

SUMMARY OF AGENDA ITEM

DATE: May 5, 2011
TO: Mayor and Council
FROM: Ray Erlandsen 
Community Development Director
SUBJECT: Ordinance #803 1601 E. Underwood Lane
Rezone from R1-90 to R1-44 (P11-001)

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 12 residential lot subdivision, Tuscan 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 12 residential lot subdivision, Tuscan Estates, on 15.04 acres. The proposed detached home site lot sizes range from 44,000 to 77,087 sq. ft. sq. ft. with an average of 52,276 sq. ft. per lot. 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 0.83 dwelling units per acre, the proposed R1-44 zoning district would be appropriate and meets the criteria of the Land Use Element.

Public water and 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.

A Citizens Participation Meeting was held on February 23, 2011. The report and related materials are enclosed for review. It should be noted that a considerable amount of citizen correspondence was submitted after the staff report was distributed to the P&Z Commission. The Commission received copies of all citizen correspondence that was delivered to staff. The staff report and all of the correspondence that was given to the Commission as well as any correspondence submitted after the Commission hearing and before April 26, 2011 is attached to this summary.

Staff recommended approval to the Planning & Zoning Commission. The Planning and Zoning Commission heard this request at a public hearing on April 11, 2011 and recommended, on a 5-1 vote, to the Town Council to Not Approve this request.

Attached is Exhibit A, a historical outline of this rezoning request.

MAY 05 2011 G.3

P11-001 Zone Change Request

P&Z Commission Motion

April 11, 2011

Tuscany Estates

Commissioner Mona moved, seconded by Commissioner Meyers, to recommend to the Town Council disapproval of P11-001, 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 12 lot single family development.

Motion carried 5-1 (with Commissioner Scheidt casting the dissenting vote)

PROPOSED
P.A.T.S.
CONTRIBUTION

RECEIVED

APR 25 2011

COMMUNITY DEVELOPMENT
DEPARTMENT

Date: April 25, 2011

To: Payson Town Council
Community Development

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

Re: Donation to PATS program

In conjunction with your approval of our re-zoning and subdivision, we wish to inform you of our contribution to the PATS program. We would ask that our contribution of \$3,000.00 would be used for signage to the trailheads and/or interpretation signage for Goat Creek Camp. We hope that our contribution will enhance the Payson trails system as well as the experience for outdoor enthusiasts.

When the PATS system works on the Tyler Parkway stretch of land we would also consider helping out with that area.

Thank You,

Patrick + Barbara Underwood

Patrick and Barbara Underwood

EXHIBIT A

HISTORICAL TIMELINE

Zoning Background

601 East Underwood Lane

Revised 4-11-11

Date	Description	Action
2/27/92	Annexed land rezoned from GU (Gila Co. zoning) to R1-D175 (Ord. 370, Application P-159-91)	Approved 7-0
2-27-92	Added zoning districts D-44 & D-90 (Ord. 371)	Approved 7-0
11/22/94	Rezoned annexed land from R1-175 to R1-D90 (Ordinance 427), Application P-188-94; (The automatic reversionary clause became effective reverting this property back to R1-D175 – more than 24 months had elapsed.)	Approved 7-0
2/22/96	Ordinance 466 Upon adoption of the UDC, R1-D90 became R1-90	Approved 7-0
3/24/97	Ordinance 499 Rezoned annexed property back to R1-90	Approved 7-0
Application P-305-04		
4/19/04	Planning and Zoning Commission Public Hearing	Recommend Approval 6-1
5/13/04	Council Public Hearing P-305-04	Approve 5-0
5/27/04	First Reading of Ordinance 653 (no public comments)	
6/10/04	Second Reading of Ordinance 653	Passed 7-0
6/29/04	Letter from Underwoods agreeing to place construction of the 14 lots of Tuscan Estates on hold	
7/8/04	Council votes to rescind Ordinance 653 as written and directs staff to bring back a new ordinance	Rescinded 7-0
7/22/04	Reading on new version of 653 (included requirement for developer to enter into a development agreement before 10/1/04)	Motion to take no action 5 -0
8/12/04	Resolution 1981 -denying rezoning and waiving fees for a future application	Passed 6-0
Application P-337-07		
6/11/07	Planning and Zoning Commission Public Hearing Rezone from R1-90 to R1-44	split vote 3-3 (5-1 to send split to Council)
7/5/07	Council First Reading Ordinance 720	
7/20/07	Request from applicant to postpone second reading (email from applicant to Mayor Edwards)	
7/15/08	Request from applicant to remove Ordinance 742 (email from applicant to Mayor Edwards)	
7/17/08	<u>Scheduled</u> Council First Reading Ordinance 742 (still application P-337-07; because of delay, Clerk request new ordinance number)	Removed from Agenda at meeting (7-0)
Application P-355-09		
6/8/09	Planning and Zoning Public Hearing Scheduled Rezone from R1-90 to R1-44	Recommend approval 4-3

Zoning Background

1601 East Underwood Lane

Date	Description	Action
6/18/09	First reading Ordinance 765	
7/1/09	Second reading Ordinance 765	Vote 5-2, fails for lack of super majority
	Application P11-001	
4-11-11	P&Z Commission Public Hearing Rezone from R1-90 to R1-44, Application P11-001	Vote 5-1 Recommended Not to Approve
5-5-11	First Reading – Council Ordinance 803	Pending