

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
July 23, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Commissioners Harold Nichols, George Van Nosedol, Amanda Peterson, and Kirk Beecher via electronic device; City Councilmember Kim Hancock; Planner Jill Spencer; Zoning Administrator Jon Lundell. Excused: Chairman John Cowan, Commissioners Blair Warner, Todd Cannon, and Councilmember Mike Hardy.

Motion by Commissioner Peterson to designate Commissioner Nichols as acting chairman. Seconded by Commissioner Van Nosedol. Motion carried.

INVOCATION: Commissioner Peterson

CONSENT AGENDA

- Approval of minutes for the regular meeting of June 25, 2014.

Motion by Commissioner Van Nosedol to approve the minutes for the regular meeting of June 25, 2014. Seconded by Commissioner Peterson. Motion carried.

PUBLIC FORUM

Staff presented a certificate of attendance to Dakota Jarvis and thanked him for his attendance and his involvement in the scouting program.

Councilmember Hancock informed the planning commission of the special session of the City Council to place firework restrictions for the July 24th holiday to the area east of 600 East along the hillsides.

REVIEW ITEMS

PUBLIC HEARING – AMENDMENT TO THE PAYSON CITY ZONING MAP FOR UTAH COUNTY PARCELS 30-029-0037 AND 30-029-0044 LOCATED WITHIN THE BLOCK BOUNDED BY 900 EAST AND 1000 EAST AND 200 NORTH AND 300 NORTH. THE PROPERTY IS CURRENTLY ZONE GC-1, GENERAL COMMERCIAL AND IT IS PROPOSED THAT THE ZONE BE CHANGED TO R-1-75, RESIDENTIAL.

Motion by Commissioner Peterson to open public hearing. Seconded by Commissioner Van Nosedol. Motion carried.

Planner Spencer presented information from the following staff report.

Background

In accordance with Section 19.2.8 of the Zoning Ordinance (February 19, 2014), it is proposed that the zoning designation for Utah County parcel numbers 30-029-0037 and 30-029-0044 be changed from the GC-1, General Commercial Zone to the R-1-75, Residential Zone. The parcels are currently owned by Payson-Utah Associates and Payson-Utah III Associates, respectively. The site is fully improved and accommodates fifty two (52) residential apartments in the Mountain View and Mountain View East apartment complexes located within the block bounded by 900 East and 1000 East and 200 North and 300 North.

The zone change request is a joint effort of the applicants and Payson City staff. Community Housing Services, Inc. and Yes Housing, Inc. (applicants) are requesting approval of the zone change to accommodate a proposal to complete a substantial rehabilitation and modernization of the properties. Some of the proposed improvements cannot be completed because the residential units are classified as non-conforming uses in a commercial zone.

The applicants are not proposing additional residential units on the site. However, if the zone change is approved, the applicants would like to construct a community building on the site to accommodate laundry facilities, a computer room, office space, and lounge area for the enjoyment of the residents of the apartment complex.

Staff is partnering with the applicants to process this zone change request. The Planning Commission has asked staff to contact various property owners and prepare zone change applications to correct the zoning designations of several properties in the community. Approval of this zone change, and others along the 100 North and 100 West corridor, will more accurately reflect the number of acres designated for residential, commercial, and industrial uses. In many cases, approval of a zone change will also relinquish the non-conforming status of the parcel and remove any limitations imposed by that classification.

Approval of a zone change requires approval from the City Council following a recommendation from the Planning Commission. Both the Planning Commission and City Council are required to hold a public hearing and consider public input prior to reaching a recommendation or decision, respectively. Property owners within five hundred (500) feet of the proposed zone change have been notified, the notice has been posted in appropriate locations, and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

Analysis

Approval of a zone change is a legislative action of the City Council. The Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the zone change request. The applicant is entitled to use the property consistent with the requirements of the underlying zone, GC-1, General Commercial Zone. Because the site is fully improved and used for residential purposes it is unlikely that commercial uses will be accommodated on the site. Moreover, the commercial zoning limits the improvements that can be completed to the residential uses because they are classified as non-conforming uses.

The applicants, along with City staff, are requesting approval to rezone the two (2) parcels to the R-1-75, Residential Zone. If the zone change is approved by the City Council, the property owners are eligible to develop the property in any manner that satisfies the requirements of the designated zoning district and the other applicable development ordinances of the City. Therefore, any of the permitted, conditional, or accessory uses of the R-1-75, Residential Zone would be allowed.

The Planning Commission, City Council or staff may require additional information in order to make a well informed decision.

Recommendation

The applicants, along with City staff, are seeking a recommendation of approval to change the zoning designation of Utah County parcel numbers 30-029-0037 and 30-029-0044 containing approximately 3.34 acres from the GC-1, General Commercial Zone to the R-1-75, Residential Zone. Following a public hearing to receive public input, the Planning Commission will need to determine if it is appropriate to modify the zoning designation of the subject parcels. If the Planning Commission determines the uses are appropriate in this location and consistent with the land use goals and objectives of the City Council, the Planning Commission should recommend approval of the request. Conversely, if the Planning Commission determines the allowed uses are not appropriate in this location or inconsistent with the land use goals and objectives of the City Council, the Planning Commission should recommend denial of the request.

Any motion of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation that will be forwarded to the City Council. If the City Council chooses to amend the zoning map to accommodate the zone change request, the amendment shall be completed by ordinance.

Commissioner Beecher asked for clarification on changing the zone to the R-1-75 Residential Zone.

Planner Spencer stated that this zone is proposed because the neighboring zone is R-1-75. She stated that the only zone that allows that high of density is the RMF, Residential Multi-Family Zone. However the RMF Zone requires a five acre parcel and the stated parcel is about four acres.

Commissioner Nichols asked for clarification on the reason for the rezone.

Planner Spencer stated the rezone was being done to more accurately reflect the current commercial and residential acreage that is currently in use at this time. Furthermore, the owners of the property are planning to complete significant rehabilitation improvements to the property which can only be completed if the property is located in a residential zone.

Commissioner Van Nosedol asked how long the parcel had been zoned commercial and the reasoning behind that decision.

Planner Spencer stated that the parcel has been zoned commercial for a considerable amount of time and is unsure the reasoning behind that decision.

Commissioner Nichols asked for clarification on what the use of the apartments is going to be.

The applicant, Philip Carroll, stated that it is a 52 unit apartment complex that will be rehabbed in 2 phases. Many of the units within the development will be subsidized and they will be standard residential apartments.

Commissioner Peterson asked how many units were currently subsidized.

The applicant was unaware of the exact number of apartments that are currently subsidized but believes that it is about three quarters of the units.

Motion by Commissioner Van Nosedol to close the public hearing. Seconded by Commissioner Peterson. Motion carried.

Motion by Commissioner Peterson to recommend approval of changing the designated parcel from GC-1 General Commercial to R-1-75 Residential to allow for the residential improvements and amenities, as well as more accurately represent the current land uses and with the suggestion to notice the property owners directly north of the Moore Business Development that they may be included in the rezone application if they desire. Seconded by Commissioner Van Nosedol.

Commissioner Beecher moved to amend the motion to include the findings that changing the parcels to the R-1-75 Zone is reasonable because it is adjacent to a current R-1-75 Zone, it does not create a zoning island, and allows for most of the uses currently on the property.

Amendment to Motion seconded by Commissioner Van Nosedol. Voting: Commissioner Van Nosedol – aye; Commissioner Beecher – aye; Commissioner Peterson – aye; Commissioner Nichols – aye; Motion carried.

COMMISSION AND STAFF REPORTS

Planner Spencer stated that Commissioner Warner's notes for changes to Title 19 appendix A will be distributed to the other commissioner's the following week for their review.

Discussion was held on the following:

1. The regulation of group homes throughout the state, particularly Ogden and Provo.
2. Layout and improvements to the Mountain View Apartments.
3. LDS temple construction time line.
4. Development of the land directly north of the LDS temple site.
5. Available commercial lots and who is responsible for maintenance of undeveloped parcels near Walmart.

Motion by Commissioner Van Nosedol to adjourn.

Meeting adjourned at 7:45 p.m.