

COUNCIL DECISION REQUEST

SUBJECT: PRELIMINARY PLAT – “FOREST EDGE” SUBDIVISION S-135-07

MEETING DATE: 3-1-07

CSP ITEM: Yes No XX KRA#

ITEM NO.:

TENTATIVE SCHEDULE: N/A

SUBMITTED BY: Jerry Owen
Community Development Director

AMOUNT BUDGETED: N/A

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

EXPENDITURE REQUIRED: N/A

CONT. FUNDING REQUIRED: N/A

EXHIBITS (If Applicable, To Be Attached):

P & Z Commission recommendation and staff report.

RECOMMENDED MOTION

The Planning and Zoning Commission recommends approval of the preliminary plat for the Forest Edge Subdivision. The supporting motion would be: “I move to APPROVE the Preliminary Plat for the Forest Edge Subdivision as submitted subject to the thirteen (13) conditions recommended by the Planning and Zoning Commission.”

SUMMARY OF THE BASIS FOR RECOMMENDED MOTION:

PROS: (Not Applicable)

CONS: (Not Applicable)

PUBLIC INPUT (if any): See staff report.

BOARD/COMMITTEE/COMMISSION ACTIONS/RECOMMENDATIONS (if any) (give dates and attach minutes):

The Planning & Zoning Commission reviewed the Preliminary Plat for the Forest Edge Subdivision at their February 12, 2007, meeting in the Town Council Chambers and recommended the Town Council approve S-135-07, with thirteen conditions, on a 7-0 vote.

MAR 01 2007

J.5

Conditions for S-135-07 (Forest Edge – Preliminary Plat)

As recommended by the Planning & Zoning Commission 2-12-07

1. The Final Plat shall be in substantial conformance with the Preliminary Plat submitted and sealed January 17, 2007 and must be submitted within 12 months of Council approval of the preliminary plat.
2. The development shall be in substantial conformance with the Rezoning Application and Narrative, dated October 23, 2006 and shall not exceed a total of 31 lots.
3. The site shall be annexed into the Northern Gila County Sanitary District. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the final plat.
4. The 100-year flood plain depicted on the Forest Edge Master Development Plan shall be shown on the Final Subdivision Plat. The following note shall also be included on the Final Subdivision Plat: "Construction within the 100-year flood plain shall be limited to driveway crossings on lots 1 and 10 in accordance with Federal Emergency Management Agency (FEMA) requirements."
5. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements, or provide written confirmation that the down stream property owners have agreed to accept the increased peak runoff flows in accordance with the Town requirements.
6. The area of the Metate Pocket Park shall be dedicated to the Town of Payson on the final plat as well as a 10' wide dedication between lots 2 & 3 and a 20' wide dedication between lots 18 & 19 as a non-motorized trail.
7. The cross-section of the proposed trail shall be shown on the improvement plans and completed as part of the required subdivision improvements. The trail shall be an 8 foot wide compacted ABC path.
8. The portion of the proposed storm water detention basin shown on lots 4 and 5 overlaps into a Hillside Preservation Area. The basin shall be relocated outside the Hillside Preservation Area prior to final plat submittal.
9. A sign easement shall be created on Lot 13 for the subdivision sign.
10. The final plat shall include a note defining the criteria for establishing building envelopes prior to the issuance of individual building permits. Such criteria shall include but not be limited to, reasonable size of the envelope, setback and driveway conditions, protection of natural features such as rock formations and major vegetation, and hillside conditions. Such note shall also state that the building envelopes may not encroach into the setbacks required in a R1-44 zoning district.

11. The final plat shall show ties to at least two sectional corners.
12. The spelling of "metate" and "possess" in the General Notes shall be corrected.
13. The improvement plans shall indicate and the developer shall install trail signs in accordance with Community Trails System criteria.



November 30, 2006

Mr. Jerry Owen
Director of Community Development
Town of Payson
303 N. Beeline Highway
Payson AZ 85541

Re: Forest Edge – Affordable Housing Component

Dear Mr. Owen:

As a result of the Town Council discussion at the November 16, 2006, meeting regarding our Forest Edge rezoning application, we will contribute to the Affordable Housing Component as part of our rezoning proposal.

As a condition of the rezoning approval, Terra Payson 65 LLC will transfer twenty-four (24) Equivalent Residential Units (ERU) water credits to Payson Habitat for Humanity upon the approval of our rezoning request. This represents a donation of close to \$142,800 to Habitat for Humanity which we consider to be a significant and a very generous contribution.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Carder", with a long horizontal flourish extending to the right.

Stephen J. Carder
Terra Payson 65 LLC
Manager



Staff Report Planning and Zoning Commission

Project Title: Forest Edge – Preliminary Plat S-135-07

Planning & Zoning Commission Meeting Date: February 12, 2007

Description:

Location: 1200-1700 E. Cedar Lane

Site size: 64.05 acres

Current Zoning: R1-44

Lot sizes: 1.35± acres (58,806± sq. ft.) to 2.43± acres (105,850± sq. ft.) lots.

No. of homes: 31 single family homes.

Estimated cost of homes: Unknown at this time.

Action Requested: Preliminary Subdivision Plat Recommendation to Council

Neighborhood Involvement

A Citizens Participation Meeting was held in conjunction with the request for Zone Change, on September 9, 2006. According to the Citizens Participation Report, 30 citizens attended the meeting. That meeting fulfills the requirements for the preliminary plat.

General comments/inquiries included the following:

1. How many workforce housing units were being proposed?
2. Who would be responsible for maintaining trail system?
3. Preserve water trough and metates as cultural features for the public.
4. Where is water coming from for this project?
5. Concern over old real estate signs on property.

Community Benefits

Affordable Housing - The applicants have submitted a letter outlining their contribution to the affordable/workforce housing as part of the rezoning approval of this property (see attached letter).

Recreation - Each home will pay the current parks impact fee at the time of building permit issuance. The developer shall dedicate and construct a trail along Phoenix Street, the interior streets and between lots 2 & 3 and 18 & 19 in accordance with the Community Trail System framework. The developer shall also the Metate Stone Rock area as a pocket park to the Town.

Streets - The development will include new streets including extending E. Phoenix Street from Rim View Heights Subdivision to Boulder Creek Subdivision.

Forest Access – The development will provide a dedicated access to the National Forest.

Cultural/Historical Features – A dedicated trail will provide access to an existing water trough and the Metate Stone Rock.

Community Development & Engineering Assessment

Compatibility with adjacent zoning districts: Compatible.

Drainage: Meets requirements (see Analysis).

General Plan Conformance:

1. Natural landscaping preservation - Disturbance outside the building envelope is restricted by General Note 10. The criteria for designating building envelopes will be detailed on the final plat.

2. Trail Access -The development will provide a dedicated access to the National Forest as well as construct an 8 foot wide compacted ABC trail along Phoenix Street and between Lots 2 & 3 and 18 & 19.

Fire Safety: Meets requirements.

Water:

1. Source - New water source equivalent residential units.
2. Estimated Usage - 1 ERU per residence.

Analysis

The applicant is requesting Preliminary Plat approval for the proposed development of a 31 lot single family residential subdivision on 64.05 acres to be called Forest Edge, recently rezoned from R1-175 to R1-44 by Town Council. To the east of this property is the Boulder Creek Subdivision in a R1-90-PAD zoning district. To the west is Rim View Estates Subdivision in a R1-18 zoning district. Adjacent to the north are un-subdivided properties in a R1-10-MH district. National Forest is located to the south in a R1-175 district.

Public sanitary facilities are required within the proposed subdivision. The property is not currently within the Northern Gila County Sanitary District, and will have to be annexed prior to approval of the Final Plat.

Storm water detention/retention shall be provided in accordance with the Town of Payson requirements, or provide written confirmation that the down stream property owners have agreed to accept the increased peak runoff flows in accordance with the Town requirements.

The applicant has agreed to construct drainage improvements along the south side of Cedar Lane to protect the road from continued erosion (see attached letter).

Staff Recommendation

Recommendation: Approval with conditions listed below.

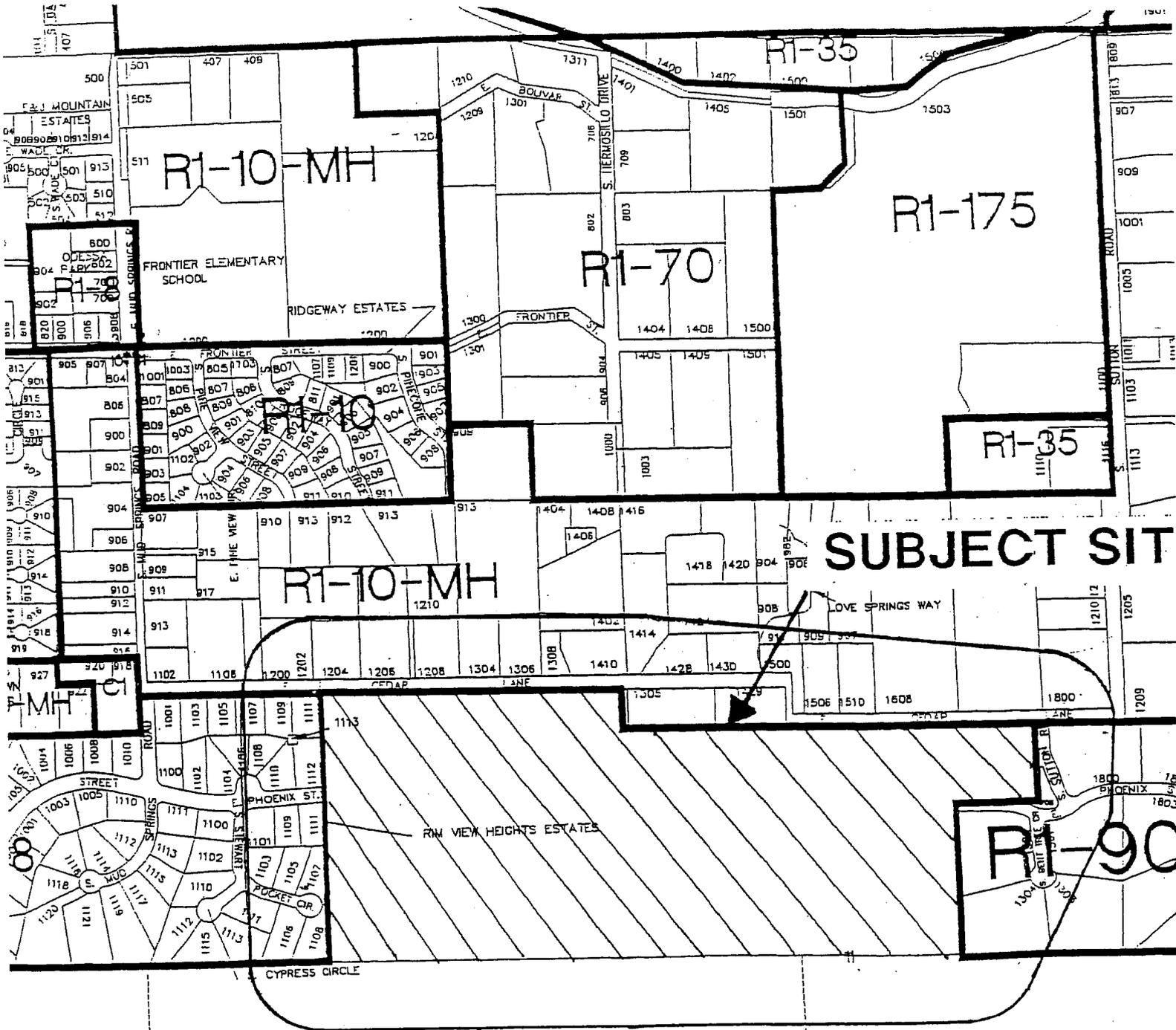
1. The Final Plat shall be in substantial conformance with the Preliminary Plat submitted and stamped January 17, 2007 and must be submitted within 12 months of Council approval of the preliminary plat.
2. The development shall be in substantial conformance with the Rezoning Application and Narrative, dated October 23, 2006 and shall not exceed a total of 31 lots.
3. The site shall be annexed into the Northern Gila County Sanitary District and adequate sanitary facilities shall be designed in accordance with NGCSD standards prior to submittal of the final plat.
4. The 100-year flood plain depicted on the Forest Edge Master Development Plan shall be shown on the Final Subdivision Plat. The following note shall also be included on the Final Subdivision Plat: "Construction within the 100-year flood plain shall be limited to driveway crossings on lots 1 and 10 in accordance with Federal Emergency Management Agency (FEMA) requirements."
5. Storm water detention/retention shall be provided in accordance with the Town of Payson requirements, or provide written confirmation that the down stream property owners have agreed to accept the increased peak runoff flows in accordance with the Town requirements.
6. The area of the Metate Pocket Park shall be dedicated to the Town of Payson on the final plat as well as a 20' wide dedication trail between lots 2 & 3 and 18 & 19 as a non-motorized trail.

7. The cross-section of the proposed trail shall be shown on the final plat and improvements plans and completed as part of the required subdivision improvements. The trail shall be an 8 foot wide compacted ABC path.
8. The portion of the proposed storm water detention basin shown on lots 4 and 5 overlaps into a Hillside Preservation Area. The basin shall be relocated outside the Hillside Preservation Area prior to final plat submittal.
9. A sign easement shall be created on Lot 13 for the subdivision sign.
10. The final plat shall include a note defining the criteria for establishing building envelopes prior to the issuance of individual building permits. Such criteria shall include but not be limited to, reasonable size of the envelope, setback and driveway conditions, protection of natural features such as rock formations and major vegetation, and hillside conditions. Such note shall also state that the building envelopes may not encroach into the setbacks required in a R1-44 zoning district.
11. The final plat shall show ties to at least two sectional corners.
12. The spelling of "metate" and "possess" in the General Notes shall be corrected.
13. The improvement plans shall indicate and the developer shall install trail signs in accordance with Community Trails System criteria
14. Any other condition the Commission deems necessary.

Suggested Motion to Approve:

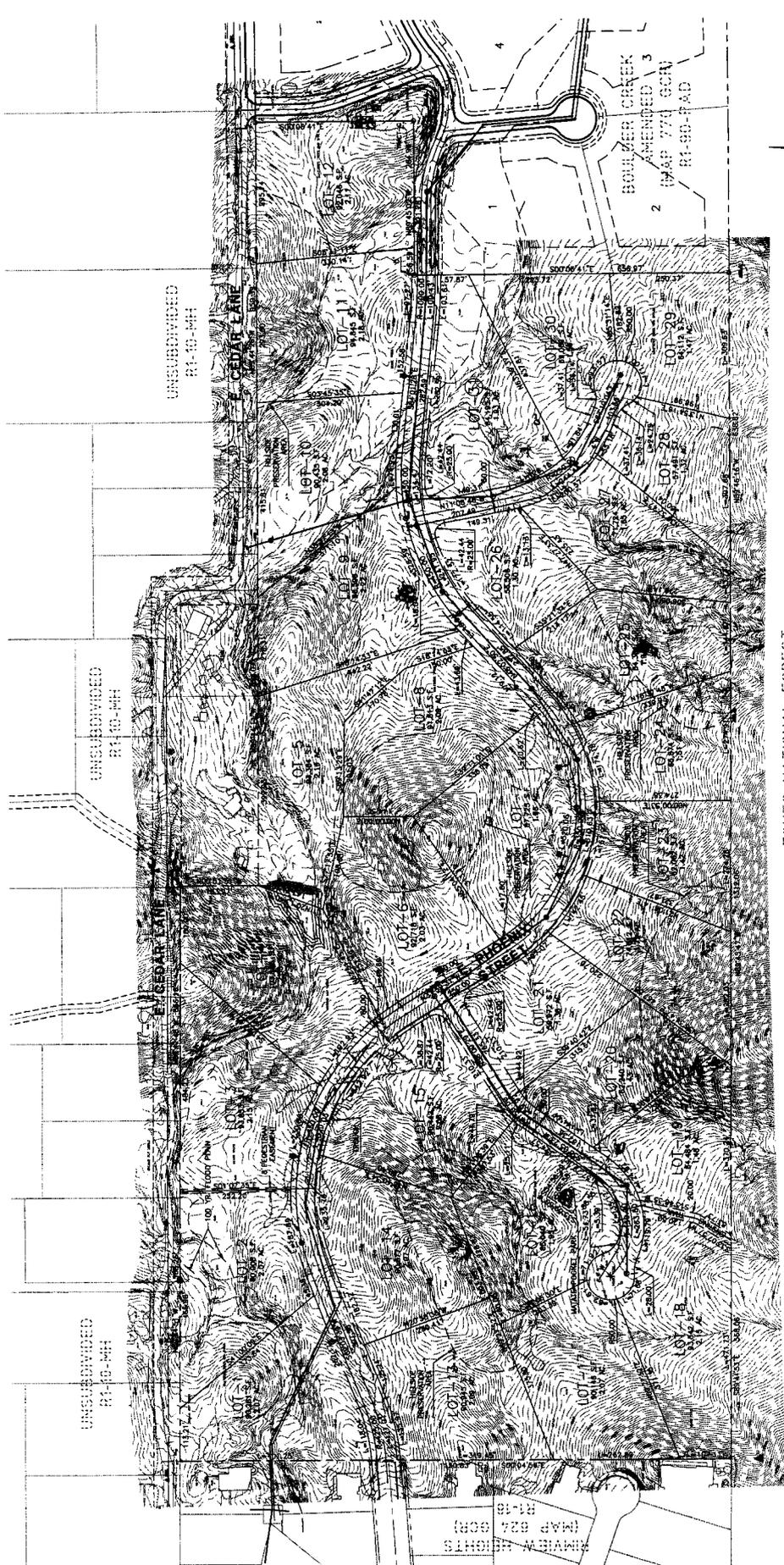
"I move the Planning & Zoning Commission recommend to the Town Council approval of S-135-07, a Preliminary Plat request for a 64.05 acre property located at 1200-1700 E. Cedar Lane for the purpose of a 31 lot single family subdivision – Forest Edge."

Map Depicting the Subject Site with 300' Notification Area
for 1200-1700 E. Cedar Lane



300' NOTIFICATION AREA

R1-



SCALE: HORIZ. 1" = 100'
 CONT. INTERVAL = 2'
 DRAWING: PP
 SHEET NO. 2 OF 2

TONTO NATIONAL FOREST
 R1-175

JOB NO. 4430003
 DESIGNED BY: RWS
 DRAWN BY: JLP
 CHECKED BY: RWS
 APPROVED BY: RWS
 DATE: 01/13/07

FOREST EDGE
 PAYSON, ARIZONA

Tt TETRA TECH, INC.
 421 S. WILSON AVENUE
 TULSA, OKLAHOMA 74103
 TEL: 918-487-1111 FAX: 918-487-1187

NO.	REVISIONS	DATE	BY	CHK.

PRELIMINARY PLAT

RIGHTS
 (MAP 624 GOR)
 R1-18



**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 checked="" 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 type="checkbox"/> Zone Change |

Project Address: 1200-1700 E. Cedar Lane **Tax Parcel Number:** 304-01-315G
Subdivision: N/A **Lot Number:** _____
Name of Applicant(s): Terra Payson 65 LLC **Phone #:** _____
Mailing Address: PO Box 279 **Town:** Payson **St:** AZ **Zip:** 85547
Name of Property Owner(s): Terra Payson 65 LLC
Mailing Address: PO Box 279 **Town:** Payson **St:** AZ **Zip:** 85547
Contact Person: Ralph O. Bossert, PE, RLS **Phone #:** (928) 474-4636 **Fax #:** (928) 474-4867
Payson Business License # _____ **Sales Tax #** _____

Detailed Description of Request: Preliminary Plat approval for a 31 parcel subdivision to be known as "Forest Edge".

(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.

Mark Perry Stephen Carder [Signature] January 18, 2007
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$ PREL. SUBD. PLAT = \$250 ⁰⁰ + \$250 ⁰⁰ PER LOT, TRACT, PARCEL 250 ⁰⁰ x 31 = \$775 ⁰⁰ \$1025 ⁰⁰ CHECK NUMBER: 3529 DATE: 1-18-07
DATE FILED	1-18-07	(PC)	
COMPLETED APPLICATION	1-31-07	SLD	
NEWSPAPER PUBLICATION	1-26-07	SLD	
300' NOTIFICATION MAILOUT	N/A		
POSTING DATE	N/A		

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

ORDINANCE NO. 698

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE 1200 TO 1700 BLOCK OF EAST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-315G, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-44 (FOREST EDGE).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-329-06 to amend the Official Zoning Map and Official Zoning Code has been made by Terra-Payson 65 L.L.C., property owner (Mark Perry, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on October 23, 2006, considered the issues, and made recommendation on Application No. P-329-06 to the Town Council; and

WHEREAS, the Town Council held a public hearing on November 16, 2006, in regard to said Application No. P-329-06 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-44 for that portion of the certain real property located in the 1200 to 1700 block of East Cedar Lane, Gila County Assessor's Parcel Number 304-01-315G, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-329-06 is hereby made contingent upon those conditions set forth in Section 3 below, and is consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. The foregoing change in zoning shall be and is hereby specifically made contingent upon and conditional upon each of the following:

- A. Development on the property shall be limited to fifteen (15) 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

*cc: Armarco legal
public 2006
10/23/06 P-329-06
P-329-06
for file*

the Town with a new, adequate water supply for additional development.

- B. The development shall not exceed a total of 31 lots and shall be in substantial conformance with the October 23, 2006 Rezoning Application and Narrative submitted by Terra-Capital 65 L.L.C.
- C. A note shall be added to the final plat stating: "Hillside preservation areas shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the designated building envelope. Driveway widths outside the building envelope on all lots shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."
- D. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, and be properly annexed into the Northern Gila County Sanitary District prior to Final Plat approval.
- E. The 100-year flood plain depicted on the Forest Edge Master Development Plan contained in the Rezoning Application and Narrative (October 23, 2006) shall be shown on the Final Subdivision Plat. The following note shall also be included on the Final Subdivision Plat: "Construction within the 100-year flood plain shall be limited to driveway crossings on lots 1 and 10 in accordance with Federal Emergency Management Agency (FEMA) requirements."
- F. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements, or the Developer shall provide written confirmation that the down stream property owners have agreed to accept the increased peak runoff flows in accordance with the Town requirements.
- G. The area of the Metate Pocket Park and Mud Springs Tank shall be dedicated to the Town of Payson on the final plat. The trail (between lots 2 & 3 and 18 & 19) be dedicated to the Town of Payson on the final plat as a non-motorized trail.
- H. The final plat shall include a note defining the criteria for establishing building envelopes prior to the issuance of individual building permits. Such criteria shall include but not be limited to, reasonable size of the envelope, setback and driveway conditions, protection of natural features such as rock formations and major vegetation, and hillside conditions. Such note shall also state that the building envelopes may not encroach into the setbacks required in a R1-44 zoning district.
- I. The developer shall contribute to the Town's affordable/workforce housing program as set forth in the developer's written proposal submitted November 30, 2006.
- J. The applicant shall facilitate the Community Trail System framework approved recently by this Council, and construct trails between the westerly subdivision boundary and the southerly subdivision boundary, to include alignments along

Phoenix Street, along the most westerly un-named cul-de-sac Street, and between Lots 18 and 19.

- K. If any conditions in this Section 3 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 R1-44 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance shall not become operative until 30 days after its passage.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 14 day of December, 2006, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0



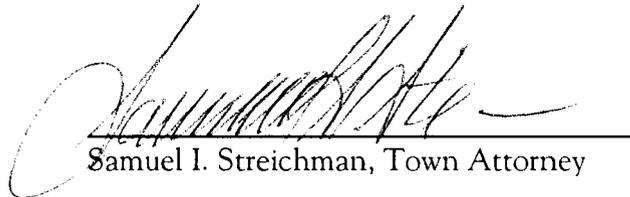
F. Robert Edwards, Mayor

ATTEST:



Silvia Smith, Town Clerk

APPROVED AS TO FORM:



Samuel I. Streichman, Town Attorney

EXHIBIT "A"

to Ordinance No. 698

64.05 acres located in the 1200 to 1700 block of East Cedar Lane
Gila County Tax Parcel Number 304-01-315G

PARCEL NO. 1

Lot 12, Section 11, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona;

EXCEPT Beginning at the West quarter corner of said Section 11 being common with the Southwest corner of said Lot 12 being a B.L.M. Brass Cap;
THENCE North $00^{\circ}03'56''$ West, along the West line of said Lot 12, a distance of 987.04 feet to the Northeast corner of Lot 4 located in the Northeast quarter of Section 10, being a B.L.M. Brass Cap;
THENCE continuing along the West line of Lot 12, North $00^{\circ}05'13''$ West a distance of 164.08 feet to the Northwest corner of said Lot 12;
THENCE South $89^{\circ}44'12''$ East along the North line of said Lot 12 a distance of 743.69 feet;
THENCE South $00^{\circ}04'08''$ East a distance of 1150.90 feet to a point lying on the South line of said Lot 12;
THENCE North $89^{\circ}45'14''$ West, along said South line, a distance of 743.70 feet to the Point of Beginning.

PARCEL NO. 2

Lots 14, 15 and 17; and
The Southeast quarter of the Northeast quarter of the Northeast quarter; and
The South half of the North half of the Southwest quarter of the Northeast quarter; and
The South half of the Southwest quarter of the Northeast quarter; and
The East half of the Southeast quarter of the Northeast quarter; and
The East half of the Northwest quarter of the Southeast quarter of the Northeast quarter; and
The Southwest quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter; and
The Southwest quarter of the Southeast quarter of the Northeast quarter;
All in Section 11, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona.



TETRA TECH, INC.

January 19, 2007

Mr. Jerry Owen
Development Director
Town of Payson
303 N. Beeline Highway
Payson, AZ 85541

**Re: Forest Edge
Project No. 6635-0002**

Dear Jerry,

During the rezoning process for Forest Edge the Developers agreed to fix a drainage problem along the south side of Cedar Lane immediately north of Forest Edge.

An existing drainage conveyance from Rim View Heights passes through Lots 1 and 2 of Forest Edge and flows into an existing drainage channel along the south side of Cedar Lane. The channel continues easterly adjacent to Cedar Lane for approximately 350 feet before it again turns south into Forest Edge. This drainage channel conveys runoff from approximately 118 acres. 100-year peak flows are estimated at 383 cfs.

The Developer has agreed to construct drainage improvements along the south side of Cedar Lane to protect the road from continued erosion from these flows. These improvements will most likely be rip rap bank protection and will be designed as part of the Forest Edge Improvement Project.

The Developer has agreed to make these improvements providing his contractor will be given the legal right to enter the area and construct the improvements during the construction phase.

Sincerely,

Ralph O. Bossert, PE, RLS
Sr. Project Manager

ROB/sj

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Copy: Steve Carder

