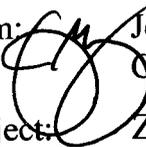




COMMUNITY DEVELOPMENT DEPARTMENT  
TOWN OF PAYSON  
303 N. BEELINE HIGHWAY  
PAYSON, ARIZONA 85541-4306  
PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

## Memo

To: Town Council  
From:  Jerry Owen  
Community Development Director  
Subject: Zone Change Request - P-323-06  
400 N. Tyler Parkway  
(Proposed **Boulder Ridge** Development Plan)  
Date: April 27, 2006 Council Meeting

- \* The Applicant is requesting approval of a zone change from R1-175 to R1-6-PAD for the proposed development of a 51 residential lot subdivision on 16.7 acres to be called Boulder Ridge. The development would consist of 28 townhomes and 23 cottage and custom homes.
- \* On April 10, 2006 the Planning and Zoning Commission reviewed this application at a public hearing and recommends the Town Council **Approve** P-323-06, a zone change from R1-175 to R1-6-PAD, with 7 conditions. The Commission directed staff to meet with the applicant and clarify/amend some items in the PAD materials prior to submitting to Town Council.
- \* Listed below are the conditions as amended by staff to reflect conversations with the applicant subsequent to the P & Z Commission meeting.

Staff recommends the Town Council approve P-323-06 with the amended conditions listed below:

1. Development on the property shall be limited to four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 528, and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.

APR 27 2006 F.4

2. The development shall be in substantial conformance with the **Development Plan dated April 10, 2006 as amended for the April 27, 2006 Town Council Meeting Rezoning and Planned Area Development and Overlay (PAD) District Application and Narrative as submitted in the staff report.**<sup>22</sup>
  3. The preliminary and final plats **shall** designate actual building envelopes preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures, **including fences**, shall be located within the revised designated building envelope.
  4. The developer shall provide pro rata funding to the Town in lieu of construction for an 8' wide asphalt pathway along the North Tyler Parkway frontage as part of the planned pedestrian way **prior to the approval of the final plat.**
  5. Plans to accept the voluntary donation of workforce housing and funds toward a proposed basketball facility shall be formalized with the applicant and Town staff, ~~prior to Council consideration~~ **prior to the approval of the final plat.**
  6. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.
  7. If any conditions, one through six above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6-PAD rezoning may revert to the original R1-175 zoning, pending Council Action.
- 
- \* This request meets the requirements of the Land Use Element of the General Plan and represents a reasonable transition with surrounding zoning.
  - \* This request meets the requirements of the Water Resources Element of the General Plan, if condition one (1) of the staff report is adopted.
  - \* The open space provision of the PAD overlay district requires 20% of the PAD site to be designed for common open space. This plan preserves a minimum of 5.25 acres or 31% of the total site area as permanent, undisturbed open space. 3.06 acres of the open space will be created through restrictive easements on the cottage and custom home lots. An additional 2.19 acres will be set aside as natural area open space to be maintained by the home owners association. Both types of open space will remain free from disturbance except for thinning for fire safety and forest health purposes. None of this open space will be fenced to minimize disturbance of wildlife. Common open space is not defined in the Unified Development Code. Although the open

space on private lots (outside the building envelopes) are not physically accessible to the public, they are, by conditions of this zone change request, not to be disturbed and thus left as a visual open space not only for residents of this proposed subdivision, but for neighbors and anyone traveling through the area. When reviewing the entire proposal, staff believes that the intent of the UDC open space provision is being met.

- \* Staff has determined that due to the objection of one adjacent property owner, a favorable vote of three-fourths of the members of the Council is required to approve this zone change request.

**TOWN OF PAYSON  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a Public Hearing on April 10, 2006, at 4:00 p.m., and the Town Council will hold a Public Hearing on April 27, 2006, at 6:00 p.m., concerning Application P-323-06, filed by KDS Construction Co., LLC, property owner, Kevin Sokol, representative; a request for a zone change from R1-175 to R1-6-PAD for a 16.7 acre property at 400 N. Tyler Parkway to allow a 28 unit townhome and a 23 single family residential unit subdivision. The Gila County tax parcel number for the property is 302-23-364.

The Council Hearing date will be continued if the Planning and Zoning Commission has not given a recommendation. Interested persons may file a statement in writing for or against the proposed amendment to the Unified Development Code (UDC) or appear and be heard at the hearing dates set forth. The Planning and Zoning Commission hearing and the Council hearing will be held in the Council Chambers at Town Hall, located at 303 North Beeline Highway, Payson, Arizona, Phone Number 474-5242.

The Town of Payson endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 474-5242 (voice) or 472-6449 (TDD) to request an accommodation to participate in this meeting.

Jere Jarrell, Chairperson  
Planning and Zoning Commission

PUB: March 24, 2006

**P-323-06**

Russell Goddard moved, seconded by James Scheidt, to recommend to the Town Council approval of P-323-06, a zoning change request from R1-175 to R1-6-PAD, for the purpose of development of a 51 lot subdivision for 28 townhomes and 23 single family residential dwellings on 16.7 acres of land, at 400 North Tyler Parkway, with Tax Parcel Number 302-23-364, with the following conditions as previously read. Condition #2 was **amended** to read: “The development shall be in substantial conformance with the **Rezoning and Planned Area Development and Overlay (PAD) District Application and Narrative** as submitted in the staff report.” Also Condition #5 was **amended** to read: “Plans to accept the voluntary donation of workforce housing and funds toward a proposed basketball facility shall be formalized with the applicant and Town staff, **prior to Council consideration**”.

*Conditions are as follows:*

1. *Development on the property shall be limited to four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 528, and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.*
2. *See above*
3. *The preliminary and final plats designate actual building envelopes preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures shall be located within the revised designated building envelope.*
4. *The developer shall provide pro rata funding to the Town in lieu of construction for an 8' wide asphalt pathway along the North Tyler Parkway frontage as part of the planned pedestrian way.*
5. *See above*
6. *The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.*
7. *If any conditions, one through six above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6-PAD rezoning may revert to the original R1-175 zoning, pending Council Action.*

**Motion carried 5-1 with Hal Baas casting the dissenting vote.**



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PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

**REPORT TO THE  
PLANNING & ZONING COMMISSION**

March 31, 2006

**FROM:** Ray Erlandsen  
Zoning Administrator

**SUBJECT:** Proposed **Zoning Change** from R1-175 to R1-6-PAD for a 16.7 acre property at 400 N. Tyler Parkway to allow a 28 unit townhome and a 23 single family residential unit subdivision.

**I. INTRODUCTION**

**MEETING DATE:** APRIL 10, 2006

**CASE NUMBER:** P-323-06

**LOCATION:** The proposed 'R1-6-PAD' property is located on the west side of N. Tyler Parkway which is located in a portion of the NW ¼ of the SE ¼ of Section 35 of Township 11 North, Range 10 East of the Gila and Salt River Meridian, Gila County, AZ.

**TAX PARCEL:** 302-23-364

**APPLICANTS:** KDS Construction, LLC; property owners  
Kevin Sokol, representative

**REQUEST:** "Zone change from R1-175 to R1-6-PAD for a 51 unit subdivision including 28 units for townhomes and 23 single family units."

**PURPOSE:** To determine how a request for a change in zoning classification, from R1-175 to R1-6-PAD shall be recommended to the Town Council.

**II. EXISTING LAND USE/ZONING DESIGNATION:**

**EXISTING SITE:** Undeveloped Single Family Residential Property / R1-175

**NORTH:** Developing Single Family Residential Property / R1-175

**WEST:** Developed Single Family Residential Property / R1-90 & R1-175

**SOUTH:** Undeveloped Single Family Residential Property / R3  
& Undeveloped Commercial Property / C-3

**EAST:** Undeveloped Single Family Residential Property / R1-175  
& Developed Industrial Property / M-2

**III. PROJECT DESCRIPTION:**

A. The applicant has submitted a proposal for the development of a 51 lot subdivision for 28 townhomes and 23 single family residential dwellings. The proposed area of development is **16.70 acres** (Gross acreage).

B. **Density**

R1-6-PAD - Gross is **3.05 DU** (Dwelling Units) per Acre = 51 DU ÷ 16.70 ± acres

**IV. PREVIOUS ZONING & BUILDING ACTIONS:**

A. **Zoning Actions** - On January 3, 1972, the Gila County Board of Supervisors approved a Gila County P & Z Commission Request (Z-15-71) to "rezone to R1-170 all existing U.S. Forest Service land lying within the Payson zoned area; being portions of T 10 N, R 10 E & T 11 N, R 10 E."

B. On May 19, 1976, when the Town Council approved a P & Z Commission Initiative (P&Z-3-76) to "amend the zoning of all National Forest lands that are classified as Base-In-Exchange within the Town of Payson to R1-D175". This property is a portion of these lands.

C. **Building Actions** - No Building Permits have been issued for this property.

**V. APPLICABLE REQUIREMENTS:**

Section 15-09-008 of the Town of Payson Unified Development Code, explains the requirements and procedures for a change in zoning classification. A summary of the requirements are as follows; a completed Town application form which includes a detailed description of the request for the zoning change, proof of ownership of the subject property, a 300' radius map of the subject property and surrounding properties within 300' of the subject property boundaries, notification of all property owners within the 300 foot radius, a legal description of the subject property and appropriate filing fees. Ordinance 551 and Resolution 1399, also requires a Citizen Participation Plan.

**VI. BACKGROUND INFORMATION:**

A. This property does have frontage on a dedicated and improved ROW (Rights of Way), N. Tyler Parkway.

B. This property is not within a floodplain designated area.

C. District Standards for the R1-6 classification are as follows:

District	Minimum Lot Size				Max Lot Cover	Minimum Yard Setbacks				Min Space Between Buildings	Public Water Sewer Required
	Area sq. ft.	Width <sup>1</sup>	Depth	D/U Area		Front	Rear	Side	Strt Side		
R1-6	6,000	60'	90'	6,000	50%	20'	20'	5'	15'	10'	YES

D. **Planned Area Development and Overlay (PAD)**

The purpose of the Planned Area Development and Overlay (PAD) District is to encourage innovative quality design and to allow flexibility to that end for projects;

1. Which are planned for development as a cohesive unit;
2. Which provide substantial open space or recreational facilities, preservation of significant natural features of Payson, and building and site design that create unique urban design alternatives; and

3. Which may provide a variety of residential dwelling types designed for convenient, attractive and direct access by pedestrians, bicyclists and other alternative vehicle transportation, designed to de-emphasize use of the automobile by various methods.

Although not specifically requested, it is clear that this property owner wants to be allowed lots smaller than the 6,000 S.F. district minimum for a more intense townhome use. The smaller individual lots are offset by common open space areas that act as privacy buffers.

The Town of Payson is planning a pathway project along N. Tyler Parkway. As part of the requested PAD zoning concept, the developer should fund that portion of the pathway along N. Tyler Parkway that fronts this project and connect it to any internal pathway systems.

## **VII. ANALYSIS:**

### **A. Compliance of the Proposed Zoning Request with the General Plan**

#### **1. Land Use Element**

##### **Proposed R1-6-PAD**

This property is depicted as High Density in the Land Use Element (Chapter 3) of the Town of Payson General Plan. R1-6 zoning is considered High Density with respect to the Land Use Element and allows up to 18.00 units/acre. As presented there would be 51 dwelling units on 16.7 gross acres. Calculation:  $51 \text{ DU} \div 16.7 \text{ acres} = 3.05 \text{ DU per acre}$ .

This request is below the density requirements of the Land Use Element for proposed R1-6-PAD zoning.

#### **2. Water Resources Element**

The Water Resources Element (Chapter 8) endorses the concept of "Safe Yield"- that the Town will not grow beyond the ability of water supplies to support water demand. Town Council policy in recent years, as described in Chapter 50 of the Code of Payson and Ordinances 480, 528 and 537 as amended, restricts development on property unless the owner/developer of the property provides the Town with a new, adequate water supply for the additional development. Recently, Town Council policy has been to condition or limit any development approval to the number of dwelling units allowed by existing zoning or the 20 E.R.U. rule, whichever is fewer until "new water" is made available to the Town of Payson Water Department. Based on this Town Council policy, rezoning requests, plats and building permits will be considered on this site provided that no more than 4 units (16.7 acre site / 175,000 sq.ft. existing zoning) are developed.

### **B. Compliance of the Site Plan with Proposed District Standards**

#### **1. Proposed R1-6-PAD District**

The PAD overlay and procedures are established to provide a land developer with reasonable flexibility and assurances that specific proposed uses, otherwise restricted in a given district, may be allowed if they are in accordance with an approved development plan, and if in concert with long term plans and proposals for the area as approved by the Planning Commission and the Council.

2. Staff concurs with the proposed R1-6-PAD zoning district because it could promote compatibility between zoning districts and their uses. This district would continue Payson's zoning pattern of most intense to least intense from the highways (SR 87 & 260) and major roadways outward.

Currently, the proposed building envelopes appear to be merely required setback lines for a R1-6 zoning district. Staff suggests that the preliminary and final plats designate actual building envelopes preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures should be located within the revised designated building envelope.

### **C. Compliance of the Site Plan with Subdivision Standards**

Although the specific requirements of the subdivision development standards will be reviewed at the preliminary plat stage, cursory review is done at this time to insure compliance with goals and objectives of the Town Council, the requirements of the Unified Development Code and state law.

#### **1. Transportation, Circulation, Street Design and Street Naming**

LaRon Garrett, the Town Engineer, has reviewed the proposed site plan and has no major concerns with the conceptual design. He feels there are issues that need to be addressed, but are more appropriate at the preliminary plat stage, if the proposed zoning districts and uses are established. Three such issues are:

- ▶ *The street section shown does not meet the R1-6 requirements. The required section is 33 feet back of curb to back of curb with roll or vertical curb and gutter and sidewalk.*
- ▶ *Appropriate turn-around area shall be provided at the end of all "dead-end" streets.*
- ▶ *The developer of this project needs to participate in the construction of a multi-use path along the west side of Tyler Parkway along the frontage of this property.*

#### **2. Water**

As the current zoning is R1-175, which would allow four acre parcels and this parcel is 16.7 acres, development on the property shall be limited to a number of dwelling units consuming no more than four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 518, and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.

Calculation: 16.7 acres ÷ 4 acres/parcel (R1-175 zoning) = 4.175 DU (dwelling units)

#### **3. Sanitary Facilities**

Public sanitary facilities would be required for R1-6-PAD zoning. The developer is required to provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.

#### **4. Fire Safety**

Mike Winters, the Town Fire Marshal, has given preliminary approval to the proposed site plan as presented. Final comments would be appropriate at the preliminary plat stage.

5. **Hillside Subdivision Impacts, drainage, easements, slope analysis map** and other subdivision requirements are reviewed at the Preliminary Plat stage, when the zoning has been established and more specific information (ex. Hydrology report, soils tests) has been submitted for review.

- ▶ *Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.*
- ▶ *A Hillside Analysis shall be provided with the Preliminary Plat to determine which lots fall under the Hillside Ordinance for grading and drainage.*

**D. Compatibility with adjacent zoning districts**

The proposed R1-6-PAD could be an effective transition from the M-2 (Energy West & Payson Concrete) to the east, the C-3 to the southeast, the R3 to the southwest and the larger residentially zoned properties on all other sides.

**E. Compatibility with the topography**

The proposed development could be compatible with the topography with proper design. Hillside regulations may come into play and will be reviewed at the preliminary plat stage.

**F. Citizen's Participation Report**

A Citizens Participation Meeting was held on February 21, 2006. Staff found the Citizens Participation Report to meet requirements. It is enclosed for review.

**G. Voluntary Commitment**

Recognizing the need for workforce housing in Payson, the applicant has voluntarily offered to donate two townhome lots to be provided for new teachers in Payson. This pilot program would be administered in conjunction with the Town of Payson Community Development Department.

Additionally, the applicant proposed imposing a \$3000.00 fee per home site (excluding the workforce housing) to help fund a indoor basketball facility. This program could net \$147,000.00 toward a facility which the developer is requesting the Town to match in order to fund the project.

**VIII. FINDINGS OF FACT**

1. The proposed R1-6-PAD could be an effective transition from the M-2 (Energy West & Payson Concrete) to the east, the C-3 to the southeast , the R3 to the southwest and the larger residentially zoned properties on all other sides.
2. The proposed R1-6-PAD zoning is compatible with the current Land Use Element of the Town of Payson General Plan.
3. The proposed subdivision could be compatible with the topography.

## **IX. RECOMMENDATION FOR P-323-06:**

As the requested zone change from R1-175 to R1-6-PAD is in conformance with the Land Use Element of the General Plan, could meet the requirements for a planned area development (PAD) district and would meet the requirements for the Water Use Element of the General Plan if condition one is approved, staff recommends that:

The Planning & Zoning Commission recommend to the Town Council **approval of P-323-06, a zoning change request from R1-175 to R1-6-PAD**, for the purpose of development of a 51 lot subdivision for 28 townhomes and 23 single family residential dwellings on 16.7 acres of land, at 400 N. Tyler Parkway, with Tax Parcel Number 302-23-364, with the following conditions:

If the Commission agrees, an acceptable motion could be:

**“I move to recommend to the Town Council approval of P-323-06, a zoning change request from R1-175 to R1-6-PAD, for the purpose of development of a 51 lot subdivision for 28 townhomes and 23 single family residential dwellings on 16.7 acres of land, at 400 N. Tyler Parkway, with Tax Parcel Number 302-23-364, with the following conditions:”**

1. Development on the property shall be limited to four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 518 and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.
2. The development shall be in substantial conformance with the site plan as submitted in the staff report.
3. The preliminary and final plats designate actual building envelopes preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures shall be located within the revised designated building envelope
4. The developer shall provide pro rata funding to the Town in lieu of construction for an 8' wide asphalt pathway along the N. Tyler Parkway frontage as part of the planned pedestrian way.
5. Plans to accept the voluntary donation of workforce housing and funds toward a proposed basketball facility shall be formalized with the applicant and Town staff.
6. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.
7. If any conditions, one through six above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6-PAD rezoning may revert to the original R1-175 zoning, pending Council Action.



**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION or  
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- |  |  |
|--|--|
| <input type="checkbox"/> Abandonment Request         | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal       | <input type="checkbox"/> Minor Land Division                     |
| <input type="checkbox"/> Code Amendment              | <input type="checkbox"/> P & Z Commission Appeals                |
| <input type="checkbox"/> Conditional Use Permit      | <input type="checkbox"/> Preliminary Subdivision Plat            |
| <input type="checkbox"/> Development Master Plan     | <input type="checkbox"/> Temporary Use Permit                    |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance                                |
| <input type="checkbox"/> Final Subdivision Plat      | <input checked="" type="checkbox"/> Zone Change                  |

Project Address: 400 N. Tyler Parkway Tax Parcel Number: 302-23-36V  
 Subdivision: N/A Lot Number: N/A  
 Name of Applicant(s): Kevin Sokol Phone #: 472-4617  
 Mailing Address: 2300 E. Buckbrush Circle Town: Payson St: AZ Zip: 85541  
 Name of Property Owner(s): KDS Construction Co., LLC  
 Mailing Address: 620 E. Hwy. 260, Suite E2 Town: Payson St: AZ Zip: 85541  
 Contact Person: Kevin Sokol Phone #: (928) 472-4617 Fax #: (928) 472-4496  
 Payson Business License # PH6036 Sales Tax # 07510624-X

Detailed Description of Request: Zone change from R1-175 to R1-6 PAD for a 5/1 unit subdivision including 28 units for townhomes and 23 single family units.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent on the owners behalf.

Kevin Sokol \_\_\_\_\_ *Kevin Sokol* \_\_\_\_\_ 3-17-06  
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$ <u>ZONE CHANGE - \$35000</u> <u>Pd 3-20-06</u> <u>125</u> CHECK NUMBER: <u>5500</u> DATE:
DATE FILED	<u>3-20-06</u>	<u>KS</u>	
COMPLETED APPLICATION	<u>3-20-06</u>	<u>KS</u>	
NEWSPAPER PUBLICATION	<u>3-24-06</u>	<u>KS</u>	
300' NOTIFICATION MAILOUT	<u>3-17-06</u>	<u>KS</u>	
POSTING DATE	<u>3-17-06</u>	<u>KS</u>	

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____



**TETRA TECH, INC.**

Wednesday, March 22, 2006

Mr. Ray Erlandsen  
Zoning Administrator  
Community Development Department  
Town of Payson  
303 N. Beeline Hwy.  
Payson, Arizona 85541

**Re: Citizens Participation Report for BOULDER RIDGE.**

Mr. Erlandsen,

The purpose of this citizens' participation report is to inform you that on behalf of KDS Construction Company. L.L.C., and as part of an R1-6-PAD zoning application for a mixed-residential use subdivision, Tetra Tech Inc., conducted a citizens' participation meeting for the proposed "Boulder Ridge" project, on Tuesday, February 21, 2006 at 4:00 P.M., in the Tetra Tech conference room at 431 S. Beeline Highway in Payson.

On February 6, 2006, Tetra Tech, Inc. sent by mail a notice to all property owners within a 300' radius of the proposed project (as provided by the Community Development Department), with an invitation to attend, the meeting for the purpose of discussing concerns and issues related to the project. A copy of the meeting notice, the 300' radius notification exhibit, and the 8.5"X 11" plan exhibit, and the undelivered invitations if any, are included with this report. A copy of the mailing labels is also included. Additionally, a PAD Master Plan document will be included with the application as well as any other necessary documents as determined by the Town staff.

Fourteen citizens attended the meeting. Participants received a comment form after signing in. A copy of the meeting sign-in sheet and the completed comment forms are included with this report. Town of Payson Council members Robert Henley and George Barringer also attended the meeting.

Kevin Sokol of Southridge Homes, and myself presented an overview of The Boulder Ridge project as well as the Town of Payson's rezoning process. The Boulder Ridge is a mixture of single-family, custom, site-built homes adjacent to "affordable", zero-lot line, town-homes on 16.7 acres. The project is located at 400 N. Tyler Parkway in Payson. The current zoning for this parcel is R1-175. This translates roughly to 1 residential unit per 4 acres or specifically, **4 units** on 16.7 acres. The Town of Payson's adopted Land Use Plan however, has designated this area for high-density residential use when rezoned. This means that the parcel may be rezoned to the Town's highest density residential zoning classification of R-3. If developed to its maximum potential under R-3 guidelines, this site could be built out to (18 units per acre X 16.7 acres = **300 units**). Boulder Ridge proposes a mixture of low and high density with **23** custom, site-built, home-sites and **28** zero-lot line town-home lots for a total of **51 units**. Because of the proposed density, mixed-residential use, significant drainage features, and steep topography, Boulder Ridge requires a rezoning to R1-6-PAD. The developer is also aware that the Town's Community

Development Director is currently pursuing an amendment to the Unified Development code to allow for zero lot-line development and that the amendment must be adopted by the Town, before Boulder Ridge can proceed as designed.

Boulder Ridge sits on the west side of Tyler Parkway directly between several R-3, C-2, and M-2 zoned properties to the east and south and by several existing R1-90 and R1-175, low-density residential properties to the north and west. Access to the subdivision is from North Tyler Parkway with two proposed access points. Boulder Ridge proposes to create by design, a housing project that creates an effective buffer between the adjacent higher intensity land uses and the low-density residential uses.

After the presentation, we invited the participants to ask questions and express concerns about the project. The following is a brief synopsis of the questions and concerns mentioned by the participants, along with the developers responses. This inclusion of issues is not to be represented as a comprehensive list of all things discussed at the meeting. The supplied responses are "to the best of the facilitator's knowledge", and not intended to represent absolute fact or endorsement by the Town of Payson or any other entity, including Tetra Tech, Inc. The citizen participants raised the following issues and concerns during the meeting:

1. **At least one participant mentioned concern over the proposed density of the project.** In response to this concern, since the minimum number of residential units for this project is 4 and the maximum number is roughly 300, the developer felt that proposing only 51 units would, as a good will gesture, provide an opportunity for early consensus from the community. Boulder Ridge with 51 units on 13.2 net acres will have a build out density of 3.86 dwelling units/acre, **only 53%** of the density of the least dense, high-density zoning classification of R1-6. In other words, the proposed density is incredibly low according to Land Use Plan's intent for this parcel.
2. **At least one participant mentioned concern over the use of zero lot-line development on this project, its overall impact on the community at-large, and may have suggested that the proposed amendment to the UDC permitting this type of development came about as some kind of secret conspiracy between the developer and town staff.** In response to this concern, the developer explained to the group that there was no secret conspiracy. The developer having acquired the common knowledge that an amendment had been proposed to the UDC allowing this type of development and embracing it as a way to make some of the housing in this project more affordable, decided to incorporate it into Boulder Ridge. The benefits for proposing this type of development are obvious. The zero lot line allows for lower building costs and preservation of more open space. It also encourages private ownership over rental usage.
3. **At least one participant expressed a disliking the idea for having to live next to a development of town-homes, especially affordable ones.** In response to this "concern", we tried to explain that people from all walks of life have been, currently are, and hopefully always will be welcome in Payson.
4. **At least one participant complained that the developer was going to cut down "his beautiful forest next door".** The participants were told that this parcel is not owned by the Forest Service, is a privately owned parcel, and therefore, not a forest. Additionally, the developer pointed out the obvious fact that this parcel in its un-maintained and undeveloped state could create a major fire hazard for the surrounding properties and the community as a whole. He mentioned that the clearing and development of this parcel may actually contribute to the of the health, safety, and welfare of the surrounding neighborhood and may also be in the best interest the entire Town. Additionally, the

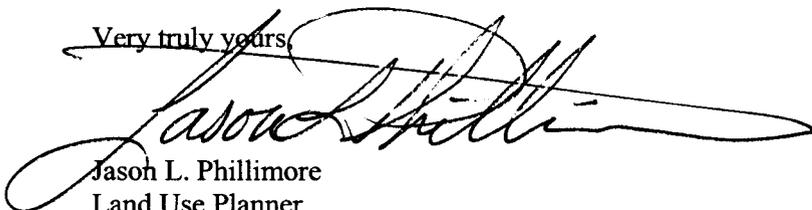
developer assured the group that tree preservation, regardless of its ethical merit, makes good sense as trees add value and beauty to a neighborhood, thereby raising its desirability and profitability.

5. **At least one participant wanted to know if the developer would place an 8' masonry wall along the boundary of the project bordering residentially zoned parcels.** The developer explained that Boulder Ridge is itself designed to be a buffer and that only single-family residential lots would be placed adjacent to the surrounding residential parcels.
6. **At least one participant mentioned the desire to see larger lot sizes along the property boundary and more town-home lots along the roadway frontage.** In response to this the developer has already, essentially doubled the size of the lots along the projects border with surrounding residential properties..
7. **Several participants wanted to know where the water for this development is to come from.** In response to this question, the citizens were told that the developer in accordance with the Town's water policy and according to the Town's Public Works Director would provide the additional water needed to complete this project prior to preliminary plat approval.
8. **Several participants expressed a desire to be notified when this project went to the Planning and Zoning Commission.** In response to this the participants were told that the agendas for Town of Payson P&Z, and Council meetings is available at the Town Web site as well as posted at Town Hall as provided by Arizona law.

At the conclusion of the meeting, Tetra Tech staff collected comment forms from the attendees. Two participants elected to fill out comment forms. These comment forms are included with this report along with any letters received by citizens. The meeting concluded at approximately 5:20 P.M.

Please feel free to contact us with any questions or comments you may have concerning our Citizens' Participation Meeting or this report.

Very truly yours,



Jason L. Phillimore  
Land Use Planner  
Tetra Tech, Inc.

CC: Ralph Bossert P.E., R.L.S., Kevin Sokol

February 24, 2006

Tetra Tech, Inc.  
431 South Beeline Highway  
Payson, AZ 85541

Att: Jason L. Phillimore  
Land Use Planner

Dear Mr. Phillimore;

Ref: Proposed Rezone, 400 N. Tyler Parkway

We object to the extreme density of the project as shown at the  
2/21/06 Public Meeting.

Based upon a conversation with Councilman George Barriger, who  
is trying to mediate a conclusion for all concerned citizens -

Along our adjacent bordering property, my parcel (302-23-047E7)  
In general, with some building site, setbacks or reservations, we  
would accept bordering 44,000 area sq.ft. lot sizes with custom  
homes - without the requirement of UDC 15-03 walls - graduating  
downhill with smaller sizes into townhouses at Tyler Parkway.

Thank You,

Respectfully,



Nicholas & Maureen E. Brotcke (bordering: 501 N. Graham Ranch Rd.)

1117 N. Beeline Hwy.,  
Payson, AZ 85541

472-6022

cc: Councilman George Barriger

Jerry Owens, Community Development

P.O. Box 918  
Payson, AZ 85547

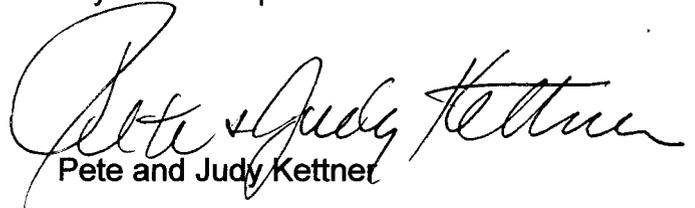
February 22, 2006

Jason Phillimore  
Tetra-Tech  
431 S. Beeline  
Payson, AZ 85541

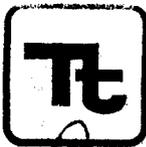
Dear Jason:

I am writing in response to your invitation for comments regarding the proposed Sokol development on Tyler Parkway.

We would be in favor of a plan that included a buffer of one acre properties between existing residential areas and the rest of your development.



Pete and Judy Kettner



COPY SENT TO TETRA TECH

400 N TYLER PARKWAY  
CITIZEN'S PARTICIPATION MEETING

February 21, 2006

NAME NICHOLAS BROTCHE  
ADDRESS 501 N. GRAHAM RANCH RD, PAYSON, AZ  
PHONE NUMBER 472-6022

COMMENTS: TO: JASON L. PHILLIMORE. TETRA TECH

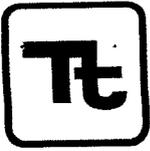
AT THE FEB, 21<sup>TH</sup> - 2006, 4:00 PM FOR REZONING 16.7 AC FROM R1-175 TO R1-6 PAD @ 400 N. TYLER WITH 26 UNITS, DOUBLE RESIDENCE TOWN HOUSES, YOU SPECIFICLY TOLD ME THERE WAS NO REQUIREMENT FOR SEPARATION WALLS: PLEASE READ FOLLOWING UDC'S ON PAGE 180, #15-11-002, DEFINITIONS: MULTIPLE DWELLING: A BUILDING CONTAINING TWO OR MORE UNITS. PAGE 64 #15-03-002C 8 MULTI-FAMILY - ABUTS A SINGLE FAMILY DISTRICT - SCREENING PROVISIONS SHALL BE INSTALLED: 2. WALLS - CONTINUOUSLY OPAQUE 8 FEET IN HEIGHT. PAGE 63, 15-03-001, 4. BUFFER TO ADJACENT LAND. SAME B1: ALL NEW DEVELOPMNT OF ANY KIND. SAME B2: NO BUILDING PERMIT SHALL BE ISSUED - FOR MULTI-FAMILY DEVELOPMENT WHICH IS NOT IN FULL COMPLIANCE WITH 15-03. PAGE 65, #15-03-002, 4 b: WALLS - BRICK, SLUMP BLOCK WITH STUCCO.

MY PROPERTY IS K1-90 SEPARATION 10 UNITS - HIGH DENSITY MULTI-UNIT CONSTRUCTION IS REQUIRED

I HAVE APPROX. 600 LINEAL FEET OF ADJACENT LOW DENSITY PROPERTY - AND BY UDC REQUIREMENTS I EXPECT THESE WALLS TO BE BUILT.

*Nicholas Brotsche*

I AM OPEN TO NEGOTIATIONS PLEASE CONTACT ME.



TETRA TECH, INC.

400 N TYLER PARKWAY  
CITIZEN'S PARTICIPATION MEETING

February 21, 2006

NAME Deane Arnold + Sack Arnold  
ADDRESS home 504 W Sherwood Dr - 1402 Graham Ranch  
PHONE NUMBER 474-4742  
Trail

COMMENTS:

- We oppose because:
- 1) Water Issue
  - 2) Waste Water Issue
  - 3) Noise Pollution
  - 4) Reduce Value of Current Property.
  - 5) What about Wild life
  - 6) Town wants Alpine Community
  - 7) Huge Cut in Hillside
  - 8) 100 MANY UNITS
  - 9) 100 Mack Traffic

Deane Arnold

Tom and Sharon Arnold  
3231 Pine Needle Drive  
Show Low, Arizona 85901

February 12, 2006

Property Location  
Lot 7 Graham Ranch Circle Subdivision  
Payson, AZ

KDS Construction Company, LLC  
DBA Southridge Homes  
620 E. Highway 260, Suite E2  
Payson, Arizona 85541

Subject: Proposed Rezone – 400 North Tyler Parkway

Attention: Mr. Kevin Sokol

Dear Mr. Sokol

We the above property owners are within the three hundred foot radius and notification area of the proposed zone change and **are opposed** to the rezoning as stated in your February 6, 2006 letter entitled "Proposed Rezone, 400 N. Tyler Parkway".

There are many reasons for **our opposition** to the proposed rezoning of the subject area from the R1-175 zoning to the R1-6 PAD:

- 1) It does not reflect the image of Payson as a Mountain Community Environment
- 2) It will significantly increase the stress on the wildlife
- 3) It will significantly increase the stress on the environment, affect the pristine forests and upset the natural balance of nature
- 4) It will significantly increase the noise pollution
- 5) It will reduce the safeguards of the forested areas
- 6) It will increase the overall pollution of surface garbage and rain water run-off
- 7) It will increase the demand on the fresh water supply
- 8) It will increase the demand on the waste water disposal
- 9) It will significantly reduce the value of the private homes already established

We are not opposed to development; however, the number of town homes and single family residences, totaling 56 that are proposed for the 16.7 acres **is extreme** for this area.

The below signed are opposed to the subject zone change proposal!!



Thomas Arnold



Sharon Arnold

RECEIVED

FEB 15 2006

PLANNING & ZONING DEPARTMENT  
CITY OF PAYSON, ARIZONA

CC: Ray Jones, Town Of Payson Planning and Zoning  
Ray Erlandsen, Town of Payson Zoning Administrator  
Jerry Owen, Town of Payson Community Development Director  
George Barriger, Town Council



KDS Construction Company, LLC  
DBA Southridge Homes  
620 E. Highway 260, Suite E2, Payson, AZ 85541  
(928) 472-4617 Office - (928) 472-4496 Fax  
ksokol2337@aol.com

February 6, 2006

Re: Proposed Rezone, 400 N. Tyler Parkway

Dear Neighbor,

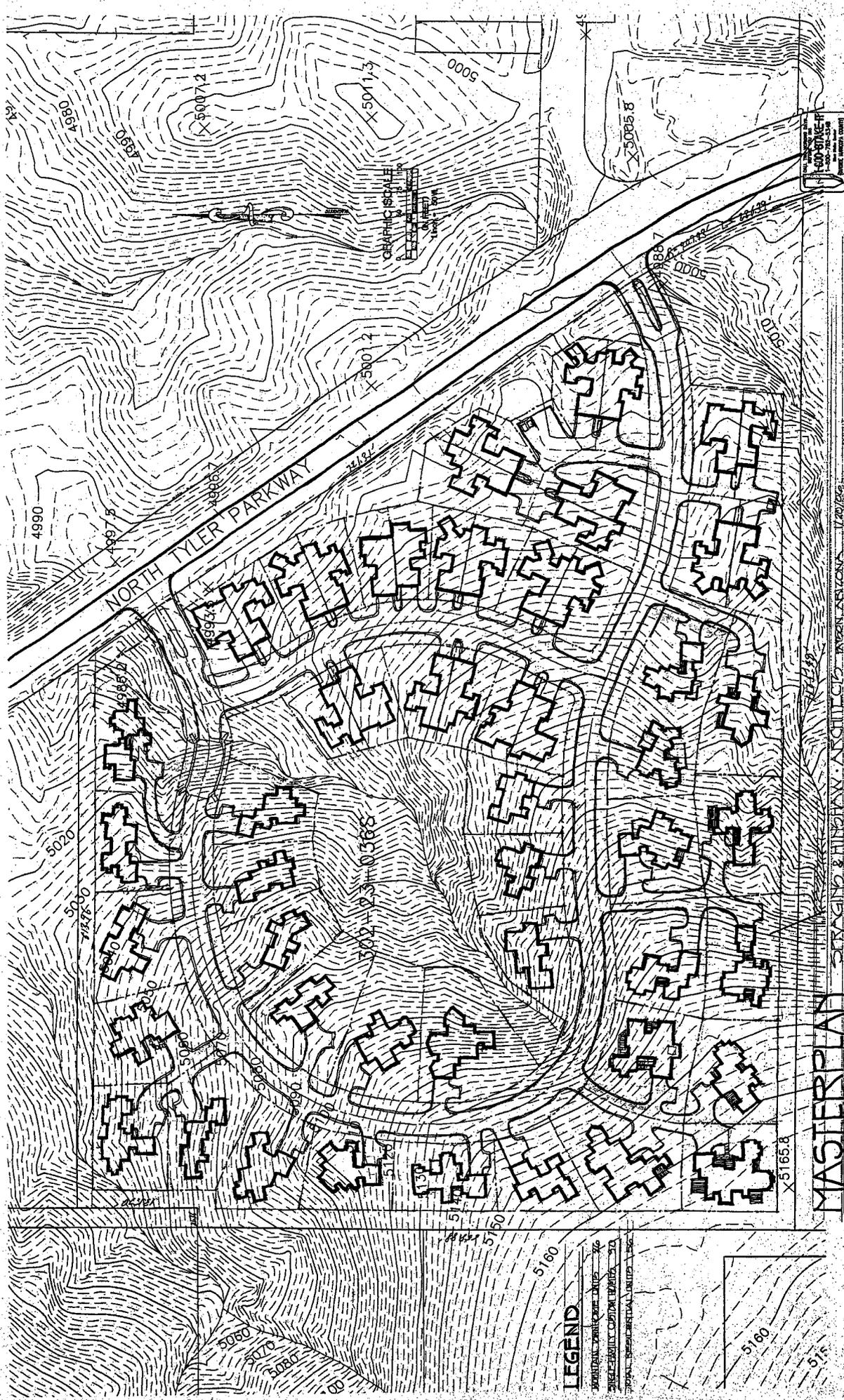
I would like to rezone 16.7 acres from R1-175, single-family resident property to R1-6 PAD for a subdivision of 26 townhomes and 30 single-family residences. The zoning change requires a Citizen Participation Report that notifies neighboring property owners of the intended use as required.

Therefore, you are invited to attend a public information meeting. The meeting will be held in Tetra-Tech's meeting room, which is located at 431 S. Beeline Highway. The meeting will be Tuesday, February 21, 2006, from 4:00 pm - 5:00 pm and we can discuss my proposed subdivision and any concerns that you might have. You may make written comments to the above address if you are not able to attend.

Sincerely,



Kevin Sokol



SCALE: HORIZ. 1" = 50'  
 VERT. INTERVAL = 2'  
 DRAWING NO. EX-01  
 SHEET NO. 1

**SITE EXHIBIT**

DESIGNED BY:	AD
DRAWN BY:	AD
CHECKED BY:	AD
APPROVED BY:	AD
DATE:	

**400 N. TYLER PARKWAY**  
 PAYSON, ARIZONA

**TETRA TECH, INC.**  
 411 E. 1st Avenue  
 Payson, Arizona 85541  
 TEL: 908-922-1111 FAX: 908-922-1112

REVISION	DATE	BY	CHK

**LEGEND**

- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK
- PROPOSED PAVEMENT
- PROPOSED ASPHALT DRIVEWAY

**MASTER PLAN**

STANLEY & HINDMAN ASSOCIATES, INC. PAYSON, ARIZONA 85541

1-400-874-8747  
 (Payson, Arizona Office)

**Property Owners Within the 300' Radius & Notification Area  
for 400 N. Tyler Pkwy.**

Dibella Family LLP  
4548 E. Fairfield Circle  
Mesa, AZ 85205

George & Victoria Randall  
1900 E. Hwy. 260  
Payson, AZ 85541

Gary & Cheryl Van Brunt  
40675 N. 108<sup>th</sup> Way  
Scottsdale, AZ 85262

Rocky Mountain Fuels Inc.  
200 W. Longhorn  
Payson, AZ 85541

Roy & Yvonne Haught  
P.O. Box 73  
Payson, AZ 85547

Brad & Laura Meyocks  
1112 S. Gold Nugget Lane  
Payson, AZ 85541

Payson Concrete & Materials Inc.  
1900 E. Hwy 260  
Payson, AZ 85541

Maureen Chapman  
600 N. Tyler Pkwy  
Payson, AZ 85541

Peter & Judith Kettner  
P.O. Box 918  
Payson, AZ 85547

Jack & Diane Arnold  
8740 Cremona Dr.  
Las Vegas, NV 89117

Thomas & Sharon Arnold  
2116 Woodside  
El Paso, TX 79925

Nicholas & Maureen Broteke  
1117 N. Beeline Hwy.  
Payson, AZ 85541

Diane Reid  
813 N. Graham Ranch Rd  
Payson, AZ 85541

Richard & Darlene Burton  
1647 N. Barkley Street  
Mesa, AZ 8203

First American Title Trust 3508  
P.O. Box 1003  
Charlotte, NC 28201

Jeanne Langham  
602 E. Continental Dr.  
Payson, AZ 85541

Robert Henley  
1300 W. Aviator Cir.  
Payson, AZ 85541

Fred & Karen Randall  
1900 E. Hwy 260  
Payson, AZ 85541

Jack & Patsy Debartolo  
6034 N 33<sup>rd</sup> Street  
Paradise Valley, AZ 85253

Chaparral Pines Investors, LLC.  
P.O. Box 1003  
Charlotte, NC 28201

George Barriger  
1403 E. Graham Ranch Trail  
Payson, AZ 85541

Gary Spragins  
1100 N. Beeline Highway  
Payson, AZ 85541

**TOWN OF PAYSON  
ZONING ADMINISTRATOR - PLANNING & ZONING  
COMMISSION**

The applicant(s) hereby applies for a **ZONING CHANGE** as indicated below pursuant to and in accordance with the Unified Development Code, Ordinance 466, of the Town of Payson.

Application for: a Zoning Change request from R1-175 to R1-6-PAD for a 16.7 acre parcel at 400 N. Tyler Parkway for a proposed 28 unit townhome and a 23 single family residential subdivision.

Subject Property Site: **400 N. Tyler Parkway**

Tax Parcel #'s: **302-23-364**

Subdivision Name: **N/A** Lot(s): **N/A**

Applicant's Name(s): **KDS Construction Co., LLC; property owner**  
**Kevin Sokol, representative**

Mailing Address: **620 E. Hwy 260, Suite E, Payson, AZ 85541**

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**PLACE - PAYSON TOWN HALL COUNCIL CHAMBERS**  
**DATE & TIME - April 10, 2006 -- P & Z Commission Hearing @ 4:00 P.M.**  
**DATE & TIME - April 27, 2006 -- Council Hearing @ 6:00 P.M.**

**NOTICE**

**PUBLIC**

**HEARING**

**ZONING**