

SUMMARY OF AGENDA ITEM

DATE: July 17, 2008
TO: Mayor and Council
FROM: Ray Erlandsen
Zoning Administrator
SUBJECT: Ordinance #742 1601 E. Underwood Lane
Rezone from R1-90 to R1-44 (P-337-07)

PURPOSE:

A request from Patrick and Barbara Underwood for approval of a zone change from R1-90 to R1-44 for the development of a 14 residential lot subdivision, Tuscany Estates, on 15.04 acres.

SUMMARY:

The applicants are requesting approval of a zone change from R1-90 to R1-44 for the development of a 14 residential lot subdivision, Tuscany Estates, on 15.04 acres. The proposed detached home site lot sizes range from 44,000 to 46,381 sq. ft. sq. ft. Although lots have been platted to minimize encroachment into environmentally sensitive areas, building envelopes should be kept off ridgelines and out of drainage ways.

In April 2004, the Planning and Zoning Commission recommended approval of this rezoning to the Town Council. On June 10, 2004, the Town Council approved Ordinance #653 rezoning this property from R1-90 to R1-44). On July 8, 2004, the Town council voted unanimously to rescind Ordinance #653 leaving the zoning at R1-90. On August 12, 2004, the Council unanimously approved Resolution #1981 (see attached) denying Application Number P-305-04, the original rezoning application, and provided a waiver of fees for any future zone change application for property located at 1601 E. Underwood Lane. The resolution further provided that Patrick and Barbara Underwood might again apply for a zone change for this property in the future when a new, adequate water supply is available for the property. Since that time, the Town has acquired the RH wells to expand the Town's water portfolio and suspended the "20 ERU" policy. On July 18, 2007, Ordinance #720 was heard by the Council on a first reading. The Underwoods were asked to postpone the second reading until notified by Mayor Edwards. They were never notified. It is now being brought back in its' original entirety with a new ordinance number for sequencing purposes.

Public sanitary facilities would be required for R1-44 zoning. The property is currently within the Northern Gila County Sanitary District boundaries and public sewer is available adjacent to this site.

The Planning and Zoning Commission reviewed this request on June 11, 2007 and voted 3-3 on a motion to recommended approval to the Town Council. As there was a tie vote, the Commission then voted 5-1 to forward this application to the Council advising them no recommendation was reached.

Attached is a letter from the Underwoods regarding the Payson Area Trails System, as well as a letter explaining their contribution to Payson Area Habitat for Humanity.

JUL 17 2008 G-18

ORDINANCE NO. 742

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 AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES).

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

WHEREAS, Application No. P-337-07 to amend the Official Zoning Map and Official Zoning Code has been made by Patrick and Barbara Underwood, property owners to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 11, 2007, considered the issues, and made recommendation on Application No. P-337-07 to the Town Council; and

WHEREAS, the Town Council held a public hearing on July 17, 2008, in regard to said Application No. P-337-07 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 at 1601 E. Underwood Lane, Gila County Assessor's 302-84-023, 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-337-07 are (1) hereby made contingent upon those conditions set forth in Section 3 below, and (2) are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

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

- A. The development shall be in substantial conformance with the Rezoning Site Plan, sealed April 20, 2007 and shall not exceed a total of 14 lots.

1st Reading & Public Hrg AUG 17 2008 G-18

- B. A note shall be added to the final plat stating "Areas outside the designated building envelopes 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."
- C. Building envelopes shall be kept off the ridgelines and sensitive environmental areas.
- D. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
- E. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
- F. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
- G. The developer shall comply with their proposed contribution to the pedestrian circulation in the area as set forth in Exhibit B.
- H. The developer shall comply with their proposed contribution to affordable/workforce housing as set forth in Exhibit C.
- I. All applicable Town standards for development shall be met.
- J. If any conditions listed in this Section 3 are not met or the applicant does not have an approved Final Plat within two (2) years of the approval date of this Ordinance 742, then the R1-44 rezoning may revert to the original R1-90 zoning, pursuant to Council action.

Section 4. This Ordinance 742 shall be treated as having been adopted and the 30-day referendum period established by Arizona Revised Statutes section ("A.R.S. §") 19-142(D) and §30.54 of the Code of the Town of Payson shall begin when the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Patrick and Barbara Underwood and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance 742. If this waiver instrument is not recorded within 15 calendar days after the motion approving this Ordinance 742, this Ordinance 742 shall be void and of no force and effect.

Section 5. A protest (pursuant to A.R.S. §9-462.04(H)) has been filed. The provisions of this Ordinance 742 shall only become effective upon a favorable vote of three-fourths of all members of the Town Council.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance 742 are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF PAYSON this ____ day of _____, 2008, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 742

LOT 20B PAYSON 3 UNIT ONE (PLAT 655)
(OUT OF 302-23-049 & 302-35-044)

RECEIVED

JUN 29 2007

P & B Underwood Investments
1606 E. Becky Circle
Payson, AZ. 85541
928-474-5338

COMMUNITY DEVELOPMENT
DEPARTMENT

June 29, 2007

To the Town of Payson,

Patrick and Barbara Underwood of P & B Underwood Investments met with Mary McMullen regarding the Payson Area Trails System. At this time, because she is not quite ready with her layouts, and we don't abut a trail system in place, we are asking to defer our contribution until final plat when hopefully PATS will be able to address their needs. We are hoping we can do a quarter mile stretch on Tyler Parkway by Underwood Lane.

Upon final approval by the Town of Payson of rezoning to R1-44 from R1-90, preliminary plat, and final plat of a 14 unit subdivision, Tuscan Estates, located at 1600 E. Underwood Lane, Patrick and Barbara Underwood shall contribute to the PATS program.

Patrick Underwood

Patrick Underwood

6-29-07

Date

Barbara Underwood

Barbara Underwood

6-29-07

Date

EXHIBIT B TO ORDINANCE 742

Date: July 11, 2008

To: Mayor Kenny Evans, Payson Town Council, Tim Wright, Ray Erlandsen

From: Patrick and Barbara Underwood
1606 E. Becky Circle
Payson, AZ 85541
928-474-5338
928-517-2272 cell

Subject: Affordable housing contribution

We would like to change our affordable housing contribution because of certain circumstances that have accrued recently. We will like to have our contribution ready for the second hearing.

EXHIBIT C

Town of Payson
Community Development Department
Ordinance #742
July 9, 2008

Dear Mr. Ray Erlandsen,

We would like to offer our support of the proposed zoning change requested by Patrick and Barbara Underwood. This request to change from R1-90 to R1-44 would be a benefit to the community and its tax base, but just as importantly, it would add to the aesthetic beauty of the area. The Underwoods have shown in previous developments they are conscious of the beauty of the environment and respect the need to preserve it.

Respectfully,

Anthony and Peggy Lanese
Owners of San Gianni Hills Lot 9

RECEIVED

JUL 11 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

Smith, Silvia

From: Edwards, Bob External
Sent: Monday, July 23, 2007 11:16 AM
To: Smith, Silvia
Subject: [FWD: subdivision]

----- Original Message -----

Subject: subdivision
From: Barbara Underwood <barbaraunderwood@yahoo.com>
Date: Fri, July 20, 2007 8:12 pm
To: bedwards@ci.payson.az.us

Bob,
Please postpone our second reading of Tuscany Estates. There are still a lot of questions to be answered, and I know people want to review the old tapes on this matter. I appreciate your help in trying to mediate these concerns. One more thing, a compelling reason you should consider this subdivision is because we are the ones who ran the \$250,000 plus sewer system out there, and the infrastructure. Please call me or e-mail me with suggestions or concerns and if you want to meet again we would be happy to. I will keep you informed if there is anything new.

Thanks again,
Barbara Underwood

Choose the right car based on your needs. Check out [Yahoo! Autos new Car Finder tool](#).

Postponed

ORDINANCE NO. 720

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 AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 to R1-44 (TUSCANY ESTATES).

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

WHEREAS, Application No. P-337-07 to amend the Official Zoning Map and Official Zoning Code has been made by Patrick and Barbara Underwood, property owners to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 11, 2007, considered the issues, and made recommendation on Application No. P-337-07 to the Town Council; and

WHEREAS, the Town Council held a public hearing on July 5, 2007, in regard to said Application No. P-337-07 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 at 1601 E. Underwood Lane, Gila County Assessor's 302-84-023, 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-337-07 are (1) hereby made contingent upon those conditions set forth in Section 3 below, and (2) are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

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

- A. The development shall be in substantial conformance with the Rezoning Site Plan, sealed April 20, 2007 and shall not exceed a total of 14 lots.

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First READING & Public HEARING - JUL 18 2007 68

4,329

- B. A note shall be added to the final plat stating "Areas outside the designated building envelopes 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."
- C. Building envelopes shall be kept off the ridgelines and sensitive environmental areas.
- D. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
- E. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
- F. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
- G. The developer shall comply with their proposed contribution to the pedestrian circulation in the area as set forth in Exhibit B.
- H. The developer shall comply with their proposed contribution to affordable/workforce housing as set forth in Exhibit C.
- I. All applicable Town standards for development shall be met.
- J. If any conditions listed in this Section 3 are not met or the applicant does not have an approved Final Plat within two (2) years of the approval date of this Ordinance 720, then the R1-44 rezoning may revert to the original R1-90 zoning, pursuant to Council action.

Section 4. This Ordinance 720 shall be treated as having been adopted and the 30-day referendum period established by Arizona Revised Statutes section ("A.R.S. §") 19-142(D) and §30.54 of the Code of the Town of Payson shall begin when the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Patrick and Barbara Underwood and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance 720. If this waiver instrument is not recorded within 15 calendar days after the motion approving this Ordinance 720, this Ordinance 720 shall be void and of no force and effect.

Section 5. A protest (pursuant to A.R.S. §9-462.04(H)) has been filed. The provisions of this Ordinance 720 shall only become effective upon a favorable vote of three-fourths of all members of the Town Council.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance 720 are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF PAYSON this ____ day of _____, 2007, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 720

LOT 20B PAYSON 3 UNIT ONE (PLAT 655)
(OUT OF 302-23-049 & 302-35-044)

RECEIVED

JUN 29 2007

**P & B Underwood Investments
1606 E. Becky Circle
Payson, AZ. 85541
928-474-5338**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

June 29, 2007

To the Town of Payson,

Patrick and Barbara Underwood of P & B Underwood Investments met with Mary McMullen regarding the Payson Area Trails System. At this time, because she is not quite ready with her layouts, and we don't abut a trail system in place, we are asking to defer our contribution until final plat when hopefully PATS will be able to address their needs. We are hoping we can do a quarter mile stretch on Tyler Parkway by Underwood Lane.

Upon final approval by the Town of Payson of rezoning to R1-44 from R1-90, preliminary plat, and final plat of a 14 unit subdivision, Tuscan Estates, located at 1600 E. Underwood Lane, Patrick and Barbara Underwood shall contribute to the PATS program.

Patrick Underwood

6-29-07

Patrick Underwood

Date

Barbara Underwood

6-29-07

Barbara Underwood

Date

EXHIBIT B TO ORDINANCE 720

P & B Underwood Investments
1606 E. Becky Circle
Payson, AZ. 85541
928-474-5338

RECEIVED

JUN 29 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

June 29, 2007

To the Town of Payson,

Patrick and Barbara Underwood of P & B Underwood Investments hereby submit the following proposal as their affordable housing contribution in the development of Tuscany Estates, located at 1600 E. Underwood lane.

Upon final approval by the Town of Payson of rezoning to R1-44 from R1-90, preliminary plat, and final plat of a 14 unit subdivision located on the above stated property, Patrick and Barbara Underwood shall commit to contribute a total value of \$35,000 to Payson area Habitat for Humanity.

The above stated contribution shall be for licensed professional plumbing labor, on the first five units of the proposed Habitat for Humanity project, located in the 800 block of W. Longhorn Road. We have talked with Bruce Hopkins of Habitat and he would love for us to be able to help with a licensed professional plumber with this project.

Patrick and Barbara Underwood, and Payson Area Habitat for Humanity shall, prior to final plat approval, submit to the Town of Payson a signed agreement outlining the contribution.

Patrick Underwood

Patrick Underwood

6-29-07

Date

Barbara Underwood

Barbara Underwood

Date

EXHIBIT C TO ORDINANCE 720

Memorandum

To: Mayor and Council

From: Bethany Beck (bb)

CC: Jerry Owen

Date: July 9, 2007

Re: Tuscany Estates

I support the proposed affordable housing contribution from P & B Underwood Investments for Tuscany Estates. Based on the size and scope of Tuscany Estates, the value of the contribution (\$35K) is consistent with those of other developments. The proposal will also directly contribute to the construction of homes that are affordable to citizens for whom home ownership would otherwise be out of reach.

As stated in their attached proposal, the Underwoods will—prior to final plat approval—provide a signed agreement with Payson Area Habitat for Humanity to spell out the specifics of the licensed plumbing services that they will provide. This will allow PAHH to identify the construction timeline and other requirements of the plumbing services the Underwoods will provide. PAHH has submitted a letter of support to confirm acceptance of the Underwoods' contribution.



PAYSON AREA HABITAT FOR HUMANITY, INC.

Office at: 1013 S Goodfellow Rd

Mail to: PO Box 1131

Payson AZ 85547-1131

Phone: (928) 474-0330

FAX (928) 474-0366

e-mail: pahh@cybertrails.com

July 5, 2007

Ray Erlandsen
Zoning Administrator
Town of Payson
303 N. Beeline Hwy.
Payson, AZ 85541

Dear Ray,

The purpose of this letter is to confirm my discussion with Patrick and Barbara Underwood regarding their affordable housing contribution to Payson Area Habitat for Humanity (PAHH). The contribution we discussed was for professional plumbing labor for five of the Longhorn Village condominiums. They assigned a value of \$35,000 for this labor. PAHH appreciates their willingness to make this contribution.

Yours truly,

Bruce Hopkins
Vice President

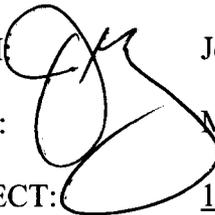
RECEIVED

JUL 09 2007

COMMUNITY DEVELOPMENT
DEPARTMENT



MEMO

TO: Planning and Zoning Commission
FROM:  Jerry Owen, Community Development Director
DATE: May 14, 2007
SUBJECT: 1601 E. Underwood Lane – Rezone R1-90 to R1-44 P-337-07

Analysis

The applicant is requesting approval of a zone change request from R1-90 to R1-44 for the development of a 14 residential lot subdivision, Tuscany Estates, on 15.04 acres. Surrounding properties include to the north Juniper Ridge, zoned R1-90; to the east and west Payson 3 Unit 1, zoned R1-90; and to the south unsubdivided property, zoned R1-175.

In April 2004, the Planning and Zoning Commission recommended approval of this rezoning to the Town Council. On June 10, 2004, the Town Council approved Ordinance #653 rezoning this property from R1-90 to R1-44. On July 8, 2004, the Town council voted unanimously to rescind Ordinance #653 leaving the zoning at R1-90. On August 12, 2004, the Council unanimously approved Resolution #1981 (see attached) denying Application Number P-305-04, the original rezoning application, and provided a waiver of fees for any future zone change application for property located at 1601 E. Underwood Lane. The resolution further provided that Patrick and Barbara Underwood might again apply for a zone change for this property in the future when a new, adequate water supply is available for the property. Since that time, the Town has acquired the RH wells to expand the Town's water portfolio and suspended the "20 ERU" policy.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Rural Residential development. As the net density proposed is 0.97 dwelling units per acre, the proposed R1-44 zoning district would be appropriate and meets the criteria of the Land Use Element.

The proposed lot sizes range from 44,000 to 46,381 sq. ft. Although lots have been platted to minimize encroachment into environmentally sensitive areas, building envelopes should be kept off ridgelines and out of drainage ways.

Although this property is not contiguous with current or proposed trail way systems, it is reasonable to foresee that future residents would utilize the proposed trail/pathway on N. Tyler Parkway. Therefore it would be reasonable to request the developer to contribute to pedestrian circulation in the area. This property must meet normal drainage/detention requirements, which may include drainage easements once the civil improvement plans are completed and approved. A new cul-de-sac would be constructed to meet current Town Standards and dedicated to the Town.

Public sanitary facilities would be required for R1-44 zoning. The property is currently within the Northern Gila County Sanitary District.

Staff Recommendation:

Approval with conditions listed below.

1. The development shall be in substantial conformance with the Rezoning Site Plan, sealed April 20, 2007 and shall not exceed a total of 14 lots.
2. A note shall be added to the final plat stating "Areas outside the designated building envelopes 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."
3. Building envelopes will be kept off the ridgelines and sensitive environmental areas.
4. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
5. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
6. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
7. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.
8. The developer shall submit a proposal outlining their contribution to affordable/workforce housing prior to Council consideration of the rezoning.
9. All applicable Town standards for development shall be met.
10. If any conditions 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 R1-44 rezoning may revert to the original R1-90 zoning, pending Council action.

Any other condition the Commission deems necessary.

Suggested Motion to recommend Approval:

"I move the Planning & Zoning Commission recommend to the Town Council approval of P-337-07, a request to rezone a 15.04 acre property located at 1601 E. Underwood Lane from R1-90 to R1-44 for the purpose of a 14 lot single family development with the conditions listed in the staff report."

RESOLUTION NO. 1981

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, PROVIDING FOR THE WAIVER OF APPLICATION AND PROCESSING FEES FOR ANY FUTURE ZONE CHANGE APPLICATION FOR PROPERTY LOCATED AT 1601 EAST UNDERWOOD LANE.

WHEREAS, property owners Patrick J. Underwood and Barbara A. Underwood submitted a zone change application for property located at 1601 East Underwood Lane, bearing application number P-305-04; and

WHEREAS, subsequent to such application, the Mayor and Common Council considered Ordinance Number 653, which was prepared to effectuate a change in zoning from R1-90 to R1-44 at such location; and

WHEREAS, neither Ordinance Number 653 nor any other ordinance was ultimately adopted to effectuate such a change in zoning,

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

Section 1. That Application Number P-305-04 is not consistent with the water element of the General Plan of the Town of Payson.

Section 2. That it is inappropriate to reduce the zoning designation from R1-90 to R1-44 for the subject property until such time as new, adequate, and sufficient water supplies are available for use at the property, as is required by said water element.

Section 3. That Application Number P-305-04 be and is hereby denied at this time.

Section 4. That property owners Patrick J. Underwood and Barbara A. Underwood may again apply for a zone change for the property located at 1601 East Underwood Lane in the future when a new, adequate, sufficient water supply is available for the property.

Section 5. If property owners Patrick J. Underwood and Barbara A. Underwood submit a new application for a change in zoning for the property located at 1601 East Underwood Lane, the Town of Payson will waive the payment of all application and processing fees which otherwise would be required by the Town for such application for a zone change.

Section 6. All resolutions, motions, and parts of resolutions and motions in conflict with any provision in this Resolution Number 1981 are hereby repealed to the extent of such conflict.

Prepared by Town of Payson Legal Department

SIS:drs August 4, 2004 (11:46AM)

C:\MyFiles\Resolutions\1981 Waiving Future Zoning Application Fees (Underwood).wpd

Page 1

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PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 12th day of August, 2004, by the following vote:

AYES 6 NOES 0 ABSTENTIONS 1 ABSENT 0

Barbara G. Brewer
Barbara G. Brewer, Mayor

ATTEST:

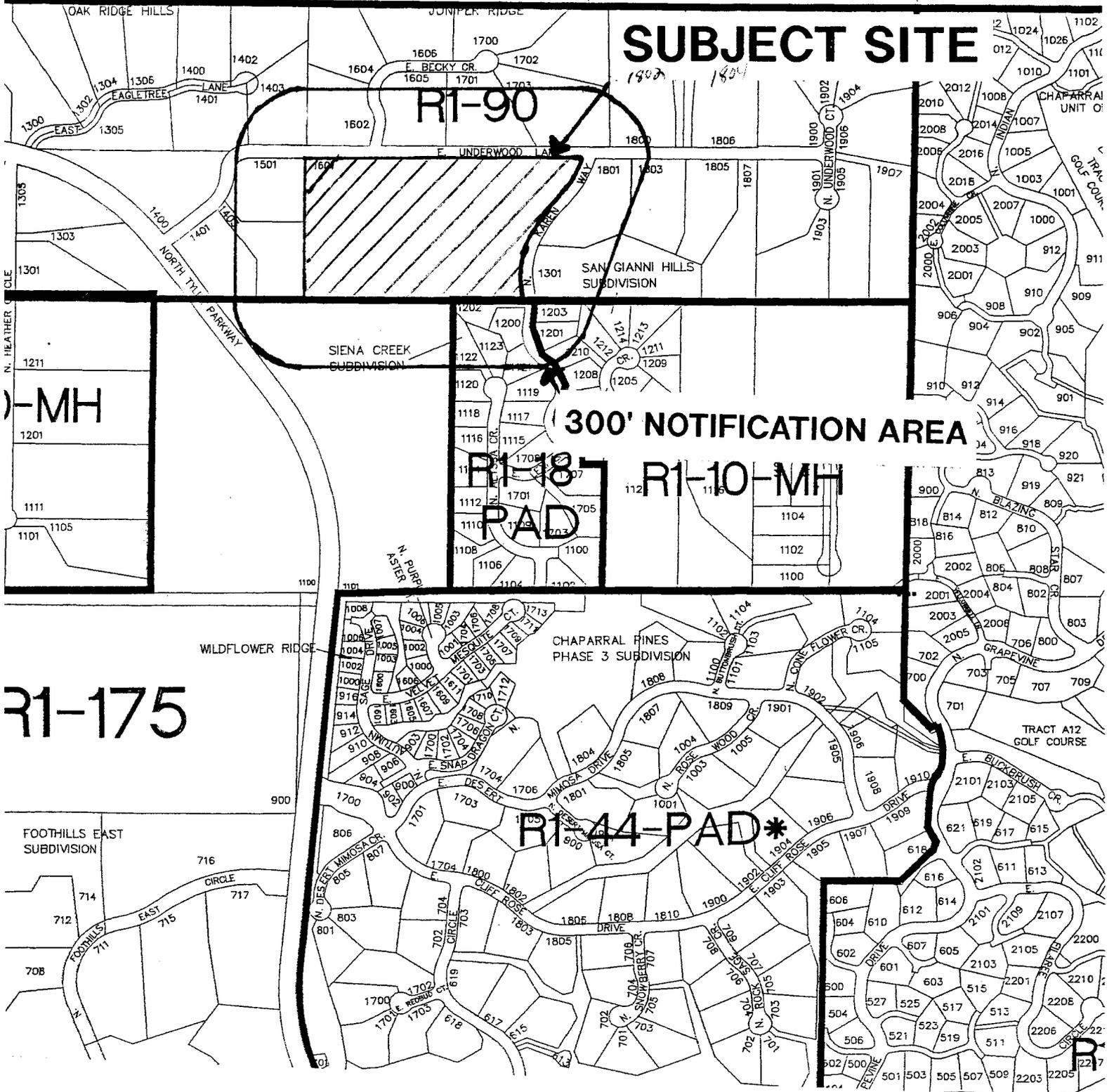
Silvia Smith
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman
Samuel I. Streichman, Town Attorney

175

SUBJECT SITE



PRELIMINARY PLAT FOR TUSCANY ESTATES

LOT 20B OF PAYSON THREE - UNIT ONE, A SUBDIVISION AS SHOWN ON MAP 655 GILA COUNTY RECORDS,
LOCATED IN THE SE 1/4 OF SECTION 26, T. 11 N., R. 10 E. OF THE GILA AND SALT RIVER MERIDIAN,
TOWN OF PAYSON, GILA COUNTY, ARIZONA

LEGEND

- LOW PRESSURE SEWER
- LOTS WITH GRINDER PUMPS
- WATER MAIN
- FIRE HYDRANT

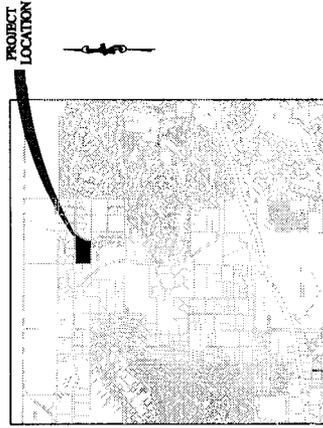
OWNER & APPLICANT
PATRICK AND BARBARA UNDERWOOD
P.O. BOX 1356
PAYSON, ARIZONA 85547
PHONE (928) 474-3338

AREA COMPUTATIONS
GROSS AREA 15.04 AC.
TOTAL LOT AREA 15.29 AC.
MINIMUM LOT AREA 1.17 AC.
MINIMUM LOT AREA 44,000 S.F.

EXISTING DOMING R1-30
EXISTING ZONING R1-44
NUMBER OF DWELLING UNITS 14
DWELLING UNITS PER ACRE 0.83

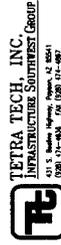
UTILITY SERVICES

- WATER PAYSON WATER DEPARTMENT
- SEWER H.C.C.E.D.
- TELEPHONE ARIZONA PUBLIC SERVICE
- POWER ARIZONA PUBLIC SERVICE
- CITY PAYSON
- WASTE MANAGEMENT WASTE MANAGEMENT
- TRASH COLLECTION BUCKHEAD MESA LANDFILL, GILA COUNTY
- POLICE PAYSON POLICE DEPARTMENT
- FIRE PROTECTION PAYSON FIRE DEPARTMENT
- SCHOOLS PAYSON UNIFIED SCHOOL DISTRICT
- GAS ENERGY WEST



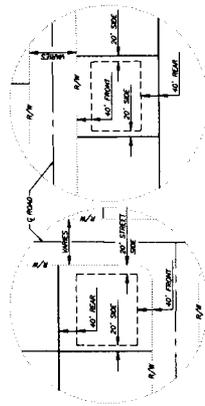
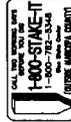
VICINITY MAP
N.T.S.

Prepared by

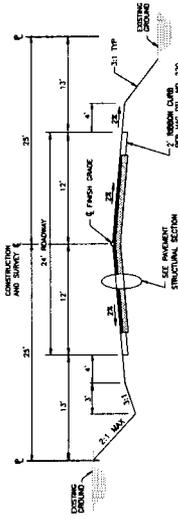


TETRA TECH, INC.
INFRASTRUCTURE Southeast Group
471 S. Baseline Avenue, Payson, AZ 85541
(928) 474-3338 Fax (928) 474-4887

Project No. 1403.0004



TYPICAL LOT SETBACKS
N.T.S.



TYPICAL ROADWAY SECTION
MARISSA COURT
N.T.S.

DISCLAIMER

These documents have been prepared for a specific project and shall neither be used nor relied upon for any other project. The design engineer shall not be held responsible for any errors or omissions in these documents or for any damage or injury resulting from the use of these documents. The design engineer shall not be held responsible for any damage or injury resulting from the use of these documents. The design engineer shall not be held responsible for any damage or injury resulting from the use of these documents.



TYPICAL PUBLIC UTILITY, DRAINAGE, AND SLOPE EASEMENT
N.T.S.

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

RECEIVED
MAR 07 2007

The undersigned Applicant(s) hereby applies for:

COMMUNITY DEVELOPMENT

- | | |
|--|--|
| <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: 1601-1801 E. UNDERWOOD LANE Tax Parcel Number: 302-84-023
 Subdivision: PAYSON THREE - UNIT ONE Lot Number: 20B
 Name of Applicant(s): BARBARA A. UNDERWOOD Phone #: 928-474-5338 ^{CELL} 517-2272
 Mailing Address: 1606 E. BECKY CIRCLE Town: PAYSON St: AZ Zip: 85541
 Name of Property Owner(s): PATRICK J. + BARBARA A. UNDERWOOD
 Mailing Address: 1606 E. BECKY CIRCLE Town: PAYSON St: AZ Zip: 85541
 Contact Person: BARBARA UNDERWOOD Phone #: 928-474-5338 Fax #: 928-474-5338
 Payson Business License # _____ Sales Tax # _____

Detailed Description of Request: REZONE PROPERTY FROM R1-90 TO R1-44 TO ALLOW DEVELOPMENT OF 14 LOTS ON THE 15.04 ACRE PARCEL

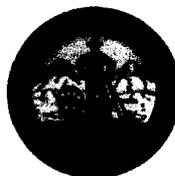
(Note: Additional Description area can be included in an attachment)

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.

BARBARA A. UNDERWOOD Barbara A. Underwood 3-7-07
 Print Name Signature Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$
DATE FILED	3/7/07	Sld	WAIVED BY RESOLUTION #1981
COMPLETED APPLICATION	4/25/07	Sld	
NEWSPAPER PUBLICATION	4/27/07	Sld	
300' NOTIFICATION MAILOUT	4/26/07	Sld	
POSTING DATE <u>5-23-07</u>	4/26/07	Sld	
		CHECK NUMBER:	DATE:

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



Gila County Assessor Parcel Search

[Back to Gila County Page](#)

[View Web Statistics](#)

Data updated Yesterday

Enter parcel number in the format xxx-xx-xxx and press Submit.

Don't know your Parcel Number?

Parcel 302-84-023

Tax Year: 2006

[Submit Query](#) [Reset](#)

RECEIVED
MAR 07 2007
COMMUNITY DEVELOPMENT
DEPARTMENT

Parcel Information

Tax Year:	2006
Parcel: (Click for Improvement Info)	302-84-023
Site Address:	1601 E UNDERWOOD LN
Owner:	UNDERWOOD PATRICK JAY TRUSTEE AND
Owner 2:	UNDERWOOD BARBARA ANN TRUSTEE
Mailing Address:	P O BOX 1856
City:	PAYSON
State:	AZ
Zip:	85547
Full Cash Value:	\$246,287
Assessed Full Cash Value:	\$39,406
Limited Value:	\$208,080
Assessed Limited Value:	\$33,293
Value Method:	Land Market Model
Exempt Amount:	0
Exemption Type:	
Use Code:	0004

Property Use: VACANT LAND
Class Code: AG/VACANT LAND/NON-PROFIT-REAL PROPERTY /
Assessment Ratio: 16.00%

Last Sale Information

Sale Price: (Click for sale info) \$0
Sale Date: 1/6/1999
Recorded Instrument Type: WARRANTY DEED
Book: 213
Page: 99

Legal Description Information

Parcel Size: 15
Unit Type: ACRES
Legal Description: LOT 20B PAYSON 3 UNIT ONE (PLAT 655)
(OUT OF 302-23-049 &
302-35-044)

[Back to Gila County Home Page](#)

RECORDED
MAR 07 2007

MAR 07 2007

CLERK OF SUPERIOR COURT
MORRISON, ARIZONA

LEGAL DESCRIPTION
TUSCANY ESTATES SUBDIVISION
1601-1801 E. UNDERWOOD LANE

MAR 07 2007

**Lot 20B, of Payson Three Unit One, according to the plat of record
in the office of the County Recorder of Gila County, Arizona,
recorded in Map No. 655 through 655C.**

Owners and Developers
Patrick and Barbara Underwood
928-474-5338

CITIZENS
PARTICIPATION
MATERIAL

To: Planning and Zoning Commission

From: Patrick and Barbara Underwood

Subject: Tuscany Estates Subdivision

Date: June 5, 2007

Since the time that we submitted our packet to the town community development department, there have been some additional letters in favor of Tuscany Estates as well as some against the proposed subdivision.

In an attempt to avoid confusion and misunderstanding, we wanted to inform you of these changes. At the time that we submitted, there were only letters in favor of the subdivision. We did not want the commission to think that we omitted non-favorable letters.

Thank You,

Patrick Underwood
Barbara Underwood

Patrick and Barbara Underwood

RECEIVED

JUN 05 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Tuscany Estates

Owner and Developer
Patrick and Barbara
Underwood

1606 E. Becky Circle

Payson, AZ 85541

928-474-5338

928-517-2272 cell



Description of Tuscany Estates

1601 E. Underwood Lane

Tuscany Estates is a proposed 14 lot custom home community located on 15.04 acres, located off Tyler Parkway about halfway between hwy. 260 and hwy. 87. The purpose of this application is to request the rezoning of the site from the existing R1-90 zoning district classification to R1-44. The site will be developed to meet all Town of Payson standards and blend well with neighboring developments on all adjacent sides.

A part of the development plan is the identification and establishment of building envelopes on each lot. There will be established criteria for the areas inside and outside of these envelopes. Criteria elements to be addressed will include:

- Reasonable envelope size
- Setbacks used to preserve natural terrain.
- Protection of significant features such as rock formations.
- Hillside conditions and protection of natural terrain.

The project has been designed to protect and blend into the existing environment. One acre lots are a perfect blending between half acre lots and 2 acre lots. Strict Covenants, Codes, and Restrictions will protect residents and neighbors quality of life as well as the surrounding environment.

Grading and drainage has been studied and will take advantage of the natural contour of the land and minimize the flow to downstream areas. All grading and drainage will meet or exceed Town of Payson standards.

There will be only one street constructed for this project. Construction of all utilities and roadways shall be engineered and constructed to meet or exceed Town of Payson Engineering standards. Upon completion and acceptance from the Town, the roadway will be dedicated to the Town of Payson.

Here is the history on this project. We purchased the land in 1992 and when it came out of the forest service trade it was R1-90. We developed the 6 lot subdivision across the street called Juniper Ridge which is 2 acre plus lots. South and southeast of this property we developed Siena Creek which is R1-18 and San Gianni Hills which is also R1-18. Those two subdivisions were zoned R1-10 MH of which we chose to up zone to R1-18, because we felt ½ acre lots were better suited than 10,000 square foot lots with mobile homes on them. We feel we have always had what is best for the area in mind when we develop a project. With Tuscany Estates, even though ½ acres fit as low density zoning, our vision is to transition this property from the ½ acres in the south to the 2 acres lots in the north, with this 1 acre development.

Three years ago in 2004 we actually brought this very development through planning and zoning and the town council, with approval from both. Then the water issue came about, and the council wanted to put a hold on all development until studies were done. So on the 28 day after unanimous approval of the subdivision, the council rescinded our development. We asked if they could just leave the zoning and develop it when they felt there was adequate water to support the development. Here we are three years later in hopes of now developing our 15 acres.

Questions on this project please feel free to call Patrick or Barbara at 474-5338. We would love to answer any questions or concerns you have.

March 5, 2007

To: Mr. Jerry Owens
Development Office
Town Of Payson
303 N. Beeline Highway
Payson, AZ 85541

From: Patrick and Barbara Underwood
Owner and Developer
1606 E. Becky Circle
Payson, AZ 85541
928-474-5338

Subject: **Proposed Tuscany Estates Subdivision
Citizens Participation Meeting**

Dear Jerry,

The Citizens' Participation Meeting, for the proposed Tuscany Estates Subdivision on 1601 E. Underwood Lane, was held at the home of Patrick and Barbara Underwood on Tuesday, Feb. 27, 2007, between 4:30 P.M. and 6:00 P.M. Twenty eight (28) property owners and concerned citizens, within 300 feet of the proposed project were sent a "Notice of Citizens' Participation Meeting" letter which is enclosed. Approximately 8 interested participants were in attendance as shown on the enclosed Sign-In-Sheet. Also in attendance to present the project and answer questions were Ralph Bossert of Tetra Tech, Inc., Patrick Underwood and myself. Approximately 5 of the 8 participants represent 4 of the 25 property owners within 300 feet of the proposed development. A copy of the list of property owners within 300 feet that were sent meeting notices is also attached.

Ralph, Patrick and I, described the project, answered questions, and asked participants to complete and turn in comment sheets detailing their comments or concerns. We told the participants we would be submitting the Application for Re-Zoning to be heard at the Planning and Zoning Commission Meeting on April 9, 2007.

No comment sheets were filled out during the meeting, and as of today we have not received any written negative responses. Questions during the meeting were just about drainage, and Ralph explained how the natural drainage works on this property.

Also enclosed is a petition that we had signed when we went around to the neighbors houses individually. We felt the low turnout during the citizens' participation meeting was due to the fact that we tried to reach all the neighbors prior to the meeting and let them know what the plan involved.

This completes our Citizens' Participation Committee Report. Please contact us with any questions or comments.

Very truly yours,



Barbara Underwood

Copy: Ralph Bossert Tetra Tech Inc.

Enclosures: Citizens' Participation Letter, Addresses & Names of property owners sent notices, Sign-In-Sheet from Citizens Participation Meeting, Petition signed by neighbors and one letter, preliminary site plan

NOTICE OF CITIZEN PARTICIPATION MEETING

Patrick and Barbara Underwood
Owners and Developers
1606 E. Becky Circle
Payson, AZ 85541
928-474-5338 Home
928-517-2272 Cell

February 8, 2007

Re: Proposed Subdivision on East Underwood Lane and North Karen Way
Request to rezone 15.04 acres from R1-90 to R1-44 for the purpose of
subdividing 14 one acre lots.

Dear

You are hereby notified of a Citizen Participation Meeting to be held on
Tuesday February 27, 2007 from 4:30 p.m. until 6:00 p.m. at the Underwood's
home located at 1606 E. Becky Circle. Light refreshments will be served so please
stop by.

The purpose of this meeting is to provide information to property owners
adjacent to the subject property regarding the proposed subdivision. An 8 ½ x 11
copy of the Preliminary Plat is attached.

If you cannot attend the meeting and/or have questions regarding the
proposed subdivision please call Patrick or Barbara at the above numbers and we
will be happy to make arrangements for any other time and meet with you
personally. You may also contact our engineer, Ralph Bossert @ Tetra Tech, Inc.
at 928-474-4636.

Respectfully,

Patrick Underwood + Barbara Underwood

Patrick and Barbara Underwood

cc: Jerry Owen, Community Development Director of the Town of Payson
Ray Erlandsen, Zoning Administrator of the Town of Payson
Ralph Bossert, Tetra Tech, Inc.

TUSCANY ESTATES

SLOPE ANALYSIS
AND
HILLSIDE LOT EXHIBIT

LEGEND

- Section Lines
- Boundary
- Drainage
- Vegetation
- Major Contours
- Minor Contours
- Areas of >15% Slope
- Lot Type
- Hillside=7
- Standard=7
- Vicinity

ASPNAL HILLSIDE (062102)

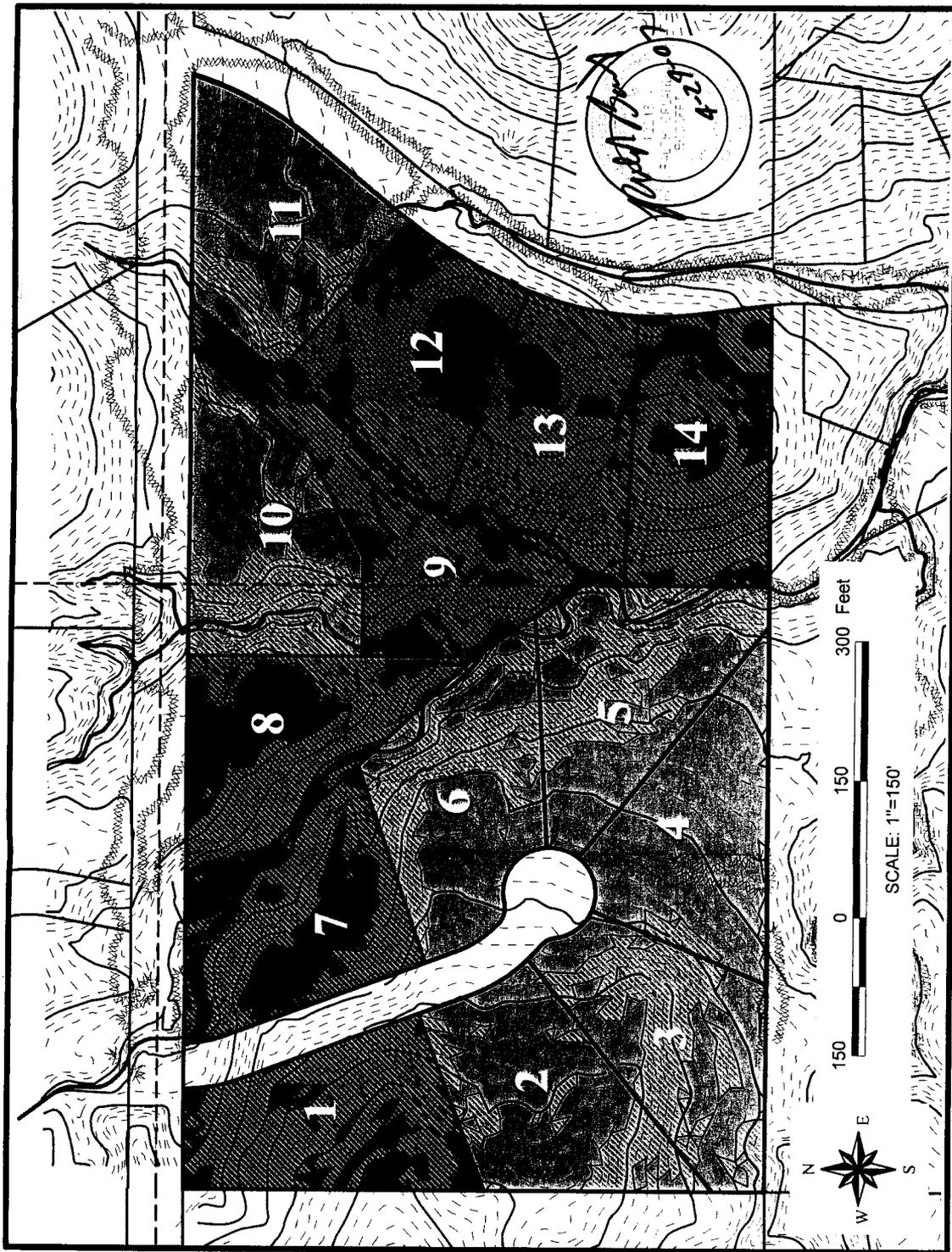
Lot #	Lot Area (S.F.)	Slope Area (S.F.)	% Slope	Lot Type
1	44001.04	35934.32	79.37	Hillside
2	44005.28	10781.21	24.50	Standard
3	44017.92	24068.01	54.67	Standard
4	44017.92	3010.83	6.84	Standard
5	46300.82	11911.25	25.71	Standard
6	65300.82	13031.82	19.96	Standard
7	66983.22	28231.25	42.15	Standard
8	10295.70	35165.21	341.13	Hillside
9	10295.70	30419.14	295.47	Hillside
10	45965.12	13998.87	30.46	Standard
11	44156.74	9772.11	22.13	Standard
12	44701.22	37231.21	83.29	Hillside
13	44313.02	37483.11	84.58	Hillside
14	44773.44	11591.61	25.68	Hillside

PREPARED FOR:
PATRICK AND BARBARA UNDERWOOD
1606 E. BECKY CIRCLE
PAYSON, ARIZONA 85541



TETRA TECH, INC.

431 S. Baseline Highway
Payson, AZ 85541-4865
TEL: (929) 974-4636 FAX: (929) 974-4867



Tuscany Estates

Petitions and letters in
FAVOR of this
subdivision



TUSCANY ESTATES SUBDIVISION

I have spoken to the Underwood's concerning their proposed 14, one acre plus lot subdivision on Underwood Lane. I have seen the proposed layout and the Underwood's have explained their vision for the property. At this time I have no major concerns.

Print Name	Signature	Address	Date
STEVEN LEE	<i>Steven Lee</i>	1115 N. ALYSSA CIRC. PAYSON, AZ	2/14/07
Mike Foil	<i>Mike Foil</i>	1119 N. Alyssa Cir, Payson AZ	2-14-07
Sandee Foil	<i>Sandee Foil</i>	1119 N Alyssa Payson AZ	2-14-07
Karen Ormand	<i>Karen Ormand</i>	1121 N. Alyssa Cir, Payson AZ	2-16-07
RICHARD Ormand	<i>Richard Ormand</i>	1121 N. Alyssa Circle Payson AZ	2-16-07
SCOTT NOSSEK	<i>Scott Nossek</i>	1120 N. ALYSSA CIR. PAYSON AZ	2/16/07
Kelsey Meyer	<i>Kelsey Meyer</i>	1116 N. ALYSSA CIR PAYSON AZ	2/16/07
Janet Nossek	<i>Janet Nossek</i>	1120 N. Alyssa Cir Payson AZ	2/16/07
Alan Michaels	<i>Alan Michaels</i>	1117 N Alyssa Cir Payson AZ	2/16/07
Preston J MERCE	<i>Preston J Mer</i>	1116 N. Alyssa Cir Payson AZ	2/16/07
Jean L. Smith	<i>Jean L. Smith</i>	1118 N. Alyssa Circle Payson AZ	2/16/07
Ben Castleberry	<i>Ben Castleberry</i>	1707 E. Lexi Ln. Payson, AZ	2/19/07
Paul Flax	<i>Paul Flax</i>	1604 Becke Circle Payson	2/22-07
Carl Nelson	<i>Carl Nelson</i>	1210 N Marissa CIRCLE PAYSON AZ	2/22/07
Carl J. Jackson	<i>Carl J. Jackson</i>	1602 E. Becke Circle Payson AZ	2-26-07
Laura Hacker	<i>Laura Hacker</i>	1602 E. Becke Circle Payson AZ	2/26/07
CHARLES BAILLIT	<i>Shawn Baily</i>	1112 N. ALYSSA CIRCLE PAYSON	AZ 2/26/07

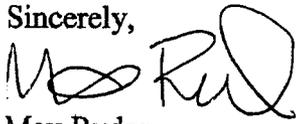
To: Town of Payson Staff, Payson Town Council, Planning and Zoning Commission

From: Max Ryden
1206 N. Marissa Circle
Payson, AZ 85541
San Gianni Hills Subdivision Lot 3

Date: April 10, 2007

I Max Ryden support the Underwood's 14 lot one acre subdivision off of Underwood Lane. This is a good transition from our half acre lot. The Underwoods' have proven themselves with quality subdivisions so I feel confident they will continue the trend with Tuscany Estates.

Sincerely,



Max Ryden

RECEIVED

APR 12 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

1606 E. Becky Circle
Payson, AZ 85541
928-474-5338 home
928-517-2272 cell
barbaraunderwood@yahoo.com

.....
Tuscany Estates

February 1, 2007

I have spoken to the Underwood's concerning their proposed 14, one acre plus lot subdivision on Underwood Lane. I have seen the proposed layout and the Underwood's have explained their vision for the property.

At this time I have no major concerns.

My major concerns are:

Sincerely,

Eric S. Lancaster
.....

Date: Sat, 21 Apr 2007 10:25:09 -0700 (PDT)
From: "Diane Holley" <bunkyho@yahoo.com>  Add to Address Book  Add Mobile Alert
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)
Subject: re: Proposed Tuscany Estates Subdivision
To: barbaraunderwood@yahoo.com

Dear Patrick & Barbara,

In response to our telephone conversation, John and I approve of the proposed Tuscany Estates Subdivision. However, we would prefer that it not be zoned allowing horses.

Thank you for contacting us and we appreciate any help you can give us in the future.

Sincerely,

Diane & John Holley
1602 Ardenwood Dr.
San Jose, CA 95129

Owners of property at 1605 E. Becky Circle
Payson, AZ 85541

Yahoo! Mail - barbaraunderwood@yahoo.com

Page 1 of 1

From: "Steve Weinstock" <swstock@sbcglobal.net>  Add to Address Book  Add Mobile Alert
Yahoo! DomainKeys has confirmed that this message was sent by sbcglobal.net. [Learn more](#)
To: barbaraunderwood@yahoo.com
Subject: Rezoning
Date: Sat, 31 Mar 2007 09:18:59 -0700

Per our conversation on 3-28-07, Sharon Duskey and Steve Weinstock are not opposed to the re-zoning of the properties adjacent to our lot in the Siena Creek subdivision, Payson Arizona.

Yahoo! Mail - barbaraunderwood@yahoo.com

Page 1 of 1

From: "Randi Zimmerman" <zimms@earthlink.net>  Add to Address Book  Add Mobile Alert
To: "Barbara Underwood" <barbaraunderwood@yahoo.com>
Subject: approval letter
Date: Thu, 29 Mar 2007 19:09:01 -0700

To whom it may concern,

Jay and Randi Zimmerman, owners of the lot at 1200 Karen way, approve of the plans of Patrick and Barbara Underwood to develop their subdivision of one acre lots.

Sincerely

From: "Tony Lanese" <tlanese@cox.net>  View Contact Details  Add Mobile Alert
To: "Barb & Pat Underwood" <Barbaraunderwood@yahoo.com>
Subject:  Tuscany Estates
Date: Wed, 11 Apr 2007 22:08:39 -0700

Barbara and Patrick

Good luck with the development of this beautiful community!

Tony Lanese

April 11, 2007

Planning & Zoning Commissioners, Payson Town Council, and Town Staff,

Tony and Peggy Lanese owners of Lot 9 in San Gianni Hills, located at 1214 N. Marissa Circle, wish to express our support for the 14 one acre parcels on Underwood Lane. We feel that Tuscany Estates would be an asset to the area. With half acres, one acre, and 2 acre lots, it provides a variety of lot choices while still maintaining the rural residential zoning of the master plan.

Sincerely,
Tony and Peggy Lanese

Date: Fri, 27 Apr 2007 12:02:29 -0700 (PDT)

From:  "James Martin" <jim13150@yahoo.com>  Add to Address Book  Add Mobile Alert
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)

Subject: Lot Development

To: barbaraunderwood@yahoo.com

Barbara:

We understand that you will be developing additional property close to San Gianni Hills, where we own lot 14.

We certainly do not have any objection to you offering one acre lots in your new development. I'm sure that it will be an attractive addition to Payson.

Sincerely,

James W. Martin, Jr.

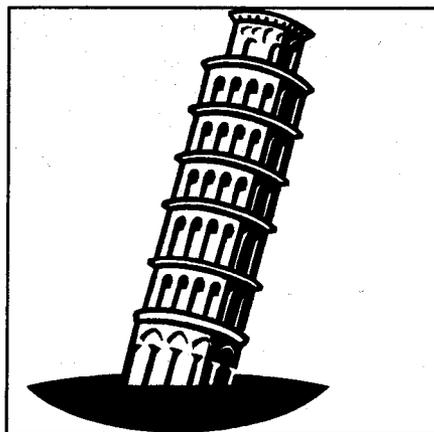
Tuscany Estates

Map of surrounding properties

Green area: People in Support
of the project

White area: No response

Yellow area: People in
opposition of the project



1501 N Karen Way
Payson, AZ 85541
April 30, 2007

Joel Mona
James Scheidt
Hal Baas
Russell Goddard
Jere Jarrell
Mark Waldrop
Gary Bedsworth
Planning and Zoning Commissioners
303 N Beeline
Payson, AZ 85541

Dear Commissioners:

We own a home at 1501 N Karen Way and strongly oppose the P-33707 rezoning on 1601 E. Underwood Lane. We plan to make Payson our permanent residence within five years and bought in this area under the premise that the surrounding properties would remain R1-90. Every other property owner on Underwood has abided by the R1-90 zoning designation.

We have owned property in and around the Payson/Pine area for fifteen years and are well aware of the ongoing water problems. We can't imagine doubling density considering these current water conditions.

There are currently three sub-divisions – Siena Creek, San Gianni Hills, and Chaparral Highlands- totaling fifty-nine (59) new homes in this area. This does not include over forty (40) existing homes or vacant property ready for building. There is only 1 egress which is already causing congestion on Karen Way and Underwood.

If you allow this to pass there are several 5 acre parcels on Karen Way that could also be rezoned and developed. This would further complicate the situation.

Water scarcity, higher density, traffic congestion and the integrity of the neighborhood will all be compromised should this be rezoned. **This is not to mention breaking the promise to the homeowners already here.**

Very truly yours,

Peter Menghini
Sue Menghini

RECEIVED

MAY 02 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

April 29, 2007

The Town of Payson Planning & Zoning Commission
Attn: Ray Erlandsen
303 N. Beeline Highway
Payson, Arizona 85541-4306

RE: P-337-07

To Whom It May Concern:

We strongly oppose Patrick & Barbara Underwood's zone change request P-337-07 changing the zoning from 2+ acres to 1 acre. High density creates problems including increased water usage during a draught, traffic congestion and obstructed views for those of us residing in the adjacent properties.

Thank you for your consideration.

Sincerely,



Dr. & Mrs. Medo Mirza

/lm

RECEIVED

MAY 02 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

May 2, 2007

via E-mail to:
Rerlandsen@ci.payson.az.us

Mr. Ray Erlandsen
City of Payson Arizona
Planning & Zoning

Re: Tyler Parkway

Dear Mr. Erlandsen,

I was contacted last night via telephone, regarding some of the background concerning the attempt by a Ms Barbara Underwood to re-zone her land in the Tyler Parkway area. I understand that Ms Underwood owns a 15 acre parcel in the vicinity of 1601-1801 East Underwood Lane. I also understand that this parcel lies east of the property that we (Cynthia Houck and Wayne Casto) own on Heather Circle; and just west of the area known as Chaparral Pines.

It is my understanding that Ms Underwood at one time owned 32 acres in that area and has sold off approximately half of the parcel, for custom homes on land zoned R1-90, the original zoning for all the land in that area. She now wishes to re-zone this 15 acre parcel to a R1-44 zoning, in effect doubling the number of residences originally allowed.

As I have informed you in two previous letters, we live in Phoenix, as you know, a dismally crowded nightmare of suburbia. Our intent is to build on our land on Heather Circle and enjoy a rural custom home atmosphere. I have been in construction and real estate since 1970 in the greater Phoenix area, and Phoenix has grown to the point that a person shudders at the thought of going to the store - due to the traffic. I am not against a person making money with the assets they possess. I am against a greedy developer that changes the zoning on property to allow a higher density of homes, without regard to the surrounding community.

I understand that when the developers purchased this land, the provision regarding the land was an R1-90 zoning. Prior to that, it was R1-175, or something like that, even less density of homes than now zoned. It has been my observation that developers who create high density housing which impacts the surrounding neighbors, move away or actually don't live in the community themselves, leaving the problem they created for homeowners. I submit that this would be the case with Del Webb and the Anthem project north of Phoenix. Del Webb Corporation should have been required to increase the size of Black Canyon Freeway (I-17) to allow for the increased traffic that they imposed on the citizens of Arizona, and the inconvenience one encounters going north from the Phoenix area. My belief is that if developers be allowed to increase the density of the homes on the land they own, they should also be required to increase the main artery (Tyler Parkway) from Highway 87 to Highway 260 to a four lane road, so the increase of traffic on the road that the neighbors use, would not be detrimental to their lifestyle.

As inconvenient as it is, we will attend the meeting May 3 at 5:30. Thank you for your consideration.

RECEIVED

Wayne Casto & Cynthia Houck 1300 North Heather Circle, Payson Arizona MAY 02 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Erlandsen, Ray

From: waynecasto@msn.com
Sent: Wednesday, May 02, 2007 6:41 AM
To: Erlandsen, Ray
Cc: littlepaint@cybertrails.com
Subject: Tyler Parkway

Mr. Erlandsen,

We are property owners in the Tyler Parkway area, in opposition to any zoning changes that create a higher density neighborhood. I have attached a letter to you reflecting our views. We plan to attend the meeting Thursday, May 3rd.

Thank you,

Wayne Casto & Cynthia Houck
11422 South Iroquois Drive
Phoenix Arizona

owners of:
1300 North Heather Circle
Payson, Arizona

RECEIVED

MAY 02 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Paula and Roger Bentley
Telephone 480/981-7859, Home

Mailing Address:
1524 N. Seton Lane
Mesa, AZ 85205

**Owners of residential property at:
1806 E. Underwood Lane
Payson, AZ 85541**

May 3, 2007

Town of Payson
Planning and Zone Commission
Payson Town Hall
303 N Beeline
Payson, AZ 85541

RE: Petition #P-337-07 involving rezoning of property on Underwood Lane, Payson

Dear Planning and Zone Commission:

We want the Commission to know that we **OPPOSE** Petition #P-337-07, a petition by Pat and Barbara Underwood to rezone property on Underwood Lane from 2 acre to 1 acre.

We purchased our 2.3 acre lot on Underwood specifically for its low density neighborhood. Please don't change its character!

Respectfully,


Paula and Roger Bentley

Owners of residential property at:
1806 E. Underwood Lane
Payson, AZ 85541

RECEIVED

MAY 07 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

RECEIVED

MAY 30 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

April 26, 2007

Patrick and Barbara Ynderwood
1606 E. Pecky Circle
Payson, AZ 85541

Re: Proposed Tuscany Estates Subdiv

Hi folks:

I am the legal owner of Lot 8, Siena
Creek - Parcel # 302-92-008, known as
1202 North Karen Way, Payson, AZ

I am in receipt of your Notice of Citizen
Participation Meeting dated February 8,
2007 regarding contingent property owners
and wish to state I do not oppose
the proposed Tuscany subdivision
and/or permitting horses within this
area.

Hope you and your family is well
and good luck!

Sincerely,
Georgianne Reilly

