

Payson City Council Staff Report, October 1, 2014

Request for Approval for a Zone Change from the S-1, Special Highway Service Zone to the R-1-9, Residential Zone

Background

In accordance with Section 19.2.8 of the Zoning Ordinance (August 6, 2014) it is proposed that the zoning designation for Utah County parcel number 41-712-0099 be changed from the S-1, Special Highway Service Zone to the R-1-9, Residential Zone. The parcel is located near the intersection of 1130 South and Turf Farm Road, immediately west of the Heritage Village Development. The applicants, Byron Bastian and Neil Craig are requesting the zone change to facilitate a request to construct an assisted living center on the 3.27 acre parcel.

The parcel was included in the Winegar Annexation that was recorded on December 14, 2000. At the time of annexation the parcel was zoned R-1-12, Residential to provide larger lots as a transition between existing residential development and agricultural uses, including an adjacent turf farm. Since that time, the land use characteristics in this area of the community has changed significantly. Walmart Supercenter opened for business in 2004 and sparked the construction of other commercial buildings in the vicinity. Over the past decade, residential growth has also increased with the Maples at Brookside development, Winegar Estates Subdivision, and the Heritage Village active adult community. Most recently, the intersection has become the gateway to the Payson, Utah LDS Temple that is currently under construction.

Development in the area has also prompted changes in zoning. To accommodate the density and design of the Heritage Village development the zone was changed to the R-1-9, Residential Zone. In conjunction with this request, the previous property owner agreed to rezone the 3.27 acres located near the intersection of 1130 South and Turf Farm Road from the R-1-12 Zone to the S-1 Zone to support the expansion of commercial development. Simply stated, the parcel currently proposed for rezone was annexed with a residential zoning designation, but was rezoned by the City Council to support future commercial uses. The City Council will need to determine if the land use and economic development goals of the City have once again changed.

Even though it is typical for a specific development request to trigger a zone change request, a zone change is more encompassing than an individual development. Changing the zoning designation of a single parcel or several parcels should be assessed in context of the affect the land use designation will have on the community, the goals and objectives of the City Council, and the potential to impact uses beyond the development site. Furthermore, it is critical to consider that once the zone change has been approved, a landowner can develop the property in any manner that satisfies the zoning requirements, not necessarily as initially indicated.

Approval of a zone change requires approval from the City Council following a recommendation from the Planning Commission. The Planning Commission considered the request on September 10, 2014. Following a public hearing, the Planning Commission recommended approval of a zone change, but suggested the parcel should be rezoned to the R-1-12, Residential Zone. The City Council will need to hold a public hearing and consider public input prior to reaching a decision regarding the zone change application. 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

A zone change is a request to alter the allowable uses of particular parcels of property within Payson City. Approval of a zone change is a legislative action of the City Council and great deference is given to the City Council in reaching a conclusion about the appropriate land use designation of the property. The City Council is under no obligation to approve the zone change request. The applicants are eligible to use the property consistent with the requirements of the underlying zone, S-1, Special Highway Service Zone, which was the designation when the property was purchased.

The applicants would like to construct and operate an assisted living center on the subject parcel. As indicated in the applicants' written request, they believe the need for assisted living is expected to grow in demand as more and more baby boomers are becoming the age where assisted living is necessary. The applicants believe this site is an ideal location for this type of facility. The proximity to shopping opportunities and medical facilities make it convenient for future residents of the facility. Moreover, the assisted living center will be located adjacent to the Heritage Village development which is an active adult community of person 55+ years of age.

As previously mentioned, it is typical for City Councilmembers to inquire about the anticipated use of the property. However, staff would suggest that a zone change is more significant than the current proposal. The City Council should consider all of the potential uses allowed in the R-1-9 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 designated zoning district. If the zoning designation is changed, any of the permitted, conditional, or accessory uses of the R-1-9 Zone would be allowed.

The parcel proposed for rezone is located at the northern entrance of the South Meadows planning area. The City Council recently authorized staff to engage a consulting firm to assist staff in completing the specific plan for the area between 1130 South and 2000 South (12000 South, Utah County coordinate system) and between 930 West and Interstate 15. The specific plan process will determine appropriate land uses, densities, transportation network, utility systems, among other things. The subject parcel is located at the entrance of the planning area and as the gateway will have a significant impact on the appearance and atmosphere of the entire planning area. These decisions are very difficult for the Planning Commission and the City Council. Prior to the proposal to construct the commercial development where Walmart is now located, the owner of the property requested on several occasions to rezone the property to a residential zone. Past city officials recognized the importance of maintaining the commercial zoning designation and although it has taken several years to fully develop, the project is now a critical revenue source for the City, paying for the services provided to residential areas that do not generate the funds necessary to provide effective municipal services. Further reduction in commercial property could have an economic impact on the City. Therefore, even though the request involves only a single parcel, the decision could have a far reaching effect.

The applicant is only seeking approval of a zone change at this time. A discussion of development related issues would only serve to complicate the decision of the City Council because staff has not completed a review of the available infrastructure, access, and density of the developable property in the area proposed for rezone. If a zone change is approved by the City Council, the property owner is 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.

Recommendation

The applicant is seeking approval to change the zoning designation of Utah County parcel number 41-712-0099 containing approximately 3.27 acres from the S-1, Special Highway Service Zone to the R-1-9, Residential Zone. Following a public hearing to receive public input and a review of the allowable uses in the R-1-9 Zone, the City Council will need to determine if it is appropriate to modify the zoning designation of the subject parcel.

Staff would suggest that the issue before the City Council can be simplified into a question of whether the City Council would rather encourage residential or commercial development in this location. If the City Council determines residential uses are appropriate in this location and consistent with the land use goals and objectives, the City Council should approve the request. Conversely, if the City Council determines residential uses are not appropriate in this location or consistent with the land use goals and objectives, the City Council should deny the request.

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