ORDINANCE NO. 851

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING ORDINANCE 466, THE ZONING MAP, AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 300 WEST RUMSEY DRIVE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-05-138D, 304-05-11M AND 304-05-11K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A, FROM R1-10 TO PAD AS DESCRIBED IN THE JUNE 2014 TIMBER RIDGE PLANNED AREA DEVELOPMENT NARRATIVE AND EXHIBITS.

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 P14-001 to amend the Official Zoning Map and Official Zoning Code has been made by TTLC Timber Ridge LLC, property owner, to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on June 9, 2014, considered the Application, and made recommendation on the Application to the Town Council; and

WHEREAS, the Town Council held a public hearing on June 19, 2014, in regard to the Application and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map and Payson's Zoning Code are amended to establish a zoning district of PAD for that real property located at 300 West Rumsey Drive, Gila County Assessor's Parcel Numbers 302-05-138D, 304-05-11M, and 304-05-11K, more particularly described on Exhibit A attached (the "Property").

Section 2. The requested rezoning and the use and density of the Property as proposed by Application P14-001 are consistent with the Town of Payson General Plan as required by A.R.S. § 9-462.01(F).

Section 3. This change in zoning is specifically made contingent upon and conditional upon each of the following:

A. The development shall be in substantial conformance with the Planned Area Development Narrative and Exhibits dated _____ and shall not exceed a total of 155 dwelling units. *(Note – in response to citizen concerns and the Planning and Zoning Commission's recommendations, the Applicant is making amendments to the Development Narrative and Exhibits. The amended Narrative and Exhibits will be available prior to the June 19, 2014 Council Meeting.)*

First Public Hearing 6.9 JUN 19 2014

B. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to approval of the Final Plat.

C. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.

D. Water infrastructure shall be installed by the developer in accordance with Town of Payson standards and shall include connections to the existing line at the current north end of Forest Park Drive and the existing 12" line along the Rumsey Drive alignment.

E. The developer shall construct a roundabout at the intersection of McLane Road and Rumsey Drive in conjunction with Phase 1 of this development.

F. The developer shall install street lights at the locations specified by the Public Works Department. Additional street lights may be installed. Any standard APS cobra head street lights installed by the developer will be owned, maintained and operated by the Town of Payson. Any non-standard APS cobra head street lights will be owned, maintained and operated by the developer or HOA.

G. The Engineering Department may grant relief from the provisions concerning lot grading for construction of individual building pads. Such relief shall be limited to areas that are a minimum distance of 10 feet from an exterior boundary line of this site.

H. If any conditions above, cannot be met or the applicant does not have an approved Final Plat within one (1) year of the approval date of the zoning change, then the Planned Area Development rezoning may revert back to the original R1-10 zoning designation, pending Council action.

Section 4. In addition to the provisions of Section 5 below, this Ordinance shall not become effective until the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Property owner 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) as a result of the Town's adoption of this Ordinance. If this waiver instrument is not executed and provided to the Town for recording within 14 calendar days after this Ordinance is approved, this Ordinance shall be void and of no force and effect.

Section 5. Pursuant to A.R.S. §19-142, and Town Code §30.54, this Ordinance if not otherwise void pursuant to Section 4 above, shall not become operative until 30 days after its passage.

///

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of July, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

EXHIBIT A TO ORDINANCE 851

Legal Descriptions

Parcel - 304-05-138D

A portion of Lot 5, Section 4, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:
BEGINNING at the Northeast corner of said Section 4, a B.L.M. brass cap said corner being the TRUE POINT OF BEGINNING;
THENCE South 0°04'30" West, 1211.65 feet along the East line of said Section 4 to a point from which the Southeast corner of said Lot 5 bears South 0°04'30" West, 101.19 feet;
THENCE North 89°57'51" West, 1325.97 feet to the West line of said Lot 5;
THENCE North 0°00'41" West, 561.86 feet along the West line of said Lot 5 to the Southwest corner of Lot 6, Section 4, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, (also recorded as 566.92 feet);
THENCE South 89°36'06" East, 331.71 feet along the South line of said Lot 6 to the Southeast corner of said Lot 6;
THENCE North 0°00'37" East, 653.09 feet along the East line of said Lot 6 to the Northwest corner of said Lot 5 and the Northeast corner of said Lot 6;
THENCE South 89°36'14" East, 995.87 feet along the North line of said Section 4 to the TRUE POINT OF BEGINNING.

EXCEPT that portion described as follows:
COMMENCING at the B.L.M. Brass Cap of East 1/16 corner is Section 33, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona.
THENCE South 89°36'16" East along the Section line, a distance of 379.48 feet;
THENCE South 00°00'51" West, a distance of 652.93 feet;
THENCE North 89°36'07" West, a distance of 51.36 feet to the POINT OF BEGINNING;
THENCE North 89°36'07" West, a distance of 277.71 feet to the beginning of a 235.00 foot radius tangent curve concave to Southwest;
THENCE Southeasterly along said curve, through a central angle of 04°19'34". An arc distance of 17.74 feet;
THENCE non-tangent to said curve, South 54°12'02" East, a distance of 21.70 feet to the beginning of a 118.05 foot radius tangent curve, concave to the North;
THENCE Easterly, along said curve, through a central angle of 63°24'55", an arc distance of 130.66 feet to the beginning of a 258.33 foot radius reverse curve, concave to the South, a radial to said beginning bears North 27°36'57" West;
THENCE Easterly along said curve, through a central angle of 28°00'50", an arc distance of 126.30 feet to the POINT OF BEGINNING.

EXCEPT the following described property:
COMMENCING at a found 3" brass cap at the Northeast corner of said Section 4;
THENCE along the East line of said Section 4 South 00°04'03" West 376.22 feet to the Point of Beginning continue
THENCE South 00°04'03" West 60.02 feet to a point;
THENCE leaving said East line North 88°20'54" West 161.77 feet to a point;
THENCE along a curve deflecting to the left having a radius of 250.00 feet, an arc length of 148.78 feet, a chord bearing of South 74°38'10" West, a chord distance of 146.60 feet to a point;
THENCE North 00°04'03" East, 68.55 feet to a point;
THENCE along a curve deflecting to the right having a radius of 310.00 feet, an arc length of 147.56 feet, a chord bearing of North 78°00'59" East, a chord distance of 148.17 feet to a point;

THENCE South 88°20'54" East 160.12 feet to the POINT OF BEGINNING; and

EXCEPT the following described property:
COMMENCING at a found 3 inch brass cap at the Northeast corner of said Section 4;
THENCE along the East line of said Section 4, South 00°04'03" West, a distance of 436.24 feet to the POINT OF BEGINNING;
THENCE continue South 00°04'03" West, a distance of 775.26 feet;
THENCE leaving said East line North 89°58'28" West, a distance of 303.00 feet;
THENCE North 00°04'03" East, a distance of 740.86 feet;
THENCE along a curve deflecting to the right having a radius of 250.00 feet, an arc length of 148.78 feet, a chord bearing of North 74°36'10" East, a chord distance of 146.59 feet (146.60 of record)
THENCE South 88°20'54" East, a distance of 161.77 feet to the POINT OF BEGINNING.

Parcel - 304-05-11M

A portion of Lot 5, Section 4, Township 10 North ,Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:
COMMENCING at the Northeast corner of said Section 4, a B.L.M. brass cap;
THENCE South 0°04'30" West, a distance of 1211.65 feet along the East line of said Section 4 to the TRUE POINT OF BEGINNING;
THENCE continuing South 0°04'30" West, a distance of 23 feet;
THENCE North 89°57'51" West, a distance of 1325.96 feet to the West line of said Lot 5;
THENCE North 0°0'30" East, a distance of 23 feet along the West line of said Lot 5;
THENCE South 89°57'51" East, a distance of 1325.96 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion thereof lying within the following described property:
BEGINNING at the Northeast corner of Section 4;
THENCE South 00°08'43" West, a distance of 1229.67 feet;
THENCE North 89°58'23" West, a distance of 360.77 feet to the TRUE POINT OF BEGINNING, said point being the Northwest corner of that parcel described in Docket 191, Page 151;
THENCE North 89°59'05" West, a distance of 963.20 feet to the East line of Lot 2 of Section 4, Township 10 North, Range 10 East;
THENCE South 00°01'29" East, a distance of 913.64 feet;
THENCE North 89°51'09" East, a distance of 1322.13 feet to the East side line of Section 4;
THENCE North 00°08'43" East, a distance of 239.5 feet to the Southeast corner of the parcel described in Docket 191, Page 151;
THENCE North 89°58'23" West, a distance of 359.43 feet along the South line of that parcel described in Docket 191, Page 151;
THENCE North 00°01'37" East along the West line of that parcel described in Docket 191, Page 151, a distance of 660 feet to the TRUE POINT OF BEGINNING; AND

EXCEPTING THEREFROM any portion lying within the following described property:
BEGINNING at a point from which the section corner of Section 3 and 4 on the North boundary of Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, bears North 13°33'54" West, 1264.95 feet;
THENCE West, 299.23 feet to a point on section line between Sections 3 and 4, the TRUE POINT OF BEGINNING;
THENCE South, 660 feet;
THENCE West, 359.43 feet;
THENCE North, 660 feet;
THENCE East, 360.77 feet to the TRUE POINT OF BEGINNING.

Parcel - 304-05-11K

A portion of Lot 5, Section 4, Township 10 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:
BEGINNING at the Southwest corner of Lot 5, the TRUE POINT OF BEGINNING;
THENCE North 0°0'41" West along the West line of said Lot 5, a distance of 93.76 feet to the South line of Parcel No. 2 hereinbefore described;
THENCE South 89°57'51" East, a distance of 50 feet along said South line of Parcel No. 2;
THENCE South 0°0'41" East, 94.04 feet;
THENCE North 89°38'34" West, 50 feet to the TRUE POINT OF BEGINNING.