

Commissioner Cannon stated when the easement is described it needs to fall under separate ownership and an entirely separate parcel making sure that access can't be denied to the homes along the private drive.

Planner Spencer suggested that it be included in the CC&R's. She also because CC&R's can be amended it should be recorded on the plat.

*Motion* by Commissioner Baird recommending that they City Council approval D. Moody Subdivision upon completion of staff conditions being met including all requirements of the Fire chief, Engineers access requirements and a recorded easement on the plat. Finding that this will help the property owner use their land and provide reinvestment in the area. Seconded by Commissioner Cannon. Motion Carries.

Planner Spencer clarified that the Planning Commission is ok with the alternate cross section as long as it meets the requirements of the City Engineer and Fire Chief. Also that curbing may be required if needed to fulfill the storm water requirements. Planner Spencer also clarified that the Planning Commission would like to eliminate the sidewalk.

Commissioner Baird agreed.

Commissioner Van Nosedol asked about the storm drain system and creating a berm.

Planner Spencer stated that there are currently two sumps that most likely adequate to handle the storm drain. The applicant will need to work with the City Engineer on that. She also stated that the slope stabilization is part of staff conditions.

Commissioner Cannon stated Mr. Moody could use his large yard as a way to catch some of the water

Mr. Daryn Moody stated that they haven't had any problems with storm water.

*Motion* by Commissioner Baird recommending approval of the D. Moody subdivision as long as staff conditions are satisfied and contingent upon the overlay zone and subdivision approval. Motion by Commissioner Cannon. Motion Carries

## **PUBLIC HEARING – PROPOSED AMENDMENTS TO TITLE 19, ZONING ORDINANCE AND TITLE 20, SUBDIVISION ORDINANCE**

*Motion* by Commissioner Warner to open the public hearing. Seconded by Commissioner Fitzgerald.

Planner Spencer presented information from the following staff report.

### **INSERT STAFF REPORT**

Commissioner Baird asked if the impact fees would be paid to the servicing city

Planner Spencer stated that it would.

Planner Spencer stated that we already have an agreement with them. She stated that currently subdivisions allow us to approach SED to be the electrical provider. She stated that it is a legislative decision. The ordinance requires the utilities to be up to our current standards. She stated that we bought the property around the golf course in the 80's. She stated that there hasn't been enough development to extend the utilities.

Commissioner Baird stated that he thinks that it is great.

Commissioner Cannon asked if there are legal ramifications for the city if there is an accident because people are allowed to back out onto a public street.

Planner Spencer stated she wasn't sure. She said there is a safety concern.

1 Commissioner Cannon asked if they could parallel parking.

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3 Planner Spencer stated it would eliminate too much parking. She stated she thinks the Schools is trying to meet the state  
4 requirements for so much open space per student and that the parking would just be a continuance of their current parking.

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6 Commissioner Cannon stated he feels like it is appropriate for City Staff to review the parking at a staff level.

7  
8 Commissioner Cannon and Commissioner Baird mentioned that somehow we need to get the school district to start asking  
9 for permission rather than forgiveness.

10  
11 Planner Spencer stated that state law makes things hard but it does allow the City to regulate parking.

12  
13 Councilman Hardy stated he wants to allow staff to make the decisions on parking so that the process isn't so long.

14  
15 Planner Spencer stated that she would like to make the changes that staff would make the decision council would be the  
16 appeal.

17  
18 Commissioner Van Nosedol we need to make sure that this doesn't keep happening.

19  
20 Mr. Bill Beifuss stated he would like to open a body repair shop and car lot for damaged insurance vehicles that have been  
21 restored. He stated currently has a business in Murray and would like to move his business here to Payson. He stated that  
22 it would clean up this corner and improve the area.

23  
24 Planner Spencer stated that it would save him on his short timeline if we moved this to the City Council but the Planning  
25 Commission is not obligated to make a recommendation.

26  
27 Commissioner Fitzgerald stated that there are

28  
29 Commissioner Baird. Auto Body is conditional use,

30  
31 Planner Spencer stated that a site plan would be reviewed and the city council could require additional requirements

32  
33 Chairman Cowan stated that a auto body shop could have problems with paint booth and noise. Thinks that dealership is a  
34 big improvement to the lot.

35  
36 Planner Spencer stated that she has talked with Beifuss about the requirements and would need to meet some design  
37 requirements to come into compliance with the

38  
39 Commissioner Baird stated that it seems like when there is a public hearing with the RMO that people are opposed to it.

40  
41 Planner Spencer stated that in some cases it the neighborhood is happy with it. She stated that we are inundating those  
42 zones with multi family. She stated that there should be multifamily spread-out throughout the city.

43  
44 Commissioner Warner stated that there is merit to spreading out the multi family. Spreading it throughout the community  
45 would be better for the community.

46  
47 Planner Spencer stated that we want to encourage multifamily development within a larger development but should have  
48 opportunities throughout the community.

49  
50 Commissioner Fitzgerald stated he recalled not recommending approval of the last auto body repair request to the City  
51 Council.

52 Commissioner Baird stated that even though the Planning Commission did not recommend approval, the City Council  
53 approved it anyway. He stated he wasn't in favor of it but likes that it is a conditional use which has to be approved by the  
54 City Council.

55  
56 Chairman Cowan stated it would be a big improvement to what is there now.

1 Discussion regarding the RMO overlay zones and where they should be allowed.

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3 Commissioner Baird stated he feels like we should leave the RMO's in the zones it is currently in.

4  
5 Planner Spencer stated that we want to encourage multifamily to be a use of a larger overall development but feels like it  
6 should be dispersed throughout the community.

7  
8 Commissioner Fitzgerald stated he doesn't want to see them throughout the city.

9  
10 Commissioner Baird stated that it needs to be as part of a master plan.

11  
12 Commissioner Van Nosedol stated he can see the advantage of spreading them out.

13  
14 Discussion regarding annexation agreements.

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16 Planning Commissioners suggested that annexation agreements should be required but could be waived by the City  
17 Council.

18  
19 *Motion* by Commissioner Baird to close the public hearing. Seconded by Commissioner Fitzgerald. Motion Carried.

20  
21 *Motion* by Commissioner Baird recommending the City Council approve the amendments to Title 19.12. Recommending  
22 that staff have the ability to approve parking requirements. Commissioner recommended automobile sales be a conditional  
23 use in the CC-1 zone and recommended approval of changes proposed in Title 20 subdivision ordinance. Finding that it  
24 will further the City's goals in the Use and redevelopment of the CC-1 zone.

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26 No second to that motion.

27  
28 *Motion* by Commissioner Fitzgerald recommending that the City Council consider and take action on the changes to Title  
29 19.12 annexations as it will expedite annexations and alleviate the delay of complicated annexations requiring an  
30 annexation agreement. Adding that this would need to be asked for upfront during the annexation process and not after the  
31 annexation is approved and that the annexation. Annexation agreements should be the standard however with exception as  
32 considered by the City Council, the annexation agreement could be delayed.

33  
34 Commissioner Fitzgerald recommended that staff let the City Council know that there are differing opinions concerning  
35 RMO's and that the City Council should consider the ramifications and pay particular attention to the citizens in the  
36 affected area.

37  
38 Commissioner Fitzgerald recommended that City Council approve the ability to collaborate with other agencies to allow  
39 residents in the parcels where utilities are not readily available to look for other options.

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41 Commissioner Fitzgerald recommended that City Council approve letting staff have the ability make the decision on  
42 whether or not backing onto a public street is allowed.

43  
44 Commissioner Fitzgerald recommended that Auto Body sales be allowed in the CC-1 zone as a conditional use.

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46 Commissioner Baird stated he didn't want to approve the RMO language.

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48 Commissioner Fitzgerald Requested to remove the RMO language from his motion.

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50 *Motion* seconded by Commissioner Baird. Motion Carries.

51  
52 Motion by Commissioner Baird that the City Council not make changes to the RMO section of the ordinance. Seconded by  
53 Commissioner Fitzgerald

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55 *Motion* carries with a vote of 3 aye to 2 nay.