

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
March 25, 2015**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:15 p.m.

ROLL CALL: Acting Chairmen Blair Warner, Commissioners Todd Cannon, Harold Nichols and George Van Nosdol, Ryan Frisby, Kirk Beecher; City Councilmembers Kim Hancock; Planner Jill Spencer; Zoning Administrator Jon Lundell; Commissioners John Cowan, Todd Cannon and Councilmember Mike Hardy excused.

INVOCATION: Commissioner Frisby

CONSENT AGENDA

- Approval of minutes for the regular meeting of March 11, 2015.

Motion by Commissioner Beecher to approve the minutes for the regular meeting of March 11, 2015. Seconded by Commissioner Frisby. Motion carried.

PUBLIC FORUM

REVIEW ITEMS

PUBLIC HEARING – PROPOSED AMENDMENTS TO TITLE 19, ZONING ORDINANCE AND TITLE 20, SUBDIVISION ORDINANCE OF THE PAYSON CITY MUNICIPAL CODE.

Motion by Commissioner Nichols to open the public hearing. Seconded by Commissioner Frisby. Motion carried.

Planner Spencer presented information from the following staff report.

Background

On occasion, changes in development practices, new land use goals of the City Council or other appropriate circumstances result in the need to update or revise the development ordinances of the City. Staff generally compiles several potential amendments until a pressing issue arises at which time the proposed amendments are prepared for review by the Planning Commission and City Council. In this instance, the proposed ordinance amendments included staff suggestions and a request by Brandy Orr to allow pet grooming as a permitted use in the CC-1, Central Commercial Zone.

Often referred as the development ordinances, Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance were adopted by the City Council as implementation tools to achieve the goals outlined in the Payson City General Plan. These land use and development regulations identify appropriate locations for various uses of land, establish proper construction standards, and provide procedures to manage growth and development. Implementation of these standards will ensure the desirable aspects of existing development are protected and the overall vision of the community is realized. While it is important for the regulations to be consistent and stable, it is equally important to review the regulations on a regular basis to ensure that the contents will accomplish the desired outcome in a constantly changing development environment.

Analysis

The authority for municipalities to adopt ordinances to guide development can be found in §10-9a Utah Code Annotated. Development ordinances are also influenced by federal laws and case law. It is the role of staff to ensure that any proposed amendments are consistent with the provisions of state and federal statute and all levels of case law. That said, despite the many laws and provisions that guide the creation of development ordinances, the City Council is granted a great deal of deference to enact development regulations tailored

specifically for our community. The following list of ordinance amendments is proposed for consideration by the Planning Commission and City Council.

Title 19, Zoning Ordinance

1. Sections 19.2.3, 19.2.10 and 19.17.3, Pages 19-3, 19-6, and 19-202 – Staff is proposing minor amendments to the designation of land use applications to be consistent with Utah Code.
2. Section 19.2.11, Page 19-7 – Staff is proposing to impose limitations on land use approvals to ensure that applications are processed and implemented in a timely manner. This change will require some renumbering of subsequent sections.
3. Section 19.2.12, Pages 19-7 and 8 – Staff is proposing a six (6) month administrative extension for an applicant to implement an action plan for an inactive land use application.
4. Section 19.3.1, Page 19-9 – Staff is proposing text to further clarify the purpose for a title report for land use applications.
5. Section 19.6.3, Pages 19-19 and 20 – Staff is suggesting that subsections be included to address the relationship of Title 19, Zoning Ordinance with other land use documents.
6. Multiple Sections – Staff is proposing to include all impervious areas in the percentage calculation of permissible lot coverage in several zoning districts (A-5, R-1-A, R-MF, PO-1, CC-1, GC-1, I-1, I-2, R&D, and NC-1).
7. Section 19.6.6.2, Page 19-29 – Staff is proposing to remove the RMO-2 and RMO-3 Overlay Zones from the R-1-75 and R-2-75 Zones.
8. Multiple Sections – Staff is proposing to clarify the *build-to-line* requirements of several zoning districts (R-MF, CC-1, CAP, GC-1, S-1, R&D, NC-1, and the CT Zones)
9. Section 19.6.8, Pages 19-38 through 42 – Staff is proposing to repeal Section 19.6.8 and adopt a new section that addresses two-family dwellings as an infill development option in various residential zones.
10. Sections 19.6.9 and 19.6.10, Pages 19-43 through 50 – Staff is proposing to remove the RMO-2 and RMO-3 Overlay Zones from the Zoning Ordinance. With the exception of two-family dwellings with approval of the RMO, Residential Overlay Zone (Section 19.6.8), new multi-family structures should be incorporated into larger planned communities.
11. Section 19.6.18.13, Pages 19-73 through 75 – Staff is proposing to clarify the requirements for caretaker facilities for storage unit projects in the I-1, Light Industrial Zone.
12. Section 19.8.3.1, Page 19-143 – Staff is proposing text that would require the submission of a title report with land use applications.
13. Section 19.8.4, Page 19-144 – Staff is proposing a minor change to references to other land use ordinances that may be applicable to the review process.
14. Section 19.14.6, Page 19-179 – Staff is proposing to remove text that may be considered arbitrary when applying the regulations of the non-conforming ordinance.
15. Chapter 19.20, Page 19-212 – Staff is proposing to remove the regulations for Vacation Vehicle Courts.
16. Chapter 19.28 (Definitions), Pages 19-237 and 19-242 – Staff is proposing to amend the definition of *build-to-line* and to include a definition for *lot coverage*.

Appendix A, Non-Residential Land Use Categories

Brandy Orr is requesting approval to allow *pet grooming* as a permitted use in the CC-1, Central Commercial Zone. She would like to relocate an existing business from a residential structure (home occupation) to a commercial building on historic Main Street.

Title 20, Subdivision Ordinance

Although the public hearing notice included proposed amendments to Title 20, Subdivision Ordinance, staff is not proposing any amendments to the Subdivision Ordinance at this time. However, if ordinance amendments have been overlooked, they may be considered during the public hearing.

Recommendation

The Planning Commission will need to review the proposed amendments and forward a recommendation to the City Council for their consideration. The Planning Commission may recommend approval, approval with conditions, or denial of the proposed amendments to the development ordinances of the Payson City Municipal Code.

Amendments to the development ordinances are legislative matters and the City Council is not obligated to approve any amendment. The Planning Commission should include reasonable findings in any recommendation forwarded to the City Council.

Commissioner Beecher asked if the proposed timelines and required notices are reasonable for staff's work load.

Planner Spencer stated that for this section it is adequate.

Commissioner Beecher stated that requiring a title report is a good fix to ensure that any easements are protected. He asked if the wording of "may" is appropriate for the section. He suggested that the requirement for a title report be worded as "shall".

Planner Spencer stated she would create an additional paragraph addressing the requirement for a title report.

Commissioner Beecher asked why a staff was proposing change in the lot coverage definition.

Zoning Administrator Lundell stated it was a combination of questions at the counter and Payson City's new storm water MS4 permit.

Discussion was held regarding wording and implementation of proposed RMO ordinance amendments. Items discussed include:

- Design requirements
- Appropriate densities for infill projects
- Implementation issues
 - In-fill tools to encourage residents to reinvest within the neighborhood.
- Adding duplexes into I-O infill overlay zone.

Discussion was held regarding placing of care taker facilities within light industrial and storage unit projects. Items discussed include:

- Allowed uses to have care taker apartment.
- Number of apartments.

Commissioner Frisby asked for clarification on what the additional services that owner of Strut your Mutt, pet grooming want to include in her business.

Planner Spencer stated that she did not know the additional services but staff will follow up with the applicant to see what they want to do.

Discussion was held regarding SLU's within the I-1 light industrial and development requirements for different types of uses. Topics included:

- Parking
- Lot, roadway, storm water improvements.

Motion by Commissioner Nichols to close the public hearing. Seconded by Commissioner Beecher. Motion carried.

Motion by Commissioner Beecher to recommend approval to the City Council of amendment numbers 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16 as currently proposed; approval of amendment number 4 with modification of language from "may" to "shall". Remand amendment number 9 back to staff with direction to incorporate the RMO-1 Residential Multifamily

overlay into the I-O Infill overlay zone. Recommend approval to amend Title 19 Appendix A to allow pet grooming as a permitted use provided that it meets current requirements for the uses in the zone and that the applicant clarifies the additional uses stated in her application. Recommend approval to amend Title 19 Appendix A to allow Dance schools in the I-1 Light industrial Zone provided it meets the requirements of the zone. Seconded by Commissioner Frisby. Motion carried.

COMMISSION AND STAFF REPORTS

Planner Spencer stated that the April 8th meeting will be canceled due to Nebo School District's spring break.

Planner Spencer gave updates on previous applications and projects. The included:

- Accessory apartment located on 1400 South and State Road 198 – Request was tabled.
- Multifamily project located at 800 East and 300 North – Request was denied.
- Assisted living center located on 1400 South and 930 West – Applicant modified his plans to construct single family homes.
- Widening and traffic stripping of 930 West and improving the trail corridor along 930 West.
- Projects to clean up the Dry Creek channel in the Maples at Brookside subdivision.
- Preparations for the Payson Utah Temple open house regarding roads and restaurants.

Motion by Commissioner Beecher to adjourn.

Meeting adjourned at 8:10 PM