

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
August 13, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Commissioners Blair Warner, Todd Cannon, Harold Nichols and George Van Nosdol, Amanda Peterson, Kirk Beecher; City Council members Kim Hancock and Mike Hardy; Planner Jill Spencer; Zoning Administrator Jon Lundell, City Engineer Travis Jockumsen, City Attorney Mark Sorenson. Chairman John Cowan excused. Commissioner Todd Cannon unexcused.

INVOCATION: Commissioner Peterson

CONSENT AGENDA

- Approval of minutes for the regular meeting of July 23, 2014.

Motion by Commissioner Beecher to approve the minutes for the regular meeting of July 23, 2014. Seconded by Commissioner Van Nosdol. Motion Carried.

PUBLIC FORUM

REVIEW ITEMS

REVIEW AND POTENTIAL RECOMMENDATION OF THE K. CALL SUBDIVISION LOCATED AT 500 SOUTH RIDGE LAND IN THE R-1-10, RESIDENTIAL ZONE.

Planner Spencer presented information from the following staff report.

Background

The proposed K. Call Subdivision is a two (2) lot subdivision located at approximately 500 South Ridge Lane in the R-1-10, Residential Zone. Lot 1 contains an existing single family dwelling owned by Melvin and Barbara Jex (Jex) and Lot 2 is currently owned by Ben and Nedra Call (Call) and proposed to be acquired by Payson City. The original proposal considered by the Planning Commission on September 11, 2013 included a request for approval of the I-O, Infill Overlay Zone to reduce the lot frontage requirements of the underlying zone to allow a new single family dwelling to be constructed on Lot 2 of the proposed subdivision. Since that time, the applicant, Kendall Call, and Payson City have entered into an agreement to exchange property. It is anticipated that Mr. Call will construct a single family dwelling on a building lot within an approved subdivision near Gladstan Golf Course and Payson City will obtain the parcel along Ridge Lane to assist in addressing the storm drainage concerns near the proposed subdivision.

Notwithstanding the property exchange, completion of the subdivision process is necessary to correct an improper division of land that occurred in 1992 when Jex sold a portion of the original parcel to Call. Moreover, approval of the I-O, Infill Overlay Zone is necessary to reduce the lot frontage requirements. Many of the conditions of approval listed on the September 11, 2013 staff report will no longer apply because the lot is not anticipated to be used for residential purposes. However, to finalize the development approval process, the Planning Commission must provide a recommendation to the City Council.

The Planning Commission conducted a public hearing on September 11, 2013 and the proposal was remanded back to staff to obtain additional information that may assist the Planning Commission in formulating a well-informed recommendation to the City Council. During the public hearing there was considerable discussion regarding access to Lot 2 and storm drainage issues within and surrounding the proposed subdivision. Information regarding access and storm drainage is included in the analysis portion of this staff report.

In order to obtain approval of the proposed subdivision and the overlay zone, the Planning Commission must forward a recommendation to the City Council who will then make a final decision regarding the request. The public hearing was conducted on September 11, 2014. Additional public comment regarding this proposal is discretionary and may only be allowed following a majority vote of the Planning Commission.

Analysis

The Planning Commission directed staff to explore various designs for the access to the flag lot and to identify solutions to the storm drainage concerns in the area. Staff has separated the issues for ease of review.

Access

The original proposal suggested that access for the new dwelling would be provided by a twenty (20) foot wide hard surfaced driveway extended from Ridge Lane with a hammerhead turn-around at the terminus for public safety purposes. The Planning Commission wanted to explore the possibility of constructing a public street and cul-de-sac rather than a private drive in this location. To satisfy the minimum improvement standards for a residential street, the access would need to be designed to accommodate forty (40) feet of asphalt with curb, gutter, and sidewalk on both sides of the street and a sixty (60) foot radius of asphalt for the cul-de-sac. The installation of a public street and cul-de-sac would likely use a majority of the property and potentially intensify the storm drainage problems in the area. Due to the land exchange, Payson City will own the property and additional access is no longer necessary.

Storm Drainage

In response to the storm drainage concerns, Payson City hired Horrocks Engineers to identify options to capture and direct the storm water to a facility designed to accommodate the water. The final analysis suggested four (4) alternatives that included collection points and storage locations. Following a review of the alternatives, the Payson City Council determined that purchasing the Call property was the best option to address the storm water drainage along Ridge Lane. Payson City and Call have mutually agreed to exchange property so the Call dwelling can be constructed on a parcel suitable for development and Payson City can capture and retain storm water with as little impact on adjacent property owners as possible. Catch basins will be installed at the intersection west of the property and pipe installed to direct the storm water to a sump located on Lot 2 of the proposed subdivision. The new facilities will accommodate a majority of the storm water generated in the vicinity; however, existing improvements and constraints will prohibit the capture of all water generated by large storm events.

Following a review of the matters described above and the contents of the September 11, 2013 staff report, the Planning Commission will need to formulate a recommendation to the City Council regarding the proposed K. Call Subdivision. The Planning Commission, City Council or staff may require additional information in order to make a well-informed decision.

Recommendation

An agreement has already been reached between Payson City and Call to exchange property. However, staff would suggest that the improper division of land be resolved before Payson City takes possession of the parcel. Recordation of the K. Call Subdivision cannot occur without the approval of the I-O, Infill Overlay Zone and preliminary and final approval of the subdivision. The Planning Commission will need to consider the each request for compliance with the land use ordinances and provide separate motions for each request.

Approval of the I-O, Infill Overlay Zone

Use of the I-O, Infill Overlay Zone is requested to reduce the frontage requirement for Lot 2 of the K. Call Subdivision. Approval of an overlay zone is a legislative action which the City Council is not obligated to approve. Upon review of the request, the Planning Commission may recommend approval, modification and approval, or denial of the proposed use of the I-O Infill Overlay Zone. If the request for use of the overlay zone is denied, the subdivision will be inconsistent with the provisions of Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance and therefore cannot be approved.

K. Call Subdivision

Following a review of the proposed subdivision, the Planning Commission will need to determine if the subdivision satisfies the provisions of the adopted land use ordinances. Following a review of the information, the Planning Commission may recommend approval, approval with conditions, or denial of the proposed K. Call Subdivision. All decisions should include findings that indicate reasonable conclusions for the recommendation of the Planning Commission.

Commissioner Beecher asked how the storm water pond was being designed and if there would be any other uses on the property.

City Engineer Jockumsen stated that the pond would be a detention basin that would be piped to a sump.

Commissioner Peterson asked if there had been any previous issues with storm water runoff in the past.

The Applicant, Kendall Call, stated that he has had issues with the storm water runoff in the past and has tried to clean up the area to alleviate any flooding, which he has to do many times.

Councilmember Hancock stated that there is an existing garage on the parcel and it had been agreed that the applicant will have access to the garage for a year. Once that time frame has elapsed Payson City will get ownership of the building and use it for vehicle storage.

Commissioner Beecher stated that he has concerns with the location and layout of the access road on the plat. It appears to conflict with existing structures on the site.

Planner Spencer stated that staff would verify the location and determine the reasons for the access road.

Motion by Commissioner Beecher to recommend approval of the IO infill overlay zone allowing for a reduction of the frontage requirements of the K. Call Subdivision. Seconded by Commissioner Peterson. Motion carried.

Motion by Commissioner Beecher to recommend approval of the final and preliminary plats of the K. Call Subdivision. Seconded by Commissioner Peterson. Motion carried

RECONSIDERATION OF A PREVIOUS MOTION FOR PLAT B OF THE PHILLIPS ESTATES SUBDIVISION LOCATED AT 131 SOUTH 900 EAST IN THE R-1-10, RESIDENTIAL ZONE.

Attorney Sorenson presented information from the following staff report.

Staff is requesting the application for Plat B of the Phillips Estates Subdivision be placed on the agenda for reconsideration by the Planning Commission. On April 9, 2014, the Planning Commission, as the designated land use authority, granted preliminary and final approval of the subdivision contingent upon the satisfaction of certain conditions. The motion included in the April 9, 2014 meeting minutes reads as follows:

Motion by Commissioner Warner to grant preliminary and final approval of the Phillips Estates Plat B Subdivision with staff conditions and solutions be found for the issues regarding the prescriptive easement on lot 3, investigation of the condition of the sewer lateral, the relocation of the power utilities, the surveyed lot description is accurate along the eastern property line of lots 2 and 3 does not encroach on the western property line of the adjacent property, and the requirements for sidewalk along the north property line of lot 3 and adjustment of the address for the home located on lot 3. Seconded by Commissioner Beecher. Motion carried.

It is proposed that the conditions proposed by Maple Hill Enterprises, LLC (adjacent landowner) be removed from the conditions of approval imposed by the Planning Commission. These issues include the prescriptive easement across lot 3 and the survey along east boundary of the proposed subdivision. It is the opinion of staff that the requests of Maple Hill are civil matters and should be negotiated between the two private parties without involvement by Payson City.

Albeit rare, the Planning Commission and/or City Council may determine it is necessary to review and/or reconsider a previous motion to ensure that the goals of the City are accomplished and/or protected. Following additional deliberation, the Planning Commission may determine that the motion should remain as previously recited or the Planning Commission may conclude that modification of the motion is necessary.

Attorney Sorenson presented information regarding the two issues included the survey description stated and the prescriptive easement. He gave information regarding state code and describing case law associated with prescriptive easements and it states that a prescriptive easement is strictly a judicial matter. He also stated that the city relies on the professional licensure of surveyors to give accurate descriptions of property lines.

Commissioner Nichols asked if the applicant knew about the easement prior to purchasing the property.

Planner Spencer stated that the applicant did not know about the prescriptive easement at the time that he purchased the property. The applicant has reached out to the previous owner to determine if they were aware of any easement associated with the property. The previous owner did not know of any easements across the property.

Discussion was held regarding installation of the sidewalk and if it should be required.

Commissioner Peterson stated that sidewalk should be installed to better serve the hospital, located east of the property.

Motion by Commissioner Beecher to recommend approval of the preliminary and final plat of the Phillips Estate Plat B Subdivision with staff condition to investigate the condition of the sewer lateral, the relocation of power utilities, with a strong recommendation that installation of the sidewalk along the north side of the property investigated for possible installation in the future and the address adjustment for the home on lot 3. Based on the findings of the City Attorney to remove the wording of prescriptive easements and surveying is a judicial and Surveyor licensing matter. Seconded by Commissioner Nichols. Motion carried.

DISCUSSION REGARDING THE LAND USES, DESIGN, AND FUTURE DEVELOPMENT PATTERN IN DOWNTOWN PAYSON.

Planner Spencer stated that this item was a request by City Council following a special work session of the City Council to discuss some issues regarding downtown Payson.

Council Member Kim Hancock gave a report on the work session regarding downtown Payson. Issues discussed by the City council included:

1. The direction of the traffic on the roadway.
2. The removal of trees along the road way and replacing with younger trees to increase visibility.
3. Landscaping costs along the road way which included tree removal and installation of planter boxes.
4. Inventory of infrastructure and what is located under paved road.
5. Rezoning from CC-1, Central Commercial Zone to CAP, Commercial Arts and Parks Zone.

Discussion was held regarding

1. Funding of improvements and programs.
2. Possibility of phasing the improvements.
3. Reconstruction of buildings
4. Existing infrastructure improvements.
5. Possibility of moving city offices to down town
6. Possible lighting options and trees varieties.
7. Establishment of Main Street as a feature of the city to draw in and create local businesses.
8. Exterior upgrades to the buildings with in the downtown district.
9. Utilizing the buildings for both commercial and residential.
10. Methods used by other cities to revitalized and create central facilities that bring people into their down town areas.
11. Previous studies on the viability of downtown Payson and possibility of future studies.

COMMISSION AND STAFF REPORTS

Planner Spencer stated that she has reached out to the property owners near the post office to gauge their willingness to rezone their property from the GC-1 General Commercial Zone to R-1-75 Residential Zone. At this point there is has not been any opposition. The only concern would be if property taxes would change due to the zone change.

***Motion** by Commissioner Beecher to adjourn.*

Meeting adjourned at 8:45 p.m.