

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, February 22, 2017 7:00 p.m.

CONDUCTING Blair Warner, Vice Chair

COMMISSIONERS Kirk Beecher, Ryan Frisby, Taresa Hiatt

COMMISSIONERS EXCUSED Adam Billings, John Cowan, Harold Nichols

STAFF Jill Spencer, City Planner
Kyle Deans, Planning/Zoning Specialist
Kim Holindrake, Deputy Recorder

CITY COUNCIL Mike Hardy

OTHERS Ronald Spencer, Chris Hein, Marlayne Harward, Diane Adams, Silver Cloud, Dean Stucker, Marduk Gomez, John Warnick – Destination Homes, Christine Woolstenhulm, Steve Woosley, Max Lerwill, Justin Hill, Sally Woosley, Nathan Walter, Steve Young

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

Four commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Frisby.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of February 8, 2017

MOTION: Commissioner Beecher – To approve the minutes from the February 8th meeting. Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

5. Public Forum

No public comments.

47
48 6. Review Items

49 6.1 PUBLIC HEARING – Request for recommendation of approval for use of the RMO-A,
50 Accessory Living Unit Overlay Zone for Utah County Parcel 36-771-0029 located at
51 1039 South 530 West in the R-1-9, Residential Zone (7:03 p.m.)
52

53 **MOTION: Commissioner Beecher – To open the public hearing.** Motion seconded by
54 Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner.
55 The motion carried.
56

57 Staff Presentation:

58 Kyle Deans reported the owner is requesting approval to use the RMO-A Zone to allow an
59 accessory living unit at 1039 South 530 West. The home was built in 1999 as part of the Carriage
60 Subdivision and is currently in the R-1-9 Zone. The applicant feels the property is setup ideally
61 to meet the requirements of the RMO-A Zone. This was brought to the applicant's attention
62 because a business was being operated out of the accessory garage without a license. When the
63 zoning compliance officer checked the business, it was noticed that a secondary basement
64 apartment was there, which was not approved and had not received a building permit to finish
65 those improvements. The applicant has noted in their application that the business has ceased in the
66 garage, and they wanted to apply for the accessory living unit overlay zone to bring the home
67 into compliance. The applicant has stated that when they purchased the property, it was listed as
68 having an accessory apartment, which was not accurate. Just because someone listed it, doesn't
69 mean it was approved. Chapter 19.6.9 of the city code lists scope and application that states,
70 *when deemed appropriate and if the applicable provisions of this Section are satisfied, the City*
71 *Council may approve an accessory living unit in any zone where single family dwellings are*
72 *permitted.* The project plan approval section states, *Use of the RMO-A Overlay Zone is a request*
73 *for increased intensity in the permitted uses of the underlying zone. The City Council is not*
74 *obligated to approve the overlay zone and denial of the use of the overlay zone will not result in*
75 *a constitutional taking because the owner of the single family dwelling will be allowed to use the*
76 *property in accordance with the provisions of the underlying zoning district.* The RMO-A,
77 Accessory Living Unit Overlay Zone regulations were introduced and adopted by the city
78 council on May 16, 2012. The relatively new ordinance provides a process to accommodate an
79 accessory living unit in an existing single family dwelling, if deemed appropriate. The ordinance
80 provides a procedure for owners of unauthorized accessory units to correct potential zoning
81 violations. It should be noted that the ordinance was created to provide a tool to correct potential
82 zoning violations, not to increase the number of basement apartments throughout the community.
83 To date, all requests for use of this zone have been processed to correct zoning violations except
84 for one in 2015 that was approved with a new home. By definition, an accessory living unit is a
85 second living unit within a single family dwelling which is accessory to the single family and is
86 an architectural and integral part of the single family dwelling. Approval of an accessory living
87 unit does not change the single family classification of the structure. Rather, the unit is an
88 extension of the single family home and must remain a function of the single family dwelling. To
89 that end, the connection between the main level of the structure and the basement cannot be
90 blocked off and separate utilities to the accessory living unit are not allowed. Additional
91 requirements state the accessory living unit shall be designed to a degree that is reasonably
92 feasible, the appearance of the structure shall remain as a single-family residence, a building

93 permit must be retained for all alterations, at least two off-street parking spaces for each
94 residential unit is required, utility service laterals need to be updated, curb, gutter, and sidewalk
95 must be installed along the frontage, the address for each unit must be visible from the street, and
96 existing from each unit must be independently provided. The city is not aware of when the
97 accessory unit was completed since there no building permit. Staff's recommendation is that the
98 building official be allowed to inspect the premises. Further analysis showed one item in the
99 code stating the off street parking may need to be accommodated in a setback area; however, the
100 applicant must demonstrate every attempt has been made to accommodate parking outside of the
101 setback area to preserve the character of the neighborhood. The applicant has proposed parking
102 on the side of the accessory garage, but staff recommends using the accessory garage as parking.
103 This is a legislative decision so the commission can add conditions if it makes a recommendation
104 to the city council.

105
106 Public Comment:

107 Ronald Spencer stated he has lived in the front house entering the Carriage Subdivision for seven
108 years. He is concerned with the safety of the people around there. He put up a fence and couldn't
109 have a 6-foot fence without a 30-foot leeway from the road. The garage doesn't have that
110 clearance and allowing parking there is a safety concern. Also there will be an increase of traffic.
111 They propose parking in the back, but there will be increased parking in the front with family
112 parties. The winter has been rough because the far end of the road is a hill. The biggest problem
113 is there isn't a second entrance or exit on the road. They should agree to buy property and make
114 an exit for people and emergency use. Garbage and salt truck have gotten stuck at the bottom of
115 the hill in the winter. Payson City need to help this development. Most of the houses are only six
116 feet apart. He can't park a four wheeler on the side of his house, and he has the largest property
117 there. He is willing to work with them, but there are a lot of people coming in and out.

118
119 Chris Hein stated he lives in the neighborhood. There are eight families who bought properties
120 here. We bought in a single-family residential area. The city ordinance states the purpose of this
121 ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general
122 welfare of the citizens of Payson City. This proposal just doesn't fit. He would love to see a
123 single family move into this home. He doesn't want to see this change into a rental. The
124 ordinance points out the purpose is to lesson congestion on the streets, prevent overcrowding of
125 the land, provide adequate light and air, secure safety from fires, floods, and other natural
126 hazards and dangers, protect and improve property values, promote attractive, planned and well
127 managed development. He doesn't see this proposal meeting those requirements. The biggest
128 issue is density. This neighborhood is the densest area in Payson with over 102 people. Further in
129 the ordinances in the R-1-9 section, the minimum lot size is 9,000 square feet. This lot is 6,800
130 square feet, which is below the minimum and they want to add a second family. Another place
131 mentioned the frontage for a duplex being 100 feet. The width of this lot is 28 feet. He asked that
132 it be kept single family.

133
134 Kyle Deans clarified that the lot size for this development was approved with more density as a
135 PRD. The majority of the time when amenities are added, additional density is allowed within
136 this zone. The part regarding the frontage of a duplex or twin home is a different part of the
137 ordinance and doesn't apply here.

139 Marlayne Harward stated she lives two doors down. She agreed with the previous statements.
140 This is a small neighborhood with few parking spaces. The woodworking shop has not moved
141 out. The home is being rented out to three people.
142

143 Diane Adams stated she lives in the house where her entrance is by the back road where the
144 garage is located. Parking is really a problem. They have adult teenage children living there. The
145 boy there is trying to raise his siblings to prevent them from going to foster care. There are three
146 cars in the driveway at all times. They park in front of her house. It is a big problem. If they are
147 working in the garage on their business or have company, they are parked everywhere. They
148 park from the stop sign to the garage, and it isn't safe.
149

150 Silver Cloud stated he lives directly across the street from this house. He agrees with what has
151 been said such as parking and it's not zoned correctly. It shouldn't be changed.
152

153 Deans Stucker stated he lives in the neighborhood. There are excessive cars in the neighborhood
154 and on the back street. It is dangerous at times driving on the road. He agrees with everyone else.
155

156 Marduk Gomez stated he has lived here since 1999 and agrees with what has been said. He built
157 here because he wanted the area to be single family and a save small community. The area is
158 already packed with cars.
159

160 **MOTION: Commissioner Frisby – To close the public hearing.** Motion seconded by
161 Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner.
162 The motion carried.
163

164 Commission Discussion:

165 Commissioner Beecher stated one of the concerns was access. He would like to know how this
166 subdivision was approved with this horrid access that is longer than 400 feet with 10 lots.
167

168 Jill Spencer stated this is why the city now has these access requirements. Technically
169 arrangements were made for emergency access to connect at the northwest area so this
170 development met the requirement. These loopholes in the ordinance have been tightened up so
171 there won't be further issues like this. code. Developers have looked at the McMullin property
172 and the city understands there needs to be connections. It is good to hear the concerns form the
173 residents. If enough concern is made by those doing snow removal, garbage removal, and others,
174 the city may see the need to contact those property owners for access.
175

176 Commissioner Hiatt stated the fact that there is a business that is not licensed is a concern. She
177 wouldn't want a business in her back yard. The legal letter states that when the home was
178 originally built, it had a mother-in-law apartment. It shouldn't be used as an apartment with two
179 different families.
180

181 Commissioner Warner stated an accessory living unit cannot block the passage between the two
182 living spaces. If it is now being rented out to two different families and the space isn't block, it
183 isn't a good situation. He is not comfortable with that.
184

Commissioner Frisby stated the owner occupied modification hasn't been made either. This should be part of the approval.

MOTION: Commissioner Frisby - Based on the valuation and use of the property, to recommend denial for approval because it wouldn't meet the use of the zone as intended.

No Second. Motion dies.

MOTION: Commissioner Frisby – To recommend denial to the city council of the use of the RMO-A Zone in this location as it would not meet the intended use of the RMO-A Zone. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

6.2 PUBLIC HEARING - Request for Preliminary Site Plan approval of the *Apartments at The Depot* development arranged on Utah County Parcel 37-292-0003 located west of Interstate 15 at approximately 700 North 400 West. The project consists of 168 residential apartments in the RMF, Multi-Family Residential Zone (7:45 p.m.)

MOTION: Commissioner Beecher – To open the public hearing. Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

Staff Presentation:

Jill Spencer reported that this property was annexed in 2005 with a zone designation of S-1, Special Highway Service Zone. The land use approvals were given for the subdivision in 2008 and 2010, general plan amendment in 2010, zone change in 2010, and a deferral agreement. The applicant applied for a general plan amendment to accommodate high-density housing for one of the parcels in the subdivision. The applicant is proposing to complete the improvements along the entire subdivision on 400 West and 900 North. The RMF Zone allows a density of 15 units per acre and up to 20 units per acre with the approval by the city council. The open space is required at 30%, which has been met. Other issues are off-street parking, building design, and project amenities. The project layout and design is a self-contained residential community. The project includes residential structures and amenities that is adjacent to commercial zoned property and major transportation facilities. The amenities are within walking distance of each building and units. Off-street parking includes visitor parking, uncovered, carports, and garages. The applicant is requesting to waive the RV parking and storage. The current ordinance does not require RV parking but requires it to be addressed. The applicant is requesting 19.4 units per acre with 168 units. The buildings are three-story structures with a mixture of one, two, and three bed apartments. Five different elevations have been provided. There are three access points and landscaping provided. The project amenities include a club house, outdoor swimming pool and spa, picnic areas including pavilions, BBQ areas, a tot lot including playground equipment, detached garages for use by residents of the development, and a maintenance building for equipment storage. This is a rental complex that will be owned and maintained by Destination Homes. The applicant is still working with staff to ensure the requirements of the municipal code are met. Final approval items include transfer of water, performance guarantee, and preconstruction.

231 Applicant Presentation:

232 John Warnick stated he is proud of where they have come from the original site plan. Destination
233 Homes is a Utah based company from Layton, Utah. The company mission is to ensure they do
234 things right, and to ensure renters are in a quality project. The buildings are set back from 400
235 West with 17 additional feet to make the collector possible between the main streets. They have
236 ensured the landscaping and setbacks are met and will provide the residents to the west some
237 good separation. The project is not for sale and is a for-rent project. They will have a
238 professional company on site to manage and lease the property. Management will notify
239 potential renters that RV parking is not available. There are 2.25 stalls for every unit with one
240 guest stall for every four units, which meets and exceeds the parking ratio. Storm water will be
241 accommodated with an underground detention facility, which allows for more open space and
242 amenities. The development includes full amenities. They will complete construction of 400
243 West and 900 North with overhead poles being relocated underground. Management on site will
244 assist in maintaining landscaping, amenities, etc. They are confident with their market studies,
245 and feel the project will add to Payson as a whole. This is a good transition between the
246 commercial and residential areas. They will work with the four property owners across the street
247 so their lives won't be impacted during construction. They propose to build each building one
248 after another to keep the crews working. All units are ground level ADA. The landscaping looks
249 very green, but they want to install plants that don't take a lot of water.

251 Jill Spencer stated staff has discussed having more xeriscape around the perimeter. The
252 developer is only required to complete half plus 10 feet of the street width with 400 West being a
253 collector street when completely finished. The county has indicated that 900 North (9600 South
254 in the county) is in their mobility plan so the applicant will need to work with the county for
255 cross sections and continuation.

257 Public Comments:

258 Christine Woolstenhulm stated there is a high volume of traffic on the road, and the development
259 has three entrances. She is concerned where sidewalks will end because of the many kids going
260 to school and safety issues. She would like to see an exit on 900 North so they don't have all the
261 traffic entering and exiting on 400 West. She has concerns with the ditch on the west and
262 questioned the type of fence that will be installed.

264 Jill Spencer stated staff has discussed the possibility of completing some roadway improvements
265 from the southern point of this subdivision to 400 North, but funds would need to be
266 appropriated by the city council. The ditch doesn't go through this development. The property to
267 the south will address the ditch when development occurs.

269 John Warnick stated by ordinance, it will be a brick or masonry fence.

271 Steve Woosley stated he is concerned with all the traffic. Putting an entrance on 900 North
272 would make it easier.

274 Max Lerwill stated he agrees with Christine and Steve. An entrance on 900 North is needed. He
275 questioned where they will put all the snow if there is a winter like this again.

Justin Hill stated he is concerned how his parcel will be affected. He agrees with Steve that there needs to be an access point to the north.

Jill Spencer stated this layout will not affect his property. His access is provided through the commercial parcel.

Sally Woosley stated the roundabout is almost directly in front of her home, which needs to be addressed. She doesn't want lights shining into her home. It is a quiet neighborhood. The road is small, not safe, and very congested. The mobile home park has a ton of kids. She understands development will happen but would like to see the roundabout moved.

MOTION: Commissioner Beecher – To close the public hearing. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Beecher stated another access would be good to explore even though it does tie the residential to commercial. It could be recommended as a possibility. The curb cut and tie in could be created and the connection made in the future. The dog park would be eliminated. The more points of access makes it better. Most people will be going north to the freeway where it is already industrial.

John Warnick stated they do have the ability to create additional connections when property to the north and south develop.

Jill Spencer reviewed the freeway interchange alternatives, which do change the road network in the area but not that far south. If Main Street is improved to five lanes, 900 North will connect to Main Street further north. Relocate 1 modifies the connection with Main Street a little. Relocate 2 moves the access to the interchange significantly to the north, but there will still be a connection.

Commissioner Hiatt stated making the road wider, even though not complete, makes a huge difference. There will be quite a bit of room. She understands the concerns of the residents.

MOTION: Commissioner Beecher - To recommend to the city council, the preliminary plan be approved with staff looking and reviewing the possible recommendation to access the property from 900 North as a possibility and including the staff conditions as stated in the staff report. Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

6.3 PUBLIC HEARING – Amendment to the Payson City Zoning Map that will affect Utah County Parcels 30-066-0064 and 30-066-0066 located on the southwest corner of the intersection of 1400 South and 930 West. The parcels are currently zoned A-5, Annexation Holding Zone and it is proposed that the zone be changed to the R-1-12, Residential Zone to accommodate residential uses (8:45 p.m.)

MOTION: Commissioner Frisby – To open the public hearing. Motion seconded by Commissioner Beecher. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

Staff Presentation:

Jill Spencer reported this is phase 2 of the Temple Rim Subdivision being called Wilcock Subdivision. The area is the southwest corner of 1400 South and 930 West. The two parcels will accommodate 15 lots. The zone will change from the A-5-H, Annexation Holding Zone to the R-1-12, Residential Zone and is a legislative action of the city council. The plan is consistent with the South Meadows Area Specific Plan. The project will be a PRD to obtain flexibility in the frontage requirement. Open space is provided. They will use enhanced architectural features and exterior materials. The proposal meets the requirements of a PRD, which were contemplated with phase 1. The ordinance allows 15 units on a one-point ingress and egress. The landscaping plan includes entrances and along the perimeter. The trail comes from the dry creek channel as a sidewalk. The south meadows plan continues the trail on 1400 South to the turf farm. Currently the trail is hit and miss, but future developments further west will connect the trail sections. The development agreement of phase 1 will continue through this phase.

Applicant Presentation:

Nathan Walter stated he did the previous design and engineering with the Temple Rim Subdivision. The landscaping will soon be in to beautify the corridor. The engineering of public utilities was designed and sized with the first phase.

Public Comment:

No public comment.

MOTION: Commissioner Beecher – To close the public hearing. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

MOTION: Commissioner Frisby - To recommend to the city council, the approval of the zone change from A-5-H to R-1-12 with the PRD option to be consistent with existing development and allow the development to be completed. Motion seconded by Commissioner Beecher. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

6.4 PUBLIC HEARING - Request for Preliminary Plan approval of the proposed Wilcock Estates Subdivision arranged on Utah County Parcels 30-066-0064 and 30-066-0066. The subdivision consists of fifteen (15) single family dwelling lots (8:58 p.m.)

MOTION: Commissioner Hiatt – To open the public hearing. Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

Jill Spencer stated the South Meadows Plan indicates this area is to be executive housing and is defined in the plan. A lot of work has been put in place to realize the goal of executive housing in this location. She suggested this be included in the findings.

Commissioner Beecher stated he doesn't remember a very good definition of executive housing in the city code and is very vague. The lot sizes and layout lends itself to higher end homes.

Public comment:

Steve Young stated he was the manager for the first phase. The CCR's are the same as the first phase, and the lots average almost 16,000 square feet per lot. The lots in phase 1 sold between \$148,000 to \$160,000. Payson City holds to a higher quality, and he appreciates that.

MOTION: Commissioner Frisby – To close the public hearing. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

MOTION: Commissioner Frisby - To recommend approval to the city council, the preliminary plan for Wilcock Estates Subdivision including the staff recommendations and suggestions in the staff report specifically that these lots be developed as Payson City type executive homes. Motion seconded by Commissioner Frisby. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Blair Warner. The motion carried.

7. Commission and Staff Reports (9:04 p.m.)

Commissioner Beecher presented Jill Spencer a book, History of Central Utah Water Project, for the city.

8. Adjournment

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

The meeting adjourned at 9:10 p.m.

Kim E. Holindrake, Deputy City Recorder