MEMO

TO: Planning and Zoning Commission

FROM: Ray Erlandsen
Community Development Director

DATE: April 11, 2011

SUBJECT: Rezone R1-90 to R1-44 **P11-001**
1601 E. Underwood Lane

Background
The applicant is requesting approval of a zone change request from R1-90 to R1-44 for the development of a 12 lot residential subdivision, Tuscany Estates, on 15.04 acres. Surrounding properties include Juniper Ridge to the north, zoned R1-90; Payson 3 Unit 1 to the east and west, zoned R1-90; to the south unsubdivided property, zoned R1-175 and Sienna Creek, zoned R1-18-PAD.

Attached is a historical timeline outlining zoning actions affecting 1601 E. Underwood Lane. Also attached are staff reports from those previous requests to rezone this property in the past.

Analysis
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.

The proposed lot sizes range from 44,000 to 77,087 sq. ft. with an average of 52,276 sq. ft. per lot.

Although this property is not contiguous with current or proposed trail way systems, it is reasonable to foresee that future residents would utilize the proposed trail/pathway on N. Tyler Parkway. Therefore it would be reasonable to request the developer to contribute to pedestrian circulation in the area. This property must meet normal drainage/detention requirements, which may include drainage easements once the civil improvement plans are completed and approved. A new cul-de-sac would be constructed to meet current Town Standards and dedicated to the Town.

Public sanitary facilities would be required for R1-44 zoning. The property is currently within the Northern Gila County Sanitary District.

Staff Recommendation:

Approval with conditions listed below.

1. The development shall be in substantial conformance with the Rezoning Site Plan, dated March 3, 2011 and shall not exceed a total of 12 lots.
2. A note shall be added to the final plat stating: " Driveway widths outside the building envelope, on all lots, shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."
3. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
4. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
5. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
6. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.
7. All applicable Town standards for development shall be met.
8. If any conditions above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-44 rezoning may revert to the original R1-90 zoning, pending Council action.

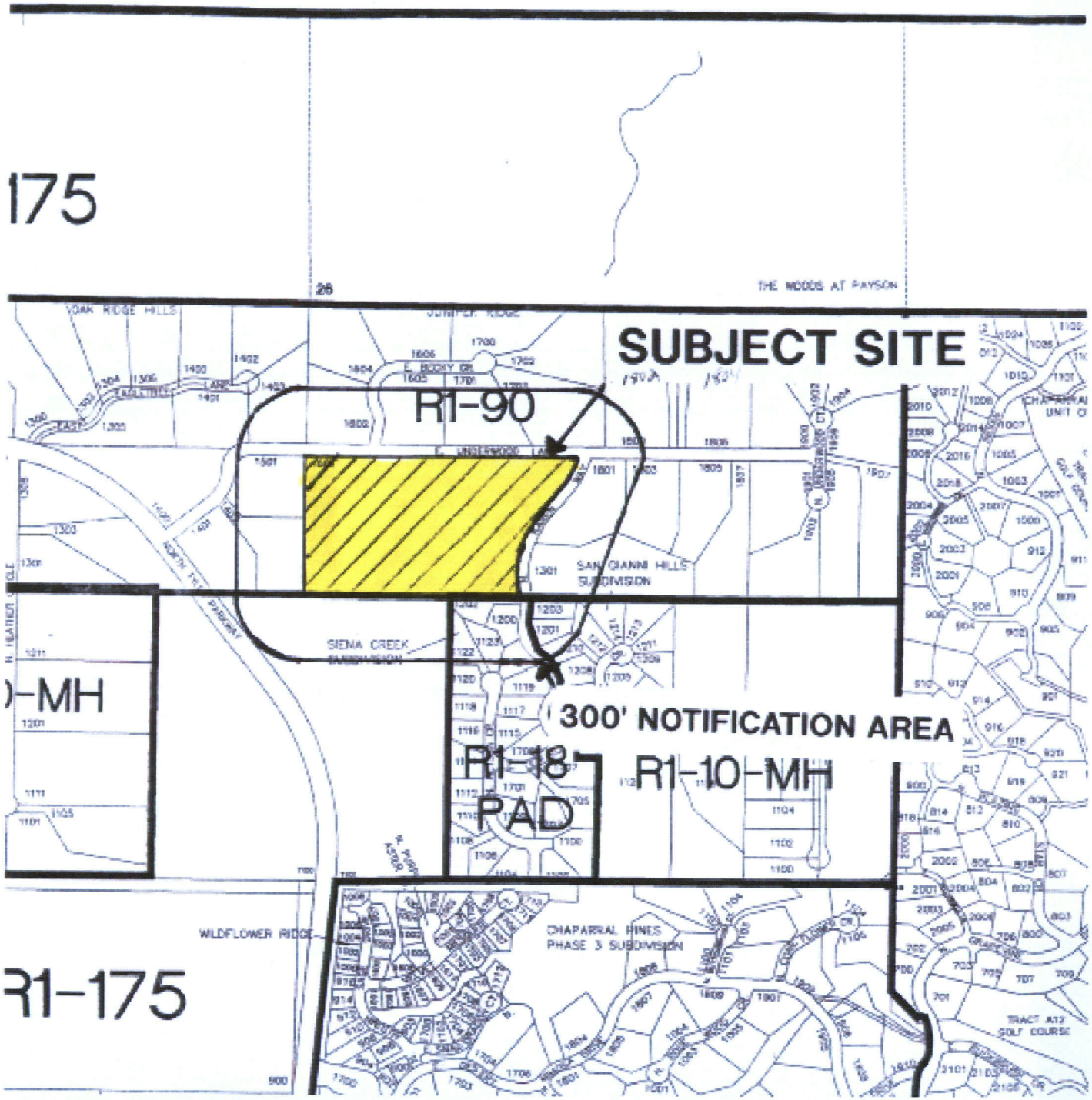
Any other condition the Commission deems necessary.

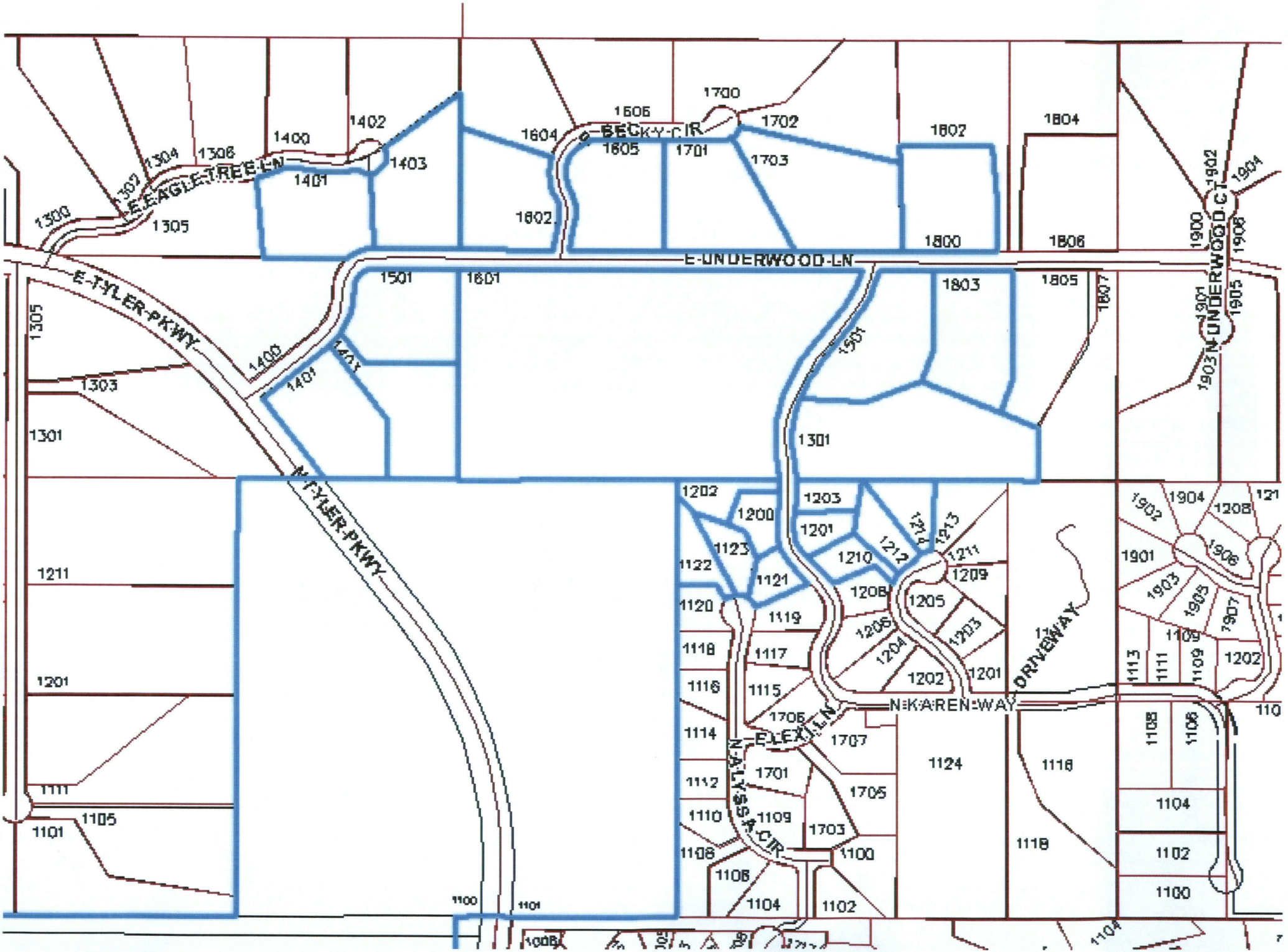
Suggested Motion to recommend Approval:

"I move the Planning & Zoning Commission recommend to the Town Council approval 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 with the conditions listed in the staff report."

Neighborhood Involvement

A Citizens Participation meeting was conducted on February 23, 2011, at 514 W. Main Street. The Citizens Participation Report is attached for review.


175
26
THE WOODS AT PAYSON
SUBJECT SITE
R1-90
SAN GIANNI HILLS SUBDIVISION
SIENA CREEK
300' NOTIFICATION AREA
R1-18
PAD
R1-10-MH
-MH
WILDFLOWER RIDGE
CHAPARRAL PINES PHASE 3 SUBDIVISION
TRACT A12 GOLF COURSE
R1-175


E-EAGLE-TREE-LN
E-TYLER-PKWY
N-TYLER-PKWY
E-UNDERWOOD-LN
N-UNDERWOOD-CT
BECKY-CIR
N-KAREN-WAY
DRIVEWAY
E-LEX-LN
N-ALYSSA-CIR
1300
1302
1304
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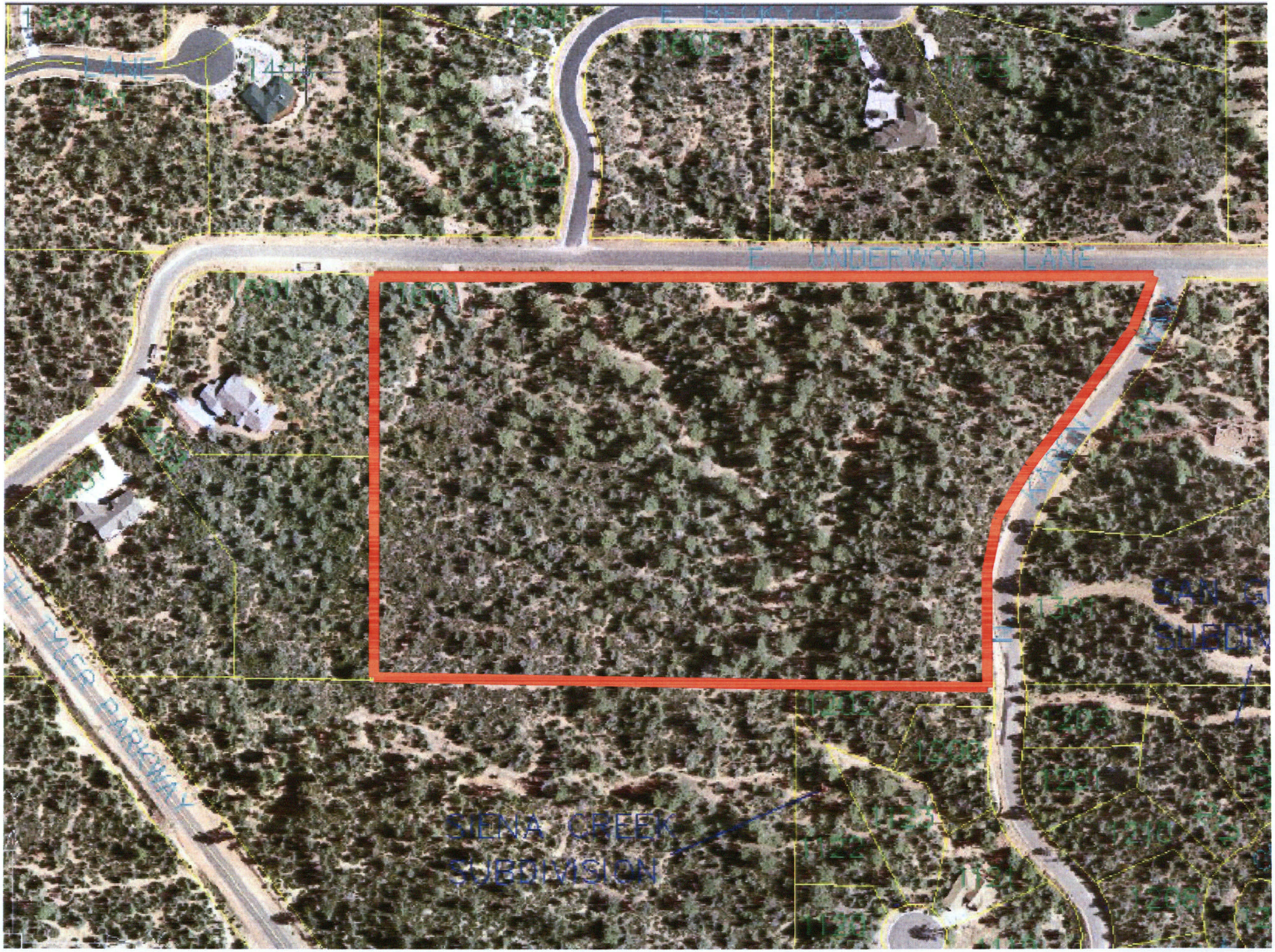
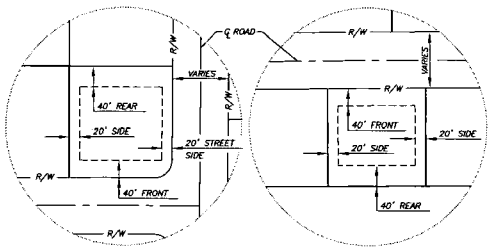
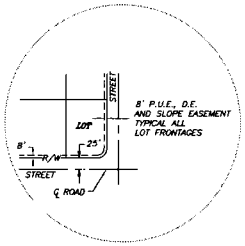

E. UNDERWOOD LANE
SIENA CREEK
SUBDIVISION

REZONING
SITE PLAN
FOR
TUSCANY ESTATES

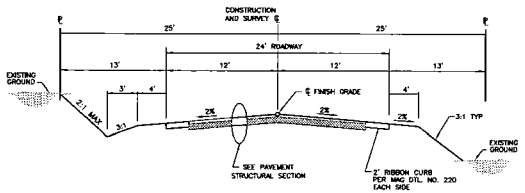
LOT 20B OF PAYSON THREE – UNIT ONE, A SUBDIVISION AS SHOWN ON MAP 655 GILA COUNTY RECORDS, LOCATED IN THE SE 1/4 OF SECTION 26, T. 11 N., R. 10 E. OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA



TYPICAL LOT SETBACKS
N.T.S.



TYPICAL PUBLIC UTILITY, DRAINAGE, AND SLOPE EASEMENT
N.T.S.



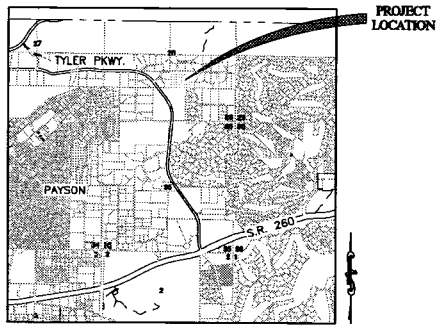
TYPICAL ROADWAY SECTION
MARISSA COURT N.T.S.

OWNER & APPLICANT

PATRICK AND BARBARA UNDERWOOD
P.O. BOX 1356
PAYSON, ARIZONA 85547
PHONE (928) 474-5338

UTILITY SERVICES

UTILITY	COMPANY
WATER	PAYSON WATER DEPARTMENT PHONE: 474-5242
SEWER	NORTHERN GILA COUNTY SANITARY DISTRICT PHONE: 474-5257
POWER	ARIZONA PUBLIC SERVICE PHONE: 474-7642
CATV	NPG CABLE PHONE: 474-4253
PROPANE GAS	SEMSTREAM AZ PROPANE PHONE: 474-2294



VICINITY MAP
N.T.S.

AREA COMPUTATIONS

GROSS AREA	15.04 ac.
PUBLIC STREETS	0.65 ac.
LOTS	14.39 ac.
AVERAGE LOT SIZE	52,238 s.f.
MINIMUM LOT AREA	44,000 s.f.

SITE INFORMATION

EXISTING ZONING	R1-90
PROPOSED ZONING	R1-44
NUMBER OF DWELLING UNITS	12
DWELLING UNITS PER ACRE	0.83

LEGEND

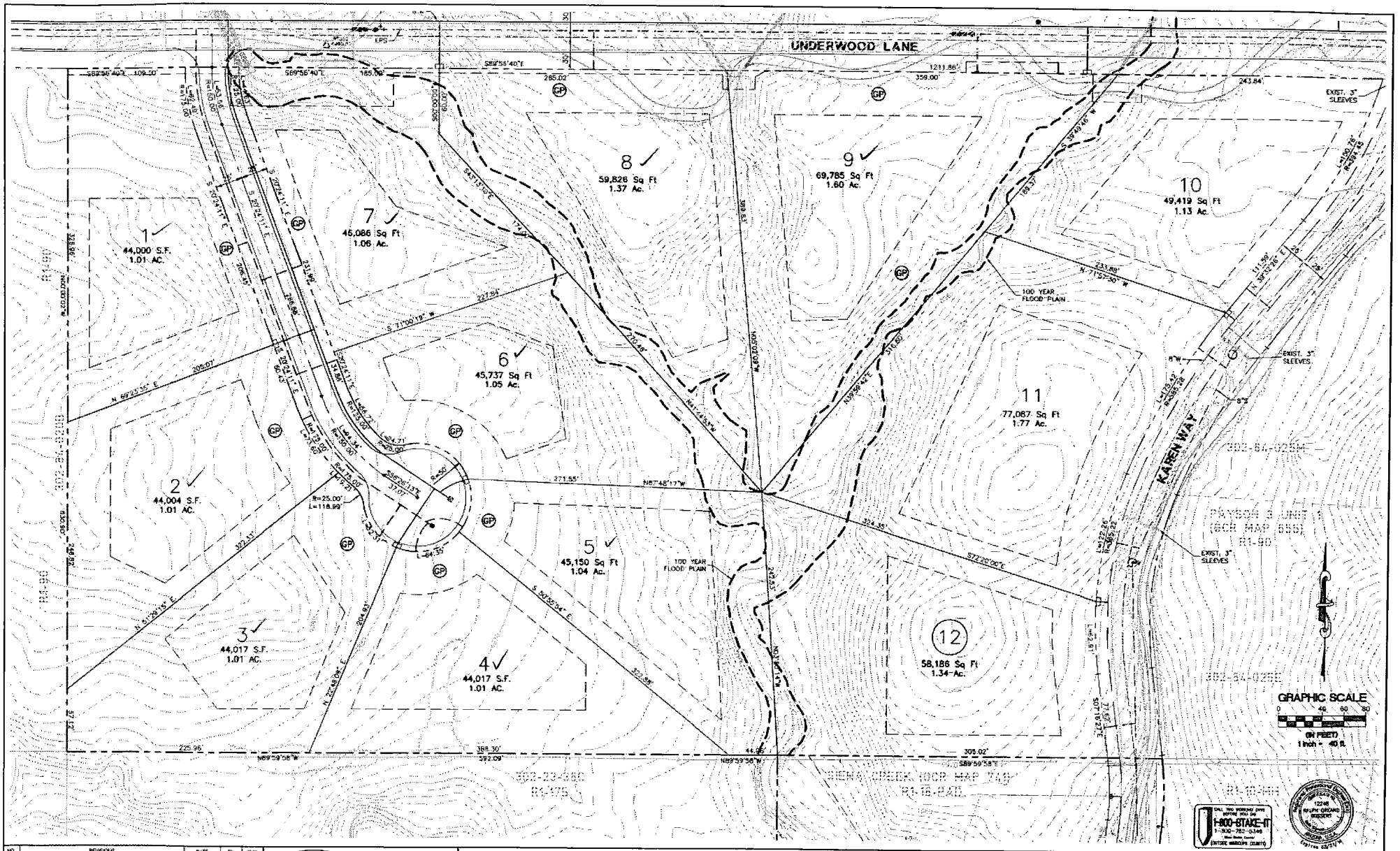
	BOUNDARY LINE
	RIGHT OF WAY LINE
	CENTER LINE
	LOT LINE
	EASEMENT LINE
304-07-016L	ASSESSOR'S PARCEL NUMBER
P.U.E.	PUBLIC UTILITY EASEMENT
S.E.	SLOPE EASEMENT
D.E.	DRAINAGE EASEMENT
S.B.	BUILDING SETBACK
LPS	LOW PRESSURE SEWER
GP	LOTS WITH GRINDER PUMPS
	WATER MAIN / FIRE HYDRANT

Prepared by

Verde Engineering Group PLLC
1109 North McLane Road
Payson, Arizona 85541
Ralph Bossert P.E. R.L.S.
(928) 978-4345
Don Fitzpatrick P.E.
(928) 595-2816

Project No.

CALL TWO WORKING DAYS BEFORE YOU DIG
1-800-STAKE-IT
1-800-782-5348
(OUTSIDE MARICOPA COUNTY)



NO.	REVISIONS	DATE	BY	CHK.

Verde Engineering Group PLLC
1109 North McLane Road
Payson, Arizona 85541
Ralph Bossert P.E. R.L.S.
(928) 978-4345
Dan Fitzpatrick P.E.
(928) 595-2816

TUSCANY ESTATES

PAYSON, ARIZONA

JOB NO.	
DESIGNED BY:	RRH
DRAWN BY:	RRH
CHECKED BY:	ROB
APPROVED BY:	ROB
DATE:	03/07/11

REZONING SITE PLAN

SCALE:	HORIZ: 1"= 40'
	CONT. INTERVAL = 2'
DRAWING NO.	SP01
SHEET NO.	2
OF:	2

CASE NUMBER P11-001

TOWN OF PAYSON
PLANNING AND ZONING COMMISSION OR BOARD OF ADJUSTMENTS APPLICATION

The undersigned Applicant(s) hereby applies for:

☐ Abandonment Request	☐ General Plan or Land Use Plan Amendment	☐ Guest Quarters
☐ Administrative Appeal	☐ Minor Land Division	☐ ADU
☐ Code Amendment	☐ P & Z Commission Appeals	
☐ Conditional Use Permit	☐ Preliminary Subdivision Plat	
☐ Development Master Plan	☐ Temporary Use Permit	
☐ Devel. Agreement, PAD & SPD	☐ Variance	
☐ Final Subdivision Plat	☒ Zone Change	Aug, 2009

Project Address: 1601 - 1801 E. UNDERWOOD LN Tax Parcel Number: 302-84-023
Subdivision: PAYSON THREE UNIT ONE Lot Number: 20B
Name of Applicant(s): PATRICK + BARBARA UNDERWOOD Phone #: 474-5338 517-2272 CELL
Mailing Address: 1606 E. BECKY CIRCLE Town: PAYSON St: AZ Zip: 85541
Name of Property Owner(s): PATRICK J. + BARBARA A. UNDERWOOD
Mailing Address: 1606 E. BECKY CIRCLE Town: PAYSON St: AZ Zip: 85541
Contact Person: BARBARA UNDERWOOD Phone #: 474-5338 Fax #: 928-474-5338
Payson Business License # _____ Sales Tax # _____

Detailed Description of Request:
REZONE PROPERTY FROM R1-90 TO R1-44 TO ALLOW DEVELOPMENT OF 12 LOTS ON THE 15.04 ACRE PARCEL

(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.

BARBARA A. UNDERWOOD — Barbara A. Underwood — 3-10-11
Print Name — Signature — Date

STAFF USE ONLY - PERTINENT DATA

APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	3-10-11	RE	TOWN COUNCIL WAIVED ZONE CHANGE FEE. RES. 1981 RE
COMPLETED APPLICATION	3-28-11	RE	
NEWSPAPER PUBLICATION	3-22-11	RE	
300' NOTIFICATION MAILOUT	3-17-11	RE	
POSTING DATE	3-17-11	RE	CHECK NUMBER: DATE:

RECOMMENDATION	DECISIONS
By: Date:	By: Date:

LEGAL
DESCRIPTION

LEGAL DISCRIPTION
TUSCANY ESTATES SUBDIVISION
1601-1801 E. UNDERWOOD LN.

Lot 20B, of Payson Three Unit One, according to the plat of record in the office of the County Recorder of Gila County, Arizona, recorded in Map No. 655 through 655C.

Owners and Developers
Patrick and Barbara Underwood
928-474-5338

CITIZENS PARTICIPATION MATERIAL

March 20, 2011

To: Mr. Ray Erlandsen
Development Office
Town Of Payson
303 N. Beeline Highway
Payson, AZ 85541

From: Patrick and Barbara Underwood
Owner and Developer
1606 E. Becky Circle
Payson, AZ 85541
928-474-5338

Subject: **Proposed Tuscany Estates Subdivision**
Citizens Participation Meeting

Dear Ray,

The Citizens' Participation Meeting, for the proposed Tuscany Estates Subdivision on 1601 E. Underwood Lane, was held at the Payson Senior Center on Wednesday, Feb. 23, 2011, between 5:00 P.M. and 7:00 P.M. Twenty five (25) property owners within 300 feet of the proposed project and two (2) concerned citizens were sent a "Notice of Citizens' Participation Meeting" letter which is enclosed. Approximately 16 interested participants were in attendance as shown on the enclosed Sign-In-Sheet. Also in attendance was James Scheidt,and to present the project and answer questions were Ralph Bossert of Verde Engineering, Patrick Underwood and myself. Approximately 6 of the 17 participants represent 3 of the 25 property owners within 300 feet of the proposed development. A copy of the list of property owners within 300 feet that were sent meeting notices is also attached.

Ralph, Patrick and I, described the project, answered questions, and asked participants to complete and turn in comment sheets detailing their comments or concerns. We told the participants we would be submitting the Application for Re-Zoning to be heard at the Planning and Zoning Commission Meeting on April 11, 2011.

No comment sheets were filled out during the meeting. Participants sent letters after the meeting and those letters are attached. Questions and concerns during the meeting included:

Why we want to re-zone?
High density.
Cutting too many trees.
High traffic volume.

I do not want to give the impression that these are the only questions and concerns, the letters are a better indicator than my notes.

This completes our Citizens' Participation Committee Report. Please contact us with any questions or comments.

Very truly yours,

Barbara Underwood

Barbara Underwood

Copy: Ralph Bossert Verde Engineering.

NOTICE OF CITIZEN PARTICIPATION MEETING

Patrick and Barbara Underwood
Owners and Developers
1606 E. Becky Circle
Payson, AZ 85541
928-474-5338 Home
928-517-2272 Barb Cell
928-978-4315 Pat Cell
barbaraunderwood@yahoo.com

February 3, 2011

Re: Proposed Tuscany Estates Subdivision on East Underwood Lane and North Karen Way (1601 E. Underwood Lane)
Request to rezone 15.04 acres from R1-90 (2 acre lots) to R1-44 (1 acre lots) for the purpose of subdividing 14 one acre lots

Dear Neighbor,

You are hereby notified of a Citizen Participation Meeting to be held on Wednesday, February 23, 2011, at 5:00 p.m., at The Payson Senior Center located at 514 W. Main Street.

The purpose of this meeting is to provide information to property owners adjacent to the subject property regarding the proposed subdivision. This is the time set aside to ask questions, so please try to attend. An 8 ½ x 11 copy of the proposed preliminary plat is attached.

If you cannot attend the meeting and/or have questions regarding the proposed Tuscany Estates subdivision, please call Patrick or Barbara at the above numbers and we will be happy to make arrangements for any other time to meet with you personally. You may also contact our engineer, Ralph Bossert @ Verde Engineering at 928-474-5717.

Respectfully,

Patrick & Barbara Underwood

Patrick and Barbara Underwood

cc: Ray Erlandsen, Town of Payson
Sheila DeSchaaf, Town of Payson
Ralph Bossert, Verde Engineering

Description of Tuscany Estates

1601 E. Underwood Lane

Tuscany Estates is a proposed 12 lot custom home community located on 15.04 acres, located off Tyler Parkway about halfway between hwy. 260 and hwy. 87. The purpose of this application is to request the rezoning of the site from the existing R1-90 zoning district classification to R1-44. The site will be developed to meet all Town of Payson standards and blend well with neighboring developments on all adjacent sides.

Initially Tuscany Estates was planned for 14 one acre lots. In an attempt to compromise with some of the concerns brought up at the Citizen Participation meeting, we reduced the number of lots from 14 to 12.

A part of the development plan is the identification and establishment of building envelopes on each lot. There will be established criteria for the areas inside and outside of these envelopes. Criteria elements to be addressed will include:

- Reasonable envelope size
- Setbacks used to preserve natural terrain.
- Protection of significant features such as rock formations.
- Hillside conditions and protection of natural terrain.

The project has been designed to protect and blend into the existing environment. One acre lots are a perfect blending between half acre lots and 2 acre lots. Strict Covenants, Codes, and Restrictions will protect residents and neighbors quality of life as well as the surrounding environment.

Grading and drainage has been studied and will take advantage of the natural contour of the land and minimize the flow to downstream areas. All grading and drainage will meet or exceed Town of Payson standards.

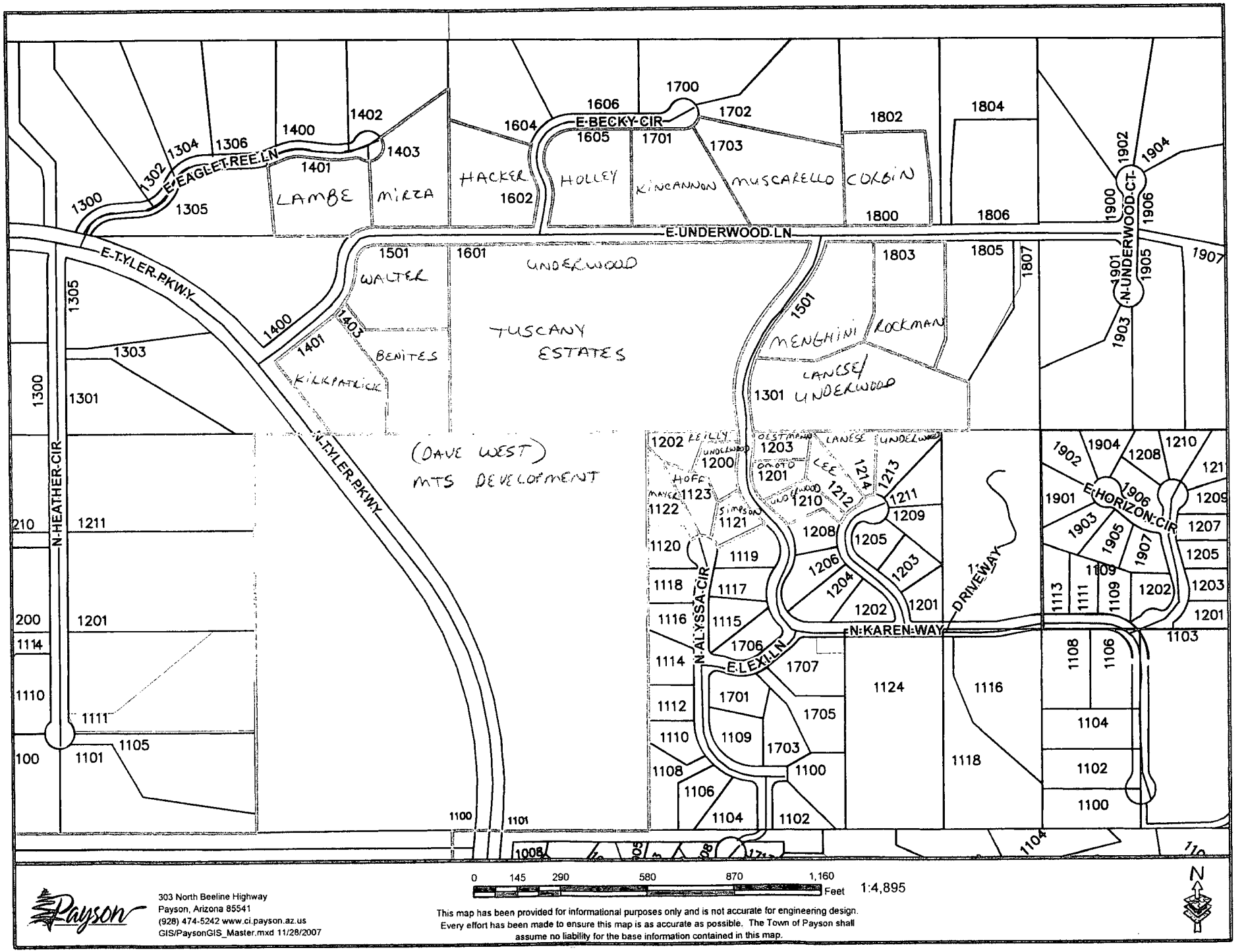
There will be only one street constructed for this project. Construction of all utilities and roadways shall be engineered and constructed to meet or exceed Town of Payson Engineering standards. Upon completion and acceptance from the Town, the roadway will be dedicated to the Town of Payson.

Here is the history on this project. We purchased the land in 1992 and when it came out of the forest service trade it was R1-90. We developed the 6 lot subdivision across the street called Juniper Ridge which is 2 acre plus lots. South and southeast of this property we developed Siena Creek which is R1-18 and San Gianni Hills which is also R1-18. Those two subdivisions were zoned R1-10 MH, we chose to up zone to R1-18, because we felt ½ acre lots were better suited than 10,000 square foot lots with mobile homes on them. We feel we have always had what is best for the area in mind when we develop a project. With Tuscany Estates, our vision is to transition this property from the ½ acres in the south to the 2 acres lots in the north, with this 1 acre development.

In 2004 we brought this 14 lot development through planning and zoning and the town council, with approval from both. Then some members on the Town Council became concerned about a shortage of water, and the council wanted to put a hold on all development until studies were done. So 28 days after unanimous approval of the subdivision, the council rescinded our development. We told them we would come back when they felt there was adequate water to support the development. We went back again in 2009 after the Tower well was brought on line and the Blue Ridge water was well in the works. We fulfilled our promise to the Town Council and waited for an adequate supply of water. We had 5 Council Members that agreed with our vision and 2

who did not. Because of the super majority rule we were turned down. Here we are several years later in hopes of now developing our 15 acres.

Questions on this project please feel free to call Patrick or Barbara at 474-5338. We would love to answer any questions or concerns you have.



Payson
303 North Beeline Highway
Payson, Arizona 85541
(928) 474-5242 www.ci.payson.az.us
GIS/PaysonGIS_Master.mxd 11/28/2007

This map has been provided for informational purposes only and is not accurate for engineering design. Every effort has been made to ensure this map is as accurate as possible. The Town of Payson shall assume no liability for the base information contained in this map.

First	Last Name	Address	City	St	Zip	Parcel
MTS	Development LLC	5923 E. Calle Del Sud	Phoenix	AZ	85018	302-23-038C
Medo & Linda	Mirza	9935 E. Cinnabar Ave.	Scottsdale	AZ	85258	302-84-033
Medo & Linda	Mirza	1403 E. Eagletree Lane	Payson	AZ	85541	302-84-033
Clarke & Laurel	Lambe	24201 N. 86th. Street	Scottsdale	AZ	85255	302-84-034
Clarke & Laurel	Lambe	1401 E. Eagletree Lane	Payson	AZ	85541	302-84-034
Tony & Peggy	Lanese	7620 E. Ann Way	Scottsdale	AZ	85260	302-84-025P
Peter & Suzanne	Menghini	5351 E. Calle Del Norte	Phoenix	AZ	85018	302-84-025M
Rodney	Rockman	1803 E. Underwood Lane	Payson	AZ	85541	302-84-025N
Harold	Corbin	P.O. Box 563	Payson	AZ	85547	302-84-024G
Salvatore & Giovanna	Muscarello	4548 E. Fairfield Circle	Mesa	AZ	85205	302-84-104A
Eric	Kincannon	1701 E. Becky Circle	Payson	AZ	85541	302-84-105
John & Diana	Holley	1602 Ardenwood Drive	San Jose	CA	95129	302-84-106
Carl & Laura	Hacker	1602 E. Becky Circle	Payson	AZ	85541	302-84-022E
Wayne & Carolynn	Walter	1501 E. Underwood Lane	Payson	AZ	85541	302-84-020A
Frank & Annette	Benites	3368 W. State Ave.	Phoenix	AZ	85051	302-84-020D
John & Charlene	Kirkpatrick	1401 E. Underwood Lane	Payson	AZ	85541	302-84-020C
Carl & Laura	Simpson	1121 N. Alyssa Circle	Payson	AZ	85541	302-92-005
Jeremy & Katie	Hoff	1123 N. Alyssa Circle	Payson	AZ	85541	302-92-006
Patrick & Barbara	Underwood	1606 E. Becky Circle	Payson	AZ	85541	302-92-007
Georgianna	Reilly	37 Franklin Drive	Stony Point	NY	10980	302-92-008
Ronald & Donna	Mayer	1192 Beacon Hill	San Marcos	CA	92078	302-92-009
Patrick & Barbara	Underwood	1606 E. Becky Circle	Payson	AZ	85541	302-92-030
Dennis & Carole	Omoto	1107 N. Beeline Hwy. Ste B	Payson	AZ	85541	302-92-031
James & Darsha	Oestmann	P.O. Box 3201	Payson	AZ	85547	302-92-032
Dr. Steven	Lee	1504 Bountiful Avenue	Sunnyside	WA	98944	302-92-033
Tony & Peggy	Lanese	7620 E. Ann Way	Scottsdale	AZ	85260	302-92-034
Patrick & Barbara	Underwood	1606 E. Becky Circle	Payson	AZ	85541	302-92-035
Jeanie	Langham	602 E. Continental Drive	Payson	AZ	85541	
Patrick & Barbara	Underwood	1606 E. Becky Circle	Payson	AZ	85541	302-84-023

TUSCANY ESTATES
Citizen Participation Meeting
Wednesday February 23, 2011
SIGN-IN SHEET

	Print Name	Address	Phone
*	BARBARA UNDERWOOD	1606 E. BECKY CIR	474-5338
-	JAMES Scheidt	310 W. Houston Mesa Rd.	951-5568
	DIANNE MARTELL-WILLIAMS	1904 N. Underwood Court	468-6775
	LEN LITTLE	709 E. TYLER PARKWAY	474-2267
	PAULE GIEDT	704 FOOTHILLS E. CIR	468-6356
	GAIL DUATT GIEDT	" " " "	" "
	Jim Greenberg	716 N Foothills E. Cir	474-3967
	Mary L Little	709 E. TYLER PARKWAY	474 2267
	Mike Thornton	1505 Heather	714-335-4557
	Christy Thornton	" "	"
	TAMERA LAMB	1304 E EAGLETREE LN	951-5368
	MARTY LAMB	" " " "	978-8998
	Bob & Celeste Parsons	712 N. FOOTHILLS E. CIR.	978-4638
*	CAROLYNN WALTER	1501 Elmdenwood Ln	474-4419
*	Wayne Walter	" " "	" "
*	Ralph Bossert	1109 N McLane Road	474-5717
*	Carl Simpson	1121 N. Alyssa Circle	978-1400
*	Laura Simpson	1121 N Alyssa Circle	978-1400
*	PATRICK UNDERWOOD	1606 E BECKY CIRCLE	474-5338

* IN FAVOR
- NEUTRAL

TUSCANY ESTATES
Citizen Participation Meeting
Wednesday February 23, 2011

PRINT NAME: Millard & Christy Thornton

ADDRESS: 1305 N. Heather Cir., Payson

PHONE: 714-335-4557

COMMENTS:

1. The need (Per General Plan) does not exist with The fact there are MANY more 1 acre Lots than ther are 2 acre Lots in the town of Payson.

2. The Payson 3 unit Subdivison is zoned as Rural Residential. Adjacent Property which there are MANY more Lots than P3UI SUB. Has are zone Low Density. There is No Justification For a Zoning Change Per General Plan.

3. There is a zoning ordinance of R1-70 that would allow less housing and disturbance of the Natural Vegitation within the P3UI Sub which was formed during the General Plan Adoption in 2003. This would Keep a rural residential environment within P3UI SUB and Still Allow More Housing for your desire. This would be a WORKABLE Solution for Both Sides.

Response to the Underwood Zoning Request.

1. We feel that the two and four acre zoning for the Tyler Parkway corridor is appropriate and there is no need to change this zoning. The specific zoning within the subdivision in which the Underwood property resides has long been two acre minimums and should remain so.
2. This request is no different than those which the Underwoods have submitted and been turned down in the past. Nothing appears to have changed. If there has been and is enough opposition by neighbors, why should this be brought forward?
3. Approving this zoning change definitely sets a precedent and makes future rezoning changes difficult to disapprove. It is believed that the West property potentially falls in this category for the Council to consider.
4. The Master Plan was continually referenced in the Underwood presentation which does leave some room, although errantly developed in the first plan, for one acre lots however the plan also states clearly that demand for lots must be considered. There is no significant demand for either one acre or two acre lots and experts feel it will be some time before any significant demand exists.

Bruce and Gail Giedt

February 27, 2011

(1601 E. Underwood Lane)

TUSCANY ESTATES
Citizen Participation Meeting
Wednesday February 23, 2011

PRINT NAME: Paula + Roger Bentley

MAILING ADDRESS: 1524 N Seton Ln, Mesa, AZ 85205 (1806 E Underwood Ln Payson)

PHONE: (480) 385-9836

COMMENTS:

We oppose the proposed Tuscany Estates Subdivision that seeks to rezone 15.04 acres from R1-90 (½ acre lots) to R1-44 (1 acre lots).

Nothing has changed since the last time this same proposal was made. This proposal remains inconsistent with the General Plan Update:

① Sufficient demand for 1 acre homesites still does not exist. The supply of 1 acre homesites remains high, and, the demand for 1 acre home sites remains low.

② Injecting a cluster of R1-44 sites into an R1-90 area would look odd, but more importantly, would forever alter the rural character of the neighborhood.

③ Building 14 homes where 7 were authorized would severely impact the environment. The area is hilly, doubling the density of homes will surely adversely affect drainage, and require more trees to be cut down.

Roger + Paula Bentley 2/25/11

TUSCANY ESTATES
Citizen Participation Meeting
Wednesday February 23, 2011

PRINT NAME: MARTY & TAMMY LAMB

ADDRESS: 1304 E. EAGLETREE LN. PAYSON, AZ 85541

PHONE: 928-468-1474

COMMENTS:

THE UNDERWOODS FAILED TO SHOW US THE NEED FOR REZONING THEIR PROJECT. THIS IS THE SAME STORY AS PREVIOUSLY DISCUSSED. WE, AS HOMEOWNERS HAVE A REASONABLE EXPECTATION THAT THE ZONING IN OUR NEIGHBORHOOD REMAIN THE SAME! WITH NO NEW EVIDENCE SHOWING A NEED FOR EVEN MORE 1 ACRE HOMESITES IN PAYSON, WE FEEL THERE IS NO REASON TO APPROVE THEIR REQUESTED ZONING CHANGE.

THANKS

M Lamb

Sandra Lamb

TUSCANY ESTATES
Citizen Participation Meeting
Wednesday February 23, 2011

PRINT NAME: Mede AND LINDA MIRZA

ADDRESS: 1403 E. Eagletree LANE

PHONE: 602-885-1059

COMMENTS:
We are strongly opposed to re-zoning the Underwoods property; the property should remain zoned as R1-90, consistent with the General Plan of the Town of Payson. Any rezoning to allow more residences per acre on this property would result in substantially more traffic in the area and diminish surrounding property values. The City Council has denied rezoning requests related to this property multiple times in the past, and there is no reason to revisit these decisions.

TUSCANY ESTATES SUBDIVISION

I have spoken to the Underwood's concerning their proposed 14, one acre plus lot subdivision on Underwood Lane. I have seen the proposed layout and the Underwood's have explained their vision for the property. At this time I have no major concerns.

Print Name	Signature	Address	Date
GREG REED	Greg R Reed	1700 E. BECKY CIR	02/12/2011
Jeremy Hoff		1123 N. Allyssa Cir	2/12/2011
Carl Simpson		1121 N. Allyssa Cir	2/12/2011
Wayne Walter		1501 E Underwood Lane	2/13/2011
CAROLYNN WALTER		1501 E UNDERWOOD LN	2/13/11
Laura Simpson		1121 N Allyssa Circle	2-23-11

DeSchaaf, Sheila

From: Barbara Underwood [barbaraunderwood@yahoo.com]
Sent: Sunday, February 20, 2011 9:01 AM
To: DeSchaaf, Sheila; Smith, Silvia; Evans, Kenny; Blair, Ed; Croy, Rick; Wilson, John; Connell, Su; Hughes, Michael; Carpenter, Fred; Wright, Tim
Subject: Fw: Rezoning Tuscany Estates

Here is an email I was asked to forward to the town and council.

Thanks,
Barbara Underwood

----- Forwarded Message ----
From: "Bunkyho@aol.com" <Bunkyho@aol.com>
To: Barbaraunderwood@yahoo.com
Sent: Fri, February 18, 2011 9:52:04 AM
Subject: re: Rezoning Tuscany Estates

Dear Barbara & Patrick,

John and I support the proposed rezoning of the Tuscany Estates Subdivision on East Underwood Lane and North Karen Way. Please forward our email to all town council members and the town clerk showing them that we support this proposal.

Thank you,

Diana & John Holley
Property owners of 1605 E. Becky Circle
Payson, AZ

RECEIVED
FEB 20 2011
COMMUNITY DEVELOPMENT
DEPARTMENT

RECEIVED
MAR 04 2011
COMMUNITY DEVELOPMENT
DEPARTMENT

Tuscany Estates
Citizen Participation Meeting - Wednesday February 23, 2011

Print Name: Louis A. Felix
Address: 1301 & 1303 N. Heather Cir. Payson, AZ 85541
928 474-4446 cell: 928 970-1991

Comments:

We bought our two parcels of land on Heather Circle primarily because of the semi-rural and wooded nature of the area and the feel of not living elbow to elbow with your neighbors. I would like to preserve this feeling as much as possible but I realize that change is inevitable. I welcome the coming of an ASU campus in town. That will no doubt drive change at an accelerated rate.

I believe that land developers in this zoning area should be required to preserve some of the semi-rural and wooded characteristics of current land use for this area. One way in which this can be done is:

- Limit housing in the area to single family homes.

- Secondly, require that the developer set aside 20% of the area to be sub-divided for open green space. In the case of the Underwood's Tuscany Estates that would be equivalent to approximately 2.8 acres. That would leave sufficient space for 11 one acre parcels in this development.

- Third, require that new homeowners limit the area that could be fenced to no more than 25% of their total property square footage. This means that a one acre lot could have no more than 10,890 sq. feet of fenced area. That is approximately a 100' X 100' area. The unfenced areas would provide additional open space for local flora and fauna to continue to survive and/or pass through.

I for one could support a change from current zoning rules, if the above were to be required for new development.

Yours Truly,

Louis A. Felix

Town of Payson
303 N. Beeline Hwy
Payson, AZ 85541

Attn: Ray Erlandsen

March 26, 2011

Dear Mr. Erlandsen,

This letter is to inform you and the Planning and Zoning Commision that we are firmly in opposition to the proposed re-zoning at 1601 E. Underwood Lane, Application #P11-001 from R1-90 (a maximum of 7 homes per 15 acres) to R1-44 (a maximum of 14 homes per 15 acres).

Our property at 1401 Eagle Tree Lane abuts Underwood Lane and would be directly impacted by this proposed change. Increasing the density in this area would deleteriously affect our property value and work to undo the beauty of low-density housing and the forested area that drew us to purchase our property. The increased traffic on Tyler Parkway would add noise and congestion to an area that has been developed for its quiet appeal. Is the impact on water resources another issue that needs to be addressed?

The subdivisions surrounding this area were developed to preserve the natural beauty of the forest. The people, like ourselves, who bought in this area trusted in the stability of the zoning designation and would hope that the Planning and Zoning Commission would stand with the original zoning plan upon which people relied when selecting their residences and not give in to spot zoning. We see no reason for a zoning change to create more building lots (one house per acre) at this time and especially with this economy.

Thank you for your consideration.

Sincerely,

Clarke and Laurel Lambe
1401 Eagle Tree Lane
Payson, AZ 85541
e-mail: laurel.lambe@gmail.com

RECEIVED
MAR 28 2011
COMMUNITY DEVELOPMENT
DEPARTMENT

March 24, 2011

To Whom It May Concern:

We are property owners at 1901 N. Underwood Ct., Payson AZ 85541. We are writing to oppose the proposed zoning changes (R1-44) to the parcel located at 1601 E. Underwood Lane. We believe that this proposal will have deleterious effects upon the land and the neighborhood. The proposal to subdivide this parcel into 14 lots will increase the housing density from two acres per house to one acre per house. Greater amounts of excavation, tree and vegetation removal will be required, contributing to increased soil erosion. In addition, this proposal is inconsistent with the rural character of the surrounding neighborhood. Building high density housing in this area therefore will have a negative impact upon our property values.

We urge you to consider this matter carefully and work to preserve the land and the character of our neighborhood. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,

Steven & Lien Chen

Steven Chen MD

Digitally signed by Steven Chen MD
DN: cn=Steven Chen MD
Reason: I am the author of this document
Location:
Date: 03/31/11 02:05:38

RECEIVED
MAR 30 2011
COMMUNITY DEVELOPMENT DEPARTMENT

Erlandsen, Ray

From: Betsy Gruber [betsy_gruber@yahoo.com]
Sent: Friday, April 01, 2011 5:33 PM
To: Erlandsen, Ray
Cc: littlepaint@q.com
Subject: 1601 E. Underwood Lane

Dear Mr. Erlandsen,

It is my understanding that Patrick and Barbara Underwood are seeking a zoning change that would allow them to further subdivide their existing property at 1601 E. Underwood Lane (P11-001) from RI-90 to RI-44, allowing 12 to 14 homes to be built on that parcel.

I would like to see that the property remain RI-90 as now zoned, and as the town originally intended. The increased traffic that these additional homes would bring to the area and the diminished view from our house would negatively impact on our property values as well as the enjoyment of our "home in the forest." We purchased a lifestyle that the two-acre properties afforded and I therefore oppose any change to the existing zoning.

I value the Underwoods as the best neighbors one could hope for, so this letter is especially difficult to write. However, I believe the changes that the rezoning would bring to our neighborhood would be negative and that the long term effects of the Underwoods' proposal would not be a positive change for me or for the Town of Payson.

Elizabeth Gruber
1604 E. Becky Circle
Payson, AZ 85541

RECEIVED
APR 04 2011
COMMUNITY DEVELOPMENT
DEPARTMENT

April 2, 2011

Planning and Zoning Commissioners, Payson Town Council, and Town Staff,

We are again writing to express our support for the 15 acre plus parcel proposed on Underwood Lane. We feel that Tuscany Estates will be as asset to the area. Adding a selection of 1 to 1 3/4 acre lots will add some diversity while still maintaining a rural feel that we all enjoy in this area. We own lot 9 in San Gianni Hills, locate at 1214 N. Marissa Lane, and a four acre parcel directly across the street on Karen Way both of which are in the 300 feet boundary. At this time we strongly encourage you to approve the zone change request.

Sincerely,

Tony & Peggy Lanese

Tony and Peggy Lanese

RECEIVED

APR 04 2011

COMMUNITY DEVELOPMENT
DEPARTMENT

HISTORICAL TIMELINE

Zoning Background

1601 East Underwood Lane

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 Tuscany 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	Scheduled 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

PREVIOUS
STAFF REPORTS

April 12, 2004

FROM: Ray Erlandsen
Zoning Administrator

AMENDED
4-19-04

SUBJECT: Proposed **Zoning Change** from **R1-90 to R1-44**, for the purpose of a proposed fourteen (14) lot residential subdivision on a 15.04 acre site.

I. INTRODUCTION

MEETING DATE: **APRIL 19, 2004**

CASE NUMBER: **P-305-04**

LOCATION: The property is currently addressed as 1601 E. Underwood Lane. The property is located in the NW 1/4 of the SE 1/4 of Section 26, Township 11 North, Range 10 East, of the Gila and Salt River Base and Meridian, Payson, Arizona.

TAX PARCELS: 302-84-023

APPLICANTS: Patrick J. and Barbara A. Underwood, property owners

REQUEST: "Rezone property from R1-90 to R1-44 to allow development of 14 lots on the 15.04 acre parcel"

PURPOSE: To determine how a request for a change in zoning classification, from R1-90 to R1-44, for the purpose of a proposed fourteen (14) lot, residential subdivision, on approximately 15 acres of land, shall be recommended to the Town Council.

II. EXISTING LAND USE/ZONING DESIGNATION:

EXISTING SITE: Undeveloped Single Family Residential (SFR) Property / R1-90

NORTH: Developing Single Family Residential Property / R1-90 (Juniper Ridge Subdivision)

SOUTH: Undeveloped SFR and developing SFR Property / R1-175 & R1-18-PAD (Sienna Creek)

EAST: Developing Single Family Residential Property / R1-90

WEST: Developing Single Family Residential Property / R1-90

III. PROJECT DESCRIPTION:

A. The applicant has submitted a proposal for the development of a 14 lot subdivision for single family residential dwellings. The proposed **area** of development is 15.04 acres (Gross acreage).

B. Proposed Densities - Gross density would be **0.93 DU,** Dwelling Units per Acre. (14 DU / 15.04 acres). Net density (gross minus ROW) would be **0.97 DU** per Acre. (14 DU / 15.04 - 0.65 acres = 14DU / 14.39)

C. The **minimum** lot size proposed is **43,230 sq.ft.** (lot 4). The **maximum** lot size proposed is **48,346 sq.ft.** (lot 6). The **average** lot proposed is **44,806 sq.ft.**

D. No recreational facilities, common open space, or green belts are proposed.

E. This property is not within a floodplain designated area.

IV. PREVIOUS ZONING & BUILDING ACTIONS:

A. **Zoning Actions** - Ordinance 427, established the zoning change from R1-175 to R1-90 for this subject property. Basically, "in lieu" of the normal subdivision development, the ordinance provided the development criteria for this subdivision and made the zoning contingent upon infrastructure improvements being provided within a specific time frame and with a reversionary clause.

B. **Zoning Actions** - On March 24, 1997, the Town Council amended the Town Map and the Zoning Code by accepting application P-227-97 and adopting Ordinance 499, which 're-established' the R1-90 zoning for the Payson 3 Units 1 & 2 (exchange lands), conditional upon infrastructure improvements, but with the reversionary clause deleted.

C. **Building Actions** - Building Permits have not been issued for this property.

V. APPLICABLE REQUIREMENTS:

Section 15-09-008 of the Town of Payson Unified Development Code, explains the requirements and procedures for a change in zoning classification. A summary of the requirements are as follows; a completed Town application form which includes a detailed description of the request for the zoning change, proof of ownership of the subject property, a 300' radius map of the subject property and surrounding properties within 300' of the subject property boundaries, notification of all property owners within the 300 foot radius, a legal description of the subject property and appropriate filing fees. In addition, Ordinance 552 and Resolution 1399 requires a Citizen Participation Plan.

VI. BACKGROUND INFORMATION:

A. With this proposed subdivision development; four lots would have frontage on N. Karen Way, five lots would have frontage on E. Underwood Lane, and seven lots would have frontage on a proposed Marissa Court cul-de-sac. Proposed lots 1, 7 & 11 would be corner lots as they would have two frontages. Usually subdivisions with 20 and less lots are not required a secondary, emergency access.

B. This property is not within a floodplain designated area, however there are drainage concerns because of stream beds and natural drainage ways. These drainage ways accommodate intermittent high water, although they are usually dry.

C. A comparison of the District Standards for the R1-90 and R1-44 classifications are as follows:

District	Minimum Lot Size				Max Lot Cover	Minimum Yard Setbacks				Min Space Between Buildings	Public Water Sewer Required [4]
	Area sq. ft.	Width[1]	Depth[2]	D/U Area		Front	Rear	Side	Strt Side		
R1-90	90,000	180'	270'	90,000	10%	55'	55'	25'	25'	10'	NO
R1-44	44,000	150'	190'	44,000	20%	40'	40'	20'	20'	10'	YES

D. The current R1-90 zoning designation and the proposed R1-44 would **not allow** a manufactured home to be utilized as a dwelling unit.

VII. ANALYSIS:

A. Compliance of the Proposed Zoning Request with the Land Use Plan

The current Land Use Plan, an element of the General Plan, shows that this property is planned for Rural Residential development. The density range for Rural Residential is from 0.25 to 1.0 dwelling units per acre. As the density proposed is 0.93 dwelling units per acre, at the top end of the range, the proposed R1-44 zoning district is appropriate and meets the general criteria of the Land Use Plan.

B. Compliance of the Site Plan with Proposed R1-44 District Standards

Lot #	Area (sq. ft.)	Depth (ft)	Width (ft)	3 to1 Ratio
	Min. 44,000	190	150	(Depth / Width can not exceed 3)
1	43,869	298	150	1.99
2	43,558	268	178	1.51
3	44,480	306	163	1.88
4	43,230	205	240	0.85
5	45,266	312	154	1.43
6	48,346	245	192	1.28
7	46,024	246	175	1.41
8	44,086	250	167	1.50
9	46,612	212	247	0.86
10	43,400	163	273	0.60
11	44,862	210	222	0.95
12	45,301	229	196	1.17
13	43,670	266	163	1.63
14	44,578	296	150	1.97

627,282 sq.ft. = Total lot areas

1. Proposed lots 1, 2, 4, 10 & 13 are deficient of the 44,000 square foot area requirement. The area deficiencies are all less than 2% of the requirement and could be adjusted before the preliminary plat process. The other 9 lots exceed the area requirement.
2. Proposed lots 1 through 14 meet or exceed the 150 foot width requirement.
3. Proposed lot 10 is deficient of the 190 foot depth requirement. The 27 foot deficiency could be adjusted before the preliminary plat. The other 13 lots exceed the depth requirement.

4. Proposed lots 1 through 14 are well below the 'depth to width' ratio of three to one.(See Section 15-07-002, Item E.3 of the UDC)

C. Compliance of the Site Plan with Subdivision Standards

Improvements, including street design, street naming, drainage, easements, hillside impacts, water requirements, sanitary requirements, fire safety requirements and other subdivision regulations are reviewed at the Preliminary Plat stage, when the zoning has been established and more specific information (ex. slope analysis map, hydrology report, soils tests) has been submitted for review.

D. Compatibility with adjacent zoning districts

Staff finds the proposed R1-44 zoning to be compatible with the R1-90 zoning to the north, east and west. One, two and four acre lots are considered 'large' lots and all have the same land uses including livestock 'privileges'. The R1-175 zoning to the south is vacant land. The R1-18-PAD zoning district to the south is the developing Sienna Creek Subdivision, however only one lot is adjacent to this proposed subdivision.

The proposed subdivision development could be compatible with adjacent land uses.

E. Compatibility with the topography

Staff finds the lot design of this proposed subdivision to be a good design. Topography has been considered and reasonable building envelops are provided in this hilly terrain. Some of the proposed lots are very irregular in shape, but this is often necessary to accommodate topographic concerns and cul-de-sacs.

The proposed subdivision development could be compatible with the topography.

F. Citizen's Participation Report

Staff found the Citizen's Participation Report to meet requirements. It is enclosed for your review.

G. Citizen input

Letters in favor of the proposed zoning change and petitions against the proposed zoning change were received. This information is enclosed for your review. Note: Billy and Mildred Furnas signed the 'against' petition, but later wrote favorable comments.

VIII. FINDINGS OF FACT

1. The proposed R1-44 zoning district complies with the Land Use Plan.

2. The proposed "Underwood" subdivision could be platted to comply with R1-44 district standards.

3. The proposed subdivision would provide 14 'horse' properties or properties with potential livestock uses.

IX. RECOMMENDATION FOR P-305-04:

As the proposed 14 lot subdivision can be designed to meet district and subdivision standards, as the use could be compatible with adjoining land uses, as the proposed zoning is in compliance with the Land Use Plan, the Community Development staff recommends;

That the Planning & Zoning Commission recommend to the Town Council **approval** of **P-305-04**, a **zoning change request from R1-90 to R1-44**, for the purpose of a proposed fourteen (14) lot, residential subdivision,'Underwood' on 15.04 acres of land, with Tax Parcel Number 302-84-023 with the following conditions:

~~1. The UDC Hillside standards shall be applicable for most lots. Specific lots and requirements shall be determined during the Preliminary Plat process.~~

~~2. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.~~

~~Note: '3.A.' or '3.B.' are options of the Common Council.~~

~~3. A. The developer shall pay the appropriate Water Development Fees and provide an acceptable water system design report, prior to Final Plat approval.~~

~~3. B. The developer shall provide an adequate, verifiable water supply and Improvement Plans for water storage and distribution system, all of which are acceptable to the Town of Payson Public Works Director, prior to the zoning becoming effective and the Final Plat approval.~~

~~4.~~ **1.** The preliminary plat shall demonstrate compliance with the development standards as outlined in the Unified Development Code.

~~5.~~ **2.** If any conditions, one ~~through four~~ above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-44 rezoning may revert to the original R1-90 zoning, pending Council Action.

Note: Amendments to conditions made by P & Z Commission at 4-19-04 Public Meeting.

MEMO

TO: Planning and Zoning Commission

FROM: Jerry Owen, Community Development Director

DATE: May 14, 2007

SUBJECT: 1601 E. Underwood Lane – Rezone R1-90 to R1-44 P-337-07

Analysis

The applicant is requesting approval of a zone change request from R1-90 to R1-44 for the development of a 14 residential lot subdivision, Tuscany Estates, on 15.04 acres. Surrounding properties include to the north Juniper Ridge, zoned R1-90; to the east and west Payson 3 Unit 1, zoned R1-90; and to the south unsubdivided property, zoned R1-175.

In April 2004, the Planning and Zoning Commission recommended approval of this rezoning to the Town Council. On June 10, 2004, the Town Council approved Ordinance #653 rezoning this property from R1-90 to R1-44). On July 8, 2004, the Town council voted unanimously to rescind Ordinance #653 leaving the zoning at R1-90. On August 12, 2004, the Council unanimously approved Resolution #1981 (see attached) denying Application Number P-305-04, the original rezoning application, and provided a waiver of fees for any future zone change application for property located at 1601 E. Underwood Lane. The resolution further provided that Patrick and Barbara Underwood might again apply for a zone change for this property in the future when a new, adequate water supply is available for the property. Since that time, the Town has acquired the RH wells to expand the Town's water portfolio and suspended the "20 ERU" policy.

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 0.97 dwelling units per acre, the proposed R1-44 zoning district would be appropriate and meets the criteria of the Land Use Element.

The proposed lot sizes range from 44,000 to 46,381 sq. ft. Although lots have been platted to minimize encroachment into environmentally sensitive areas, building envelopes should be kept off ridgelines and out of drainage ways.

Although this property is not contiguous with current or proposed trail way systems, it is reasonable to foresee that future residents would utilize the proposed trail/pathway on N. Tyler Parkway. Therefore it would be reasonable to request the developer to contribute to pedestrian circulation in the area. This property must meet normal drainage/detention requirements, which may include drainage easements once the civil improvement plans are completed and approved. A new cul-de-sac would be constructed to meet current Town Standards and dedicated to the Town.

Public sanitary facilities would be required for R1-44 zoning. The property is currently within the Northern Gila County Sanitary District.

Staff Recommendation:

Approval with conditions listed below.

1. The development shall be in substantial conformance with the Rezoning Site Plan, sealed April 20, 2007 and shall not exceed a total of 14 lots.
2. A note shall be added to the final plat stating "Areas outside the designated building envelopes shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the designated building envelope. Driveway widths outside the building envelope, on all lots, shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."
3. Building envelopes will be kept off the ridgelines and sensitive environmental areas.
4. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
5. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
6. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
7. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.
8. The developer shall submit a proposal outlining their contribution to affordable/workforce housing prior to Council consideration of the rezoning.
9. All applicable Town standards for development shall be met.
10. If any conditions above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-44 rezoning may revert to the original R1-90 zoning, pending Council action.

Any other condition the Commission deems necessary.

Suggested Motion to recommend Approval:

"I move the Planning & Zoning Commission recommend to the Town Council approval of P-337-07, 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 14 lot single family development with the conditions listed in the staff report."

MEMO

TO: Planning and Zoning Commission

FROM: Ray Erlandsen
Acting Community Development Director

DATE: June 8, 2009

SUBJECT: Rezone R1-90 to R1-44
1601 E. Underwood Lane

P-355-09

Background

The applicant is requesting approval of a zone change request from R1-90 to R1-44 for the development of a 14 lot residential subdivision, Tuscany Estates, on 15.04 acres. Surrounding properties include Juniper Ridge to the north, zoned R1-90; Payson 3 Unit 1 to the east and west, zoned R1-90; to the south unsubdivided property, zoned R1-175 and Sienna Creek, zoned R1-18-PAD.

In April 2004, the Planning and Zoning Commission recommended approval of this rezoning to the Town Council. On June 10, 2004, the Town Council approved Ordinance #653 rezoning this property from R1-90 to R1-44). On July 8, 2004, the Town council voted unanimously to rescind Ordinance #653 leaving the zoning at R1-90. On August 12, 2004, the Council unanimously approved Resolution #1981 denying Application Number P-305-04, the original rezoning application, and provided a waiver of fees for any future zone change application for the property located at 1601 E. Underwood Lane. The resolution further provided that Patrick and Barbara Underwood might again apply for a zone change for this property in the future when a new, adequate water supply became available for the property. Since that time, the Town has acquired wells to expand the Town's water portfolio and has suspended the "20 ERU" policy.

Analysis

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 0.97 dwelling units per acre, the proposed R1-44 zoning district would be appropriate and meets the criteria of the Land Use Element.

The proposed lot sizes range from 44,000 to 46,381 sq. ft. Although lots have been platted to minimize encroachment into environmentally sensitive areas, building envelopes should be kept off ridgelines and out of drainage ways.

Although this property is not contiguous with current or proposed trail way systems, it is reasonable to foresee that future residents would utilize the proposed trail/pathway on N. Tyler Parkway. Therefore it would be reasonable to request the developer to contribute to pedestrian circulation in the area. This property must meet normal drainage/detention requirements, which may include drainage easements once the civil improvement plans are completed and approved. A new cul-de-sac would be constructed to meet current Town Standards and dedicated to the Town.

Public sanitary facilities would be required for R1-44 zoning. The property is currently within the Northern Gila County Sanitary District.

A Citizens Participation Meeting was held on May 29, 2009. The report and related materials are enclosed for review.

Staff Recommendation:

Approval with conditions listed below.

1. The development shall be in substantial conformance with the Rezoning Site Plan, dated May 19, 2009 and shall not exceed a total of 14 lots.
2. A note shall be added to the final plat stating "Areas outside the designated building envelopes shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the designated building envelope. Driveway widths outside the building envelope, on all lots, shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."
3. Building envelopes will be kept off the ridgelines and sensitive environmental areas.
4. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
5. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
6. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
7. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.
8. All applicable Town standards for development shall be met.
9. If any conditions above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-44 rezoning may revert to the original R1-90 zoning, pending Council action.

Any other condition the Commission deems necessary.

Suggested Motion to recommend Approval:

"I move the Planning & Zoning Commission recommend to the Town Council approval of P-355-09, 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 14 lot single family development with the conditions listed in the staff report."