

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

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:02 p.m.

ROLL CALL: Chairman John Cowan; Commissioners Blair Warner, Harold Nichols, George Van Nosedol, Ryan Frisby, Kirk Beecher; City Councilmember Kim Hancock; Planner Jill Spencer; Trista Bishop taking minutes. Councilman Hardy excused.

INVOCATION: Commissioner Frisby

CONSENT AGENDA

- Approval of minutes for the regular meeting of March 25, 2015.

MOTION by Commissioner Frisby to approve the minutes for the regular meeting of March 25, 2015. Motion seconded by Commissioner Beecher. Motion Carried.

PUBLIC FORUM

Opened at 7:04 p.m.

No public comment

REVIEW ITEMS

PUBLIC HEARING – REQUEST BY SHAYNE CRAPO FOR APPROVAL OF AN ACCESSORY LIVING UNIT IN THE EXISTING RESIDENTIAL STRUCTURE LOCATED AT 803 NORTH 600 EAST IN THE R-1-75, RESIDENTIAL ZONE.

MOTION by Commissioner Beecher to open the public hearing. Motion seconded by Commissioner Warner. Motion carried.

Public Hearing opened at 7:05 p.m.

Planner Spencer presented information from the following staff report.

INSERT STAFF REPORT

Chairman Cowan asked if they requested covered parking if the setback requirements could still be met.

Planner Spencer explained that in the overlay zone there is some leeway with parking in the setback.

Commissioner Harold said it looks like the addition is connected to the house. Are there strangers that are going to be living in the accessory unit?

Planner Spencer mentioned that the applicant and the proposed buyers are present for any questions the commission might have.

Mr. Shayne Crapo, applicant, representing Burntol LC, the owner of the property explained that they bought the place in disrepair. They have put a lot of money into it to make it a nice place to live. They realized the addition that had been done previously was done without permits. He mentioned that they originally wanted to sell it as a single family home but due to

1 the uniqueness of the home it has become quite difficult. The proposed buyers would live in the accessory unit and rent out
2 the front of the home.

3
4 Commissioner Beecher asked what he means by unique.

5
6 Mr. Crapo explained it is unique because of the way it is designed. He mentioned that the building inspector has been out to
7 make sure that the addition meets the setbacks and it does. He feels like the best solution for the way the home is designed
8 is to allow an accessory apartment.

9
10 Commissioner VanNosdol asked about the parking; it looks like they would be parking on top of each other.

11
12 Planner Spencer said that a parking stall needs to be 18.5 by 9.

13
14 Mr. Crapo said that they would have to pour some additional concrete to meet the parking requirements.

15
16 Commissioner Frisby mentioned that there is a power box near where the parking would need to be and it would be tight.

17
18 Mr. Crapo explained that the parking is a good distance away from the transformer.

19
20 Planner Spencer said that maybe the additional parking stall would be better on the north of the existing concrete.

21
22 Commissioner Frisby asked if there was room to add a parking stall on the north side.

23
24 Mr. Crapo said that would be doable.

25
26 Commissioner Warner asked what the possibility of widening the curb up is.

27
28 Mr. Crapo said that it is doable it would just cost more money.

29
30 Mr. Aaron Webb, prospective buyer said that they are planning on living in the accessory apartment and renting out the
31 front. There are currently renters in the front and they are planning on letting them stay. They plan to do some
32 beautification to the yard and make it a nice place to live.

33
34 Commissioner Harold asked how many bedrooms were in the accessory apartment.

35
36 Mr. Webb said three (3) bedrooms.

37
38 Commissioner Beecher asked Planner Spencer what the difference between this and a duplex is? The only thing he can see
39 is the fact that they don't have separate utilities.

40
41 Planner Spencer explained that when they adopted the accessory apartment overlay zone it was really intended for existing
42 structures that were out of compliance and they were trying to create a way homeowners could bring the home into
43 compliance.

44
45 Planner Spencer read in a letter from a resident unable to attend the meeting:

46
47 *Council and Mayor,*

48
49 *Regarding the house at 803 N 600 E and the motion to re-zone for an accessory apartment.*

50
51 *I have lived in the neighborhood for 16+ years, part of the reason I chose this neighborhood is because it is zoned as a*
52 *single family dwelling. An area that I would like to raise children.*

53
54 *I am opposed to it being re zoned or any other exception to allow this to be used as an accessory apartment rental.*

55
56 *There are a couple of reasons I am opposed,*

1
2 *First is the concern of how it would likely make a negative impact on the value of my home and the difficulty in selling my*
3 *home should I decide to.*

4
5 *There is also the likelihood that it would not just be that residence renting out accessory apartments, it would turn into*
6 *several homes adding several rentals in the area which would attract temporary residents rather than someone who would*
7 *take pride in the home and the neighborhood.*

8
9 *This particular residence has been rented out numerous times and has been a known drug house for at least the last 12*
10 *years. The current renters seem to have the impression that this continues to be a party house, As recently as Spring Break*
11 *weekend there were numerous vehicles in and out of that home at all hours of the night, revving their motors when they*
12 *would leave and return and playing their music loud. The people there were loud and boisterous in and out of the house*
13 *and dancing around the light pole like it was a stripper pole. This went on until well after 2:00 AM. The last thing we would*
14 *want is another rental to add more partiers.*

15
16 *This needs to remain zoned as a single family dwelling, to change it would satisfy few and negatively affect the remaining*
17 *neighbors.*

18
19 *Would you want this in your neighborhood?*

20
21 *Thank You!*
22 *Scott Taylor*

23
24 Ms. Kathy Adams resident at 816 North 600 East. She agrees with what Mr. Taylor wrote in his letter. She says that she a
25 hard time seeing to back out of her driveway because the current renters have a lot of visitors and they are always parking
26 in front of her house blocking her view. She feels like it should be a single family dwelling. She explained that originally
27 the accessory unit was built on the house to accommodate the previous owner's grandmother and ever since they moved
28 there have been renters in the house. She said that it is a known meth house and they have even had to quarantine the house
29 before due to the meth.

30
31 John **Hancock?** Lives in the neighborhood on the corner. This house and the renters in it have been a problem for the last
32 eleven (11) or twelve (12) years. They have completely gutted the house twice because of the meth use. There are 10 to 12
33 cars there every night being loud and partying. He explained that he is a retired veteran with post traumatic stress and he
34 doesn't need a lot of noise and crap.

35
36
37 Planner Spencer explained that the burden of the applicant is to demonstrate to the pc that the use of the overlay zone is
38 appropriate use of dwelling.

39
40 Harold asked if there were two separate renters currently in the home.

41
42 Mr. Crapo said yes. He said it is tough because he doesn't know the intent of the original homeowner. He said that in his
43 opinion a mother in law unit is different. This has a full kitchen not a kitchenette and a completely separate entrance. It is
44 not really set up like a normal mother in law apartment. He doesn't want his neighborhood to be turned into a ghetto. He
45 would appreciate it if they would take this into consideration.

46
47 Mr. Webb explained that the drug thing is a new thing to him and he would like to know what is going on there. He would
48 like to know how he could get more information on this as far as police reports etc.

49
50 Planning Commission directed Mr. Webb to talk to the police department to see what information he could obtain in
51 regards to this address.

52
53 Mr. Webb said these are definitely not the kinds of people he wants living in his home. He wants it to be a nice, legal,
54 family home.

55
56 Commissioner Harold asked if this home could be sold as a single family home without the accessory apartment approval.

1 Mr. Crapo said that is what they have been trying to do but it is difficult because of the way the home is designed and now
2 they have interested buyers that would be owner occupied. He said that as far as the current tenants in the house it is news
3 to him, they do background checks on all their renters and if there is something crappy going on there he doesn't want it
4 either.

5
6 Commissioner Harold asked Mr. Crapo where he lives.

7
8 Mr. Crapo said he lives in Delta but they have an office in Delta.

9
10 Commissioner Harold asked how long the current renters have been in the home.

11
12 Mr. Crapo explained not very long, they are fairly new renters.

13
14 **MOTION** by Commissioner Harold to close the public hearing. Motion seconded by Commissioner Frisby. Motion
15 carried.

16
17 Public hearing closed at 7:49 p.m.

18
19 Chairman Cowan explained that the fact that this is a duplex or an accessory apartment doesn't mean it's a bad thing. He
20 mentioned that there are single family dwellings with bad renters in a lot of neighborhoods. The fact that this is going to be
21 owner occupied is a pretty good safeguard.

22
23 Commissioner Harold said that he can see both sides of the situation. He is confused how the parking issue is going to be
24 resolved and would like to remand it back for additional information.

25
26 Commissioner Warner said that this is a difficult situation and if this proposal were to come in as a request to build the
27 accessory unit for a mother-in-law situation he would like to grant the request with conditions to fix the curb cut.

28
29 Commissioner Beecher agrees with Commissioner Warner that they can't deny it based on who the current renters are. He
30 feels like the parking situation can be resolved. He would prefer at least one(1) covered parking stall.

31
32 Commissioner Harold asked Planner Spencer if he were a homeowner and his mother-in-law wanted to live with them and
33 he came in and got a building permit to do an addition if that would be considered an accessory unit.

34
35 Planner Spencer explained that it would be considered a single family home until the appropriate processes have been
36 followed to make it an accessory unit.

37
38 Commissioner VanOsdol asked if either of the units is handicapped accessible.

39
40 Mr. Crapo said he doesn't really know what is considered handicapped accessible and what is not.

41
42 Ms. Adams said that it would be a different situation if they had to live there. Mr. Crapo is talking until he is blue in the
43 face because he doesn't have to live there.

44
45 Councilman Hancock mentioned that there is no council meeting next week because it is a fifth Wednesday.

46
47 Commissioner Warner explained to Commissioner Frisby that they have in the past made recommendations to the city
48 council for things that they are concerned about.

49
50 **MOTION** by Commissioner Harold to deny the approval of the accessory living unit. Finding that it is a single family
51 neighborhood and based on information received tonight it was built for that intent and to keep the neighborhood a single
52 family neighborhood. Motion failed for lack of a second.

53
54 **MOTION** by Commissioner Frisby to recommend approval of the accessory living unit, upon conditions that covered
55 parking, the curb cut and the transformer be addressed and that staff conditions are met. Motion seconded by Commissioner
56 Warner. Commissioner Harold voting naye. Motion carried.

1 Chairman Cowan explained that the City Council is not obligated to agree with their recommendations.

2
3 **DISCUSSION REGARDING THE BOUNDARIES OF A PROPOSED ZONING MAP AMENDMENT ALONG**
4 **100 NORTH BETWEEN 600 EAST AND 1000 EAST.**

5
6 Planner Spencer explained the request. She said that they are trying to fix on the south side of 100 North to get the zoning
7 to follow property lines instead of cut through the middle of them. She would like some clarification before she sends out
8 the notices to the property owners and schedules a public hearing.

9
10 Chairman Cowan said that the whole south end of that block really isn't viable to commercial anyway.

11
12 Commissioner Beecher said that staff should send out letters to the homeowners and get their opinions and plan for their
13 properties. He asked why we would want to zone the Peteetneet as residential, what if it burns down and the city decides
14 they don't want to re-build it, wouldn't it be better to have it as commercial.

15
16 Planner Spencer said that eventually they would like to have a public facilities zone for the city properties and parks. She
17 asked if they would like to even address the Peteetneet property right now or just leave it as it is.

18
19 Planner Spencer said that she will notice this as a re-zone and then she will send a more detailed letter to the residents
20 inviting them to come and share their opinions.

21
22 **COMMISSION AND STAFF REPORTS**

23
24 Planner Spencer informed them of the items on their next meeting.

25
26 Commissioner Beecher asked if we got our opinion to FEMA about their proposed flood zone being a bad idea.

27
28 Planner Spencer said yes we did and they have to go back to the drawing board. Now all of the Cities will have to be
29 evaluated in Utah County and not just the five (5) that the consultants originally proposed.

30
31 Planner Spencer asked if they were going to have a quorum on May 27, 2015 because it is graduation.

32
33 Everyone said that they will be here so they will have a meeting on the 27th of May.

34
35 Planner Spencer said that they should've had on their agenda tonight the bylaws to review and the appointment of the Chair
36 and Vice Chair but she will put this on their next agenda.

37
38 **Motion** by Commissioner Beecher to adjourn.

39
40 Meeting adjourned at 8:37 p.m.