

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
October 8, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:05 p.m.

ROLL CALL: Acting Chair Blair Warner, Commissioners George Van Nosedol, Amanda Peterson, Harold Nichols and Kirk Beecher; City Councilmember Kim Hancock; Planner Jill Spencer; Zoning Administrator Jon Lundell. Councilmember Mike Hardy excused. Commissioner John Cowan and Todd Cannon unexcused.

INVOCATION: Commissioner Peterson

CONSENT AGENDA

- Approval of minutes for the regular meeting of September 24, 2014

Motion by Commissioner Beecher to approve the minutes for the regular meeting of September 24, 2014. Seconded by Commissioner Peterson. Motion carried.

PUBLIC FORUM

No public input.

REVIEW ITEMS

PUBLIC HEARING – REQUEST BY JEFF SOUTHWICK FOR APPROVAL OF A ZONE CHANGE FOR UTAH COUNTY PARCEL 30-059-0063 AT APPROXIMATELY 150 WEST 800 SOUTH. THE PROPERTY IS CURRENTLY ZONED R-1-9, RESIDENTIAL ZONE AND IT IS PROPOSED THAT THE ZONING DESIGNATION BE CHANGED TO THE R-1-75 RESIDENTIAL ZONE.

Motion by Commissioner Peterson to open the public hearing for agenda items 6.1 - Zone Change and 6.2 - RMO-2 Overlay Zone. Seconded by Commissioner Beecher. Motion carried.

Planner Spencer presented information from the following staff report.

Background

In accordance with Section 19.2.8 of the Zoning Ordinance (August 6, 2014) the applicant, Jeff Southwick is requesting approval to change the zoning designation for Utah County parcel #30-059-0063 from the R-1-9, Residential Zone to the R-1-75, Residential Zone. Moreover, the applicant is requesting approval for use of the RMO-2, Residential Multi-Family Overlay Zone to construct multi-family structures on the parcel. The parcel contains 2.31 acres and is located at approximately 150 West 800 South. The property is owned by Jefferson & Calvin Davis and is currently vacant.

The applicant is proposing to construct five (5) four-plex structures on the site for a total of twenty (20) dwelling units. The parcel is currently located in the R-1-9, Residential Zone and the applicant is eligible to improve the property to accommodate single family dwellings on lots containing at least nine thousand (9,000) square feet and ninety (90) feet of frontage, provided the minimum requirements of the development ordinances are satisfied. Two family structures (i.e. twin home, duplex) are allowed in the R-1-9 Zone upon approval of the RMO-1, Residential Multi-Family Overlay Zone. The applicant's proposal includes a request to construct four-plex structures; therefore, a zone change is necessary. To ensure eligibility to apply for the RMO-2 Overlay Zone, the parcel must be located in the R-1-75 Zone or R-2-75 Zone. If the zone change is not approved, the overlay zone request must be denied because the applicant's proposal would not be consistent with the requirements of the R-1-9 Zone and the applicable overlay zone.

Approval of a zone change as well as the overlay zone request 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 project 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

After reviewing the request of the applicant, staff has prepared suggested conditions of approval for consideration by the Planning Commission. Because there are two requests and a need for two separate recommendations, staff has divided this staff report into separate sections addressing the zone change and the overlay zone request.

Zone Change Request

Approval of a zone change is a legislative action of the City Council. As previously stated, the Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the zone change request. However, without approval of the zone change, the overlay zone request of the applicant cannot be approved. The owners of the parcel (Davis) and the applicant (Southwick) are entitled to use the property consistent with the requirements of the underlying zone, R-1-9, that would allow single family dwellings on nine thousand (9,000) square foot lots with at least ninety (90) feet of frontage.

As always, an important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. Although it is typical for Planning Commissioners and City Councilmembers to inquire about the anticipated use of the property, the Planning Commission should consider all of the potential uses allowed in the zone because once the zoning designation has been changed, the owner of the property is entitled to use the property in any manner that satisfies the regulations of the zone, even if the proposed multi-family project is approved. Therefore, if the Planning Commission is comfortable with all of the potential uses of the proposed zoning district in this location a zone change would be appropriate. However, if some of the uses allowed would be inappropriate in this location, the zone change should not be approved.

In this instance, there is very little difference between the allowable uses in the existing zone and the requested zone. The most recognizable difference is the minimum lot size which is nine thousand (9,000) square feet in the R-1-9 Zone and seventy five hundred (7,500) square feet in the R-1-75 Zone. There are also relative differences in lot frontage and width. The key element for the applicant is that the R-1-75 Zone allows four-unit residential structures whereas multi-family structures in the R-1-9 Zone are limited to two-unit residential structures.

RMO-2, Residential Multi-Family Overlay Zone

Approval of the RMO-2 Overlay Zone is similar to a zone change request. The Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the use of the overlay zone. The applicant is entitled to use the property consistent with the requirements of the underlying zone, R-1-9, that would allow single family dwellings on 9,000 square foot lots with at least ninety (90) feet of frontage. The applicant has been informed that the development rights on the subject parcel are those found in the underlying zone until, and unless, approval of the zone change and use of the RMO-2 Overlay Zone is granted by the City Council. Furthermore, denial for the use of the overlay zone shall not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The decision of whether to allow the use of an overlay zone is based on the benefit that will be derived by the neighborhood and community as a whole. In the formulation of their recommendation, staff would suggest that the Planning Commission consider the following factors.

1. The zone change from the R-1-9 Zone to the R-1-75 Zone must be granted by the City Council. If the zone change is not approved, the overlay zone request of the applicant must be denied because the proposal would result in violation of the Zoning Ordinance.

2. Approval for the use of the RMO-2 Overlay Zone indicates the proposed use can be compatible with surrounding uses. The applicant is proposing single story above grade structures, slab on grade, with an exterior finish of stucco with a stone wainscot on all exterior walls. The units are 1,225 square feet and contain three (3) bedrooms, two (2) baths, living room, kitchen and other essential features. Planning Commission and City Council may require certain design guidelines be implemented to ensure the project is compatible with the surrounding uses.
3. A current title report will need to be provided to the City indicating any liens or encumbrances associated with the property. All easements, right-of-ways and other dedications must be indicated on the project drawings.
4. The applicant must provide two (2) off-street parking stalls for each dwelling unit, one of which must be covered. The applicant is proposing a covered carport (single car) and uncovered parking stall for each unit. The parking stalls must satisfy the requirements of Chapter 19.4 of the City Zoning Ordinance, including the provision of parking for handicapped persons. Additional information will need to be provided regarding the design of the carport structures.
5. The concept plan provides information on the location and sizes of the utility services for the project. If the applications are approved, the applicant will need to provide complete project plans and infrastructure construction drawings will need to be submitted to staff for review and approval. At a minimum, the drawings will need to include the following:
 - a. An increase in the rear setback for the structure containing Units 9-12. The structure must be at least twenty five (25) feet from the property line.
 - b. Addresses for each building and unit in the project.
 - c. Details of utility services (drinking water, pressurized irrigation, power, and sewer) for each structure. The plans must include the location, size and type of material for each utility lateral.
 - d. A looped drinking water main line through the entire development.
 - e. A connection to the 6" pressurized irrigation main line.
 - f. Underground electrical services for the structures and units.
 - g. A note indicating that all improvements must be completed in accordance with the development ordinances and the Standard Specifications and Standard Plans of Payson City.
6. Geotechnical studies will need to be completed for the project site and submitted for review by staff. The applicant will be required to implement the recommendations of a geotechnical study. The study will ensure that the construction drawings are completed in a manner that will result in structural stability for the units and site improvements.
7. There is an existing sewer main line that traverses the parcel that was installed by Nebo School District (NSD) for District facilities in the area. This facility is currently owned and maintained by Nebo School District (NSD). However, connection of the proposed project to the sewer main line will prompt changes to this arrangement. The following issues will need to be addressed:
 - a. The applicant has contacted NSD to relocate the main line and to connect the multi-family structures onto this line. It is the understanding of staff that NSD has approved this arrangement with the condition that the size of the main line be increased to 8" through the subject parcel.
 - b. Once additional units connect onto this facility, the main line between 800 South and the NSD property will become the City's responsibility to maintain. A letter will need to be obtained from NSD acknowledging this arrangement. An agreement may be necessary to clearly define each entities responsibility in maintaining the sewer line.
 - c. The manholes must be accessible for maintenance by Payson City personnel. There are three (3) manholes located in the landscaped area near the southeast corner of the property. The applicant will need to indicate how City equipment can properly access these manholes.
 - d. Staff would suggest that the point of connection of the sewer main line occur on the applicant's property rather than NSD property.
8. A storm drainage plan will need to be submitted that indicates how the water generated from the twenty four (24) hour, twenty five (25) year storm event will be accommodated on the site. The retention basin shall not have more than a five to one (5:1) slope on the sides of the basin. Percolation tests will need to be completed for the basin area. Furthermore, the applicant will need to prepare a Storm Water Pollution Prevention Plan (SWPPP) that details the plans for sediment and erosion control for active construction sites must be filed with the Utah Department of Environmental Quality and Payson City.
9. The applicant will need to work with the Payson Power Department on the layout of electrical facilities for the proposed project. Payment of all fees associated with labor and materials provided by the Payson

- Power Department are the responsibility of the applicant and will need to be submitted prior to issuance of a building permit.
10. The applicant will need to work with the Fire Chief to address the specific needs for fire access, on-site fire hydrants, signage, and other fire code requirements. The parking layout may need to be modified to ensure access to all areas of the building. The applicant is responsible for any review fees and fire hydrant testing.
 11. For several years, students of Payson High School have traversed the parcel as a walking route to and from the high school campus. Staff would suggest a paved walking trail be provided along the east property line to provide access not only for students living in the area, but students potentially living in the project. It is possible that the applicant could be concerned with liability or unauthorized access into the project. If this is the case, staff would recommend that the trail could be dedicated to Payson City for liability and maintenance purposes.
 12. A detailed landscaping plan will need to be prepared and submitted for review and approval. At a minimum, the following will need to be addressed:
 - a. The types, sizes and location of planting materials.
 - b. Details regarding an underground automatic sprinkling system connected to the pressurized irrigation system.
 - c. The retention basin must be improved with sod rather than seed or hydro seed to stabilize the slopes of the retention basin and reduce the amount of erosion and sediment that may flow into the storm drainage facility.
 - d. A landscaping maintenance plan will need to be submitted for review and approval.
 - e. The landscaping standard for multi-family dwelling units is different than those for single family dwellings. The applicant will need to be aware that all areas not used for buildings or parking must be completely landscaped prior to the issuance of a Certificate of Occupancy, not just the front yard areas of each structure.
 13. The RMO-2 Overlay Zone requires amenities to be provided for the residents of the project. The ordinance indicates that the amenities must be proportionate to the proposed number of units in the development. The concept plan identifies an amenity area that includes picnic tables, barbecue area, and playground. More information will need to be provided regarding the quantity, design, size, etc. of these amenities for the Planning Commission and City Council to determine if the proposed amenities are sufficient for twenty (20) residential units.
 14. Letters from all private utility providers (i.e. Questar Gas, CenturyLink, Comcast, UTOPIA) indicating knowledge of the project and a willingness to provide service to the development will need to be provided. Furthermore, the applicant will need to contact the Post Office to determine the method of mail delivery for the proposed units. The location of any proposed community box unit (CBU) must be approved by Payson City. The applicant will be responsible to satisfy the conditions indicated on the acknowledgment letters from the private utility service providers.
 15. A public utility easement will need to be indicated around the perimeter of the parcel. The easement will need to be a five (5) foot easement around the perimeter of the parcel and ten (10) feet along any public right-of-way. Because the Site Plan will not be recorded, the public utility easement documentation will need to be prepared and submitted to Payson City for recordation in the office of the Utah County Recorder.
 16. If the overlay zone is approved, the following items will need to be addressed before a building permit is issued for any structure:
 - a. Transfer of adequate water to serve the proposed development with both drinking and irrigation water in accordance with Title 10, Water Ordinance. The applicant will need to provide a documented estimate for monthly culinary usage for the structure and the amount of irrigable acreage on the development site.
 - b. A performance guarantee will need to be submitted to ensure that public improvements and project landscaping are completed in accordance with the regulations of Payson City. The performance guarantee shall be equal to one hundred twenty (120) percent of the approved engineer's estimate. Submission of public works inspections fees, in cash, will be calculated by staff and must be submitted prior to issuance of a building permit.
 - c. A pre-construction meeting will need to be scheduled with the City Engineer to discuss construction details, inspection requirements and project timelines.

These items represent the issues staff found to be inconsistent with the development ordinances of Payson City. The Planning Commission and City Council will need to determine if the proposed project is compatible with surrounding uses and more beneficial to the community than development that would occur in compliance with the existing zoning district. The Planning Commission is under no obligation to recommend approval for use of the RMO-2 Overlay Zone even if all requirements of the development ordinances can or will be satisfied by the applicant. The staff, Planning Commission or City Council may require additional information in order to make a well-informed decision.

Recommendation

This staff report identifies items that are not in compliance with the Payson City Development Code. It was the intent of the staff to complete a thorough review and identify all items that do not satisfy the requirements of Title 10, Water Ordinance; Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; the Standard Specifications and Standard Plans; and any and all other development requirements of the City. However, failure of the staff to identify an inconsistency with any City requirement does not release the applicant of the obligation to satisfy all development requirements of the City. If an item is identified at a later date, the applicant will be responsible to satisfy the relevant development requirements.

The applicant is seeking a recommendation of approval to change the zoning designation of Utah County parcel #30-059-0063 from the R-1-9, Residential Zone to the R-1-75, Residential Zone and approval for use of the RMO-2 Residential Multi-Family Overlay Zone to construct five (5) four-plex structures on a 2.31 acre parcel.

Because each application requires separate motions from the Planning Commission, staff has appropriately separated the requests of the applicant:

Zone Change Request

Following a public hearing to receive public input and a review of the allowable uses in the R-1-75 Zone, the Planning Commission will need to determine if it is appropriate to modify the zoning designation of the subject parcel. If the Planning Commission determines the uses of the R-1-75 Zone 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 proposed uses are not appropriate in this location or consistent with the land use goals and objectives of the City Council, the Planning Commission should recommend denial of the request.

RMO-2 Overlay Zone Request

Following a recommendation for the proposed zone change, the Planning Commission will need to determine if the construction of multi-family dwellings is appropriate in this location. The Planning Commission, following a public hearing, may:

1. Remand the request for use of the overlay zone back to staff for further review or with direction to provide additional information. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant in order for the Planning Commission to make a well informed recommendation.
2. Recommend approval of the request for use of the overlay zone as proposed. If the Planning Commission chooses to recommend approval of the request as proposed, staff would suggest than an opportunity to require the applicant to modify the request in a manner that will be more consistent with the land use goals of the City will be missed.
3. Recommend approval of the request contingent upon the satisfaction of conditions. If the Planning Commission recommends approval of the use of the overlay zone, staff would suggest the conditions proposed by staff would lead to satisfaction of the goals and objectives of the land use goals of the City Council.
4. Recommend denial of the proposed request for use of the overlay zone. This action should be taken if the Planning Commission determines that use of the overlay zone is not appropriate in this location or that

the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City Council.

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 Warner asked about possible walking route of the walking path and if it would go through the storm pond.

Planner Spencer stated that detail was not yet known. If the City Council chooses to require a pedestrian connection, the details would be discussed during the preparation of the construction drawings and site approval.

The applicant, Jeff Southwick, expressed his concern about the possible requirement for the walking path. His concerns are the privacy of his tenants, the liability of having people crossing his property, and the space that it would take up within his development. He stated that he designed the homes to have a low profile also it would also make a good buffer for the commercial uses located around SR 198 and the residential homes and the high school.

Acting Chair Warner asked if the applicant would proceed with another development on this property if this request was denied.

The applicant stated that he would not proceed with any development on this particular property.

Commissioner Peterson asked about a possible Home Owners Association to take care of the property and landscaping and the rate of rent for the property.

The applicant stated that he would not organize an HOA. As the sole owner of the property, he will be responsible for all the maintenance. He also stated the he wants to ensure that the property will be taken care of. He wants to ensure that it is a family atmosphere. The rent would somewhere around \$850 to \$900 a month. He will have higher end amenities such as radiant heating, separate A/C units and no stairs.

Greg Klein expressed the current atmosphere of the neighborhood is not necessarily family friendly environment with the existing multiplex and trailer park housing located in the area. He believes that this does not enhance the area. He stated that he believes that the current zoning is appropriate

Curtis Kelly read the following letter:

My name is Curtis Kelly, I live on 739 so. 100 w. Payson. I have lived at that address for over 20 years. I wonder how many of you on the this board have lived in Payson for over 20 years? During my time here in Payson I have seen a lot of changes. I watched as the wooden bleachers for Payson downs horse track were burned to the ground. This was done against the wishes of a lot of people. The horse track was replaced by ball fields. I guess the ball fields down 800 so by the freeway weren't good enough. I also heard that a big box store was ear marked for that area. I watched as they built a new swimming pool behind my house. Payson city promised everyone that there would be an indoor pool or covered pool. Last time I looked I didn't see one. Nebo school district has offered to donate money to cover the pool for year round access. Payson city will not cover their pool, so now the Payson high school swim team travels to Provo to practice swimming, 2- 3 times a week. They should have the option to practice here in Payson, but they don't.

So the town I moved into 20 years ago had one light. Now there are 3 lights around my house. The traffic on 100 west between 700 and 800 south is awful. My neighbors John and Wendy Harn have been down to the city office trying to get something done for years. No one believes us, but when someone is driving south past smiths and sees the light is red, they try and beat the traffic and drive as fast as they can down our street. This problem is only getting worse. Our street is very short, but for some reason people think they need to drive very fast down it. Payson city refused the Harns request to block the end of our street. We continue to deal with speeding people trying to get to some where fast.

How many awful wrecks have we had at the intersection between state route 198 and 800 south. When people are driving east on 800 south and the light at state route 198 changes to yellow, they speed up to make the light. The light is on a very steep hill and it's not very square. The east bound traffic going thru this light is moving fast and can't really see over the hill until they are thru the intersection. 800 south does not need any more traffic, it is too busy as it is. Keep In mind that this area is well used by junior high and high school kids. They are always going to little caesars or fast gas for lunch as well as before and after school. There is always a lot of foot traffic in this area.

So now when I am trying to enjoy my backyard during the summer, I am reminded of how things have changed. I hear the non-stop bell ring from the pool. I am reminded by the pool parking lot lights that stay on always and shine into my back yard. I am reminded that Payson downs isn't there anymore by the yelling and light pollution from the ball fields. I am only able to enjoy my back yard during the winter months now.

I bought this house realizing that I am surrounded be three four plexes. I never would have guessed that the amount of people that come and go would be so high. The thought of a 20 unit multi-family housing unit going in on 800 south makes me very mad. This area has way too much traffic as it is and this will only make things worse.

So lets get down to why Payson city has already made up their mind and the fact that this meeting is a complete waste of time. Lets get real.

Money. Why not just put in 3-4 homes? Because the developer will make a ton more money if he crams in 20 family's instead of 3-4. Payson city has already made up their mind, because Payson city only does what makes them money. If this wasn't the case, they would hire one person to keep the pool open year round. They would have never burned down the Payson horse track, in order to make more ball fields, so the ball fields down by the freeway can make room to a big box store. I won't even mention the town homes east of the ball fields. They may be the single reason everything is going wrong on 800 so. If they weren't there, maybe 800 so. Would stop at main street. I wonder what developer made a killing on that deal.

After this is all said and done and the developer walks away with buckets of money, because he was able to cram 20 family's in this area, I wonder if the added stop lights and congestion will even bother him. Sucks that I am going to have to leave a house that I have so many memories, but because of greedy developers and a city that does anything for money I have no choice. I will not live in this town because of what type of place Payson is turning into. I just hope I can make it another 3 ½ years, that is when my daughter graduates high school.

I bet everyone on this board was unaffected by the decision to tear down the horse track, to build a new pool and ball fields and will not be effected by this multiple family housing project.

I am sure no one on the board cares, but if you really want to see what multi family housing does to an area, just drive to Lehi and get off at the lehi roller mills exit and drive west.

We do not live in Lehi because of the people and congestion; we live in payson because at one time it was a nice little town and can still be one.

This property is zoned correctly. If it was every meant to be multi-family overlay zoned, it would have been done 20 years ago. The reason why it should not be re-zoned is because we do not want multifamily units on 800 south.

This meeting is only a technicality; I believe this deal is already done.

Debbie Robert expressed support of the previous speaker. She stated that the noise level at her home is high because of high school events. She stated that the two four-plex building located on the 100 West has had multiple crime events making it difficult to live in the neighborhood. She has also had difficulties with the current traffic that is on 800 south. She is unable to access 800 South because of the traffic in the area.

Wendy Harn also expressed concern about the traffic on 100 West. She stated that the road way isn't able to handle the increased traffic, also with a higher population there is a higher crime rate. She believes that the City has created a lot of the problems due to the installation of the traffic lights on 800 South with people trying to bypass the light and use 100

West to access 800 South. This causes high traffic making it dangerous for pedestrians and residents. She believes that the proposal is appropriate for the applicant but not in this location.

Ray Butler stated that he owns the property directly east of the development and would want to see a nice concrete fence separating his property from the proposed development.

Hal Kelly stated that he recently moved in the neighborhood and wasn't aware of was the traffic on 800 West when they purchased the home and believes that development would increase the traffic on 100 west to the point that they would have to more.

Marnae Kelly expressed concern with the amount of traffic on 100 West. She stated that there is only curb, gutter and sidewalk in front of the newer homes on the street. She asked the planning commission to think what they would want if they lived there and were experiencing the traffic issues that they are experiencing.

Curtis Kelly stated that the two people that are supportive of this development are the applicant and the property owner that rents out his house to the east of the development. They will not be affected by the increase in traffic.

Wendy Harn stated that water restrictions have been in place every year and this development wouldn't help the situation.

Greg Klein stated that the city is growing and that there are other properties that this would be better suited for.

Acting Chair Warner explained that the planning commission is to provide an opportunity for public to be heard and its responsibility is a recommending body and said that it is the final decision of the City Council. This process is governed by state code and the responsibility each body is to determine if each development is a good fit in the location. He expressed appreciation that the public has come out to express their feelings.

Commissioner Beecher stated that traffic control is an issue. He expressed concern about the access to the lot from 800 South because of the size of the roadway. He doesn't believe that the city could ratify anything that would be a trespass. Also as the property is currently zoned, an application could be submitted for the construction of duplexes.

Commissioner Nichols arrived at 8:00 p.m.

The Applicant stated that he isn't trying to increase the discomfort of the residents within the area and believes that he doesn't see a huge advantage of using 100 West instead of Main Street and SR-198. He doesn't believe that one property will make a large impact and he doesn't see 100 West being the thoroughfare for the residents of the subject property.

Marnae Kelly expressed that because of the condition of the roadway and the speed limits on both Main Street and 800 South drivers make the decision of take the 100 West shortcut to travel to the high school faster. Typically these people are traveling faster than the posted speed limit.

Wendy Harn stated that it is the high school kids that take 100 West. The traffic will impact the residents of the development. She stated that there was a semi-truck that had parked in her front yard and was there for a few days.

Debbie Robert stated that everyone wants to bypass the highway and Main Street. This makes it difficult to access their own property because drivers are being reckless. She is also concerned with the safety of the residents and visitors in the area.

Commissioner Beecher stated that this would be a very isolated spot zone. There is currently not any other properties zoned R-1-75 in the area.

The applicant stated that the reason that this hasn't developed is because of the home on the corner and that the long term plan states that this is going to be a commercial area and that his development will be a good buffer between the commercial and residential.

Motion by Commissioner Nichols to close the public hearing. Seconded by Commissioner Beecher. Motion carried.

Commissioner Peterson stated that there is currently a plan to update the general plan and doing some long term visioning for the city and expressed that the length of the 800 South limits any development of the lot. An ideal use of the land would be a park or something. She does not believe that residential zoning is appropriate for this location. She stated that the applicant would do a good job with the units but doesn't believe that this is the appropriate location for the multi-family units.

Commissioner Nichols stated that he can see an issue with the traffic that could occur with this development.

Acting Chair Warner stated that the traffic wouldn't be as high with a residential use compared to commercial use.

Commissioner Beecher asked if there was anything in the ordinance that would prohibit spot zoning.

Planner Spencer stated that there is not anything in Payson City's ordinance or Utah State Code that prohibits spot zoning. The question is if there was a similarly situated property and request would you treat the applications the same. Is the City treating this parcel special?

Commissioner Van Nosedol stated that this same proposal could occur further south along SR-198.

Commissioner Nichols asked if there is any other twin homes located in neighborhood. He expressed concern that in the past, applicants haven't followed through with what has been promised and he is concerned with the possibility that if the property wasn't maintained, what type of tenants would be there? He wouldn't personally want to live in that location.

The applicant said that the reason he was interested in the property is because of the proximity to the high school and elementary school. He wants to add high quality renters and doesn't feel that his development should be compared to the neighboring rental units located across the street.

Motion by Commissioner Van Nosedol to recommend denial of the zone change from R-1-9 to R-1-75; due to the traffic situation and the location next to schools and private residences. Seconded by Commissioner Peterson. Motion carried. Voting Yea: Commissioner Nichols, Peterson, and Van Nosedol and Voting Nay: Commissioner Beecher.

Motion by Commissioner Beecher to recommend of denial of the RMO-2 overlay zone because the overlay would not meet the underlying requirements. Seconded by Commissioner Nichols. Motion carried.

Commissioner Van Nosedol addressed the statement made by a resident indicating that Payson City get money for this type of development. He explained that the city only gets a small portion of the property tax and utilities fees needed to serve the development.

Acting Chair Warner stated that the city council does not need to follow the planning commission's recommendation. There will be another opportunity for the residents to express their concerns. He recommended that staff review any type of traffic control for 100 West.

COMMISSION AND STAFF REPORTS

Commissioner Peterson asked when any discussions planned for downtown Payson will be held.

Planner Spencer stated that Councilmember Hardy is working with a group of UVU students on a branding study for Payson City. She stated that she will discuss the possibility with Councilmember Hardy.

Commissioner Van Nosedol asked about a meeting with the Utah League of Cities and Towns.

Planner Spencer was unaware of any meetings with the Utah League of Cities and Towns. There is, however, a transportation and planning open house that is occurring in the month of October. There are not any major changes to Mountainland Association of Governments transportation plan; However, the public is encouraged to attend and get more information regarding future projects planned for the Mountainland Region (i.e. Utah County).

Commissioner Beecher asked what the plans are for the property located south of the pool and south of the softball and baseball fields.

Planner Spencer stated that there will be additional ball fields and possibly an additional soccer field. The timing will be determined by commercial development of the old fields located on 800 South. In regards to enclosing the lap pool at the city pool, the city received three different bids to enclose the lap pool and the estimated costs prohibited any enclosure at this time.

Motion by Commissioner Beecher to adjourn.

Meeting adjourned at 8:50 p.m.