

COUNCIL DECISION REQUEST

SUBJECT: Usage of Right of Way for Landscaping and Signage

MEETING DATE: 09-21-06

CSP ITEM: Yes No KRA#

ITEM NO.:

TENTATIVE SCHEDULE:

SUBMITTED BY: LaRon G. Garrett, Public Works

AMOUNT BUDGETED: \$ 0

SUBMITTAL TO AGENDA
APPROVED BY TOWN MANAGER

EXPENDITURE REQUIRED: \$ 0

CONT. FUNDING REQUIRED: \$ 0

EXHIBITS (If Applicable, To Be Attached): Proposed Regulations, STAC Minutes for 9-6-06

RECOMMENDED MOTION

I move to direct staff to prepare an ordinance to include the proposed regulations allowing private signage and landscaping in public rights of way.

SUMMARY OF THE BASIS FOR RECOMMENDED MOTION:

In December, 2005 the Arizona Department of Transportation (ADOT) granted ownership of the ADOT right of way between the back of curb and the private property along Highway 87 and Highway 260 where there is curb and gutter. Since that time we have received requests for commercial entities adjacent to the highway to use this area for signage. The Surface Transportation Advisory (STAC) has been reviewing this issue. At the September 6, 2006 STAC meeting they voted 6-0 to recommend that the Town Council direct staff to prepare an ordinance to include the proposed regulations allowing private signage and landscaping in the public right of way. A copy of the proposed requirements are attached for your review.

Basically, this change will allow private businesses to place their signage within Town right of way. In return for the use of the Town property, the business owner must agree to landscape the right of way in accordance with these regulations. The business owner will also be responsible to maintain this landscaping. The business owner will still have to meet all the requirements of the Town's sign code.

Staff believes that this will be an effective way to provide and maintain some attractive landscaping along the State Highways without cost the Town in construction or maintenance. Staff recommends approval of these proposed regulations.

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COUNCIL DECISION REQUEST

PROS: This will make a much more attractive highway corridor and will also allow businesses to locate their signage in a more visible location.

CONS: None

PUBLIC INPUT (if any): Input was received by STAC Committee.

BOARD/COMMITTEE/COMMISSION ACTIONS/RECOMMENDATIONS (if any) (give dates and attach minutes): The Surface Transportation Advisory Committee voted 6-0 at their September 6, 2006 meeting to recommend approval of this modification to the Town Council.

Usage of Public Right of Way
by
Private Entities
for
Signage and Landscaping

1. Applicability

In December, 2005 ownership of the public right of way between the back of curb and the private property line was transferred from the State of Arizona to the Town of Payson. This policy for private usage of the public right of way pertains only to that right of way adjacent to Highway 87 and Highway 260 where there is curb and gutter within the Town of Payson Limits.

2. General Policy

In general, this policy is to allow private entities with property adjacent to the Town of Payson right of way along Highway 87 and Highway 260 to install commercial signage for their property in exchange for installing, watering and maintaining landscaping on the adjacent Town of Payson right of way.

3. Requirements

A. Permits

1. No work will be performed on Town of Payson right of way without first obtaining a valid right of way permit.
2. All signs shall be properly permitted by the Town of Payson Building Department.

B. Required Landscaping

1. All new plantings shall be listed on the Town of Payson Low Water Plant Use List. The final landscape plan shall be approved by the Town of Payson Community Development and Engineering Departments. The Town may allow substitution of materials in Sections 2A through 2D below as appropriate.
2. The property owner shall install the following minimum landscaping in the Town right of way abutting their property:
 - A. For right of way with a depth less than or equal to 10 feet, a minimum of 1 tree and 2 shrubs for each 500 square feet, or portion thereof. (Note: By definition, a tree shall be a minimum 15 gallon size with a minimum trunk diameter of 2" at the soil level. Shrubs shall be a minimum 5 gallon size.)
 - B. For right of way with a depth of 10 to 25 feet, a minimum of 1 tree, 2 shrubs and 2 medium landscape rocks for each 1,000 square feet, or portion thereof. (Note: By definition, a medium landscape rock shall be 18" to 30".)

C. For right of way with a depth of 25 to 40 feet, a minimum of 1 tree, 3 shrubs, 3 medium landscape rocks, and 1 large landscape rock for each 1,500 square feet, or portion thereof. (Note: By definition, a medium landscape rock shall be larger than 36".)

D. For right of way with a depth greater than 40 feet, a minimum of 1 tree, 4 shrubs and 3 large landscape rocks for each 2,000 square feet, or portion thereof.

3. In areas where the depth of the Town of Payson right of way is greater than 10', the landscaping shall be evenly distributed throughout the right of way.

4. The property owner shall transplant native trees whenever possible.

5. The property owner shall install an approved granite ground cover or other approved material over all areas not covered by the landscaping required in Item No. 2 above.

C. Landscape Maintenance

1. The property owner shall install and maintain a drip irrigation system for the benefit of the landscaping installed on the public right of way. The drip irrigation system shall be approved by the Town of Payson Public Works Department. The property owner shall be responsible for the cost of all water used by the landscaping.

2. The property owner shall replace any dead trees or shrubs in a timely manner.

3. The property owner shall provide all necessary pruning, trimming and upkeep required by the landscaping.

4. All landscaping and signage shall be located in a manner so that it does not block or obstruct the view of the vehicular traffic.

D. Allowable Signage

1. All sign construction shall be in conformance with the current Unified Development Code, with the exception of being on the private property.

2. The appearance of the sign shall be in conformance with the Town of Payson Design Review guidelines. The sign design shall be approved by the Town of Payson Community Development Director prior to issuance of a sign permit.

4. Agreement

The property owner shall execute a standard agreement with the Town of Payson for locating signage on Town Property and for maintaining landscaping on the Town of Payson right of way. This agreement shall be approved by the Town Council.

5. Default

1. In the event that the property owner does not properly maintain the landscaping, the Town may require that all signage be removed from the public right of way immediately.

2. If the property owner does not remove the signage within 10 working days of a request of removal from the Town, the Town may remove the sign at the owners expense.

SURFACE TRANSPORTATION ADVISORY COMMITTEE
REGULAR MEETING MINUTES
SEPTEMBER 6, 2006

- A The duly posted Surface Transportation Advisory Committee meeting was called to order at approximately 4:00 p.m. in the Council Chambers by Chairman Al Lyons. Meeting Time & Place
- B **ROLL CALL:** Al Lyons, Chairman, Members Ginger Henry, Bruce Van Camp, Roy Kindrick, Ernest Schmidt (arrived at 4:03 p.m.), and Gordon Metcalf. Roll Call
EXCUSED: Cliff Potts, Vice-Chairman.
- C **STAFF PRESENT:** LaRon Garrett, Assistant Public Works Director/Town Engineer. Staff Attending
- D **OTHERS PRESENT:** Tracie Bailey, Deputy Town Clerk and Councilmember Vogel. Others Attending
- E **PUBLIC COMMENTS**
There were no public comments. No Public Comments
- F **MINUTES:** Minutes
August 2, 2006 Surface Transportation Advisory Committee Minutes. APPROVED, 5-0
Member Metcalf moved, seconded by Member Van Camp to accept the August 2, 2006 Surface Transportation Advisory Committee Minutes. Motion carried, 5-0. Member Schmidt was absent for the vote.
- Member Schmidt asked for a correction to the street name in Section G page 100 of the August 2, 2006 minutes. The correction was noted. Correction to Minutes
- G **Status report and update on street projects by the Public Works Engineer or his designee.** Status Report
LaRon Garrett, Assistant Public Works Director/Town Engineer, stated that the slurry seal was almost complete. McLane Road was still under construction. Construction should be complete by the end of this month. Mud Springs Road goes to the Council for redesign on September 7, 2006. Mud Springs Road could go to bid next spring. St. Phillips and Bonita Street are still in the budget and construction will start next year.
- Member Metcalf stated that he has written a letter to the Payson Roundup Editor about the Surface Transportation Advisory Committee and the various streets recommended by the Committee. Letter to Editor

SURFACE TRANSPORTATION ADVISORY COMMITTEE
REGULAR MEETING MINUTES
SEPTEMBER 6, 2006

A Discussion/possible action concerning private signage on Town right of way.

The Committee went over Mr. Garrett's proposal. Chairman Lyons was concerned that if a lot of businesses respond the highway may look too congested. Mr. Garrett stated that the right of way is only five feet wide. The north end of Town has a wider right of way, but there are fewer businesses. The business would have to maintain the landscaping to keep their sign in the right of way. The Committee discussed the requirements for having a sign in the right of way.

Signage

Member Van Camp **moved, seconded by Member Metcalf to accept the proposal as presented and present it to the Council with the stipulations discussed. Motion carried, 6-0.**

Motion to Present Proposal to the Council

B Discussion/possible action concerning right turn movements at Highway 87 and Highway 260.

The Committee discussed a second right turn lane at the intersection. Mr. Garrett believed that a second turn lane could slow traffic down. The signal has been timed for weekend traffic, but when there is too much traffic that solution also fails. ADOT had completed a study of the area and found that there may be an increase of approximately 15 percent in traffic flow.

Right Turn Movement at Hwy 87 & 260

Following some discussion Member Metcalf **moved, seconded by Member Schmidt to temporarily remove this item from the agenda. Motion carried 6-0.**

Motion to Remove Item

C Discussion/possible action concerning updating the road priority list.

Mr. Garrett stated that the right of way for Mud Springs Road was there from Granite Dels Road to Highway 260. It was Committee consensus to add this project to the top of the list as phase II of Mud Springs Road. Mr. Garrett believed there could be funding for this project in the next two years.

Mud Springs Road

It was Committee consensus to change Timber Drive to Evergreen on the list. Mr. Garrett would put together a report indicating the issues with some of the projects on the list so that the Committee can determine which projects are more likely to be completed first.

Projects

D Discussion/possible action concerning left turn issues at Main

Street and Colcord Road.

The Committee discussed making the portion of Frontier Street in front of the Post Office that is one-way into a two-way street. The Committee also discussed putting in a signal light at Colcord and Main Street. Mr. Garrett explained that it would be very hard to coordinate that light with the light at Highway 87 and that the signal would have to be the Towns.

Frontier Street

Member Van Camp stated that he had counted 87 cars that came to that intersection between 3:00 p.m. and 3:30 p.m. Mr. Garrett would get a current traffic count before the next meeting. The Committee discussed redirecting traffic down Frontier Street to Meadow Street to go over to Main Street. Mr. Garrett explained that Meadow Street is not a Town owned street and that the Town only accepts roads that are brought up to current standards. Even if Meadow Street was donated to the Town it still needs a lot of repair. Mr. Garrett would check into making Frontier in front of the Post Office into a two-way street.

Redirect Traffic

A Discussion/possible action concerning street connectivity in Payson including Goodnow Street.

Mr. Garrett would get each Committee member a smaller map with current streets. The Committee discussed getting more right of way from the shopping center to connect to Goodnow Street. The Committee also discussed extending Manzanita down to Bonita. Mr. Garrett believed that the right of way for that would be very costly.

Street Connectivity

B Discussion/possible action concerning the Street and By Pass Task Forces.

Mr. Garrett explained that the Mayor's Street Task Force was currently walking every street in Payson to assess its condition and value. Chairman Lyons asked Mr. Garrett to write a letter to Fran Hoffman, Task Force Leader, to invite him to the October STAC meeting. The Committee discussed a by-pass around Payson. All minutes from previous STAC meetings discussing the by-pass would be pulled and copied for the Task Force. The Committee also discussed using Tyler Parkway to get back over to Highway 260 from Highway 87.

Street Task Force

Councilmember Vogel stated that he lives on Tyler Parkway and he felt there was not a problem with car traffic on Tyler Parkway, but the residents on Tyler Parkway do not want truck traffic.

Tyler Parkway

SURFACE TRANSPORTATION ADVISORY COMMITTEE
REGULAR MEETING MINUTES
SEPTEMBER 6, 2006

Approved:

Al Lyons, Chairman

Date: _____

ATTEST:

Tracie Bailey, Deputy Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Surface Transportation Advisory Committee of the Town of Payson held on the 6th day of September, 2006. I further certify that the meeting was duly called and held and that a quorum was present

DATED this ____ day of _____, 2006.

Tracie Bailey, Deputy Town Clerk

Affix Town Seal
tkb