

**SUMMARY OF AGENDA ITEM**

**DATE:** July 17, 2008

**TO:** Mayor and Council

**FROM:**  Jerry Owen, AICP  
Community Development Director

**SUBJECT:** Resolution 2393 - Proposed Extension to the Schedule of Development for Ordinance 675

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**PURPOSE:**

Surance, LLC is requesting a time extension to complete the final plat and improvement plans for their proposed Cedar Highlands housing development at 1200 South McLane Road.

**SUMMARY:**

Ordinance 675 modified the schedule of development for what had been known as the Rim Overlook project to allow a residential development subject to certain conditions, including a requirement that the improvement plans and final plat be approved within three years of the effective date of Ordinance 675, being October 15, 2005. Staff has worked with Read Homes / Surance, LLC for over two years, reviewing conceptual plans for the site and discussing development issues, including items of joint interest between the Town and the applicant such as the regional detention basin that would also serve the event center site. Some of these development issues will be included in a development agreement term sheet being prepared by the Attorney's Office for presentation to the Town Council at a later date. The attached letter from Surance, LLC is attached for your review. Staff would suggest a three year extension to allow sufficient time for Council and the developer to finalize and record a development agreement and the applicant to submit and receive approval for the preliminary and final plats and improvement plans.

JUL 17 2008 - C.J.\*

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**SURANCE, LLC.**

420 Stevens Ave. Suite 230  
Solana Beach, CA 92075  
Office 858-794-0371  
Fax 858-794-7392

*Debra*  
TOWN CLERK  
TOWN OF PAYSON  
AZ 85541

**RECEIVED**  
Town Clerk

JUN 15 2008

Town of Payson

May 30, 2008

Ms. Debra Galbraith  
Payson Town Manager  
303 N. Beeline Hwy.  
Payson, AZ 85541

Re: Ordinance No. 675 (Cedar Highlands)

Dear Ms. Galbraith:

On September 15, 2005 the Town of Payson Town Council unanimous voted for approval of Ordinance No. 675 which amended sections 2 and 3 of Ordinance 513 to affirm the C2 zoning and to permit the construction of townhouses on the 19 ac. parcel located at 1200 South McLane Rd. otherwise known as Cedar Highlands.

The zoning change was specifically made contingent upon and conditional upon a number of items one being Item J. It states that the applicant or developer must have approved Improvement Plans and a Final Plat within (3) three years of the effective date of the Ordinance or the C2 rezoning would revert back to R1-175 and R3 as applicable.

Because of the housing downturn, changes in costs and other development related issues plus the overall economic slowdown that has occurred, the property developer/owner, Surance, LLC., has been unable to complete the Item J. requirements which is due to expire on September 15, 2008. With is expiration date only a few month away, Surance, LLC. is asking the Town of Payson Town Council for a (1) one year time extension. After a long conversation with Jerry Owen, Community Development Director, regarding this issue and the other complexities of this project, he thought this issue and letter should be addressed directly to you.

Currently, the project was scheduled to be heard by the Planning and Zoning Commission on June 12, 2008, but after a meeting with Town staff on May 20, 2008, the hearing date has been postponed until a draft Development Agreement is completed. Since there are a number of complicated issues that need to be solved by both the developer/owner and Town staff the process of completing a workable draft Development Agreement will take some time. To this end, Surance, LLC., has

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tentatively scheduled a meeting with Town staff on either June 18 or 25, 2008 to start working out some of the details.

Since Time is of the Essence in this matter, Surance, LLC. is requesting that the (1) one year time extension issue be placed on the next Town Council agenda in order to give the developer/owner enough time to complete the entitlement process.

If there are any questions please contact me at 858-794-0371.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "David Root".

David Root  
VP of Operations

cc: Jerry Owen

RESOLUTION 2393

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, EXTENDING THE SCHEDULE OF DEVELOPMENT APPROVED BY ORDINANCE 675 FOR PROPERTY LOCATED AT 1108 AND 1200 SOUTH MCLANE. (CEDAR HIGHLANDS DEVELOPMENT)

WHEREAS, on January 15, 1998, the Town approved Ordinance 513, rezoning with conditions certain property located at 1108 and 1200 South McLane (Payson Overlook) from R1-175 to C2; and

WHEREAS, on September 15, 2005, the Town approved Ordinance 675, amending the conditions of Ordinance 513 to allow town homes and requiring the developer to have improvement plans and a final plat within three years; and

WHEREAS, the Developer has requested that the three year requirement be extended so that he can have additional time to continue with the current development plan (Cedar Highlands); and

WHEREAS, A.R.S. §9-462.01(E) allows the Town Council to administratively extend a schedule of development placed on a rezoning following notice to the owner and developer and a public hearing; and

WHEREAS, the Town has notified the owner and developer and held a public hearing on July 17, 2008; and

WHEREAS, the Town desires to extend the schedule of development in Ordinance 675,

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

Section 1. The schedule of development set forth in Section 2(J) of Ordinance 675 is hereby extended and the Developer shall have until June 30, 2011 to obtain approved Improvement Plans and a Final Plat.

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

JUL 17 2008 G. J.

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney