

ACKNOWLEDGMENT OF RECEIPT

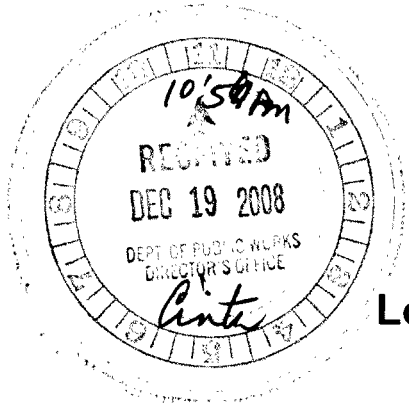
SUMMARY ZONE CHANGE PACKET

for

Lot 1,2 & 3, Tract 10410, Municipality of Yigo

J & R Construction Corporation

SZC 2009-15



LEGISLATURE / COPY

Legislative Secretary
29th Guam Legislature
Signature: [Signature]
Name (print): Richard Lohrumat
Date: 12-19-08
Time: 1:23 pm

Building Official (Director's Office)
Department of Public Works
Signature: [Signature]
Name (print): Jacinta Perez
Date: 12-19-08
Time: 10:56 AM

FOR RECORDATION ONLY:
Deputy Civil Registrar

Dept. of Public Works
Bldg. Permit / Bldg. Official

[

[Signature]
Name (print): J & R NINETE, SR.
[Signature]
Signature
12/19/08
Date

NOT REQUIRED
SEE NOA

30-09-0078

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 1/15/09
Time: _____
Received by: [Signature]

]

2009 JAN 23 PM 4: 08

Applicant's Name

J & R Construction Corporation

Signature

Harry D. Gutierrez, Auth Rep.

[Signature]
Signature & Date: 12-18-08



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



FELIX P. CAMACHO
 Governor of Guam

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

TEREZO R. MORTERA
 Director

MICHAEL C. JAMES
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 ITC Building, Suite 733
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlm@mail.gov.gu

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

December 15, 2008

Honorable Senator Tina Muna Barnes
 Legislative Secretary, 29th Guam Legislature
 155 Hessler Place
 Hagåtña, Guam 96932


Re: Summary Zone Change Application No. SZC 2009-15
 Lots 1, 2 & 3, Tract 10410, Municipality of Yigo,
 For J & R Construction Corporation c/o Harry D. Gutierrez

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single - Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is Herewith submitting to the Legislature, a Zone Change application for Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

As such, the Department of Land Management **Approved** the Zone change with conditions as specified on **December 15, 2008**.

Your attention to this matter is greatly appreciated.

Sincerely,


 Terezo R. Mortera
 Director

PCG
 Attachment(s):

1. Zone Change Map F3-67S42, Amendment No. 107
2. Staff Report and Notice of Action
3. Certifications of Utility Agencies
4. Zone Change Application



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
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Re: Summary Zone Change Application No. SZC 2009-15
 Lots 1, 2 & 3, Tract 10410, Municipality of Yigo,
 For J & R Construction Corporation c/o Harry D. Gutierrez

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>


E-mail Address:
dlm@mail.gov.gu

Telephone:
 671-649-LAND (5263)

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single - Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is Herewith submitting to the Legislature, a Zone Change application for Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

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Sincerely,

 Terezo R. Mortera
 Director

Facsimile:
 671-649-5383

PCG
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Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record Instrument No. 783716

On the Year 2008 Month 12 Day 18 Time 1:00

De-Officio
Recording Fee _____ Receipt No. _____

Deputy Recorder 

=====
(Space above for Recordation)

DEPARTMENT OF LAND MANAGEMENT
Government of Guam
Hagåtña, Guam 96910

NOTICE OF ACTION

Application No. SZC 2009-15

December 15, 2008
Date

To: **J & R Construction Corporation**
c/o Harry D. Gutierrez
#119 Gutierrez Way
Agana Heights, Guam 96932

The Department of Land Management, pursuant to Title 21 GCA, Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedures for Agricultural and Single-Family Residential rezoning), and Executive Order No. 92-08:

APPROVED
 DISAPPROVED
 APPROVED WITH CONDITIONS

your request on **Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, for a Zone Change:**

from "A" (Rural) to "R-1" (Single-Family Dwelling)
 from "A" (Rural) to "R-2" (Multi-Family Dwelling)
 from "R-1" (Single-Family Dwelling) to "R-2" (Multi-Family Dwelling)

Please submit this form with necessary plans to the appropriate agency. If request was tabled, approved with conditions or involved clarification, see the conditions below for further details.

NOTATION: Zone Change on Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

CONDITIONS: The Department of Land Management **Approved** the application based on the following conditions:

1. That the applicant comply with all permitting agency conditions and requirements;
2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and that the site development plan be approved by the Guam Chief Planner prior to issuance of a building construction permit;
3. That any future increase in dwelling units or use intensity from the approved site plan shall require the owner/developer to resubmit a revised site development plan to the Guam Chief Planner for re-evaluation to determine physical and social impacts prior to requesting for a building permit;
4. That said zone change under this process shall not include the following uses or conversions: Horizontal Property Regimes ((21 GCA, Chapters 45) (Horizontal Property Act) and 47 (Time Share Ownership)), hotels/motels, and residential commercial activities such as laundry room, gift shop, and the like; and temporary workers housing facilities;
5. That the development be hooked up to public sewer and comply with GEPA's waste-water disposal system requirements and conditions;
6. That the applicants provide landscaping with local flora and a trash bin location near the curb side.



Carlos R. Untalan
Guam Chief Planner (Acting)

December 15, 2008
Date



Terezo R. Mortera
Director

December 15, 2008
Date

✓ Case Planner: Penmer C. Gulac

Attachments: Certification of Utility Agencies
Position Statements

cc: Building Permit Section, DPW

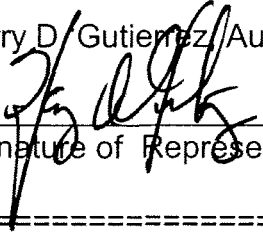
CERTIFICATION OF UNDERSTANDING

We, **J & R Construction Corporation**, understand and accept the conditions above as a part of the Notice of Action, and further agree to adhere to the conditions made a part of and attached to this Notice of Action as mandated by the approval of this zone change by the Department of Land Management.

J & R Construction Corporation:

Harry D. Gutierrez, Auth Rep:

_____/_____
Signature of Applicant Date

 / 12-18-08
Signature of Representative Date

=====

NOTICE: This Notice of Action must be presented by the applicant and/or their representative (engineer, contractor, etc.) to all permitting agencies in securing permits for construction.

=====

AGREEMENT

Summary Zone Change

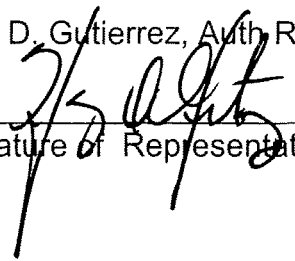
Application No. 2009-15

We, **J & R Construction Corporation**, the undersigned, acknowledge that approval of the Zone Change request does not constitute automatic approval or guarantee the issuance of the "Building Permit" for the construction of any dwelling. We further understand that the issuance of the necessary "Building Permit" will be dictated by the availability and/or adequacy of infrastructure in the area. This will be determined by the infrastructural agencies, i.e., Guam Environmental Protection Agency, Guam Power Authority, Guam Waterworks Authority and the Department of Public Works.

J & R Construction Corporation:

Harry D. Gutierrez, Auth Rep:

_____/_____
Signature of Applicant Date

 / 12-18-08
Signature of Representative Date



**SUMMARY ZONE CHANGE
APPLICATION NO. 2009-15
LOTS 1, 2 & 3, TRACT 10410
MUNICIPALITY OF YIGO**



SPACE FOR RECORDATION

**SUMMARY ZONE CHANGE
APPLICATION NO. 2009-15
J&R CONSTRUCTION CORPORATION
C/O HARRY D. GUTIERREZ
Prepared on DECEMBER 17, 2008**

**FROM: "A" AGRICULTURAL
TO: "R-1" SINGLE-FAMILY DWELLING**

LOT NO: 1, 2 & 3

BLOCK NO: N/A

TRACT: 10410

MUNICIPALITY: YIGO

PLACE NAME: N/A

SCALE: N/A

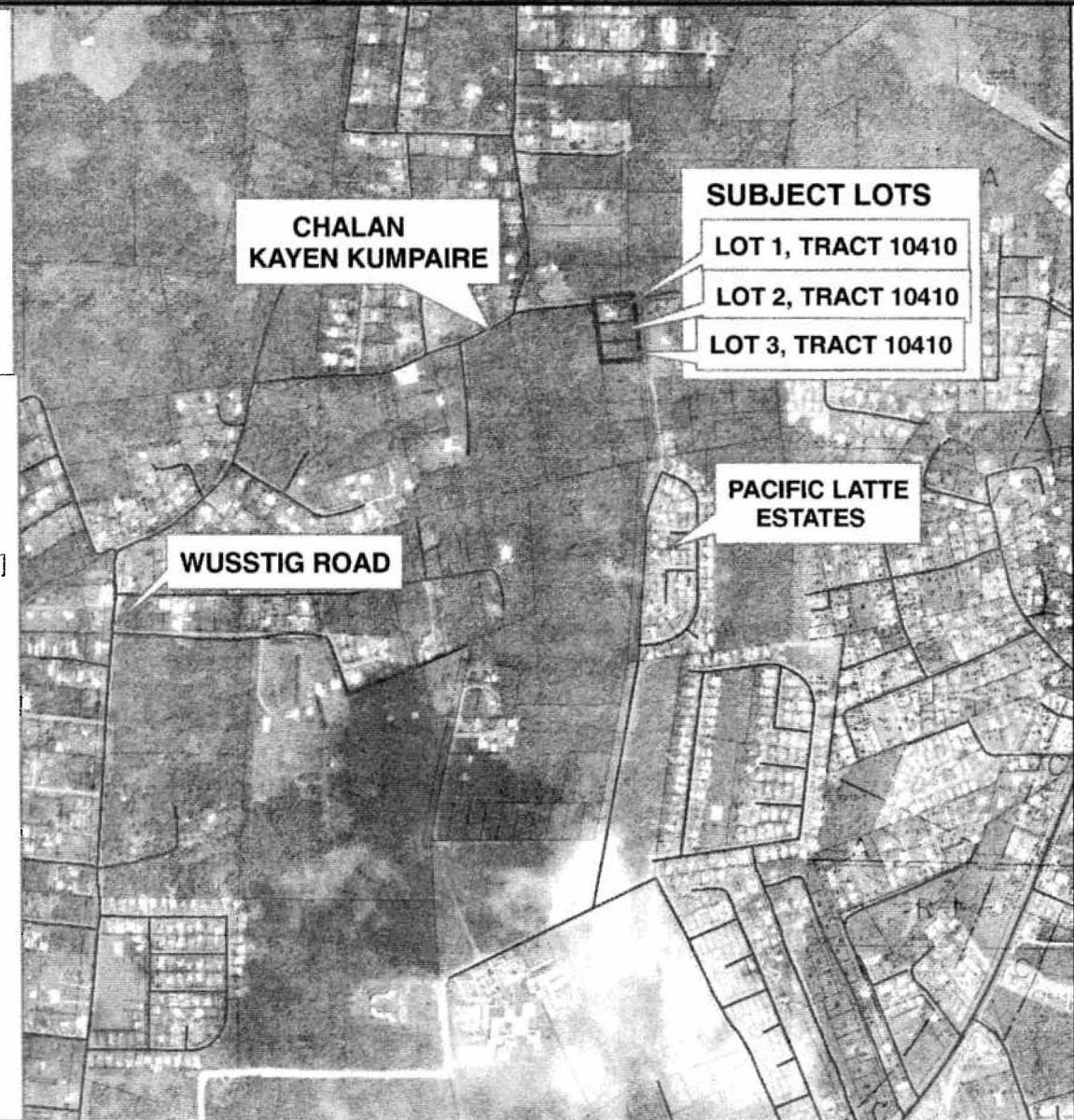
AMENDMENT NO: 107

ZONING MAP NO: F3-67 S 42



APPROVED WITH CONDITIONS
[AS NOTED ON NOTICE OF ACTION AND
PURSUANT TO TITLE 21, GCA, CHAPTER 61,
SECTION 61639 AND EXECUTIVE ORDER 92-08]

Tere R. Mortera 12/16/08
TERE R. MORTERA DATE
DIRECTOR
DEPARTMENT OF LAND MANAGEMENT



December 15, 2008

To: Director, Department of Land Management

From: Guam Chief Planner (Acting)

Subject: Staff Report - **Case No. SZC 2009-15**

Re: **Summary Zone Change- Lots 1, 2 & 3, Tract 10410,
Municipality of Yigo;
For J & R Construction Corporation c/o Harry D. Gutierrez**

1. PURPOSE:

a. Application Summary. The Applicants, J & R Construction Corporation c/o Harry D. Gutierrez, are requesting for a zone change on Lots 1, 2 & 3, Tract 10410 in the Municipality of Yigo, from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

b. Legal Authority. 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones, Section 61639 (Summary Procedure for Agricultural and Single Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), Public Law 21-82:4 as amended by P.L. 21-144:8.

2. FACTS:

a. Location. The subject lots front a continuation of a right of way known as Chalan Islas Marianas from Pacific Latte Estates on the south of Lot No. 3, coming from Simon Sanchez High School. The high school is approximately 1,800 feet south of the subject lots and approximately 1-mile from Marine Corps Drive which is east of Tract 10410 (see attached vicinity map).

b. Field Description. The subject lots are vacant. The topography of the lots are flat. All public utilities such as sewer, water, power, telephone service connections are within 100 feet from an extension of a right of way known as Chalan Islas Marianas.

c. Lot Areas. 3,070 square meters per lot or 33,045 square feet lot,
3-lots total 9,210 s.m. or 99,235 s.f.

d. Present Zoning. "A" (Agriculture) Zone

e. 1967 Master Plan. Residential land conservation

f. Community Design Plan. Residential ; Medium Density

g. Surrounding Area. The surrounding area consists of single-family dwellings, a single family subdivision (Pacific Latte Estates), duplexes (within 500 - 750 - 2,000 feet), and some vacant lots as well as multi-family (four-plexes and apartments (near Marine Corps Drive) as well as a high school and a middle school nearby (southern sector) and to the northeast along Marine Corps Drive. The proposed development is conducive to the existing land use trend comprising of mix uses of single-family, multi-family and commercial activities within 500 - 2,000 feet to the east, southwest and northeast. The proposed development is not expected to have a major impact to existing infrastructure or immediate surroundings.

3. APPLICATION CHRONOLOGICAL FACTS.

- a. Date Application Accepted: November 26, 2008
- b. Certifications:

DPW: No Official Certification have been received from DPW as of Staff Report Date. Per Planning Staff inspection, the property is accessible from a 50-foot right-of-way which is fronting the subject lots. Planning staff advises the applicant to obtain a building permit before any clearing or construction is proposed. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GWA: No Official Certification have been received from GWA as of Staff Report Date. Per Planning Staff inspection, the property is accessible from a 50-foot right-of-way which is fronting the subject lots. Planning staff advises the applicants to obtain a building permit before any clearing or construction is proposed. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GEPA: No Official Certification have been received from GEPA as of Staff Report Date. Per Planning Staff inspection, the property is accessible from a 50-foot right-of-way which is fronting the subject lots. Planning staff advises the applicants to obtain a building permit before any clearing or construction is proposed. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

GPA: No Official Certification have been received from GPA as of Staff Report Date. Per Planning Staff inspection, power service connections are within 100 feet along the 50-foot right-of-way which is fronting the subject lots. Planning staff advises the applicants to obtain a building permit before any clearing or construction is proposed. DLM is mandated by law to continue and process the application and file it to the legislature for their review and further actions.

(Note): Pursuant to Section 61639 (a)((1), failure to provide the Department of Land Management, from any infrastructure agency as to the availability and/or adequacy of infrastructure (water, power, sewer), within ten (10) working days from receipt of this request, shall constitute an assumption by DLM that the agency not answering the request has no objection to the rezoning.

- c. Municipal Public Hearing Results: Pursuant to P.L. 21-144:3, the public hearing on this zone change application has been waived and any hearing is deferred to the Mayor and the Municipal Planning Council of Yigo.
- d. Municipal Planning Council (MPC) Resolution: The Mayor of Yigo received a copy of the application for the proposed development by J & R Construction Corporation. Yigo MPC is not required to submit an MPC Resolution.

4. STAFF RECOMMENDATION: Planning Staff recommends **Approval** of the Summary Zone Change request with the following conditions:

- 1. That the applicants comply with all permitting agency conditions and requirements;


2. That the building construction site development plan provide detail of structure location, parking layout, landscaping plan, disposal of sewage and access; and that the site development plan be approved by the Guam Chief Planner prior to issuance of a building construction permit;
3. That any future increase in dwelling units or use intensity from the approved site development plan shall require the owner/developer to resubmit a revised site development plan to the Guam Chief Planner, Department of Land Management for re-evaluation and re-assessment to determine physical, as well as, social impacts prior to requesting for a building permit;
4. That said zone change under this process shall not include the following uses or conversions: Horizontal Property Regimes (Title 21, GCA Chapters 45 (Horizontal Property Act) and 47 (Time Share Ownership), hotels/motels, and residential commercial activities such as laundry room, gift shop, and the likes; and temporary workers housing facilities;
5. That the development be hooked up to public sewer and comply with GEPA's waste-water disposal system requirements and conditions;
6. That the applicants provide landscaping with local flora and a trash bin location near the curb side;



December 15, 2008

Carlos R. Untalan
Guam Chief Planner (Acting)

Date

 PCG
Attachments (Application packet and Position Statements)



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



FELIX P. CAMACHO
 Governor of Guam

TEREZO R. MORTERA
 Director

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

MICHAEL C. JAMES
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 ITC Building, Suite 733
 Tamuning, GU 96913

December 15, 2008


Honorable Senator Tina Muna Barnes
 Legislative Secretary, 29th Guam Legislature
 155 Hessler Place
 Hagåtña, Guam 96932

Re: Summary Zone Change Application No. SZC 2009-15
 Lots 1, 2 & 3, Tract 10410, Municipality of Yigo,
 For J & R Construction Corporation c/o Harry D. Gutierrez

Pursuant to 21 GCA (Real Property), Chapter 61 (Zoning Law), Part 3 (Changes of Zones), Section 61639 (Summary Procedure for Agricultural and Single - Family Residential Rezoning) and Executive Order 92-08 (Establishing Interim Rules and Regulations for Individual, Small Landowner Zone Changes), the Department of Land Management is Herewith submitting to the Legislature, a Zone Change application for Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

As such, the Department of Land Management Approved the Zone change with conditions as specified on December 15, 2008.

Your attention to this matter is greatly appreciated.

Sincerely,

 Terezo R. Mortera
 Director

PCG
 Attachment(s):

1. Zone Change Map F3-67S42, Amendment No. 107
2. Staff Report and Notice of Action
3. Certifications of Utility Agencies
4. Zone Change Application

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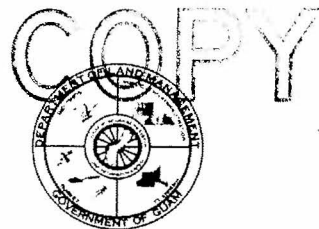
E-mail Address:
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Telephone:
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Facsimile:
 671-649-5383



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
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TEREZO R. MORTERA
 Director

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

MICHAEL C. JAMES
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 ITC Building, Suite 733
 Tamuning, GU 96913

December 2, 2008

Honorable Robert Lizama
 Mayor of Yigo
 c/o Yigo Municipal Planning Council

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Hafa Adai Mayor Lizama:

An application has been filed with the Department of Land Management, Division of planning by:

Website:
<http://dlm.guam.gov>

J & R Construction Corporation c/o Harry D. Gutierrez, owners of Lots 1, 2 & 3, Tract 10410, Municipality of Yigo, under Application No. SZC 2009-15, for a Zone Change from "A" (Agricultural) to "R-1" (Single-Family Dwelling) Zone in order to subdivide the property for a residential subdivision.

E-mail Address:
dlm@mail.gov.gu

Pursuant to Public Law 21-144, Section 3 (Waiver of Formal Public Hearing), the Department of Land Management hereby waives the requirement of a formal public hearing and defers any hearing on the application to your Municipal Planning Council (the MPC).

Telephone:
 671-649-LAND (5263)

Although the Department has waived the requirements of a formal public hearing, a mandatory MPC Resolution is required prior to any final action on the application. To ensure that our recommendation is consistent with the desire of your community, we request that your MPC submit a Resolution stating its position (i.e., support, objections, concerns, conditions, etc.) on the zone change. The Resolution should be transmitted within fourteen (14) days from the date of DLM filing with your office. The Resolution can be faxed to the Department at 649-5383 to the attention of Summary Zone Change Section, Land Planning.

Facsimile:
 671-649-5383

Thank you for your attention to this matter

Senseramente,


 Terezo R. Mortera
 Director

PCG
 Attachments: SZC 2009-15, Application Packet

PS 12/11/08
RECEIVED

FILE