOR PARCEL NUMBER 108-23-015D**

WHEREAS, a Change of Zoning Classification from RU-1 to IND-1 was duly filed on July 9, 2015 by Gary & Vickey DeSpain, in regard to the following described property: APN: 108-23-015D, a.k.a. a portion of Section 9, Township 18 North, Range 16 East of the G&SRM in the Winslow area, and

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WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff, finds that the Board of Supervisors should approve the requested Zone Change.

PASSED, APPROVED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on February 19, 2015.

**Chairman, Navajo County
Planning & Zoning Commission**

ATTEST:

Public Works Secretary