

## CITY COUNCIL STAFF REPORT

DATE OF COUNCIL MEETING: August 17, 2016

PRESENTING: Kyle Deans, City Planner

TITLE OF ITEM FOR AGENDA: Continuation of discussion from June 15, 2016, regarding a request for exception to permanent building requirement in the I-1 Industrial zone

LENGTH OF TIME REQUESTING: 30 minutes

### STAFF REPORT:

On June 15, 2016 the City Council heard a request from Allaire Younica owner of Prominence Natural Stone, for an exemption to the permanent building requirement, as allowed by Payson City Ordinance.

#### **19.8.4.1 Permanent Building Required, Exceptions**

It is the intention of Payson City to locate commercial and industrial businesses in the community that are stable and are expected to become part of the fabric of the City. Therefore, each commercial and industrial business is required to be housed on a permanent masonry foundation with the following exceptions:

1. Temporary or transient businesses in accordance with Title 4, Business License Ordinance of Payson City.
2. If it can be demonstrated to the City Council that a permanent building is not an essential part of the business operation.

The City Council requested that staff review a few items and continue the discussion at the next City Council meeting.

- What use category does the use fall under, will a zone change be necessary?
  - o Appendix A has two potential classifications
    - Stone, Clay and Glass – Manufacturing
      - 10. Cut stone and stone products (allowed in the I-2 zone only) would require a zone change.
    - Construction Contractors and Services
      - 7. Masonry, stonework, tile setting, and plastering services (allowed in the I-1 and I-2 zone)
  - o If a zone change is required from I-1 to I-2 what could be the long term effects?
    - A list of allowable uses in the I-2 zone can be found in Attachment A.
- Chapter 19.8 Commercial and Industrial Development. This section addresses the need for improvements on the site to be made if any of five conditions occurs. 19.8.3.1.3 ***“Any change of use or intensity of an existing use on the site.”***
  - o Applicable required improvement are the following:
    - 1. Roadway improvements along all frontage areas of a public right-of-way to include curb, gutter and sidewalk.
  - o The City Engineer and Streets Superintendent recommend that curb and gutter, catch basin and drain pipe be installed on the property to manage storm water. (sidewalk not required) The distance would be the length of the parcel frontage (139.06’) + approx. 15’ to direct storm water to ditch located on the north side of the road.
  - o The City Engineer feels that a deferral agreement on the installation of the sidewalk can be accommodates until further develop on the parcel or adjacent parcels occurs.

- Off Street Parking
  - o Payson City Parking ordinance 19.4.1 second paragraph “Every building, structure, improvement, **and use** shall provide permanent, maintained off-street parking as specified in the Chapter.....
  - o According to 19.4.7 Design and Construction standards, 1. All parking lots and parking structures shall be hard surfaced with asphalt or concrete.
    - Is the City Council willing to allow for gravel off-street parking? If so, an ordinance amendment would be required.
    - The City Engineer feels that a deferral agreement on the installation of a hard surface parking lot can be deferred until time of further development on the parcel or adjacent parcels occurs.

**Discussion recommended for City Council**

What use category is most appropriate for this business?

Stone, Clay and Glass – Manufacturing

10. Cut stone and stone products (allowed in the I-2 zone only)

Construction Contractors and Services

7. Masonry, stonework, tile setting, and plastering services (allowed in the I-1 and I-2 zone)

Will installation of curb and gutter be required in order to manage storm water?

Will off-street gravel parking be allowed?

**Anticipated Action by the City Council**

Approve the application for a Permanent Building Exception, if the applicant has demonstrated that a permanent building is not required.

Approve the application for a Permanent Building Exception, with conditions, if the applicant has demonstrated that a permanent building is not required.

City Council may deny the application for a Permanent Building Exception, if the applicant did not provide sufficient evidence that a permanent building is not required.

## Attachment A

- The following uses are only allowed in the I-2 zone.
  - Apparel and Accessories – Retail
    - Sexually oriented clothing accessories and specialties (conditional use)
  - Fabricated Metal Products – Manufacturing
    - Engines and turbines
    - Farm machinery and equipment
    - Construction and mining equipment
    - Metalworking machinery and equipment
    - Boat Building
    - Railroad equipment
    - Aircraft and Associated parts
    - Metal stamping
    - Fabricated wire products
  - Lumber, Wood and Composite Products – Manufacturing
    - Millwork
    - Veneer and plywood
    - Prefabricated wooden buildings
    - Wooden containers
  - Metals – Manufacturing
    - Secondary Smelting and refining of nonferrous metals and alloys
    - Rolling, drawing and extruding of aluminum
    - Rolling, Drawing and extruding of nonferrous metals
    - Drawing and insulating of nonferrous wire
    - Nonferrous foundries.
  - Railroad and Motor Vehicle Transportation
    - Railroad rights of way and transportation equipment and facilities
  - Sexually Oriented Businesses
    - Sexually oriented businesses
  - Stone, Clay and Glass – Manufacturing
    - Flat glass
    - Glass containers
    - Brick and structural clay tile
    - Ceramic wall and floor
    - Vitreous china, plumbing fixtures, and china
    - Fine Earthenware (whiteware) table and kitchen articles
    - Porcelain electrical supplies
    - Concrete brick
    - Concrete products (excluding brick and block)
    - Cut stone and stone products
  - Utilities
    - Electrical generation plants
    - Sewage treatment plants (conditional use)
    - Sewage sludge drying beds (municipal only) (conditional use)
  - Wholesale Trade
    - Metals and minerals (except petroleum products and scrap)

