RESOLUTION NO. 2195

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING P-324-06,A MAJOR AMENDMENT TO THE TOWN OF PAYSON'S 2003 GENERAL PLAN AMENDING THE LAND USE DESIGNATION FOR A 51.6 ACRE PARCEL NORTH OF THE AIRPORT FROM 'EMPLOYMENT' TO 'RURAL RESIDENTIAL.' (GENERAL PLAN AMENDMENT FOR SILVERWING)

WHEREAS, on May 8, 2003, the Town Council adopted the Payson General Plan 2002-2012 (the "General Plan") and the voters of Payson ratified the General Plan on September 9, 2003; and

WHEREAS, on December 12, 2005, Douglas R. Pelton/Aero Development ("Applicant") filed an application to amend the General Plan, changing the designation of a 51.6 acre parcel north of the airport from Employment to Rural Residential ("the Application"); and

WHEREAS, because the Application seeks a land use designation change for an area greater than 20 acres, it is a Major Amendment Application; and

WHEREAS, the Town sent notification of the Application to over 50 agencies and organizations as required by law seeking written comment on the Application; and

WHEREAS, the Applicant conducted community workshops on April 24, 2006 and May 1, 2006 seeking public input concerning the Application; and

WHEREAS, the Town of Payson's Planning and Zoning Commission held a public hearing on May 22, 2006 in regard to the application and considered the issues, and made recommendation to the Town Council; and

WHEREAS, the Payson Town Council held a public hearing on June 8, 2006 in regard to the Application and has considered the issues relating thereto,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. The Application is hereby approved, the Payson General Plan 2002-2012 is hereby amended, and the land use designation of the 51.6 acre parcel north of the Payson Airport, Gila County Assessor's Parcel Numbers 302-23-031, 302-23-029, and 302-23-026B is hereby changed from Commercial to Rural Residential.

Section 2. Pursuant to A.R.S. §9-461.06(H) and Payson Unified Development Code §15-09-015(F)(4), this Resolution 2195 shall only become effective if approved by at least two-thirds of the members of the Town Council.

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Section 3. Pursuant to A.R.S. §19-142 and Payson Town Code §30.54, this Resolution 2195 shall not become effective until thirty days after its passage and then only upon meeting the condition in Section 2 herein above.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 25th day of June, 2006, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

Prepared by Town of Payson Legal Department
SIS:lf June 13, 2006 (1:38pm)
C:\Documents and Settings\Tim Wright\Tim Wright Word Perfect Documents\RESOLUTIONS\2195 general plan amendment (aero development).wpd

MEMO

TO: Mayor and Council

THROUGH: Fred Carpenter, Town Manager

FROM: Jerry Owen, Community Development Director

DATE: June 22, 2006

SUBJECT: P-324-06; Request from Bill and Emily Preece and Maria Bleicher, landowners, and Aero Development L.L.C., agent, to amend the Town of Payson General Plan on a 51.6 acre site located north of the Payson Airport from its current designation of "Employment" to "Rural Residential" which is defined as one residence per 1 to 4 acres. The site is located northeast of the Airport and is identified as Assessor Parcel Numbers 302-23-031, 302-23-029 and 302-23-026B.

Based on the discussion at the June 8, 2006 public hearing, staff notes the following:

- The Federal Aviation Administration (FAA) letter of March 16, 2006 states: "..we must express our opposition to the proposed amendment.."; and "The Town of Payson must do everything in its power to foster compatible land use and prevent incompatible land uses, such as the proposed project, from occurring"; and "We hope the Town will take our comments and concerns into consideration and not approve the proposed amendment to the General Plan for the 51-acre site next to the Airport."

The FFA is the agency that funds 95% of the cost of Airport-related projects, including the recent re-alignment of Airport Road. It may be prudent to follow the recommendation of the FFA's Airports Compliance Specialist in this matter.

- Written responses from outside agencies including the U.S. Forest Service, Central Arizona Association of Governments (CAAG) and Payson Regional Economic Development Corporation all oppose this proposed amendment.
- The Town of Payson Planning and Zoning Commission recommended **denial** (4-2). The majority felt that the site could be developed for employment uses, albeit not large warehouse-type uses and that this proposal would compromise the future use of the employment area to the west based on future residents concerns about traffic and noise.