

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
May 14, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Acting Chairman Blair Warner; Commissioners Harold Nichols (7:10), Harold Nichols, George Van Nosedol, Amanda Peterson, and Kirk Beecher; City Councilmen Kim Hancock; Planner Jill Spencer; Zoning Administrator Jon Lundell; Excused Commissioners John Cowan, and Todd Cannon.

INVOCATION: Commissioner Beecher

CONSENT AGENDA

- Approval of minutes for the regular meeting of April 23, 2014.

*Motion by Commissioner Peterson to approve the minutes from April 23, 2014 regular meeting.
Seconded by Commissioner Beecher.
Motion Carried.*

PUBLIC FORUM

REVIEW ITEMS

PUBLIC HEARING – REQUEST BY JAY LARSEN FOR PRELIMINARY AND FINAL PLAT APPROVAL OF PLAT A OF THE PAYSON PLACE SUBDIVISION (FORMALLY CHASEBROOK SUBDIVISION) LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF 800 SOUTH AND TURF FARM ROAD (1270 WEST). THE SUBDIVISION CONSISTS OF TWO (2) COMMERCIAL LOTS IN THE S-1, SPECIAL HIGHWAY SERVICE ZONE.

Motion by Commissioner Beecher to the open public Hearing. Seconded by Commissioner Van Nosedol. Motion carried

Planner Spencer presented information from the following staff report.

Background

Plat A of the Payson Place Subdivision includes a division of one (1) parcel into two (2) parcels which in accordance with Utah Code constitutes a subdivision of property. The proposed subdivision is located on the southeast corner of the intersection of 800 South and Turf Farm Road (1270 West) and is within the S-1, Special Highway Service Zone. Lot 1 is fully improved and contains two existing buildings (Taco Bell and a multi-tenant building) and Lot 2 is proposed to be improved to accommodate a building for a new pharmacy. A Site Plan application for the proposed pharmacy has been submitted to staff for review. The Site Plan must satisfy the applicable requirements of the development ordinances, specifically Chapter 19.8 of the Payson City Zoning Ordinance.

At the time of Site Plan review for Phase 1 of the project (multi-tenant building) staff required the property owner/applicant to prepare an overall plan for the entire parcel to ensure that utility and access provisions were considered for the entire site. The plan included three (3) building pads: one for the multi-tenant building and two (2) smaller pad sites along Turf Farm Road. The multi-tenant building and the Taco Bell building remain under single ownership and the units are leased from the property owner (Payson Place LLC). The applicant for the proposed pharmacy building would like to own the building and the land on which it is located; therefore a subdivision is necessary. It should be noted that the construction drawings for the entire site were reviewed with Phase 1 and the utility improvements for all three (3) pad sites have been installed.

The development is being proposed as a traditional subdivision in accordance Title 20, Subdivision Ordinance and Section 19.6.16 of Title 19, Zoning Ordinance. The request is an administrative action, whereby the applicant is entitled to

subdivision approval if the applicant is willing to satisfy the minimum requirements of the development ordinances of Payson City. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

Lastly, Section 20.11.5 of the Subdivision Ordinance authorizes the Planning Commission to take final administrative action on traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision, unless an appeal of the Planning Commission's decision is filed. The Planning Commission is required to hold a public hearing in order to receive input from the public in relation to the proposal of the applicant. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

The applicant is entitled to subdivide the property consistent with the regulations of Utah Code and the development ordinances of Payson City. Because the subdivision involves property in a commercial zone (S-1), the specific needs for the future building on Lot 2 will be addressed during the Site Plan review process. For informational purposes, the City Council has authorized staff to approve this type of project administratively, provided all requirements of the Payson City development ordinances have been satisfied, in particular Chapter 19.8 of Title 19, Zoning Ordinance. Although the Site Plan may be reviewed and approved by staff, a decision regarding preliminary and final approval of the proposed subdivision is the responsibility of the Planning Commission.

Plat A of the Payson Place Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (February 19, 2014), Title 20, Subdivision Ordinance (March 5, 2014), and any other applicable requirements of the development ordinances of Payson City. Following staff review, a list of items has been generated that will need to be satisfied prior to the recordation of the Final Plat or development of the property, as applicable.

1. The applicant is proposing to subdivide a portion of a larger project. In accordance with Section 19.6.16.3 of the Payson City Zoning Ordinance, all projects must be at least one (1) acre in size. Because Lot 2 is proposed to be less than one acre in size, improvement of the parcel must be consistent with the overall project (Lots 1 and 2). To maintain compliance with City ordinance, the layout of Lot 2 must create a positive functional relationship with the other buildings in the project and the architectural features and colors of the proposed structure on Lot 2 must be consistent with the approved buildings on Lot 1. This requirement must be included in the Declaration of Covenants for the project, as applicable.
2. Additional approvals and permits will be necessary to accommodate commercial development on Lot 2. The applicant (or future property owner) will need to satisfy the requirements of Chapter 19.8 of the Zoning Ordinance and obtain Site Plan approval, in addition to approval of the subdivision, before construction commences on the proposed lot. Provision of utility service, setbacks, parking requirements, access, project signage, and other site planning issues will be addressed at this time.
3. Each lot must have access to municipal services. The applicant is responsible to provide utility services to each lot and structure, including, drinking water, pressurized irrigation, wastewater, and power service. Connection and impact fees will be assessed at the time of issuance of a building permit. 4. There are several utility main lines and laterals that traverse the project site. These facilities were installed to provide service to the new buildings and are the ownership and maintenance responsibility of the owners of the project (Lot 1 and Lot 2).
4. An agreement to grant cross-connection across each parcel and access to utility services will need to be recorded in the office of the Utah County Recorder. The applicant is responsible for any fees assessed by the Utah County Recorder to complete the recording process.
5. The proposed subdivision is included in Zone AO of the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA). The applicant will need to contact FEMA to verify the base flood elevation of the 100-year flood and determine what measures must be implemented to satisfy the flood plain requirements. If necessary, staff can provide the appropriate contact information.
6. The pedestrian circulation plan for the project included a trail connection between the pad sites along 800 South (Taco Bell and proposed pharmacy). The project drawings will need to indicate the installation of a ten (10) foot wide concrete trail in the landscaped area north of the building to connect the pedestrian walkway in the parking lot to the sidewalk along 800 South. Access to the trail from the sidewalk must satisfy ADA regulations.

7. Documentation will need to be submitted that indicates that all current and past property taxes have been paid for the property included in the proposed subdivision. This information must be provided before the Mylar is recorded in the office of the Utah County Recorder.
8. Growers Grove Boulevard is a private street that traverses the proposed subdivision. The location of the street will need to be indicated on the Final Plat and specify that the street is a private street. Furthermore, the applicant will need to prepare documentation that clarifies the right of shared perpetual access, maintenance responsibilities, liability and ownership for the private street in a form that can be recorded in the office of the Utah County Recorder.
9. The Final Plat must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the Planning Commission. At a minimum, the Final Plat will need to include the following:
 - a. The name of the subdivision will need to be changed to Plat A of the Payson Place Subdivision.
 - b. The location of buildings, parking, driveways, landscaping, and utilities will need to be removed from the Final Plat.
 - c. The lot addresses will need to be modified to reflect 837 S. & 855 S. for Lot 1 and 863 S. for Lot 2.
 - d. A five (5) foot public utility easement will need to be provided along either side of the interior property lines of each lot (the line creating the new Lot 2). The easement must be a total of ten (10) feet in width (5' on either side of the property line).
 - e. All easements, right-of-ways and other dedications recorded on the property must be indicated on the Final Plat. For instance, an easement will need to be provided for the pressurized irrigation service for the Taco Bell site that traverses Lot 2.
 - f. The name of the city will need to be corrected in the Acceptance by Legislative Body signature block. Furthermore, a signature line will need to be provided for the City Engineer.
 - g. A signature block will need to be provided for the Planning Commission approval. A signature line will need to be provided for the Planning Commission Chair and the Secretary/Director.
 - h. A note will need to be provided indicating that future uses of the property must be consistent with the provisions of the zoning district. Furthermore, additional approvals and permits must be obtained before commencement of construction.
10. There are other items that will be addressed during the Site Plan process for the proposed use on Lot 2. It is the responsibility of the applicant or future owner to ensure the requirements of the development ordinances are adequately addressed. The following list represents some of the items that will be addressed during the site plan review process.
 - a. Preparation of an electrical layout for the building on Lot 2. The applicant will be responsible for payment of all labor and materials provided by the Payson Power Department.
 - b. Submission of a storm drainage plan capable of handling the twenty four (24) hour, twenty five (25) year storm event.
 - c. Preparation of a public safety plan that satisfies the requirements of the adopted fire code and installation of required fire-fighting facilities.
 - d. Submission of financial assurance to guarantee that the work within the public right-of-way and project landscaping are completed in accordance with city standards.
 - e. Transfer of adequate water to serve the new building on Lot 2 of the project.
 - f. Design elements that ensure compatibility with the existing structures within the project.
 - g. Other business specific requirements, including, but not limited to, proposed uses, business statement, building design, and landscaping requirements.

These items represent the concerns City staff has identified following a review of the project drawings. In general, staff had no major concerns about the proposed project if the conditions of this staff report are satisfied. The Planning Commission 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 development ordinances of Payson City. 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 Design Guidelines and Standard Specifications; 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 requesting Preliminary Plan and Final Plat approval of a traditional subdivision that would divide a single parcel into two (2) lots in the S-1, Special Highway Service Zone. The City Council has designated the Planning Commission as the land use authority for traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision. For convenience purposes, the Planning Commission may choose to review the Preliminary Plan and Final Plat simultaneously and take action on each process at the same meeting. However, there is no obligation to do so and the Planning Commission may choose to act upon the Preliminary Plan and consider the Final Plat at a subsequent meeting. The Planning Commission, following a public hearing to receive public input, may:

1. Remand the Preliminary Plan back to staff for further review. 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 formulate a well-informed decision.
2. Approve the Preliminary Plan as proposed. If the Planning Commission chooses to approve the Preliminary Plan as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances and the land use goals of the City will be missed.
3. Approve the Preliminary Plan contingent upon the satisfaction of staff suggestions. Staff would suggest that if the Planning Commission approves the Preliminary Plan contingent upon the satisfaction of staff conditions, the applicant will be required to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.
4. Deny the proposed Preliminary Plan. This action should be taken if the Planning Commission determines 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.

The Planning Commission may, but is not obligated to, grant approval of the Final Plat concurrent with Preliminary Plan approval. If the Planning Commission is inclined to grant Final Plat approval, staff would suggest that the Planning Commission include the following conditions.

1. The applicant must satisfy all conditions of Preliminary Plan approval and the regulations of Chapter 20.29 of Title 20, Subdivision Ordinance.
2. The Mayor may not execute the Final Plat and the Final Plat will not be recorded in the office of the Utah County Recorder until the conditions of Preliminary Plan and Final Plat approval are satisfied.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. The Planning Commission should include findings that indicate reasonable conclusions for their decision.

Commissioner Peterson asked what design guidelines are associated with the project.

Planner Spencer stated there are design guidelines that exist with the project and that staff will work with the site plan applicant to have colors that tie in with the design criteria of the proposed project.

Commissioner Peterson asked what was going to be done to screen the garbage cans for the project.

Planner Spencer stated that part of the site plan application, screening of garbage cans must be addressed. This requirement would be worked out with staff.

Commissioner Nichols asked about possible uses that are proposed.

Planner Spencer stated that only a pharmacy is proposed.

The applicant Jay Larsen asked for questions.

Commissioner Nichols expressed concern about the possibility of having a vacant building on the property.

Ron Jones with WPA architecture stated that they will be submitting a site plan soon and wanted clarification on what colors they should use for the building.

Commissioner Beecher stated that staff would be making that decision according to the design guidelines associated with the process.

Motion by Commissioner Peterson to close the public hearing. Seconded by Commissioner Cannon. Motion carried

Commissioner Beecher stated that a condition of approval would require that a final plat must be consistent with Title 20.29 of the subdivision ordinance.

Motion by Commissioner Beecher to approve of the preliminary and final plat of the Payson Place Subdivision Plat A contingent on satisfaction of staff suggestions and recommendations indicated in the staff report. Seconded by Commissioner Peterson. Motion carried.

REVIEW OF APPENDIX A, NON-RESIDENTIAL LAND USE CATEGORIES OF TITLE 19, ZONING ORDINANCE.

Planner Spencer gave background on the initial creation of Title 19 Appendix A and asked for feedback and direction from the planning commission on how to proceed with the review and updating of appendix A.

Discussion has held on how to proceed. They included:

1. Review the purpose and definition of each zone.
2. Gather information from neighboring communities on their uses and processes
3. Review of existing and possible uses within each zone.
4. A review of existing zones that are not applied to any portion of the city.

COMMISSION AND STAFF REPORTS

Commissioner Beecher stated that he had heard concerns about how downtown area parking was being used for all day parking and possibly restricting the amount of time for parking along Main Street.

Commissioner Van Nosedol wondering what was ordinances were in place to handle neglected landscaping.

Zoning Administrator Lundell stated that currently staff was working on an ordinance that would streamline code enforcement procedures.

Motion by Commissioner Van Nosedol to adjourn.

Meeting adjourned at 8:14 p.m.