

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, August 10, 2016 7:00 p.m.

CONDUCTING Blair Warner, Vice Chair

COMMISSIONERS Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt

COMMISSIONERS EXCUSED John Cowan, Harold Nichols

STAFF Kyle Deans, Planning & Zoning Specialist  
Kim Holindrake, Deputy Recorder

CITY COUNCIL Linda Carter

OTHERS

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:00 p.m.

2. Roll Call

3. Invocation/Inspirational Thought

Invocation given by Commissioner Kirk Beecher.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of June 22, 2016

**MOTION: Commissioner Beecher – To approve the minutes from June 22, 2016.** Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

5. Public Forum (7:03 p.m.)

No public comments.

6. Review Item

6.1 Review and recommendation regarding a request for a Conditional Use Permit to operate a drive-thru window within the transition area of the S-1, Special Highway Service Zone (7:04 p.m.)

Staff Presentation:

Kyle Deans reported that Payson City ordinance requires a conditional use permit for a drive through business adjacent to a residential zone. Planning Commission is the first step. This site is located at

1025 West 800 South with Payson Fruit Growers to the west. The proposal is for a building for Farr's Ice Cream and Dexter's Hot Dogs. Ingress and egress is on the west and east sides. The remaining property will be phased in two phases with a potential assisted living center to the south and additional retail in the center. Chapter 19.13 of the zoning ordinance requires the following factors to be weighted and considered when determining whether a conditional use permit application should be approved, approved with conditions, or denied.

1. Harmony of the request with the general objectives of the General Plan, Zoning Ordinance, Subdivision Ordinance, any other City ordinance and the particular zone in which the request is located.
2. Harmony of the request with existing uses in the neighborhood.
3. Development or lack of development adjacent to the site.
4. Whether or not the request may be injurious to potential development in the vicinity.
5. Present and future requirements for transportation, traffic, water, sewer, and other utilities.
6. Suitability of the specific property for the proposed use.
7. Number of other similar conditional uses in the area and the public need for the conditional use.
8. Economic impact on the neighborhood.
9. Aesthetic impact on the neighborhood.
10. Safeguards to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor.
11. Attempts by the applicant to minimize other adverse effects on people and property in the area.
12. Impact of the proposed use on the health, safety and welfare of the City, the area, and persons owning or leasing property in the area.

A conditional use permit can be approved to run with the land in perpetuity, or the Planning Commission can recommend and the City Council may place time limitations on the permit. Staff conducted a review of the 12 criteria, and there were four items that needed to be addressed.

Item 2 - The proposed staff condition is in accordance with City Code, Chapter 19, Section 8.5.2.2.c. To maintain the existing residential environment, commercial and industrial development adjacent to residential uses shall incorporate masonry walls, landscaping, berms, building orientation and activity limitations. Therefore a six-foot masonry wall must be constructed along the east side of the parcel. Also staff requested that the sidewalk on the east be moved to the west where it would be better utilized and extended in the future. Landscaping would be included as well.

Items 9, 10, and 11 – The staff proposed two conditions for these items. 1 – The proposed sidewalk on the east side of the property is to be relocated as previously mentioned. City Code, Chapter 19, Section 8.5.2.2.e. requires in order to provide a visual barrier between commercial and residential uses, evergreen trees should be planted no further than thirty feet on center, depending on species, to screen parking lots and large commercial building walls. Landscaping will help to absorb light and sound that may be emitted from the drive-through facility and the planned ingress egress on the east side of the property. 2 - The site plan indicates that the building will have no east facing windows. Staff recommends that this should be made a condition of approval according to City Code Chapter 19, Section 8.5.2.2.d. requiring window orientation in non-residential buildings and to preclude a direct line of sight into adjacent residential private yards or open spaces within one hundred feet. The owner doesn't plan to have windows on the east façade, but staff felt it wise to include this as part of the conditions.

Further, there will be an entrance to the building on the north and west sides. The drive-through window is on the south side of the building, interior of lot. There is already sidewalk on 800 South.

Staff has prepared four recommendations for the Commission to consider.

1. Remand the application for the proposed conditional use permit 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 make a well-informed decision.
2. Recommend approval of the conditional use permit as proposed. If the Planning Commission chooses to recommend approval of the conditional use as proposed and the City Council chooses to follow the recommendation of the Planning Commission, staff would suggest that an opportunity to require the applicant to satisfy the requirements of the development ordinances of Payson City will be missed.
3. Recommend approval of the conditional use permit with the conditions proposed by staff or more or fewer conditions. Staff would suggest that if with satisfaction of appropriate conditions, the requirements of the development ordinances of Payson City can be satisfied and proper development of the property will occur.
4. Recommend denial the proposed conditional use permit. This action should be taken if the Planning Commission determines that the adverse impacts of the proposed conditional use cannot be mitigated by the applicant.

#### Commission Discussion:

Commissioner Beecher voiced his concern as to whether the wall on the west side backing up to the residents would extend as the remaining property develops. He also questioned whether the same offices would continue to the south. He also wants to make sure the sidewalk on the west side goes somewhere. He questioned the fast food restaurant across the street and why it didn't need a conditional use permit. With regards to the wall, he would like to make sure it steps down about two panels as it approaches the street so there is a clear vision area.

Kyle Deans stated that any change of zone requires the fence so it will continue. The only access for this phase is off 800 South. The developer is considering a couple options. One is to continue the offices all the way to the back, and the other is to put in another office condo along with possible townhomes or mixed use in the middle section. The sidewalk on the west side will be somewhat useful. In the third phase there will be some additional retail in the middle so the sidewalk may meander throughout the project. The restaurant across the street didn't need a permit because there is no adjacent residential. With regards to stepping down the wall, there is an electrical box on the corner that may shift the ingress/egress a little. He will look at the site line issue for ingress and egress. One resident in the area remembers attending a city council meeting where it was said that businesses couldn't do business after 6 p.m. Staff has checked and there is nothing in the ordinance to that affect

**MOTION: - Commissioner Beecher – To recommend approval of the special use permit to the City Council with the stipulation that staff review the site distance for ingress and egress on the northeast corner, no windows on the east side, the masonry wall as outlined, and all other conditions as staff has outlined.** Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

7. Commission and Staff Reports (7:25 p.m.)

Kyle Deans stated there are two subdivisions in process. A two-lot residential subdivision northeast of Main Street and the highway. Advance Auto Parts is subdividing its existing parcel and moving east by Jiffy Lube on the corner.

At a future meeting there will be an item regarding the west side. Councilmember Hardy has concerns from residents on west side. Discussions have been held. Mr. Deans presented a long-range vision of the west side about seven years ago. Councilmember Hardy requested that he present this information again for food for thought.

8. Adjournment

**MOTION: Commissioner Beecher – To adjourn the meeting.** Motion seconded by Commissioner Billings. Those voting yes: Kirk Beecher, Adam Billings, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

The meeting adjourned at 7:28 p.m.

/s/ Kim E. Holindrake  
Kim E. Holindrake, Deputy City Recorder