

COUNCIL DECISION REQUEST

SUBJECT: Extension of the Preliminary Plat of Bear's Paw Condominiums
201 N. Chaparral Pines Dr. (S-140-07)

MEETING DATE: October 16, 2008

PAYSON GOAL: NEW:

EXISTING:

ITEM NO.:

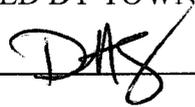
TENTATIVE SCHEDULE:

SUBMITTED BY: Ray Erlandsen 
Zoning Administrator

AMOUNT BUDGETED: \$0.00

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

EXPENDITURE REQUIRED: \$0.00



CONT. FUNDING REQUIRED:

EXHIBITS (If Applicable, To Be Attached):

Letter from Blake D. Parker, The Canavest Group

Notice of Action Letter (October 19, 2007) with Conditions of Preliminary Plat Approval

POSSIBLE MOTION

"I move to approve the extension of Bear's Paw Preliminary Plat for twelve months through October 18, 2009."

SUMMARY OF THE BASIS FOR POSSIBLE MOTION:

The Town Council approved this preliminary plat on October 18, 2007 subject to 17 conditions. It consists of 123 residential condominium units with 7 tracts on 33.35 acres located at 201 N. Chaparral Pines Drive. The developer cites the current economic atmosphere and unresolved issues with the previous property owner as the basis for this request.

PROS:

The extension would allow this owner more time to proceed to the final plat stage.

CONS:

None noted.

PUBLIC INPUT (if any):

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

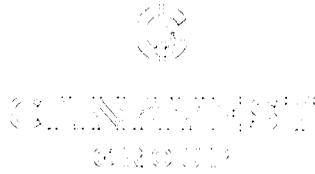
The Planning and Zoning Commission recommended approval on July 9, 2007.

FUNDING:

Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
		Total Cost: \$

CFO: _____ Date: _____

OCT 16 2008 



September 18, 2008

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

Dear Ray:

We hereby request a twelve month extension of the preliminary plat on the Tract Y parcel located in Chaparral Pines also know as Bear's Paw. We are requesting the extension for two reasons. First, the current economic and real estate climate is not conducive to bring new projects to market. However, we do feel that we will proceed with Bear's Paw within twelve months. Secondly, we have unresolved issues with Crescent Resources regarding the future existence and exact location of a retention pond.

Thank you for your cooperation and consideration of our request.

Sincerely,

Blake D. Parker
The Canavest Group





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

NOTICE OF ACTION

October 19, 2007

Bear's Paw @ Chaparral Pines LLLP
6617 North Scottsdale Road, Suite 202
Scottsdale AZ 85250
ATTN: Tom Peterson

Re: S-140-07, Preliminary Plat – Bear's Paw

Dear Tom,

This letter serves to inform you that the Town Council approved the preliminary plat, Bear's Paw Condominiums (S-140-07), on October 18, 2007, subject to the following conditions:

1. The final plat shall be in substantial conformance with the submitted preliminary plat, sealed June 19, 2007 and shall not exceed a total of 123 units.
2. The final plat must be submitted within 12 months of Council approval of the preliminary plat.
3. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the final plat.
4. Road 'A' connecting to the existing roadway at the northeast corner of the development shall be constructed as part of Phase I to meet the requirements of no more than 20 units on a single access.
5. The east access point to Star Valley shall be gated, with an Opticom receiver, as emergency access only.
6. The final drainage report shall demonstrate that the post-development storm water flows are at or below 75% of the pre-development storm water flows at all concentration points leaving the project area. The final drainage report shall be approved prior to final plat approval.
7. The developer shall meet all standard Town of Payson development requirements.

8. Group R-2 buildings are required to be sprinklered and within 600 feet of a hydrant.
9. Dead end fire access roads exceeding 150 feet require turnarounds.
10. No combustibles are allowed on site prior to hydrant installation.
11. Approved fire access roads must extend to within 150 ft. of all portions of all buildings.
12. All Town of Payson "Hillside" requirements shall be met.
13. The applicant shall provide a pedestrian trail paralleling Chaparral Pines Drive and Highway 260 through the site. This trail must be shown within a pedestrian easement and/or right of way on the final plat.
14. At the close of each residential unit, the developer shall contribute \$1000.00 through title to the Town of Payson Affordable/Workforce Housing Program.
15. No additional residential units will be allowed in Tract 'Y'. When the parcel not included in this plat is legally divided from Tract 'Y', no additional residential units will be allowed in it. This note will be added to the Record of Survey/Minor Land Division prior to recordation.
16. The applicant shall coordinate with the Town Engineer to reconfigure, as necessary, Chaparral Pines Drive to allow safe ingress and egress to both the north and the south from the project.
17. A temporary barricade shall be erected at the east access point to Valley Road until a permanent emergency access gate is in place.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,



Jerry Owen
Community Development Director

Cc: Forrest Switzer, Tetra Tech
LaRon Garrett, Town Engineer
Bethany Beck, Housing Program Manager

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
July 9, 2007**

CALL TO ORDER - 3:02 p.m.

ROLL CALL

PRESENT: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

ABSENT: Jere Jarrell

STAFF PRESENT: Ray Erlandsen, Zoning Administrator, Jerry Owen, Community Development Director, Tim Wright, Deputy Town Attorney, and Chris Floyd, Secretary.

A. APPROVAL OF MINUTES

1. Public Meeting 06-11-07 Pages 1-8

The minutes were approved as submitted.

B. PUBLIC COMMENTS - Comments concerning items not on the agenda. Note: Those wishing to address the Planning and Zoning Commission during this time need not request permission in advance. Action taken as a result of public questions and comments shall be limited to directing staff to study the matter or rescheduling the matter and decision at a later date. There shall be no discussion regarding any issues presented.

There were no public comments.

C. SCHEDULED HEARING(S)

1. MLD-280-07 Minor Land Division
Filed by: Audrey James, property owner
Location: 614 South Tonto Street
Purpose: To divide one (1) lot into two.

Ray Erlandsen, Zoning Administrator, summarized the staff report.

Gary Bedsworth asked if the residences were built in the 80's, to which Mr. Erlandsen answered in the affirmative.

Russell Goddard asked if there were separate sewer connections. Mr. Erlandsen commented that if they tried to sell them they would need separate connections if not that way now.

Chairman Scheidt opened the public hearing.

Ray Jones stated that as far as he knew the residences were built with separate sewer

connections and are still separate. There are no shared utilities for the two residences.

Ray Erlandsen commented that a condition could be added that subject to the utilities being separate on each lot.

Hal Baas asked if each building met the setback requirements as if they were divided and if each building had a separate address, to which Mr. Jones and Mr. Erlandsen answered in the affirmative on both.

Gary Bedsworth asked if dividing that lot would make redevelopment of that area more difficult. Jerry Owen, Community Development Director, stated that generally he was in favor of these types of splits because it offers the opportunity for individual home ownership.

Chairman Scheidt closed the public hearing.

Motion: Approve MLD-280-07, a request to allow the division of Gila County Tax Parcel # 304-08-044, being Lot # 18, Greer Addition, into 2 parcels of 6,970 sq. ft. and 7,040 sq. ft., at 614 South Tonto Street, with the condition: Proof of separate utility services is required and shall be submitted to the Zoning Department prior to issuance of the minor land division.

Moved by Russell Goddard, seconded by Joel Mona.

Vote: Motion carried 6 - 0

Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

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2. S-140-07 Preliminary Plat (Bear's Paw)
Filed by: Bear's Paw @ Chaparral Pines LLLP, property owner
Thomas Peterson, representative
Location: 201 North Chaparral Pines Drive
Purpose: To determine how a request for the preliminary plat of a 123 unit residential condominium subdivision shall be recommended to Town Council.

Ray Erlandsen, Zoning Administrator, summarized the staff report.

The Commission asked questions, which were answered by staff.

Chairman Scheidt opened the public hearing.

Forrest Switzer, Tetra Tech, gave a brief history on how this tract was created.

Hal Baas questioned how there could be future development if the 123 residential units were approved today. Ray Erlandsen, Zoning Administrator, replied that the commercial aspect of the project was not limited per the development agreement.

Hal Baas then asked if the approved general plan overruled the expired agreement. Tim Wright, Deputy Town Attorney, replied no because the current zoning allows commercial.

Chairman Scheidt questioned if the change of ownership affected the development master plan and the fact that it is expired. Tim Wright, Deputy Town Attorney, replied that the owners are bound by the development master plan that was a portion of the development agreement.

Jason Phillimore, Tetra Tech, gave a brief overview of the project.

There was discussion regarding drainage flows.

Don Harmon voiced his concerns with traffic flow, noise from Highway 260, and water.

Ray Erlandsen, Zoning Administrator, stated that staff recommends approval with the following conditions:

1. The final plat shall be in substantial conformance with the submitted preliminary plat, sealed June 19, 2007 and shall not exceed a total of 123 units.
2. The final plat must be submitted within 12 months of Council approval of the preliminary plat.
3. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the final plat.
4. Road 'A' connecting to the existing roadway at the northeast corner of the development shall be constructed as part of Phase I to meet the requirements of no more than 20 units on a single access.
5. The east access point to Star Valley shall be gated, with an Opticom receiver, as emergency access only.
6. The final drainage report shall demonstrate that the post-development storm water flows are at or below 75% of the pre-development storm water flows at all concentration points leaving the project area. The final drainage report shall be approved prior to final plat approval.
7. The developer shall meet all standard Town of Payson development requirements.
8. Group R-2 buildings are required to be sprinklered and within 600 feet of a hydrant.
9. Dead end fire access roads exceeding 150 feet require turnarounds.
10. No combustibles are allowed on site prior to hydrant installation.
11. Approved fire access roads must extend to within 150 ft. of all portions of all buildings.
12. All Town of Payson "Hillside" requirements shall be met.

13. Tract "G" shall be added as the private road and driveways prior to Council consideration of the preliminary plat.

14. The name of the propane gas utility on the cover sheet shall be updated to the current company.

15. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the preliminary plat.

16. The developer shall submit a proposal outlining their contribution to affordable/workforce housing prior to Council consideration of the preliminary plat.

17. No additional residential units will be allowed in Tract 'Y' when the parcel not included in this plat is legally divided from Tract 'Y'. No additional residential units will be allowed. This note will be added to the Record of Survey/Minor Land Division prior to recordation.

A condition 18 was added; 'The applicant shall coordinate with the Town Engineer to reconfigure, as necessary, Chaparral Pines Drive to allow safe ingress and egress to both the north and the south from the project.'

David King stated that his property was on the eastern boundary of this project. He commented that he had a letter from the Town of Star Valley regarding the use of Valley Road. Mr. King stated that he was opposed to anything on the eastern end of the project.

Chairman Scheidt suggested that Mr. King get with the engineers and applicant to discuss concerns.

Gary Bedsworth moved, seconded by Hal Baas, to table until concerns of Mr. King can be discussed with the developer and staff and recommendations come to staff. After discussion concerning whether this item could be tabled or not, Mr. Bedsworth withdrew his motion.

Ray Erlandsen, Zoning Administrator, suggested that another condition be added, which would have Mr. King meet with the developer and discuss concerns.

There was further discussion regarding the easement/right of way and the use of it for emergency access only.

Chairman Scheidt closed the public hearing.

Chairman Scheidt asked staff to read recommendations 17, 18, and 19.

17. No additional residential units will be allowed in Tract 'Y'. When the parcel not included in this plat is legally divided from Tract 'Y', no additional residential units will be allowed in it. This note will be added to the Record of Survey/Minor Land Division prior to recordation.

18. The applicant shall coordinate with the Town Engineer to reconfigure, as necessary, Chaparral Pines Drive to allow safe ingress and egress to both the north and the south from the project.

19. A planned meeting between Mr. King and the property owners and developers shall be held to review concerns with the project, prior to Council consideration of the preliminary plat.

Motion: Recommend to the Town Council approval of S-140-07, a request for a preliminary plat of Bear's Paw Condominiums, a condominium development of 123 residential units and 7 tracts, with the conditions listed in the staff report, including all 19 conditions.

Moved by Russell Goddard, seconded by Mark Waldrop.

Vote: Motion carried 5 - 1

Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, and Joel Mona.

No: Gary Bedsworth.

3. P-325-06 Unified Development Code Amendment

Filed by: Community Development Department

Location: All of Payson

Purpose: To modify provisions affecting planned area development (PAD).

Chairman Scheidt stated that several Commissioners had met with Jerry Owen, Community Development Director, to review the proposed changes and other suggested changes.

Jerry Owen, Community Development Director, summarized the cover memo to the Commission. This will be a specific zoning and not an overlay zoning. It would allow for mixed uses on a proposed project. He stated that a developer would have to submit a more comprehensive plan.

Chairman Scheidt opened the public hearing.

Chairman Scheidt closed the public hearing.

Russell Goddard commented that he felt this was a good move to create this district. He also felt that it was a tool that could be used since it would be an actual zone change, therefore, could be more restrictive.

Hal Baas complimented staff and the other contributors to this document. Mr. Baas stated that he still had concerns with the proposed change to the UDC, therefore, he would vote against this proposal.

Jerry Owen, Community Development Director, stated that this would be a zoning district. Applicants could apply to change zoning. He stated that the Commission's job would be to look at the general plan map and see if the project would be in accordance.

Joel Mona stated that he was in favor of the proposed change to the PAD.

Chairman Scheidt thanked everyone on the Commission for their input on the proposed changes to the PAD.

Motion: Recommend to the Town Council approval of P-325-06.
Moved by Gary Bedsworth, seconded by Joel Mona.

Vote: Motion carried 5 - 1

Yes: James Scheidt, Mark Waldrop, Russell Goddard, Joel Mona, and Gary Bedsworth.

No: Hal Baas.

4. P-341-07 UDC Amendment Request
Sections 15-02-003 (General Development Standards and Zoning Provisions) and 15-02-013 (Special Plan District - Green Valley Redevelopment Area).
Filed by: Community Development Department
Location: All of Payson
Purpose: To increase the maximum building height from 32 feet (GVRA Design Review Area) and 35 feet (Town-wide) to 45 feet, for certain zoning districts.

Ray Erlandsen, Zoning Administrator, summarized the expansions and clarifications that were made to the proposed height change in the UDC. There's also a memo from the Fire Marshal clarifying terminology between habitable and occupiable.

Jerry Owen, Community Development Director, stated that the fire department is in support of the proposed changes.

The Commission asked questions, which were answered by staff.

Chairman Scheidt opened the public hearing.

Clmn. Blair questioned how this proposed change to the heights would affect the Bear's Paw proposed subdivision. Ray Erlandsen, Zoning Administrator, replied that if Bear's Paw were approved they would be required to obtain a conditional use permit to use the higher height due to the existing R3-PAD overlay zoning on the property.

Motion: Recommend approval to the Town Council with the changes noted to paragraphs b.1 and b.2. (b.1 add the words **or occupiable** after the word habitable; b.2 add **including those having a PAD overlay** after the word districts.)
Moved by Hal Baas, seconded by Russell Goddard.

Vote: Motion carried 6 - 0

Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

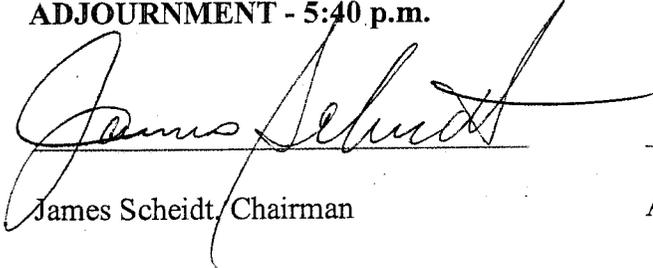
D. REQUESTS TO STAFF FOR THE PLACEMENT OF ITEMS ON FUTURE PLANNING & ZONING COMMISSION AGENDAS

Hal Baas requested a discussion regarding the process for approving minutes and making it public record.

Ray Erlandsen gave the Commission a revision to their handbook regarding the meeting schedule.

E. DIRECTOR'S COMMENTS

ADJOURNMENT - 5:40 p.m.


James Scheidt, Chairman

8-13-07
Approved


Chris Floyd, Secretary