

Payson City Council Staff Report, July 1, 2015

Proposed Amendment to Appendix A of Title 19, Zoning Ordinance (Request by Steps Recovery Center)

Background

The applicant, Brad Dennis, President of Steps Recovery Center is requesting approval from the City Council of a text amendment to Appendix A of Title 19, Zoning Ordinance that would allow a *ropes course* as a permitted use in the S-1, Special Highway Service Zone. There is an existing ropes course located at 996 West 800 South which is used in conjunction with the outpatient services of the Steps Recovery Center business. Increased interest for use of the facility by the general public has prompted this request.

By way of definition, a ropes course is *a challenging outdoor personal development and team building activity which usually consists of high and/or low elements*. While the definition suggests these facilities are located outdoor, it is not unusual for these facilities to be located within an enclosed structure. These facilities are commonly found in wilderness areas or an accessory use to a health facility, education campus, or amusement park.

Any modification of the land use ordinances requires a recommendation of the Planning Commission, following a public hearing, and approval by the City Council, again following a public hearing. Prior to forwarding a recommendation to the City Council, the Planning Commission held a public hearing to receive input from the public in relation to the proposed amendment. Their recommendation is included in the recommendation portion of this staff report. Because an amendment to Title 19, Zoning Ordinance could affect many parcels throughout the community, mailing notice to all property owners that may be impacted by the amendment is impractical. However, in accordance with State statute, notice of the public hearing has been posted in appropriate locations and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

Analysis

As indicated in the applicant's formal request, it is proposed that the ropes course be available for community and organizational use. In other words, the applicant would like the general public to utilize the ropes course, as well as the individuals participating in the Steps Recovery program. Use of the ropes course would occur by reservation only and conducted in a manner that will not interfere with the primary business (i.e. after business hours, weekends). The central focus of Steps Recovery Center is to assist individuals suffering from substance abuse to make the necessary lifestyle changes to live addiction-free. The ropes course is an ancillary use to the primary business; therefore staff would suggest the City Council consider approving the request as an accessory use rather than a permitted use.

Although it is typical for Planning Commissioners and City Councilmembers to inquire about a specific application of the ordinance, staff would suggest that an amendment to the Zoning Ordinance is more significant than a review of a single project. Once an amendment has been approved by the City Council, the provisions may be applied to all applicable parcels throughout the community, not just the applicant's proposal.

To adequately address the request of the applicant, the City Council will likely need to consider the following issues:

Proposed Use

The applicant is requesting the ordinance be amended to allow a ropes course as a permitted use in the S-1 Zone. The City Council should first determine if the proposed use is appropriate use in the community. Staff would suggest the use could be an appropriate use in the proper location and if the use is associated with a permitted use in the zone. Staff has not received any complaints with the existing ropes course as a use for the outpatient facility for Steps Recovery Center. While amusement uses have become more popular in commercial zones, they are typically associated with a permitted use such as a climbing wall within the confines of a retail mall. It is far less common for these uses to be independent in a commercial zone.

Proposed Location

The existing ropes course is located in the S-1, Special Highway Service Zone; therefore, the applicant is requesting that a ropes course facility be permitted in this zoning district. However, the City Council will need to determine the most appropriate zoning district(s) for this use. The City has established different zoning districts to accommodate a variety of uses that are compatible and complementary. A wide variety of businesses are welcome in the community, but some may be more suitable in specific zoning districts. The S-1 Zone was established to create a retail-based center near the freeway interchange. A mixture of appropriate uses will result in a vibrant and successful commercial district; however the City Council will need to determine if the expansion of recreational, or non-sales-tax generating uses, is appropriate.

Classification

The City Council will need to determine if the use should be classified as a permitted use, conditional use, or accessory use. Permitted uses are typically activities appropriate in the zone without the need to impose site or use specific conditions to ensure compatibility. On the other hand, conditional uses are activities where potential negative impacts can be addressed through the imposition of specific conditions. Another option is to allow a ropes course as an accessory use to a permitted or conditional use in the zone.

Staff is concerned that allowing this use as a permitted use would allow a ropes course, or similar amusement uses, to operate as a standalone business, without the need for office space, parking, lighting, solid waste containers, etc. A conditional use would also allow a standalone business, but there is the potential to impose reasonable conditions to mitigate any negative impacts. Staff would suggest that the proposed use (ropes course) is appropriate as an accessory use to a permitted or conditional use in the zone. In this instance, Steps Recovery Center is a permitted use in the zone.

Amendments to the land use ordinances is a legislative action and the City Council is under no obligation to approve the request. It is the burden of the applicant to convince the City Council that the proposed text amendment will benefit the community.

Recommendation

Land use regulations are enacted to ensure that all property owners are treated equitably and to protect the health, safety, and general welfare of the residents. It is important to reiterate that amending the Zoning Ordinance will affect a number of parcels throughout the community, not just the subject property. Therefore, the applicant's request to operate a ropes course on a specific parcel of land should be set aside and the City Council should focus on the proposed amendments from a broader perspective.

On June 10, 2015, the Planning Commission, following a public hearing, recommended the City Council amend Appendix A of the Zoning Ordinance to allow a ropes course as an accessory use in the S-1, Special Highway Service Zone.

The City Council, following a public hearing to receive public input, will need to determine if the proposed amendment is consistent with the land use goals and objectives of Payson City. The City Council may approve, amend and approve, or deny the request of the applicant to amend Appendix A of the Payson City Zoning Ordinance to allow a ropes course in the S-1 Zone.

Amendments to the development ordinances are legislative matters and the City Council is not obligated to approve any amendment. Any decision of the City Council should include findings that indicate reasonable conclusions for the decision. If the City Council chooses to amend the development ordinances, the amendment shall be completed by ordinance.