

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
May 25, 2016**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Commissioner Blair Warner (acting Chair), Commissioners Kirk Beecher, Taresa Hiatt, Ryan Frisby, Harold Nichols; Planner Jill Spencer. Chairman John Cowan excused. Commissioner Adam Billings arrived at 7:08 p.m.

INVOCATION: Commissioner Frisby

NEW BUSINESS:

CONSENT AGENDA:

- Approval of Minutes for the Regular Meeting of May 11, 2016

MOTION by Commissioner Beecher to approve the meeting minutes as corrected. Motion seconded by Commissioner Hiatt. All voting in favor. Motion carried.

PUBLIC FORUM

No public comments

Public forum ended at 7:03 p.m.

REVIEW ITEMS

PUBLIC HEARING – *Amendment to the Payson City Zoning Map that will affect Utah County Parcels 30-025-0004 and a portion of 30-026-0079 generally located between Interstate 15 and 100 West and 600 North and 800 North. The subject property is currently zoned S-1, Special Highway Service and it is proposed that the zone be changed to R-2-75, Residential to accommodate residential uses.*

PUBLIC HEARING – *Request by Justin Hill for approval of an overlay zone to construct ten (10) twin home structures (total of 20 units) in the proposed Sterling Grove Subdivision located at approximately 500 North and 150 West in the R-2-75, Residential Zone.*

PUBLIC HEARING – *Request by Justin Hill for preliminary and final approval of the Sterling Grove Subdivision arranged on Utah County Parcels 30-025-0004, 30-026-0079, 30-026-0080, and 30-026-0110 generally located between Interstate 15 and 100 West and 500 North and 800 North. The subdivision consists of ten (10) twin home structures and twenty-five (25) single family dwellings.*

MOTION by Commissioner Beecher to open the public hearing. Motion seconded by Commissioner Billings. All voting in favor. Motion Carried.

Public Hearing opened at 7:06 p.m.

Planner Spencer presented the following staff report

Background

The applicant, Justin Hill has submitted three (3) land use applications to develop property generally located between Interstate 15 and 100 West and 500 North and 800 North. The project, known as the Sterling Grove Subdivision, is arranged on Utah County Parcels 30-025-0004, 30-026-0079, 30-026-0080, and 30-026-0110 and consists of ten (10) twin home structures and twenty-five (25) single family dwelling lots for a total of forty-five (45) new residential units. To develop the property as proposed, the applicant will need to obtain approval of a zone change, use of an overlay zone, and preliminary and final approval of the proposed subdivision.

The project is located adjacent to Interstate 15 on the north and west; commercial development (McDonalds & Rite Aid) and residential dwellings to the east; and residential dwellings to the south. Although the majority of the residential structures in the area are single family dwellings, there are existing twin home structures and duplexes in the vicinity. The site is accessed from 150 West, 200 West, Douglass Drive (250 West), and a future controlled connection to 500 North (private street) between 100 West and Main Street. The existing single family dwelling on the site (90 West 500 North) will be demolished to accommodate new residential construction.

There are some challenges that are unique to this site. There is an existing sewer line, irrigation ditch (Old Field lateral), and power lines that traverse the property that will need to be protected, rerouted, piped, etc. Moreover, the property is adjacent to existing commercial properties and transition methods will need to be implemented to reduce any potential negative impacts between the different land uses.

The project will be completed in phases. At this time, the applicant is requesting approval of the zone change, overlay zone, Preliminary Plan approval for the entire subdivision, and Final Plat approval for Plat A and Plat B. Plat A consists of four (4) single family dwellings and one (1) twin home structure (two units). Plat B consists of twelve (12) single family dwellings and three (3) twin home structures (six units). Subsequent phases (or plats) will be submitted as the project progresses.

Each request (zone change, overlay zone, subdivision) requires approval from the City Council following a recommendation from the Planning Commission. Both the Planning Commission and City Council are required to hold a public hearing and consider public input prior to reaching a recommendation or decision, respectively. Property owners within five hundred (500) feet of the proposed project have been notified, the notice has been posted in appropriate locations, and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

Analysis

After reviewing the land use applications submitted by the applicant, staff has prepared suggested conditions of approval for consideration by the Planning Commission. Because there are three (3) requests and a need for three (3) separate recommendations, staff has divided this staff report into separate sections addressing the zone change, overlay zone, and the subdivision request.

Zone Change Request

The applicant is requesting approval of a zone change to amend the zoning designation of Utah County Parcel 30-025-0004 and a portion of 30-026-0079. The parcels, or portions thereof, are currently zoned S-1, Special Highway Service and the applicant is requesting the zone be amended to the R-2-75, Residential Zone to accommodate residential uses. Approval of a zone change is a legislative action of the City Council. The Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the zone change request. However, without approval of the zone change, the overlay zone request and the proposed subdivision cannot be approved because the layout is inconsistent with the requirements of the underlying zone.

As always, an important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. Although it is typical for Planning Commissioners and City Councilmembers to inquire about the anticipated use of the property, the Planning Commission should consider all of the potential uses allowed in the zone because once the zoning designation has been changed, the owner of the property is entitled to use the property in any manner that satisfies the regulations of the zone, even if the proposed project is approved. Therefore, if the Planning Commission is comfortable with all of the potential uses of the proposed zoning district (R-2-75 Zone) in this location a zone change would be appropriate. However, if some of the uses allowed would be inappropriate in this location, the zone change should not be approved.

In this instance, the zoning designations are considerably different. The current zone (S-1) has been established to accommodate commercial uses near the Interstate 15 interchange and the proposed zone (R-2-75) supports residential uses. The R-2-75, Residential Zone allows single family dwellings on lots containing at least seventy-five hundred (7500) square feet and seventy-five (75) feet of frontage. This zone also allows two family dwellings (duplex and twin home) with approval of the RMO-1, Two-Family Residential Overlay Zone.

As indicated in the written request submitted by the applicant, the 2.67 acres currently zoned for commercial uses does not have direct access to the Main Street corridor and therefore this site is not viable for commercial purposes. Upon consideration of the surrounding development pattern, residential development may be the most appropriate use at this time.

RMO-1, Two-Family Residential Overlay Zone

The applicant is requesting a recommendation of approval from the Planning Commission and approval from the City Council for use of the RMO-1 Overlay Zone to construct ten (10) twin home structures along the west property line and the area immediately west of the commercial zone (McDonalds). The applicant is proposing twin home structures to support owner-occupied units rather than duplexes which are typically rental only units.

Approval of the RMO-1 Overlay Zone is similar to a zone change request. The Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the use of the overlay zone. The applicant is entitled to use the property consistent with the requirements of the underlying zone, S-1 and R-2-75, which allow commercial uses on the northern portion of the property and single family dwellings on the southern portion of the property. The applicant must understand that the development rights on the subject parcel are those found in the underlying zone until, and unless, approval to use the RMO-1 Overlay Zone is granted by the City Council. Furthermore, denial for the use of the overlay zone shall not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The decision of whether to allow the use of an overlay zone is based on the benefit that will be derived by the neighborhood and community as a whole. It is the applicant's responsibility to demonstrate that the proposed use (twin home) is an appropriate use in the proposed location. In the formulation of the recommendation, staff would suggest that the Planning Commission consider the following factors.

1. Approval of the zone change from the S-1 Zone to the R-2-75 Zone must be obtained by the City Council. If the zone change is not approved, the subdivision will need to be modified to accommodate commercial uses on the northern portion of the property.
2. Approval for the use of the RMO-1 Overlay Zone indicates the proposed use can be compatible with surrounding uses. Therefore, the Planning Commission and City Council may require certain design guidelines be implemented to ensure the project is compatible with the surrounding uses. The design

- guidelines (i.e. exterior elevations, use of materials) will need to be established in project CC&R's and included in a development agreement recorded in the office of the Utah County Recorder.
3. The applicant must provide two (2) off-street parking stalls for the dwelling unit, one of which must be covered. The applicant is proposing two-car garages for each unit. Off-street parking must satisfy the requirements of Chapter 19.4 of the City Zoning Ordinance.
 4. The landscaping standard for multi-family dwelling units is different than those for single family dwellings. The applicant will need to be aware that all areas not used for buildings or parking must be completely landscaped prior to the issuance of a Certificate of Occupancy, not just the front yard areas of each unit. A landscaping plan indicating the types and sizes of all planting materials and an underground sprinkling system will need to be submitted for review and approval by staff.
 5. Because each unit will be located on its own lot, separate utility services will need to be provided to each lot or unit. The water meters will need to be located in the planter strip and accessible for maintenance purposes.
 6. A typical footprint of a twin home structure will need to be placed on the lots within the cul-de-sac to demonstrate that the required setbacks of the underlying zone can be satisfied.

Sterling Grove Subdivision

The applicant is requesting Preliminary Plan approval of the proposed Sterling Grove Subdivision which consists of ten (10) twin home structures and twenty-five (25) single family dwelling lots for a total of forty-five (45) new residential units. For informational purposes, the City Council will also consider a request for Final Plat approval of Plat A and Plat B; approval of a utility extension agreement; and a development agreement to ensure the conditions of approval are properly implemented and enforced.

Staff has reviewed the proposed Sterling Grove Subdivision for compliance with Title 19, Zoning Ordinance (January 6, 2016), Title 20, Subdivision Ordinance (November 18, 2015), and other applicable requirements of the land use 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. Approval of the zone change and the overlay zone must be obtained by the City Council. If the zone change and the overlay zone are not approved, the subdivision request of the applicant must be denied because the proposal would result in violations of the Zoning Ordinance.
2. Documentation will need to be submitted that indicates that all current and past property taxes, including any Utah Farmland Assessment rollback 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.
3. The title report identifies encumbrances that will need to be resolved prior to the recordation of the Final Plat and improvement of the property. Additional information regarding these encumbrances will need to be provided to staff for inclusion in the development file.
4. The proposed development includes Utah County Parcel 30-025-0004 owned by Donald B & Bonnie J Kaufer. Authorization must be obtained from Kaufer to include this property in the subdivision and access must be maintained to the parcel. Improvement and construction cannot occur on any lot adjacent to the Kaufer parcel until the land issue is resolved.
5. The project drawings (preliminary plan, construction drawings, final plat) must be consistent with the adopted ordinances and the improvements completed consistent with the specifications of Payson City. Each lot must have access to municipal services and the applicant is responsible to provide utility services to each lot and unit, 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.
6. The applicant will need to install the required electrical facilities consistent with the approved power plan. Payment of all fees associated with labor and materials provided by the Payson Power Department are the responsibility of the applicant and will need to be submitted prior to the recordation of the Final Plat.
 7. A public safety plan has been submitted for review by the Payson City Fire Chief. Modifications may be necessary to ensure proper placement of fire-fighting facilities. The applicant is responsible for payment of fire hydrant testing and inspection fees.
 8. Because the development is located adjacent to Interstate 15 and a commercial zoning district, use transition requirements must be implemented. The applicant is proposing to install a six (6) foot masonry fence along Interstate 15 and the commercial properties. Furthermore, trees will be planted along the east property line to reduce the noise and lighting impacts from adjacent commercial uses (Rite Aid and McDonalds).
 9. A letter will need to be provided from the Old Field Irrigation Company that addresses the proposed realignment (i.e. location, easement) and piping (i.e. materials, size) of the irrigation ditch.
 10. The project drawings will need to be modified to address the redlines provided by the Payson City Public Works Director/City Engineer.
 11. The Final Plat(s) must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the City Council. Additional modifications may be required to ensure compliance with City ordinance.
 12. The following items will need to be addressed prior to recordation of the Final Plat(s) or during the construction phase, as required by City ordinance.
 - a. Complete the transfer of adequate water shares into the name of Payson City, together with an approval of the transfer from the State Engineer (Utah Division of Water Rights) and the approval of the change in point of diversion to a location approved by Payson City. The amount of water shall be consistent with Title 10, Water Ordinance of the Payson City Municipal Code.
 - b. Provide a performance guarantee in the form of a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty (120) percent of the engineer's cost estimate for completing project improvements and amenities. The applicant will also need to submit, in cash, an amount consistent with the fee schedule of Payson City that will be used to cover testing and inspection fees.
 - c. Provide, in cash, the amount necessary to complete the one (1) inch asphalt overlay for the new roadways in the subdivision once ninety (90) percent of the dwellings in each phase have been constructed.
 - d. Schedule and conduct a pre-construction meeting with the City Engineer prior to the installation of project improvements. Construction standards, geotechnical requirements, Storm Water Pollution Protection Plan (SWPPP) regulations, traffic control, project schedules, and other improvement related issues will be discussed at the meeting.
 - e. The applicant will need to be aware that prior to excavation and installation of public improvements, the Final Plat must be recorded, and prior to the issuance of any building permit, all required infrastructure, including the installation of asphalt and private utilities will need to be completed, inspected and approved.
 - f. The applicant is responsible to obtain the necessary approvals and permits for structure demolition, project fencing, excavation, and building permits.
 - g. Following the installation of improvements and prior to construction of any structures, all debris and waste, including unused construction materials and asphalt will need to be removed from the site and may not be used as fill material.

- h. The landscaping requirements of Section 20.17.13 or the Subdivision Ordinance and any additional requirements included in the development agreement will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure.

These items represent the issues staff found to be inconsistent with the development ordinances of Payson City. The Planning Commission and City Council will need to determine if the proposed project is consistent with the land use goals of the City Council or if modifications are necessary to accomplish the goals established in the Payson City General Plan. The staff, Planning Commission and City Council may require additional information in order to make a well-informed recommendation or decision.

Recommendation

This staff report identifies items that are not in compliance with the Payson City Municipal Code. 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 Standard Specifications and Standard Plans; 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 seeking a recommendation of approval for a zone change, use of an overlay zone, and Preliminary Plan approval for the Sterling Grove Subdivision. Because each application requires a separate motion from the Planning Commission, staff has appropriately separated the requests of the applicant:

Zone Change Request

Following a public hearing to receive public input and a review of the residential zoning districts, the Planning Commission will need to determine if it is appropriate to modify the zoning designation of the subject property. If the Planning Commission determines the uses of the R-2-75 Zone are appropriate in this location and consistent with the land use goals and objectives of the City Council, the Planning Commission should recommend approval of the request. Conversely, if the Planning Commission determines the proposed uses are not appropriate in this location or inconsistent with the land use goals and objectives of the City Council, the Planning Commission should recommend denial of the request.

Overlay Zone Request

The Planning Commission, following a public hearing, will need to determine if the proposed use (twin home structures) are appropriate in this location and consistent with the land use goals and objectives of the City Council. If the applicant has adequately demonstrated that incorporating twin home structures into the proposed development will accomplish the goals of the General Plan and benefit the neighborhood and community as a whole, the Planning Commission should recommend approval of the request. Conversely, if the Planning Commission determines the proposed uses are not appropriate in this location or inconsistent with the land use goals and objectives of the City Council, the Planning Commission should recommend denial of the request.

Subdivision Approval

Following a recommendation for the proposed zone change and use of the overlay zone, the Planning Commission will need to determine if the proposed development is consistent with the development ordinances of Payson City. The Planning Commission, following a public hearing, may:

1. Remand the proposed development back to staff for further review or with direction to provide additional information. 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 recommendation.
2. Recommend approval of the request for Preliminary Plan approval as proposed. If the Planning Commission chooses to recommend approval of the request as proposed, staff would suggest than an opportunity to require the applicant to modify the request in a manner that will be more consistent with the land use goals of the City will be missed.
3. Recommend approval of the request contingent upon the satisfaction of conditions. If the Planning Commission recommends approval of Preliminary Plan, staff would suggest the conditions proposed by staff would lead to satisfaction of the goals and objectives of the land use goals of the City Council.
4. Recommend denial of the proposed request for Preliminary Plan approval. This action should be taken if the Planning Commission determines the applicant is unwilling or unable to satisfy the regulations of the Payson City Municipal Code and the land use goals of the City.

Any motion of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation that will be forwarded to the City Council. If the City Council chooses to amend the zoning map to accommodate the zone change request, the amendment shall be completed by ordinance.

Chairman Warner explained that the Planning Commission is a recommending body to the City Council so whatever they decide tonight the City Council is not bound to agree with them.

Chairman Warner asked Planner Spencer to explain what CC&R's were for the audience's sake.

Planner Spencer explained that CC&R's are Covenants, Conditions and Restrictions. These are additional guidelines adopted by the City Council and are recorded against the property.

Property Owner Justin Hill said that his vision is to carry on the subdivision that he lives in right now which is adjacent to this property. The subdivision that he currently lives in (Dixon grove) is a great subdivision and they would like to see it continue. He would like to develop this property instead of someone else because they live there and then they can control what goes in next to them. He is not going to build the twin homes but he wants to be involved in the design of them so that they complement their neighborhood. He doesn't want to create a problem that the City always has to enforce he would like to create CC&R's that eliminate any issues prior to plans coming to the City.

Commissioner Frisby asked if they are planning on having an HOA.

Mr. Hill said no HOA's.

Mr. Chad Asay lives in Dixon Grove subdivision as well and he indicated that they are thinking about buying two (2) lots in the proposed subdivision and having a house on one and a sports court on the other. He is wondering if this is something that is possible.

Planner Spencer said yes.

Commissioner Beecher asked Planner Spencer if the connection on 500 North goes through.

Planner Spencer said that it does not go through and it is not proposed to. The fire department wants the access for emergency purposes and there will be a gate there.

Commissioner Beecher mentioned that the water table is pretty high in this area and he noticed that there are a lot of sumps proposed on the plans and that doesn't sit well with him. We have been dry for the last six (6) years and he is not sure the perc test would be accurate.

Project Engineer Kyle Spencer explained that they did do a perc test and it went to 10 to 15 feet deep and they found no ground water. He said that when you hit the sweet spot and you find a gravel and sand layer it is good news and they ran into that about 8.5 feet down. He said that he would like to compliment Payson City on how good they are to work with; the staff has been accommodating with their time and willing to get in and discuss the issues. He explained their plans for storm drain retention. He feels like the R tanks are going to work well at this location.

Discussion was held regarding the cul-de-sac radius. Planner Spencer explained that there is a mechanism in the ordinance that allows for the City Council to reduce the radius if need be.

Mr. Spencer said that they are excited to see this go through and he is anxious to hear some of the concerns that the residents present tonight have so that they can address them and make it a win for the neighborhood and the community.

Chairman Warner pointed out that the proposed subdivision sits against the freeway and he wondered if they have considered extending the sound walls.

Mr. Spencer said that they will discuss this in their UDOT coordination meeting.

Mr. Hill mentioned that the City requires a six (6) foot sound wall and if they did a sound wall would the City still require the six (6) foot fence.

Mr. Bob Provstgaard said that he developed the Dixon Grove subdivision and UDOT told him no sound wall. It took one crash through the sound wall and a woman dying before they extended the sound wall. He said that UDOT will only do it when they want to.

Commissioner Billings said that the neighborhood they are currently in (Dixon Grove), the homes are more spaced out than the proposed subdivision. How is the development of the property matching the existing properties in the area and are they concerned that they are bottle necking the road that flows into there.

Commissioner Beecher corrected Commissioner Billings and explained that there are three (3) roads that will be accessible to this subdivision.

Mr. Spencer explained that there are lots ranging from 13,393 which is double the minimum lot requirement and there are two (2) lots that are closed to the 7500 square foot size and that was mainly because of the street requirements of 150 West. This makes it pretty consistent with the existing development adjacent to the proposed subdivision.

Planner Spencer said that she didn't compare lot sizes she was just using the continuation of the R-2-7.5 zone.

Mr. Provstgaard stated that the lot sizes in this one are bigger than the ones he did in Dixon Grove.

Mike Hone, resident in the area, asked where about his field is it going to be a curb line or asphalt into his fence.

Mr. Hill explained that right now it is a proposed curb as long as he is reimbursed for the connection fees later on down the road.

Mr. Hone asked about the private road and how that would tie in.

Mr. Hill explained that the city is requiring a crash gate for emergency vehicles. They want to discourage use by private residents on that private road.

Mr. Hone asked how the fence will tie in on the farm fence where he keeps livestock and it turns to chain link. He is wondering where they will intersect and who is responsible for the tie in.

Mr. Spencer said that they wouldn't be encumbering that as far as restricting access.

Mr. Hone asked if he would be responsible for the fence from the gate to the existing fence.

Mr. Spencer said that they left this open for recommendations for the police and fire departments. He doesn't see there being any relocation of the existing fence.

Mr. Hone asked if he should talk to the Fire Chief or the Police Chief of what they want.

Mr. Spencer said that they haven't determined exactly where the crash gate will be placed. Bottom line is that they do not want traffic access on that private road.

Mr. Hone mentioned that he has lived here for a long time and it has been a mess forever and he is grateful that Mr. Hill is proposing to do something nice at this location.

Ms. Jane Pike homeowner at 454 N 200 W, she indicated that they have a problem with this proposed subdivision because there are a lot of potholes on 200 West that have not been repaired by Payson City. She said the thought of adding that much more traffic to this road is appalling. She wonders how the city can even consider approval of adding this many more homes to the street until the City is willing to maintain the roads.

Planner Spencer explained that the roads are the City's responsibility and it just depends on budget. There are a lot of roads in Payson that need to be maintained. There is an overlay proposed for these streets as soon as the temperature allows. But there is not a reconstruction proposed.

Ms. Pike asked if the City can't afford to maintain the roads why we are approving more traffic on the streets that we can't afford to fix. She said that approving more lots and more traffic doesn't help the existing homeowners in the area. How can we extend development until we fix what we have?

Chairman Warner said that it is a conundrum.

Ms. Pike asked if this is a mismanagement of city funds that they can't maintain the roads.

Chairman Warner explained how the City Budget process works and we only have so many funds to distribute.

Mr. Provstgaard explained that we are proposing new subdivisions because he would like his children to live in Payson instead of living somewhere else.

Ms. Pike asked how we solve this issue.

Planner Spencer explained that there was a petition going around for the roads in this area and the City approached the homeowners about doing a Special Improvement District (SID) for this area. She is unsure where this is at in the process.

Commissioner Frisby said that this may help their cause because there will be more people willing to help fund this and gather together.

Planner Spencer explained that the needs in the City in regards to infrastructure are greater than the amount of funds coming into the city and the City Council does the best they can at distributing where the monies go.

Ms. Pike feels that something is wrong with Payson. She has lived in two (2) other cities and they are not like this.

Mr. Provstgaard mentioned that he served on the City Council for several years and also the Planning Commission for ten (10) years and they tried and tried to get Special Improvement Districts approved for improvement but they become a political hotpot.

Ms. Pike asked again what the solution is.

Mr. Provstgaard said that the solution is for her to be pro-active with the neighborhood and get a Special Improvement District in place.

Discussion was held regarding how to solve this issue.

Mr. Asay explained that we have to have curb and gutter and without it if we repair the road we have just wasted millions of dollars. He agrees that we have a much better chance if we do an SID.

Ms. Pike asked if the developer has any responsibility to repair or update any of the existing roads.

Commissioner Beecher said no.

Chairman Warner said that he appreciates Ms. Pike's comments and they have done their best to help her understand the process and what she needs to do.

Hailey Holm, resident in the area, asked if there will be anything done on 400 North for traffic flow. It is a really busy road and she is wondering about a traffic light on 400 North and Main Street.

Commissioner Beecher explained that 400 North is a UDOT road.

Planner Spencer explained that UDOT does regular traffic studies on certain intersections and 400 North and Main Street is one of those intersections.

Ms. Holm asked if this will affect her animal rights.

Chairman Warner explained that her animal rights are grandfathered in as long as she is maintaining them consistent with the ordinances and regulations.

Mr. Gil Allis, resident at 454 North 200 West, asked about how the SID comes into play. There are 17 homes on his street and he is at a loss as to how we make 17 homes an SID. He said that they were told that they city would be out to fix the roads on May 10 and it is now May 25.

Planner Spencer explained that when they do an overlay it has to be a certain temperature for them to do it.

Chairman Warner mentioned that Payson has a pretty good track record when it comes to SID projects.

Mr. Allis said that he has a problem trusting the City when they say they are going to do something.

Mr. Asay lives on the end of 200 West and he loves the neighborhood. He wondered if the SID allows for residents to contribute as one of the 17 homes even though they aren't necessarily directly affected but do travel the road and would be willing to participate. He feels like there are several neighbors that would be willing to do this.

Planner Spencer said that she is unsure.

Comments from the public are in agreement that until there are costs identified and more information provided on the specifics of an SID that people will not be in agreement on it.

Mr. Les Curtis mentioned to the public that once you get curb and gutter you will be very happy. They had the same concerns and once they got curb and gutter it was wonderful. He has an adjacent lot and he feels like this is a great opportunity to have a nice development in their area. This would be an opportunity to have more people to live here and enjoy Payson.

Mr. Brian Stones lives very close and walks their dogs in the field. He is sorry to see the field go but he is excited about the development. His dad was a fireman and he is surprised that that field hasn't started on fire. He feels like it is a fire hazard and the proposed subdivision is a viable solution to that problem.

Mr. Matt Nelson said that he appreciates the effort that Mr. Hill has gone to, to look forward and see what we can make of our neighborhood. If it is left to chance who knows what will develop there. He wants home and ownership and not transient housing. The traffic does concern him a little bit but even the traffic that they have now concerns him with the access to the field and the private road. He wanted to make his support known for the development.

Ms. Angela Terry said that she is for the development and the hardest thing they have is the 'treasurers' that are found in the fields. She feels like this is a positive thing. She would rather her son find friends in houses instead of drug paraphernalia that is left in the field.

MOTION by Commissioner Frisby to close the public hearing. Motion seconded by Commissioner Nichols. All voting in favor. Motion carried.

Public hearing closed at 8:44 p.m.

Commissioner Beecher asked if we allow the overlay zone, what else are we opening ourselves up to.

Planner Spencer explained that the overlay zone is only for the ten (10) lots and the only other thing that would be allowed is duplex units.

Commissioner Nichols asked why twin homes along there instead of single family.

Mr. Hill explained that he proposed the twin homes there to carry the same feel as the twin homes that are adjacent in the Nebeker Subdivision.

Commissioner Nichols said that with his experience twin homes turn into rentals and he wondered what the current transient number is.

Mr. Hill said that the people that live in Nebeker are more like five (5) year and ten (10) year transients.

Commissioner Frisby feels like the twin homes are a good buffer from I-15 to the single family dwellings.

Commissioner Beecher asked what everyone's opinion is on the cul-de-sac radius.

It was unanimous that everyone felt like it could be reduced to meet fire code or approval from the Fire Chief.

Commissioner Frisby asked about the small parcel of land that would be land locked.

Planner Spencer said that it would be part of the development agreement or recorded with the plat.

MOTION by Commissioner Frisby to recommended approval to the City Council of the proposed zone change from S-1 to R-2-7.5 as outlined by staff. Motion seconded by Commissioner Billings. All voting in favor. Motion carried.

MOTION by Commissioner Frisby to recommend approval to the City Council of the overlay zone to the lots specified on the plan. Motion seconded by Commissioner Nichols. All voting in favor. Motion carried.

MOTION by Commissioner Beecher to recommend approval to the City Council for preliminary and final approval of the Sterling Grove Subdivision based on staff recommendations with the exception that the radius of the cul-de-sac is decreased to the minimum as approved by the Fire Chief finding that the drainage has been looked at and that this will be a good addition to this section of town and will remove a fire hazard and a hangout for unwanted activities in the area. Motion seconded by Commissioner Billings. All voting in favor. Motion carried.

This will go to the City Council and the residents will be notified.

Planner Spencer has been making notes regarding the SID to provide the residents with more information.

RECONSIDERATION OF MOTION FOR THE DRAPER SUBDIVISION

Planner Spencer explained that the motion was to have a shared driveway between lots 2 and 3 and the concern is that the Bamberger lateral is at that location. Any repair of the lateral would disturb the driveway or landscaping.

Commissioner Beecher said that this was a concern and they did discuss it at the meeting.

Planner Spencer said that the City Engineer asked her to bring it back for re-consideration.

Commissioner Nichols asked whose responsibility it would be to pay for any maintenance and repair.

Planner Spencer said that the City would be responsible.

Chairman Warner said that no matter which configuration we choose the lateral will be right on someone's driveway.

Lot 3 has the easement on it.

Discussion was held on where to place the driveways.

Commissioner Beecher said that he doesn't have a problem changing it if we need to.

Commissioner Frisby said that he doesn't feel like having the shared driveways eliminates any access points.

Commissioner Beecher said that it does improve it because of visibility.

MOTION by Commissioner Beecher to remand his motion on the Draper Subdivision on May 11, 2016 to have the shared driveway based on a request by the City Engineer Travis Jockumsen. Motion seconded by Commissioner Hiatt. All voting in favor. Motion carried.

Commissioner Nichols indicated that Ms. Pike had a very good point in the concerns she brought up.

Planner Spencer said that it is a challenging issue and she feels like the City Council does a good job with the amount of limited funds that they have.

Discussion was held on the storm drain issues and the previous SID's and how they worked and didn't work. This may be a new opportunity to use as an example.

Commissioner Billings asked how we generate more sales tax for the city budget.

Discussion was held on sales tax.

Commissioner Nichols asked when Farr's Ice Cream is going to build.

Planner Spencer explained that we are waiting for more information.

Advanced Auto Parts will be building next to Jiffy Lube.

The shooting range is moving forward, and she is selling two of the lots to a retail business.

MOTION to adjourn 9:26 p.m.