

## SUMMARY OF AGENDA ITEM

**DATE:** September 10, 2009  
**TO:** Mayor and Council  
**FROM:** Ray Erlandsen, Acting Community Development Director   
**SUBJECT:** 500 S. Mud Springs Road – CUP-173-09A(1)  
Appeal of CUP-173-09  
Applicant: Phillip Anderson

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### PURPOSE:

An appeal of the Planning and Zoning Commission's decision to approve CUP-173-09, a request by the Payson Community Christian School to amend the site plan of CUP-111-03, a previously approved conditional use permit which allowed a school use in a residential zoning district at 500 S. Mud Springs Road, Gila County Tax Parcel #'s 304-02-074 and 304-04-221.

### SUMMARY:

The Planning and Zoning Commission heard this case on July 13, 2009. The staff report recommended approval with six conditions. The Planning and Zoning Commission approved the application on a 5-1 vote (Chairman Goddard dissenting) amending Condition #3 and adding Conditions #6 through 10 (see attached motion). The applicant for this appeal, Phillip Anderson, subsequently has filed a written appeal to the Town Council of the Planning & Zoning Commission's decision to approve CUP-173-09 (letter and supporting material attached).

The attached staff report to the Commission, dated July 13, 2009, contains background information regarding the 2003 Planning & Zoning Commission's decision and subsequent appeal to the Town Council.

The Unified Development Code, Section 15-09-004(D)(3), states "The Town Council may reverse, affirm or modify the decision of the Commission following the conclusion of the public hearing."

Basically, the Council may approve the CUP appeal (reverse), deny the CUP appeal (affirm), or add/remove any conditions they want (modify).

12 August 2009

Payson Mayor  
Payson Town Council  
303 N. Beeline, Payson, Az, 85541

RE: "Payson Community Christian School" (PCCS) CUP 173-09 Site Plan Approval

I have been forced to Appeal CUP application 173-09 to the Town Council because the P&Z Commission and Town Staff, it seems, did not assess all major impacts this school will have on the S.E. part of Payson; everyone affected by the school's major change in land use was not notified, and the Town Council was not alerted that the school's plan for transportation and land use is unworkable for this area -- as the following analysis shows.

Had the Commission and staff asked for proper studies to show how this school will have a serious impact on residents and businesses, with excessive traffic congestion and noise in this part of town, how the school's land use change is tantamount to a full-scale zoning change -- they could have then followed Arizona law for such a major land use change. Instead a 13 July 2009 endorsement overlooks all of the school's huge impacts which are unsustainable for the area. The 2003 P&Z and Town Council failed to realize these major impacts too, and erroneously issued a CUP for what amounts to a major change in land use (hence falls clearly within ARS zoning laws). Now the 2009 P&Z endorsement also makes much the same mistake, by issuing a new CUP for an *irreversible* land use change that carries the full community impact of a major commercial zoning change.

So I have to pay \$200 to Appeal to the Town Council, to ask them to correct the problems that would have come up in a full analysis of all impacts to all residents and businesses in the area, alerting all residents and Council of the changes, so a full hearing could be had. That should have been done instead of putting this through almost unnoticed as a CUP that will adversely affect most people in S.E. Payson. I have put a lot of effort into this summary of the problems, so I'd appreciate a fair, unbiased hearing before the Council, including careful consideration of all the major impacts of this unique school's land use.

**1. The Traffic congestion in this area will be so extreme that it cannot be justified**

This is not a normal school where children are bussed to the site. This school says it will have up to 250 students. That could be handled by 6 school buses. But in this school's case, all students will be *individually driven* to the site in parents' cars and trucks. That means 250 vehicles will be converging on this part of town where the streets are narrow, and *all of these 250 vehicles will be converging on this site at the SAME time*, namely at 8 a.m. to deliver students, and at 3 p.m. to pick them up. Most Payson residents live north

and west of this school site, which means that **most** of this traffic will be converging on 260 in front of Safeway, then turning right on Granite Dells, to go east to Mud Springs, then around a tight 5 mph roundabout, then down a driveway on the site to a loop, where each car has to stop to let off a student (see figure 1 for north and south routes).

So in a 10, 15 or 20 minute period in the morning, and then again in the afternoon, there will be effectively a long funeral procession of up to 250 vehicles, all trying to get around tight bends on very narrow roads, and then all stopping to let off kids. Once one car stops they all have to stop. So the traffic will back up down the roads until it fully congests all roads leading to this site with stopped vehicles. Who has been caught in a slow funeral procession of 250 vehicles? I saw one in Tucson once, and it totally disrupted all traffic flow in that part of the city for **2 hours**, and that was on 4 lane roads! 250 slow moving vehicles is a string of traffic congestion 2 miles long, it would stretch from Walmart in the north, southeast to the school site, and back to Walmart, about a 2 mile round trip.

That means the residents and businesses of this area must endure 1000 vehicles per day more than the current traffic congestion -- 1 trip in + 1 trip out two times a day = 1,000. And this traffic is **not** spread out throughout the day, as it would be in a shopping mall, it all happens in a 10 to 30 minute time period twice a day. Surely you can begin to realize the intolerable traffic snafu that will result! The Safeway corner on Granite Dells is so tight and sharp, all it takes is one stalled car to seize all traffic at that intersection. Now imagine a string of 100 to 150 cars all coming down 87 about the same time, turning on 260, then stopping to turn right at the Safeway light. No one will be able to get in and out of Safeway at all for the 30 minutes or more that this funeral procession is going on.

This string of vehicles cannot move faster than 5 mph, being limited by the speed one can go at the Safeway bend and Mud Springs roundabout (see fig. 2, congestion points). But remember, all vehicles must stop at the school loop to let off kids -- so **the entire string of vehicles** will be at a standstill for most of the time. Now consider the southwest school traffic, out Bonita to Frontier then up Mud Springs; say 50-70 vehicles come that way and all converge on the school about the same time. How are these vehicles going to turn left to enter the school lot, when there are 100 to 150 tightly packed vehicles coming from the north? There is **no** turning lane, Mud Springs is only one lane. So those 50-70 vehicles will back all the way down Mud Springs, Frontier, St. Philips, and Bonita, to where **no one** will be able to get into Frontier Elementary School (which also starts and ends at the same time). No neighborhood residents will be able to get on the street at all from 7.45 to 8.30 am and 2.45 to 3.30 pm, every week day. Anyone needing care or emergency help at Humana, Frontier school, or among local residents, could die waiting for this incredible traffic snafu to dissipate. *How can you put such an onerous burden on these residents?*

Now consider yourself a resident or worker living along Granite Dells. You can't get out at 7.55 am to go to work, because of a funeral procession of vehicles logjamed in front of your face -- 150 or more vehicles going east, then 150 more coming back west -- and then see it all over again at 3 p.m. *How can you ask these residents to endure this?* Trying to send traffic down Miller makes it a lot worse. Vehicles can't turn left across Mud Springs

because of the stuck vehicle procession heading south, and if they come out Miller and try to turn right, it only further delays the main vehicle procession on Granite Dells. Miller Rd is too narrow for cars to pass at over 10 mph, it cannot take any more traffic volume -- it needs to be out of bounds to PCCS traffic (see fig. 2). Bonita Street isn't much better: Bonita cannot handle another 100 vehicles over and above the current Elementary school traffic, especially if all packed into the same 10-20 minute time slots at 8 am and 3 pm.

Did the Town do the traffic studies that should have been done to correctly evaluate the impact of 250 vehicles all heading into this one tight area of town with narrow single lane roads? With 500 vehicle trips condensed into 15 minutes in the morning and afternoon, that is 1000 vehicles per half hour -- it is fully 20,000 vehicle trips in a 10 hour day if the traffic was continuous. For heaven's sake, not even WalMart gets a load of 1000 vehicle trips in 30 minutes. Why has no one done traffic analyses to raise a very serious red flag? Surely the Town Council can see that such a severe traffic problem is unworkable for this S.E. corner of Payson -- which the previous 2003 Town Council turned a blind eye to.

This school's mode of operation will put such a severe burden on residents and businesses in this area that *no one can validly justify putting such an onerous, unnecessary burden on these people* -- it will damage their lives, make it **hell** for residents to get on the road. The traffic noise and excess pollution from so many stopped vehicles' engines running, all trying to get to this tight corner of town at the same time, will damage people's health and adversely affect their lives. An ADEQ environmental impact analysis of the plan you are about to approve would find it unjustified. It is sheer madness to expect residents of this quiet peaceful area to endure the worst traffic congestion imaginable -- **and all for what?**

There is no justifiable reason to allow this to happen. It will not benefit the Town or its revenue, it will only damage businesses in the area, it will make the lives of people living here unbearable; the severe traffic congestion will cause many accidents and likely some child deaths (an impact analysis could show where they will happen), and will result in a total failure of emergency services to the area's residents. It will also impair everyone's ability to simply go grocery shopping, and it will rob people of their peace and quietness.

The Town Council is elected to look after the best interests of all residents in town. To approve this CUP without changes is to violate the trust of people living in the S.E. part of Town. When the noise, pollution and traffic congestion harasses us each day from 8 am to past 3 pm, wouldn't you be upset if we called you and school staff and "harassed" you each day about it? One Christian principle this school is supposed to be teaching is "do unto others as you would have them do unto you" -- that isn't happening here, is it?

Before voting to approve this CUP, the Town Council needs to think long and hard about the *consequences* of their actions: It violates State Statutes, as this aberrant school's land use is tantamount to a full zoning change -- in fact I can't think of a commercially zoned use that would damage the neighborhood more than the traffic problems this school will bring. It violates the Town's master plan of supposedly having "harmonious community development" -- there is nothing about this school's planned land use that is "harmonious"

with a quiet peaceful neighborhood -- *everything they plan to do is the most community-hostile planning that I have ever seen.* It would be vetoed in most cities and towns.

There are 5 solutions to this traffic problem. I've alerted you to the severity of the crisis that will ensue if you approve this CUP without serious traffic limitations. It's time to get your Staff working on discovering what those 5 totally separate solutions are to this crisis. I've spent long enough on this big traffic issue. It is time to find the solutions and make the best one stick -- before you approve a major land use change that is irreversible.

## **2. The School's site plan is extremely community hostile, but can easily be fixed**

The School's site plan for this permit (see figure 3, their current site plan) is designed to:

- (a) adversely affect the lives of the maximum number of residents with noise every day;
- (b) destroy the only remaining native greenbelt on the property, in the site's N.W. corner;
- (c) destroy an important historical landmark which should have been taken into account in a cultural survey, as is **required** by law by the USFS, BLM and Arizona State Land Dept;
- (d) upset the maximum number of neighbors in a 750 ft radius, who are sensitive to noise and who moved to this part of Payson for peace, quiet, and absence of daily harassment;
- (e) pollute the largest number of private water wells on properties around the school site.

A lot of these community-hostile aspects of the current site plan can **very easily be fixed** by moving the "Play Grounds and Athletic Fields" to the eastern side of the property near Mud Springs, where it should be located, by all intelligent and community-friendly logic. The land must be leveled for a playground and athletic field. This creates major problems in the N.W. area where the school currently has it planned, but none if located to the east.

(1) The site chosen by the school for its "Playground and Athletic Fields" (see fig.3 site plan) is a rounded ridge of granite outcrop, sloping moderately to the west with a 16 foot fall from east to west (actually the drop is 17.5 feet, as I surveyed it, but let's use 16 feet).

- (a) To level this ridge top, the east side would have to be cut down 8 feet, and the west side filled up by 8 feet of fill. It is extremely difficult and expensive to excavate granite.
- (b) That leveling would totally destroy the only greenbelt on the property (which is full of tall pine trees), the landmark, and all other park-like pines and trees on the N.W. property.
- (c) It would cause excessive runoff and contaminate 3 private water wells to the west.

(2) Because the ridge in the N.W. part of the property slopes west, and is rounded to the north and south, the noise of children yelling and screaming (which is what they all do in playgrounds and athletic fields), will be thrown mostly to the west and north, where the highest number of quiet family residences occur. Many more people will be harassed by this noise than the Town or School contacted. They sent notices to immediately adjacent residents only. But the noise from this playground and athletic fields will be heard right across the Sherwood Trailer Park (of very quiet residents) and beyond, as well as across Miller Road to homes north of it. The total impact of **loud noise** from this playground and athletic fields is shown on fig. 4 -- at least 750 feet to the west, 500 feet to the north, and some south and east, depending on hills or fences. Many people will be harassed.

(3) On figure 3, the site plan, all trees in the N.W. part of the property seem to have been deliberately left off the plan, as if to bias viewers that this land is bare. Quite the opposite -- the solid Greenbelt shown on fig. 3 and the large pines near it, spaced out in park-like array, is the perfect site for the area called "Natural plus landscaped park, picnic, events, classroom paths". The park-like nature of the trees in the N.W. is perfect for this use, and there are small paths already through the Greenbelt to make the perfect "classroom paths".

(4) The vegetation density in the Greenbelt shown on fig. 3 is easily 10 to 20 times what it is to the east, where the site plan erroneously shows more trees than actually are present in that eastern area, again, as if to bias the viewer. There are no trees at the Mud Springs road front, only bare land; 2 small trees occur 50' to 70' back, then there are some small pinyon further back, totaling about 12-15 trees. In contrast, there are over 35 large pines to the N.W. in and adjacent to the greenbelt, which make the perfect park-like site. As proof, figure 5 is an aerial photo taken some years ago of the site. The developer's bulldozing event has since cleared much of the dark vegetation shown on this photo in the south, east, southwest, and central parts of the property. In contrast, the N.W. part of the property exists much as in the photo, because I asked him to preserve the greenbelt there.

(5) I have attached some pictures in a separate email to *help the Council appreciate the stark contrast between the heavily wooded, beautiful treed, park-like environment of the N.W. part of the property, compared to the bare, cleaned-off appearance of the eastern area.* It is in this eastern area that the playground and athletic fields needs to be located: (a) The minimum number of trees will be cut, (b) the area is similar in size to the N.W. area currently slated for destruction, and (c) perhaps **most important, the land is nearly level in the east.** I measured dead horizontal in the northeastern part of the area shown in blue on fig. 5, and only a 4 to 5 foot fall in the southeast part of the blue area. The area is dirt, there is no outcrop to bulldoze, hardly any land fall to grade to horizontal -- all in all, **an obvious choice** for a Playground and Athletic fields area, ready made at the least cost!

(6) There will be one site plan adjustment needed to make this work, and that is to move the long parking lot of 18 cars (currently east of the road around the buildings) to the northeast area adjacent to the emergency exit on Bassett Lane. Likewise, the 15 car lot on the far west of the loop road should be moved to the same N.E. spot, as this parking area (fig. 3) will kill **more** trees in the Greenbelt than will be cut by moving the "playground and athletic fields" to the southeast part of the property. Only in the far S.E. corner does the land drop more than 5 feet, hence it is the main place where runoff retention ponds need to be located. Those retention ponds follow the right-angle corner of the property, so a minimum of usable land will be lost to retention ponds. While on the subject of retention ponds, the one in the N.W. needs to be moved out of the Greenbelt, so none of the belt is impacted -- it is a simple matter to move it closer to the parking lots. And finally, the main road should be straightened, giving more room for the playground. This move will actually result in less noise for the northern neighbor than a wide curve.

All of these changes are **very easy to make**, as their plan is fluid at this stage. But if the Greenbelt and all vegetation to the north are destroyed, irreparable damage will be done.

(7) So, looking at figure 6, you see that at least a 170 foot by 250 foot area is available in the southeast part of the property for the "playground and athletic fields", which is about the same size as the area in the north, because not all of that hill can be used. Figure 7 shows that the area of loud noise impact from the "playground and athletic fields" located to the east is **dramatically less** than if located in the N.W. area. The only people affected are those who already told the school they don't mind the noise, and none of these people want an 8 foot high block-wall fence, as do the neighbors to the west. Therefore in every sense of the word, this eastern site has the absolute least community impact, and the least noise harassment of neighbors for the land use called "Playground and Athletic fields."

Thus the S.E. area at the Mud Springs road front is the perfect spot for "playground and athletic fields", which is exactly how Frontier Elementary School has their playgrounds located -- facing the road, where there is least impact to adjacent land owners -- and they have a greenbelt at the back, where their school property abuts a housing subdivision. So why can't this School do the same? Is it just plain stubbornness? Do they want to destroy the greenbelt and all the beautiful pines to the north? Or is it that they can't see they will be harassing the greatest number of neighbors who don't want to suffer their daily noise?

Regardless of their reasons, the N.W. area is naturally ready for a picnic park-like area, with a beautiful greenbelt adjacent for nature walks, classroom paths, etc. Everything is ready made, with no construction costs to convert this area into what they want to do in the east, where the land is ugly, bare, and exposed. That eastern land is the farthest thing you can imagine from a natural area. But the N.W. area is perfectly in tune with nature.

By making these simple adjustments to the land use around the PCCS building complex, we have saved the school 100% of the cost of landscaping and tree planting they would have incurred, we have saved them 90% of the cost of leveling ground for a playground and athletic fields, we have saved them the entire cost of paving the loop road around the buildings for emergency only (see fig. 6), and we have saved them 50% of the paving cost of parking lots, by amalgamating them. Total construction cost saved = about \$100,000.

The School's current site plan **requires** these changes to make it community friendly and of least harassment to surrounding neighbors (cf. figs. 4 and 7). Regardless of the cost we saved them, these changes are **required** to mitigate harassment impact to the community. Also, in the fig. 6 revised plan, ***no trees need be cut, except those in roadways, and just a few in the southeast for the playground and athletic fields.*** Contrast this to the total destruction of all native vegetation in the N.W. greenbelt with the current school plan.

### **3. The 8' Block Wall needs to be built first -- plus related sewer issues**

The need for an 8 foot high concrete block wall, where people want to cut down the noise from school activities that either harasses them or disturbs their peace and quiet, has been attached to this School's application since the 2003 CUP, and is the most important issue for some people. The block wall will cut out 30-40% of the noise, if the neighbors house

and the school's noisy activities are basically on level, and the wall rises above the house. The perfect example of this is #407 property north of the school. Mr. Ryder's house is so close to the wall that any traffic/play noise on the other side will be deflected by the wall.

However, if the noise is above the wall, the wall has much less deflective capacity. The perfect example of this situation is the #810 property, i.e. my property (see figs 3, 4). The N.W. part of the school property sits 20 to 30 feet above my property, so a lot of school playground noise will go right over the wall. In addition, the tall ponderosa trees on my property will transmit the noise all the way west to Sherwood trailer park, and beyond.

Figure 8 shows the paradox of building a block wall 8 foot high, then trying to level the N.W. part of the property for playground and athletic fields. With an original land fall of 16 - 17.5 feet over 300 feet horizontal, half of the land to the east must be cut down 8 foot to make a level playing field. The other half to the west must be filled up to complete the level field. In the end the fill is as high as the concrete block wall, so what use is the wall in stopping noise, if ground level is as high as the wall itself? ***This shows how short sighted it is to destroy all vegetation in the Greenbelt, including large Ponderosa and Juniper, and destroy a beautiful stand of park-like spaced pines, just to force a "level playing field" where it does not belong.*** It causes wide-scale environmental destruction, for no reason. A level field can be easily moved to a spot already near level, to the east -- putting the field there will result in very minimal tree cutting compared to this N.W. area.

Consequently, the 8' high block wall on the west side of the N.W. property area ***needs to remain with the current land gradient and all associated pines and greenbelt preserved.*** The block wall will have a 30-40% effectiveness in cutting down harassing noise from the school property. The Greenbelt will have another 30-40% effectiveness in cutting down noise levels. Together, they should provide an effective barrier that will cut noise levels considerable for 500 to 750 feet to the west, as the land slopes. The height of this N.W. area on a hill explains why the noise carries so far to the north (compare fig. 4 and fig. 7). This is another reason why the playground and athletic fields has to be moved to the east, where the land slopes gently east, so most noise is thrown east onto the road !!

The P&Z Commission, in their conditions on CUP 173-09, failed to specify a very crucial point of these block walls. They need to be erected **BEFORE** any building or clearing on the school property starts. The 4-stage building plan means construction could go on for years -- construction noise is almost as much harassment as kids yelling and screaming in a playground. ***Unless the Council adds the stipulation that the block walls be built first, before any building and land or tree clearing starts, it may never be done.*** The perfect example of this is the Sherwood Trailer Park, west of me. The only way they could get that trailer park approved is to agree to build an 8 foot high concrete block wall between the park and the Childer's residence, now my place (Ed Childers told me this himself.)

Well, the Park never built the wall, so 12 years later, *I had to lay out \$12,000 of my own money for an 8 foot high redwood fence, just to get some peace and privacy in my home.* That is a prime example of community impact and harassment stemming from not giving

precise limits to land developers who love to destroy trees, ruin people's lives, then leave. **Let not the same thing happen here.** The stipulation needs to be added that the 8 foot high block wall be built **first, before** any building, cutting or further clearing commences. Since the land developer, Mr. Fait, told me he didn't care, this should be an easy change.

#### Sewer Line Requirement

In a letter between Mr. Fait and the Corazza's (occupying #816 on figure 4), Mr. Fait was under the erroneous impression that a sewer line runs right underneath their western fence boundary, therefore they could not erect a concrete block wall along that boundary. **This is wrong.** The sewer line is 5 feet into the northern #404 school lot, it runs to the corner of the Corazza's property, but then is 5 feet inside their land. Other **crucial** facts are: this sewer line is very small (6" to 8") down to the Catholic Church, it was designed for single family residences, and it cannot handle the 250 students of the current CUP. **Also, it is at least 20 feet, if not 25 feet, deep,** cut into granite outcrop. Any attempt by the school to tie into this sewer line is a mistake -- major excavation through granite, and the sanitary district having to tear up the fence and kill all trees along the south side of Corazza's land. Also, there are at least 3 crucial private water wells near that sewer line, which if broken or disrupted, would result in immediate contamination of all water wells, and subsequent claims for damages. Therefore that small deep sewer line needs to be simply **left alone.**

In contrast, to the east, is a major sewer line near Mud Springs road. It handles Humana and the Frontier School, so it has to be large. The PCCS needs to tie into this sewer line because: (a) it is already near capacity for their needs, (b) it is not buried that deep, (c) it is down the correct gradient for a normal sewer line, meaning if they may only need to dig 4 feet deep the whole way, hence (d) very little excavation cost. The run is a little longer and will cost the school more in pipe, but the savings in excavation costs, and savings to the Sanitary District, makes up for this small extra cost. This is a necessary requirement.

Therefore, it is essential as a condition of this CUP, that ***the Council require the PCCS school to run their sewer line to the east,*** to tie into the big Mud Springs line, and leave the one along the west of the property alone -- tying into it will only cause huge problems.

#### **4. The old CUP is invalid and needs to be revoked for everyone's good**

The 2003 CUP issued to the School involved only the southern lot. Since then 50% or more extra land has been added with the northern lot. The 2003 CUP did not take this into account, because it was then owned by Mr. Barbieri, who also wanted a block wall along his boundary. Hence the old CUP specifies a block wall through the middle of the new PCCS land -- clearly no longer valid -- and **most importantly,** the land use of that northern lot is not specified in the 2003 CUP. If the school reverted to this CUP, they would be in a total paradox of having to build a wall through their property, and having the land use of the northern lot unspecified. You can't just shift that wall to the north, and leave the land use of the northern lot unspecified -- that is against Arizona state law, which requires that the land use must be specified and approved in all land use changes.

Payson's legal dept. gave the P&Z incorrect advice by saying there might be problems in revoking the old CUP, but without giving any specifics, as if a legal scare tactic to put them off the idea. I am sorry to say, this is wrong. Technically and legally, now that the school is "moving ahead" with the new plan, and the Town Staff approved it as a "much better" plan for the site, there is no way to go back to the old CUP without leaving the school's northern lot in limbo, i.e. used for nothing. They can't go through with the old CUP and later apply for a change in the north, because that CUP approval was predicated completely on the understanding that the northern lot was not included in hearings for that CUP. Therefore, the only correct procedure at this stage is to revoke the old CUP.

I heard Mr. Fait in the P&Z hearing say, "We are either going to build the new design, or the old one". Not correct, I am sorry to say. If they are going to build the old design, it would have to be **re-evaluated** in light of changes to land size and use since 2003. That is equivalent to proceeding with the current CUP 173-09, since some land use of the new lot is specified in this CUP (even if incorrectly so on cultural, environmental, community compatible, noise, pollution and neighborhood abuse grounds.) *Therefore, the old CUP, re-evaluated, equates to the same as this new CUP, but with a worse design of buildings and a worse land use on the southern lot, according to Town Staff.*

This is a solid analysis, so just revoke the old CUP as undesirable and now unacceptable for the area. That CUP will not lessen traffic problems or the vegetation preservation and neighborhood harassment issues listed here. The Town would need to give assurance that the School will not be left out in the cold, since they have proceeded this far. But if the consensus is that the new plan is "much better" than the 2003 one, and with the changes I've listed here, **a new site plan could be dramatically more acceptable than the old.** So why not just accept this reality and move on with fixing the new site plan, instead of having the old CUP as a threat, "If you don't approve this, we'll build the old ugly metal building." Surely threats aren't needed, the idea here is to move ahead, not backward.

### SUMMARY

If the Town Council accepts the changes I have explained here as correct for the site, and requires the School to make such changes to mitigate the impacts to the neighborhood and especially to those families affected by excessive school noise, as opposed to those who are not, ***then we are 90% of the way toward an excellent site plan acceptable to all.***

Having accepted and approved the logical changes discussed here (which are **all** very easy to make at this stage), to preserve the environment and all community concerns, then the **ONLY** major stumbling block left is how to alleviate the severe traffic problems that this school's "individual student transport" plan creates for the entire S.E. part of Payson.

This traffic issue is the Town's responsibility. One P&Z member tried to throw the onus on the school by saying the school needs to pay for traffic signs, not the Town. A major traffic reorganization, including many signs, may be necessary, if the Council accepts the plan of individually driving each student to the site in parents' vehicles. The Council

should just face the fact that they have to do some hard thinking about how to solve this traffic problem -- it may be solvable by the Town alone, it may require adjustments to the school's transport plan -- either way, this traffic responsibility is the Town's to resolve.

There is no reason why the Council can't put all the logical changes I have listed here into a single motion -- which simply asks the school to reorganize land uses peripheral to the main complex, to mitigate damage to vegetation, trees, community impact, and related issues. All changes are **very easy** to make at this time. Having approved the motion, the Town can ask the School to come back in a month with a new fixed site plan that is more acceptable to the community. At that time, the Town's will have chosen one of 5 ways to minimize the traffic chaos -- and if that way is acceptable to the School, the CUP can be finally approved to everyone's satisfaction. Just a short delay for a satisfying completion.

At least get in motion now the changes I have explained **need to be done, to make the school's site plan of the least impact to the community**. Do it now, before the impetus is lost. The Town needs to research the traffic snafu more carefully -- and please don't try to claim that 1 month is too long for the school to wait, as the P&Z seemed to think. *The decisions you make now on this CUP have consequences that may adversely affect many of us in the area for the rest of our lives.* Because this will affect many of us for decades, it is not fair to claim that a 1-2 month delay hurts the school. Making hasty or the wrong choices now will damage the lives of many people for decades, if not generations.

Approve the motion(s) listed on the following page, and ask the School to be ready with an updated, conforming, revised plan by next Council session, or whenever you have the traffic problem solved. Remember, the land use changes that you approve or disapprove now, will mean irreversible changes to this part of Town: Once that commercial structure of the School's is built, the land paved and changed how they want it, there is **NO** going back to a normal residential land use. *That is why my rearrangement of their site plan is far superior to theirs -- it makes the absolute LEAST changes to the land and still fills all of their objectives, while minimizing destruction of trees and impacts to people's lives.*

There are many aspects of their site plan that could be arranged better, but here I have only stressed the changes that are **essential** to make their plan acceptable to the best interests of the community. They can be simply summarized as 4 main changes:

1. Flip the positions of the "Playground and Athletic Fields" and the "Park, picnic and classroom paths" areas, shown on their current site plan. That is an **essential** change to minimize all the adverse community impacts described in this letter. It is also essential to preserve the greenbelt and abundant large park-like pines in the north. Greenbelts are an important part of harmonious community development across the U.S., and especially in Payson, where trees are our main asset. It is essential for the greenbelt to remain because it minimizes the noise impact for everyone to the west. It will save the school much cost. Specify that (a) the greenbelt needs to be preserved as is, 100 feet from the west property line, (b) the historic landmark in it should also be preserved, and (c) no trees should be cut on the northwest part of the property unless necessary to make parking lots or roads.

2. Specify that the concrete block walls, as a privacy and sound buffer, need to be built first, before any construction begins. This is needed to minimize noise and give privacy from what will be a long multi-stage construction period. The sewer line to the west is not at the property boundary, so building this wall will not interfere with that sewer line.
3. Specify that the school run their sewer line to the east, to join in with the existing large sewer line near Mud Springs road. This is essential so as not to disturb the very deep line along the western boundary that is too small for their use, and which would involve a lot of expense and unnecessary damage to the #816 property if it were dug up and replaced. That would also risk contaminating several important private water wells nearby.
4. Work on solving the severe traffic congestion problem this school's plan will create.

### MOTIONS

The motion to revoke the old CUP is a totally separate issue and ought to be voted on separately than the motion to amend the current CUP.

A. Motion to Revoke the previous CUP -- Changes in the size of the property since 2003 and a new land use that needs to be specified for the added northern lot, but which was not specified in the previous CUP, now renders the old CUP invalid -- it would have to be re-evaluated to take in the land use of the northern lot -- which is what we are doing here in the new CUP 173-09. So the old CUP needs to be revoked and we move ahead with making the current CUP acceptable to all affected parties.

B. Motion to Amend Current CUP 173-09 -- The following amendments are needed:

1. The School needs to preserve the current greenbelt, up to 100 feet wide along the northwest side of the property, as it now exists, including an historic monument, without cutting any trees or bushes in this greenbelt, and without cutting any trees east of this greenbelt on the northern lot, unless they must be cut for an emergency exit along Bassett Lane, or for any adjacent parking lots that may be needed on the east side of the northern lot. Council recommends that the School use this northern area for their "park, picnic and classroom paths area", because the current setting is ideal for that land use. Council also recommends that the School move their "Playground and Athletic Fields" area to the east side of the property, to minimize community impact and throw the noise of those outdoor activities toward the road, where there will be the least impact to most neighbors.
2. The Planning and Zoning's requirement of block walls wherever requested by adjacent land owners needs to be amended to stipulate that these walls be built **before** construction begins and before any land is further disturbed.
3. The School should use the sewer line to the east of the property where a larger line is more accessible than the line to the west. The School should avoid tying into the western line, so as not to risk contaminating wells in the area, or damaging the 816 property.

Conclusion:

Thank you, Town Council members for your patience in reading this letter and looking at all the diagrams and emailed pictures. I hope you appreciate all the effort that I have put into this, trying to do the best job possible for everyone. I hope you also understand that my goal in all this work is to do the **right** job for **all** people impacted by a School moving into a quiet residential neighborhood and potentially hurting the lives of many people. I hope you see that I have tried very hard to look after everyone's good, not just mine.

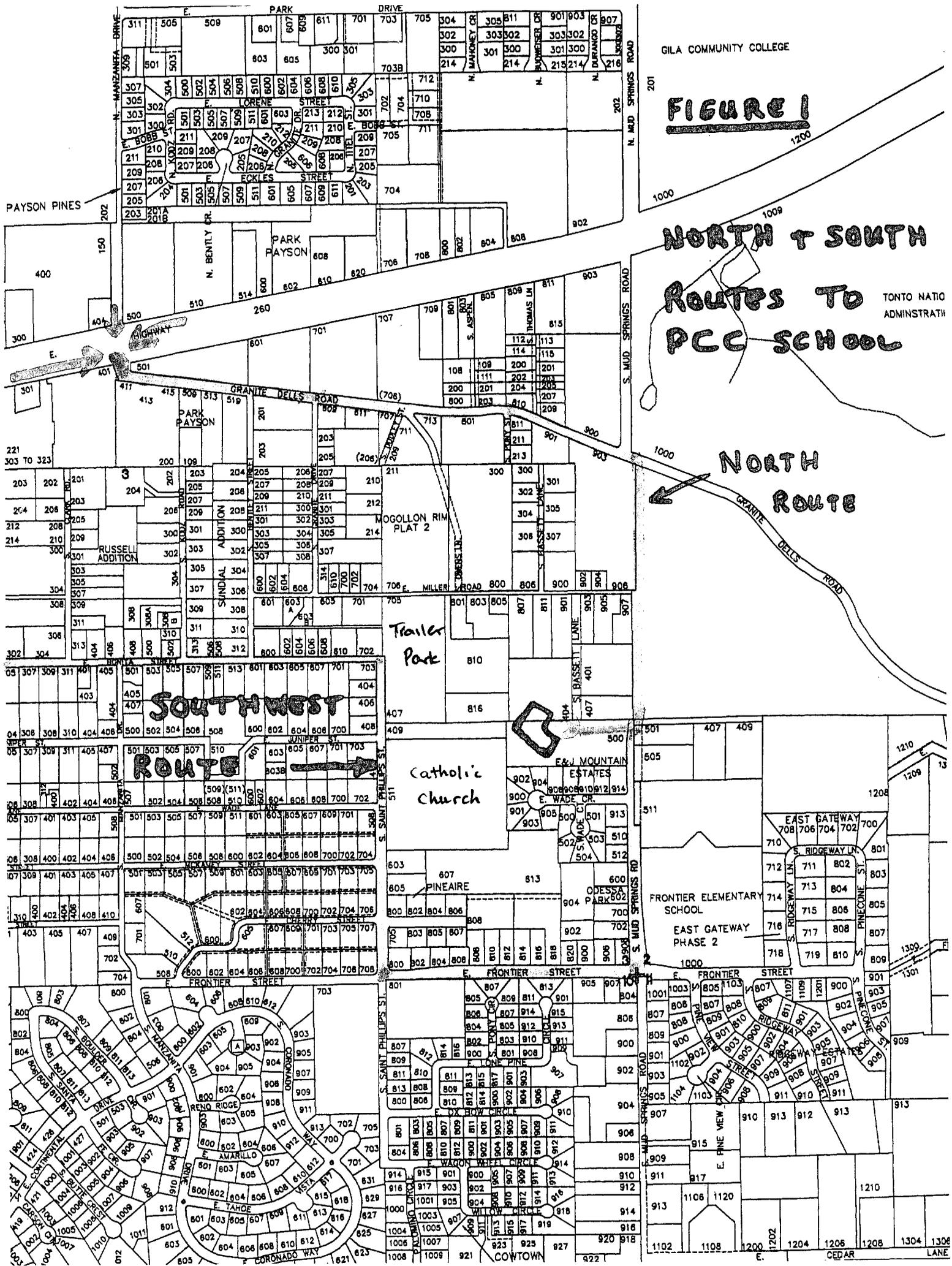
Don't forget to follow up on the traffic problem. It really is a serious issue, one that you would not want in your own street, so let's not let everyone in this area of Town suffer either. It is a burden that they simply should not have to bear, don't you agree?

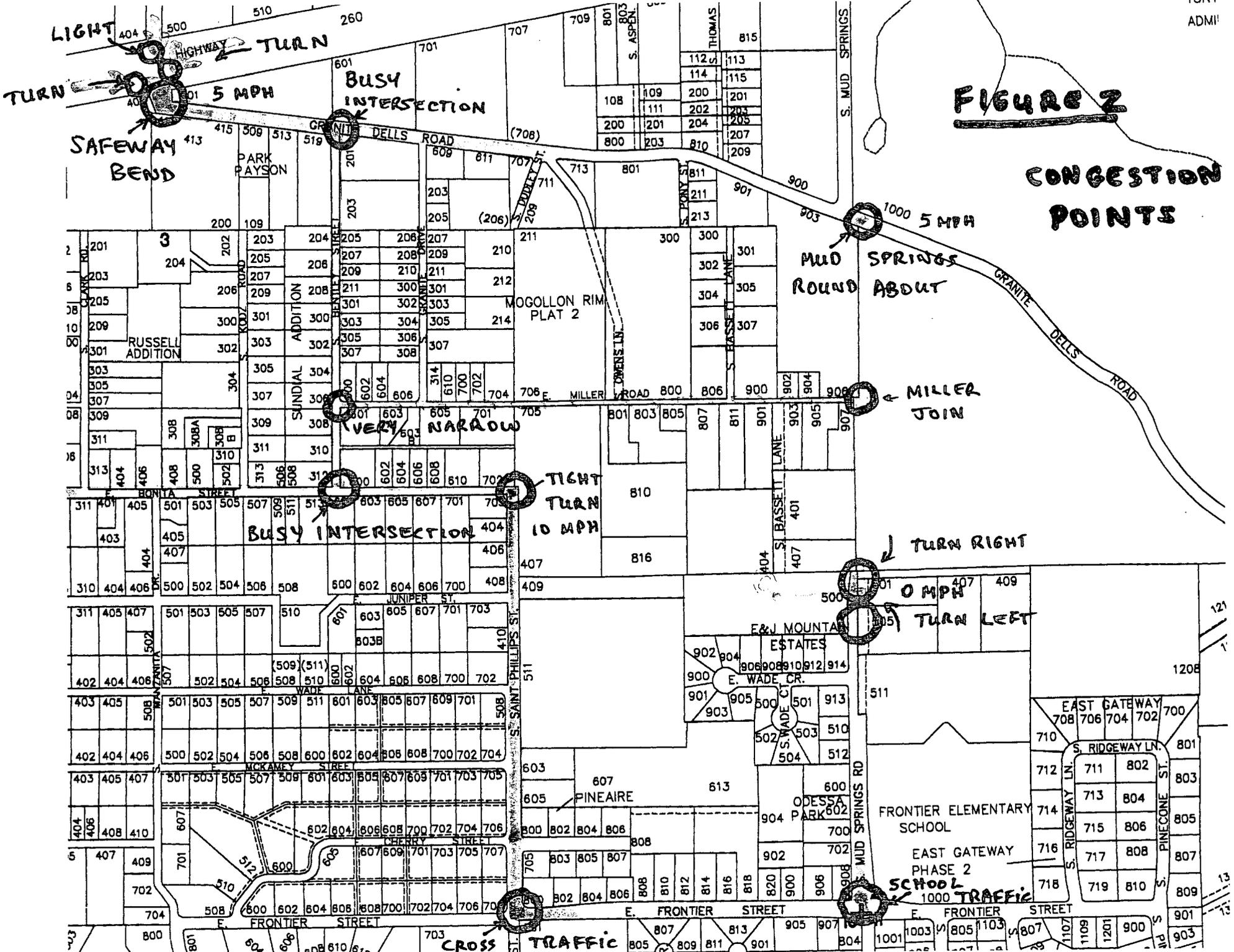
Good luck finding an equitable solution to the 250 vehicle traffic problem, twice a day.

Yours Sincerely,

A handwritten signature in cursive script that reads "Phillip Anderson". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Phillip Anderson, Ph.D.





**FIGURE 2**

**CONGESTION POINTS**



**FIGURE 4**

NOISE IMPACT FROM  
CURRENT LOCATION  
1000 OF PLAYGROUND  
+ ATHLETIC FIELDS

Area of significant  
noise impact shown  
in red with yellow  
highlight

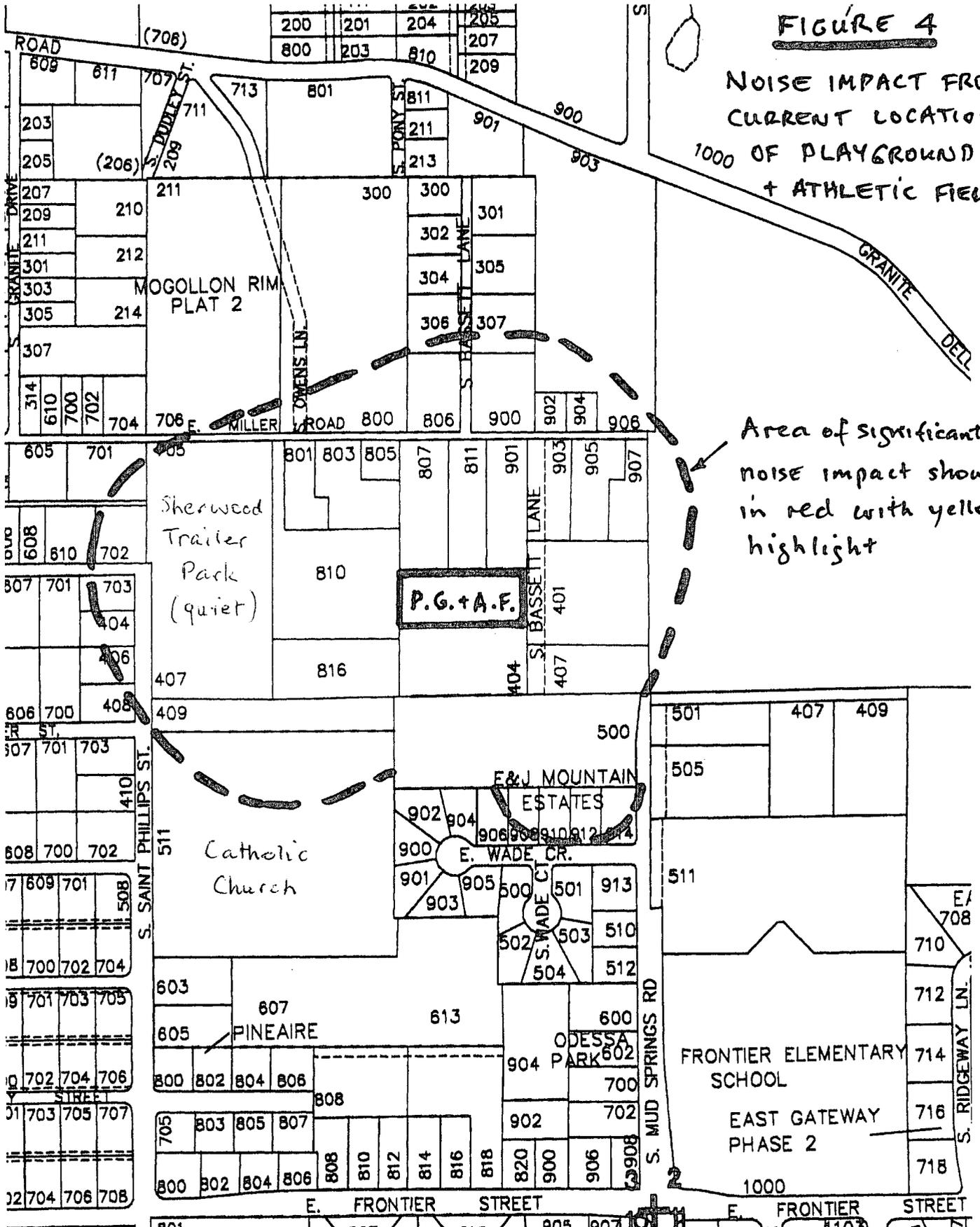
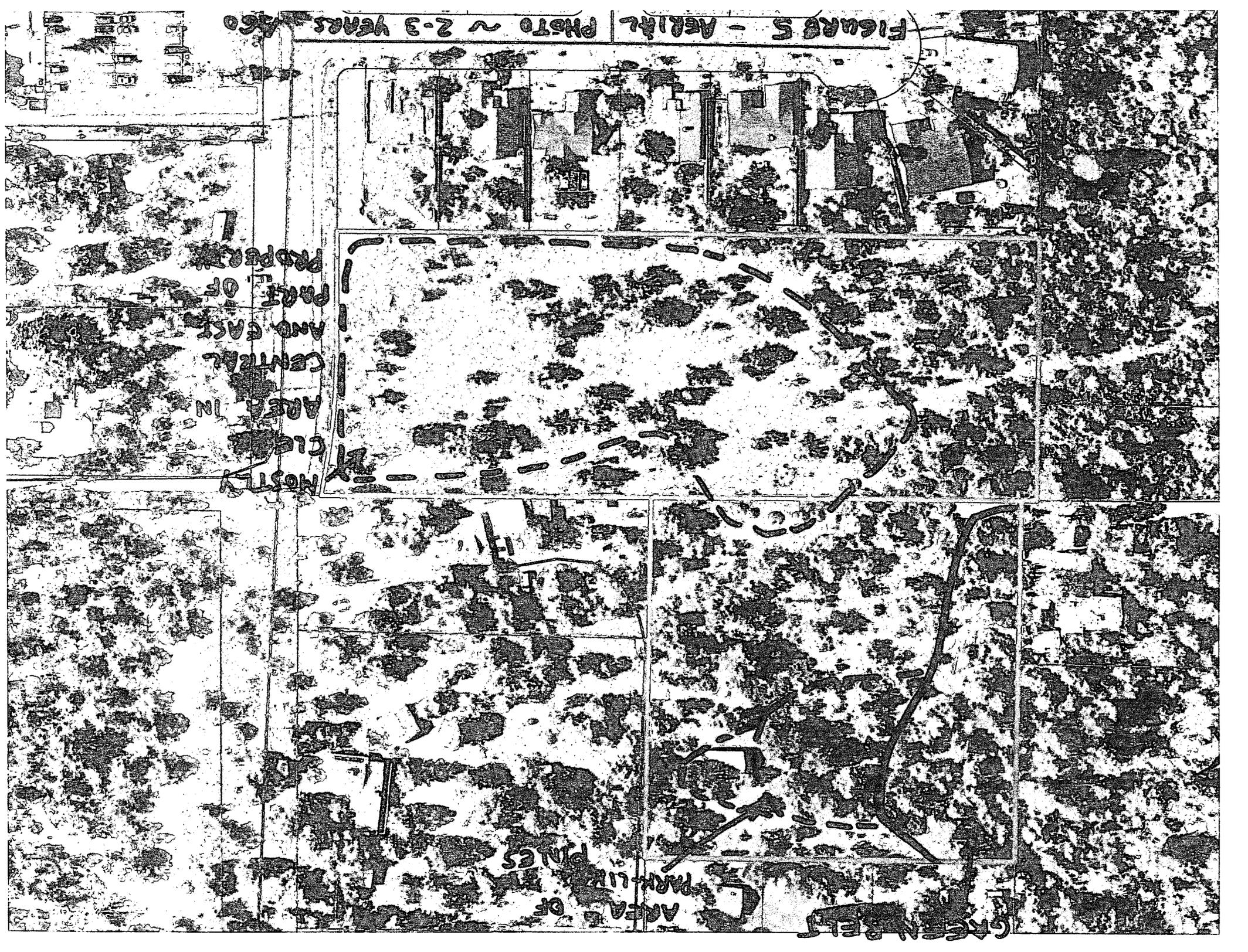


FIGURE 5 - Aerial PHOTO ~ 2-3 YEARS AGO

MOSTLY  
CLEAR  
AREA IN  
CENTRAL  
AND EAST  
PART OF  
PROPERTY

AREA OF  
PARK-LIKE  
PINES

GREEN BELT



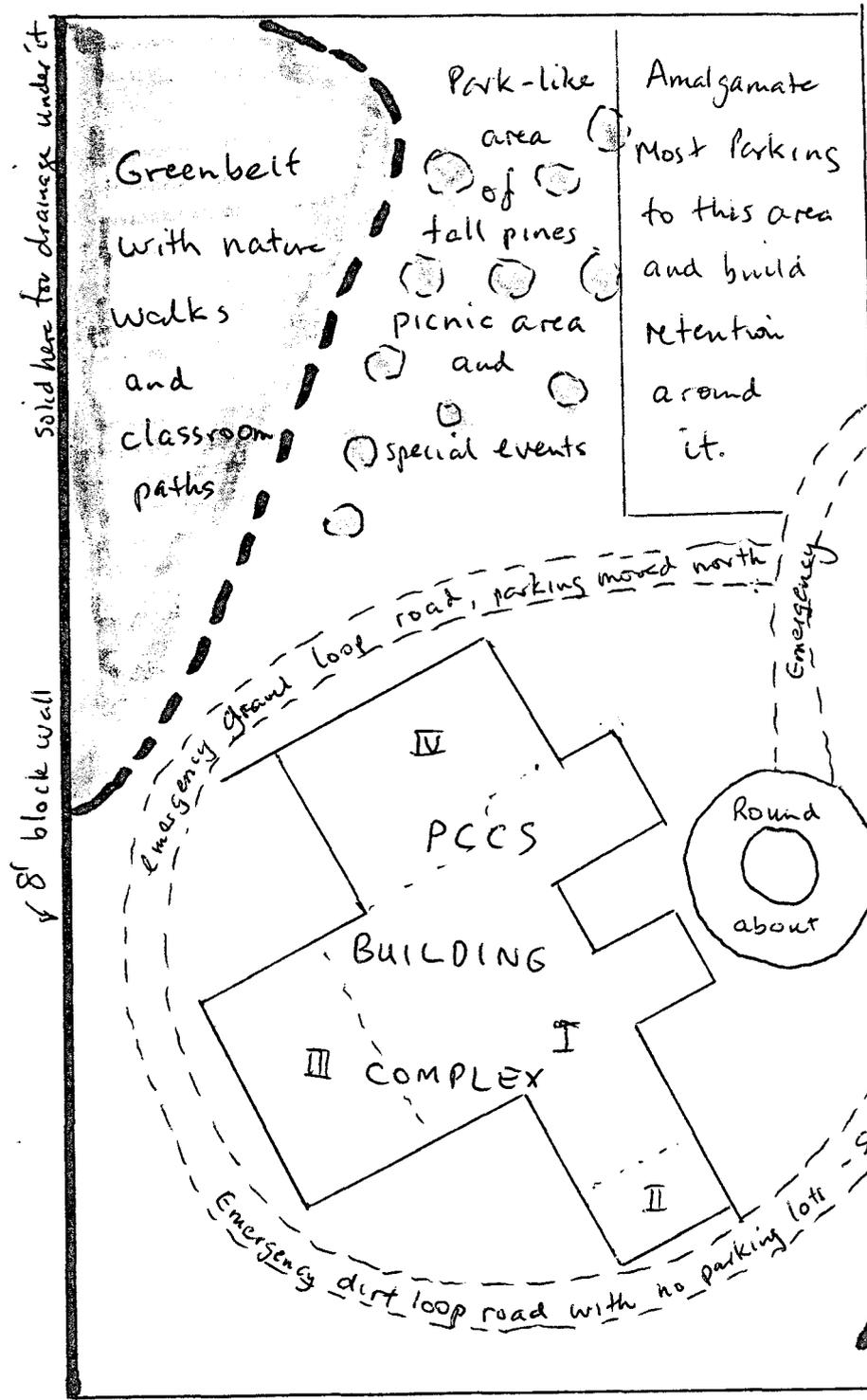
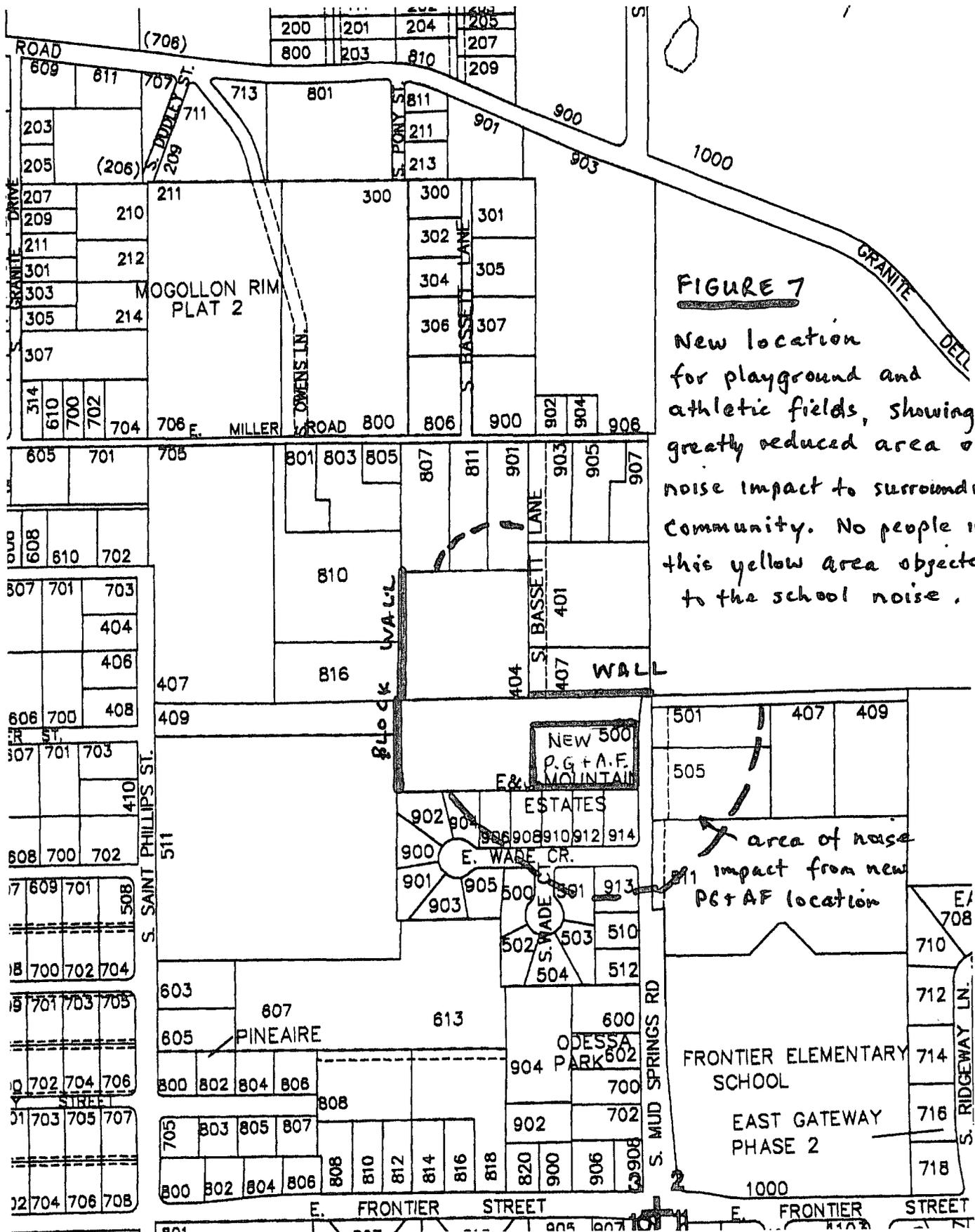


Figure 6

Revised site plan, amalgamating parking lots, preserving greenbelt and park-like area of existing tall pines for picnic-events, and moving the "Playground and Athletic Fields" to the east at road front, where community-friendly planning puts it.

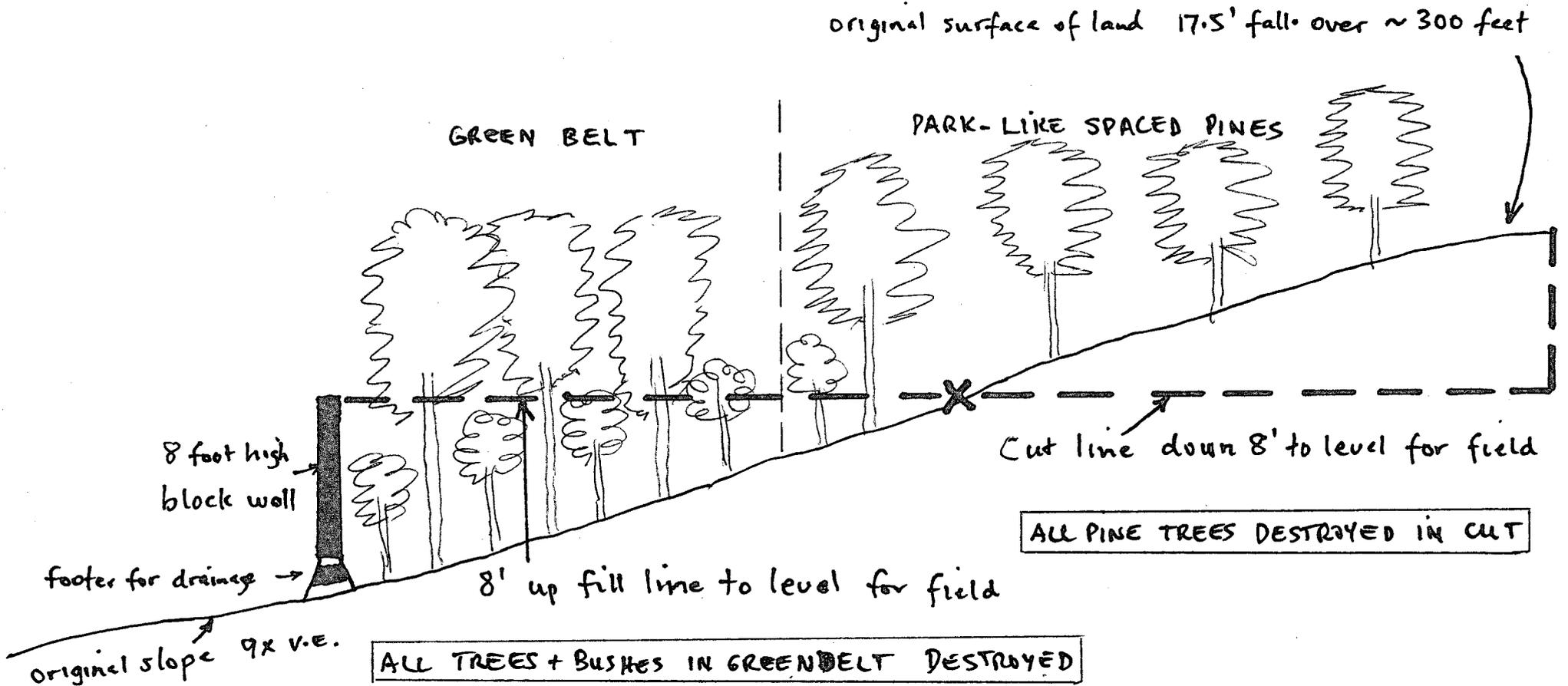


**FIGURE 7**

New location for playground and athletic fields, showing greatly reduced area of noise impact to surrounding community. No people in this yellow area objected to the school noise.

area of noise impact from new PG+AF location

FIGURE 8 Cross Section of N.W. ridge where 'playground + Athletic fields' are currently planned



How CAN THE BLOCK WALL BE A BARRIER, IF IT IS PILED UP 8' HIGH WITH FILL DIRT?

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

May, 2007

Project Address: 500 S. MUD SPRINGS RD Tax Parcel Number: 304-02-074  
304-04-221  
 Subdivision: RUSSEL SUBDIV + E+J. MTN ESTATES Lot Number: N/A  
 Name of Applicant(s): PHILLIP ANDERSON Phone #: 474-2108  
 Mailing Address: 810 OWENS LANE Town: PAYSON St: AZ Zip: 85541  
 Name of Property Owner(s): PAYSON COMMUNITY CHRISTIAN SCHOOL  
 Mailing Address: 213 S. COLCORD RD. Town: PAYSON St: AZ Zip: 85541  
 Contact Person: P. ANDERSON Phone #: 474-2108 Fax #: ~~474~~ N/A  
 Payson Business License # N/A Sales Tax # N/A

Detailed Description of Request:

ALL APPEAL MATERIAL IS IN A 12 PAGE LETTER OF  
12 AUG 09 FROM APPLICANT, INCLUDING 8 FIGURES IN COLOR,  
AND AN EMAIL WITH PICTURES OF THE PROPERTY.  
LETTER INCLUDES MOTIONS FOR THE COUNCIL

(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 in his behalf.

PHILLIP ANDERSON  
 Print Name

*Phillip Anderson*  
 Signature

12 Aug 09  
 Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	8-12-09	sed	P&Z Commission Appeal \$200.00
COMPLETED APPLICATION	8-12-09	RE	
NEWSPAPER PUBLICATION	8-25-09	RE	
300' NOTIFICATION MAILOUT	8-27-09	RE	
POSTING DATE	8-26-09	RE	
			CHECK NUMBER: <u>3600</u> DATE: <u>8.12.09</u>

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

## **CUP-173-09 – Conditional Use Permit – Site Plan Amendment**

### **P & Z Commission Motion**

**July 13, 2009**

**500 South Mud Springs Road**

Lori Meyers moved, seconded by James Scheidt, to approve CUP-173-09, a request to amend the site plan for CUP-111-03, a conditional use permit (CUP) approved in 2003, to allow a school use at 500 South Mud Springs Road in a R1-10-MH zoning district, with the conditions as recommended by staff.

There was discussion regarding possible amendments to the motion. There was also discussion about possibly tabling this item to the next meeting.

Joel Mona moved, seconded by James Scheidt, to amend the motion by adding the following conditions:

6. No outdoor noise amplification shall be allowed.
7. The emergency access shall remain locked except when in use by emergency personnel.
8. No outdoor athletic lighting shall be allowed and all parking lot lighting shall be dark sky compliant.
9. If the Town Council directs that the school zone on Mud Springs be extended north to include this school, the applicant shall pay all costs associated with such extension.
10. The applicant shall upon receipt of the tree survey of the north side property take steps to save additional trees where possible.

Current condition #6 would become condition #11.

Condition #3 would be replaced with; An eight foot block wall shall be constructed along the property lines where requested by abutting land owners.

Motion carried 6-0 on the amendments.

Motion carried 5-1 on the main motion with Chairman Goddard casting the dissenting vote.

### **Conditions as approved by the Planning & Zoning Commission:**

1. The development shall be in substantial conformance with the Preliminary Site Plan study, sealed May 14, 2009.
2. A pedestrian connection shall be provided between the sidewalk on Mud Springs Road and the front entrance of the facility.
3. An eight foot block wall shall be constructed along the property lines where requested by abutting land owners.
4. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a school use, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process. The applicant shall be required to follow the provisions of the Unified Development Code for any additional applicable permits prior to proceeding with development or implementation of additional uses for subject property.

5. Only those activities of a curricular or co-curricular nature directly related to the functions of this school will be allowed.

6. No outdoor noise amplification shall be allowed.

7. The emergency access shall remain locked except when in use by emergency personnel.

8. No outdoor athletic lighting shall be allowed and all parking lot lighting shall be dark sky compliant.

9. If the Town Council directs that the school zone on Mud Springs be extended north to include this school, the applicant shall pay all costs associated with such extension.

10. The applicant shall upon receipt of the tree survey of the north side property take steps to save additional trees where possible.

11. Failure to comply with conditions one (1) thru ten (10) above shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department or Public Works Engineer, with a 24 hour notification to the property owner, an inspection shall be allowed at the school. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.