

Commissioner Hiatt stated she it's a really good idea but doesn't like that you can't go through to get out.

6.3 PUBLIC HEARING – Amendment to the Payson City Zoning Map that will affect Utah County Parcels 30-066-0027 and 30-066-0010 (portion) located at approximately 1300 South and 1150 West. The parcels are currently zoned A-5-H, Annexation Holding Zone and it is proposed that the zone be changed to the R-1-9, Residential Zone (8:55 p.m.)

Staff Presentation:

Jill Spencer stated this land use application is for a zone change and preliminary plan approval. Staff has received a lot of response from the neighborhood. The commission only reviews the preliminary plan. The project consists of 5.75 acres at 1300 South and 1150 West. Currently there are two phases of Heritage Village, which is an active adult community approved in 2007 with some redesigns in 2013. The proposal is for a third phase of the Heritage Village Active Adult Community consisting of 24 single-family lots south of the current phases. This third phase includes a trail connection and pavilion. The zone change request is from the A-5-H, which is an interim zone, to the R-1-9, which is consistent with the underlying zone to the north and consistent with the South Meadows Area Specific Plan, which is four units per acre. The planned residential development proposal allows some flexibility in the layout and design of the development. The applicant is requesting a density increase of four units as well as some modifications and waivers. The commission needs to determine if the amenity package warrants the four additional units. The density calculates to 3.5 units per acre, which allows a base density equal to 20 units. The specific plan allows four units per acre for a total of 22 units. Density bonuses allows for a total of four additional units. The dwelling and project features are to be consistent with the previous phases. The arterial status road of 1400 South will be completed, which filters traffic west to Turf Farm Road. The housing product and materials will continue from the previous phases. A lot of xeriscape is throughout the previous phases and will be continued. Currently fencing is a decorative concrete wall on the west property line with tan vinyl and decorative columns, which will continue in this phase. Project amenities include building design materials, pavilion, fencing, landscaping, and others items that will be presented by the applicant. Staff has reviewed the project proposal and changes have been submitted to the applicant. The ordinance requires projects of 20 units or larger to have RV parking. RV parking was prohibited in their CC&R's. They are requesting to waive the RV parking, to use rolled curb, to remove sidewalk on one side of the street, and to modify the fencing on 1400 South. The ordinance requires a six-foot concrete or decorative fence along a collector street. A development agreement will be required.

Applicant Presentation:

John Smiley stated they are asking for two additional lots for a total of 24 lots. He read an email from Renata Kuchenthall, who is a resident in Heritage Village stating, *I have reviewed the proposal and are in favor of adding the 24 new homes for these reasons. Progress will happen so if they don't build someone else will. I want the same 55 plus environment in our neighborhood with the same style one-story homes with basements versus a two-story home that block the view. I am in favor of more homes contributing to the HOA dues, more common grounds and park areas, and a fourth entrance and exit to the development.* Their plan is to replicate what has been occurring to the north. Their density bonuses include limited water use for a 2% density bonus, consistent lighting pattern for a 2% bonus, concrete fencing upgrade behind lots 22 to 15 along the west property line for a 2% bonus, housing designs up to a 10% bonus, consistent design theme for a 5% bonus, and recreation up to 10% may be 1% or 2% for pavilion. This adds up in excess of 20% and 10% is needed to go

from 22 units to 24 units. They feel they meet the requirements. They are building a good caliber of home with consistent architecture and high curb appeal. They cannot use the clubhouse, pickle ball, and other amenities for the density bonus in this phase. They understand there is always those who don't want it in their backyard. People need to realize everyone moved into someone's backyard. They have been up front with the community about their desires to expand Heritage Village. The seller discloser that all buyers signed states the project will expand and the CC&R's allow and address the expansion. He clarified the recreation amenity in this phase is the pavilion.

Mark Sorensen clarified the upgrade in density is four units so the density bonus needs to calculate up to four units.

MOTION: Commissioner Hiatt – To open the public hearing for 6.3 and 6.4. Motion seconded by Commissioner Frisby. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

Public Hearing:

Gary Sanford stated he moved into Heritage Village where it is nice for the elderly to get out and walk during the day in a community setting. There are no sidewalks on both sides of the streets so residents walk on the street side because they feel it is safer than crossing with walkers and wheel chairs. His concerns include more traffic with 24 additional homes especially along 1150 West and 1400 South, outside residents use their streets as a shortcut to Walmart and the freeway, vehicles travel over 25 miles per hour with elderly people walking slowly who can't move fast, the clubhouse isn't large enough to accommodate HOA meetings let alone additional residents from phase 3, no sidewalks in phase 3 doesn't allow for safe walking for the elderly, some homes share driveways, and additional homes on 1400 South causes even more traffic. He recommends lots 23A and 24A be replaced with a clubhouse with a kitchen, bathrooms, and a large meeting space to accommodate all the residents in Heritage Village and the west boundary have a concrete fence.

Dale Munger stated the Heritage Village community has worked hard to create and maintain a strong sense of community and supportive neighborhood. They hold social gatherings and HOA meetings to foster this strong sense of community. Phases 1 and 2 were approved with amenities to accommodate the 93 lots in those phases. The current clubhouse barely provides the needed space. With the addition of phase 3, the clubhouse will be woefully undersized. He is not opposed to residential development but is opposed to the expansion without expanding the clubhouse meeting area. He proposed two options, i.e. expand the current clubhouse by 30% or create a separate HOA for the additional 24 new homes.

Dave Adams stated 1150 West is a main thoroughfare for access as well as construction equipment. He has been looking forward to the light at the end of the tunnel with the completion of phase 2. He was never told about phase 3 as mentioned tonight. If approved, he requests that construction equipment enter from the south and not be permitted through the north. The construction creates a lot of dirt on their homes. He is against the proposal; but if built, there has to be some concessions.

Jerry Pickett stated he is definitely opposed to the additional 24 units. He is concerned that the clubhouse is over the maximum capacity allowed now. It is a fire hazard. He questioned who would police the clubhouse to ensure the other residents didn't use it. His other concern is the traffic. When first approved, this was going to be a gated community; but it didn't happen. It's now a speedway as

a shortcut to Walmart and I-15. There is no sidewalk in front of his house so he has to walk in the road. Additional traffic will complicate the problem. The HOA is one of the worst HOA's that could exist because it doesn't provide the services they are paying for. There is no snow removal or lawn maintenance. He hopes it isn't approved.

Jon Barton stated he agrees with many of the comments. He believes the development will go ahead. He is concerned with the clubhouse use and traffic. Cars travel by his home at 60 miles per hour. He would recommend speed bumps at all the entrances and the area posted at 15 miles per hour.

Frank Carlson stated he agrees with the clubhouse comments. He feels he was misled because he was told the clubhouse would be used only by phase 1 and 2. The clubhouse is over capacity now. He suggested a good solution is for lots 23 and 24 be a clubhouse for any further expansion. He believes there will be a phase 4 and 5. He suggested that this approval process be slowed down significantly. Heritage Village is growing at a rapid rate, and builder has not kept up their promises in cleaning up the messes. He has been promised over and over and over again that they would replace a fence post they broke, which was broke two years and four months ago. The basements are being flooded, and the builder is not correcting the lack of drainage. Time is needed to work these problems out. A second clubhouse should be considered to accommodate people.

Don Almeida stated he has built several medical and dental facilities so he understand this process. He doesn't want to hear all the negatives. A builder can't be everyone's builder. His concern is with traffic, which the city may have to address it on 800 South. No one wants to leave the temple along 930 West and try to get onto 800 South. The builder's trucks will use 1400 South. He recommended looking at a traffic light at 930 West at 800 South. He has been happy with the builder. He is for the development because someone else could come in and do something they don't like.

Mark Sorensen stated the city has held discussions with UDOT for a signal at 930 West and 800 South, but it hasn't been warranted. In addition, public streets cannot be gated.

Jill Spencer stated long-range planning is done regarding streets, but development comes a parcel at a time. At the time of approval, the developer showed the need for only one sidewalk on the streets in Heritage Village. This phase has no sidewalks on either street side.

Sharon Cleveland stated she is so pleased with the builder who has been very upfront with the possibility of adding these five acres. She is sad to see our view of the beautiful sod farms go. The property is going to be developed. She trusts these developers to do a good job.

Ken Martin stated he has served as a city councilman over a planning commission. He feels the commission has heard enough and should ask for more information before a decision. He doesn't think development will stop. The owner has the right to sell and have a great builder.

MOTION: Commissioner Hiatt – To extend the time from 10:00 p.m. to 10:30 p.m. to allow people to give their input. Motion seconded by Commissioner Nichols. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

Mark DeHart thanked the commission for their time and the good neighbors who have moved in. Excellent homes were built and excellent people moved in. A pattern was set, and phase 3 would be

more of the same with good people moving into the area and a benefit to Payson. Knowing the quality of the developer, they are the only ones they have considered selling too. They have a quality product and bring quality people. He is approaching retirement. There will come a time when that ground is either developed or the crop will change. It would be better to have a proven developer proceed and know what the outcome is.

Heather Carlson stated she understands there will need to be more development before a signal light is warranted. No one here tonight will be alive at that time. She questioned that this could have been a gated community. Residents are out with walkers and vehicles go very fast. It is unsafe. If it takes a fatality to get what they need, it's not good. Maybe it should change to a gated community.

Lee Finley stated he supports much of what has been said. The development is messy. The sidewalks are a problem as well as the traffic. White vinyl fences are a high maintenance item and a cost to the HOA. He would like to see the stone fences.

Nick Coles stated he has three years on a planning commission and eight years on city council Colorado. The only subdivision he really opposed was a subdivision with sidewalks on one side of the road. He walks this subdivision, and it's not a great idea. There are more houses but in a community such as this is the wrong way to go. One item not mentioned is phase 2 is not built out. We are really talking about 36 to 38 new homes from this point forward. He is not against the subdivision; it's a great idea. They are great builders. He suggested this phase not have amenities, but other phases would have to have them.

Ronald Daughs stated he is happy so far in the community. It's going to be developed and why not have it similar to what is there now. There may be a way to cut down on the use of the clubhouse that is there now. Other development designs could include duplexes or a more dense population and families with worse traffic. He is in favor of developing the way the developers have it.

Paul Jacobson stated there are some residents over 90 years old that go out and walk in the subdivision. Traffic and the speed of traffic is a concern. He suggested posting it at 15 miles per hour and have the cops write tickets instead of installing speed bumps. When he first moved into the subdivision, there was a placard in the clubhouse meeting area stating the maximum occupancy is 100 people. Once phases 1 and 2 are built out, there will be 186 people. There is no way to accommodate an HOA meeting or gathering even now. With phase 3, it's even worse. He would be in favor of building another clubhouse in phase 3 to accommodate the 234 people in all three phases. The R-1-9 Zone allows for two-story homes. He asked that the builder not be allowed to build two-story homes. There are some in phases 1 and 2 who would like RV parking. There is a need for more sidewalks.

Jill Spencer read three comments she received. Penny Adams is concerned with unresolved warranties on some of the homes, the clubhouse not being large enough for additional units, and there is not enough personal space surrounding the homes. Dennis Davis is concerned about the added traffic created by phase 3, sidewalks not on both sides of the streets causing seniors to walk in the street; speeding through the subdivision, the clubhouse is too small for meetings and activities, and gating 1130 South. Joyce Morton is concerned with increased traffic and speed of vehicles through the development, the safety of residents who don't move as quickly, the clubhouse doesn't accommodate large gatherings as depicted on the website, and the pavilion for phase 3 is more like a

small gazebo. She asked the commission to carefully consider the decision and the people it will affect.

Byron Bastion stated many of the concerns seems to be traffic. As a builder, he can't control traffic. Traffic control is through the city's police department. He is not making it hazardous for the community. The clubhouse is not designed to fit everyone inside at one time. It is for family gatherings. He spoke to 15 residents today who all signed a letter saying they want to continue with phase 3 and see more people. They want it to continue with the same style of homes and keep the property values up. Someone will develop this property. He is just trying to keep the community nice.

Dee DeHart stated she was one who didn't want development. Now she looks at what could have been missed. It has been a good community, and the builder has been great. The dirt in the community is probably from her farming. It is a wonderful development.

MOTION: Commissioner Hiatt – To close the public hearing for 6.3 and 6.4. Motion seconded by Commissioner Billings. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

Commission Discussion:

Commissioner Cowan stated sidewalks on both sides of the road are appropriate. The clubhouse is an important issue. The sharing of driveways is a concern. Traffic is not the developer's responsibility but the responsibility of Payson City. Traffic enforcement probably needs to be increased in the area. He suggested that residents sign a petition to UDOT for a traffic light at 800 South and 930 West. He is in favor of this development. It is a good development but some things need to be addressed.

Commissioner Frisby stated he has no issue with the rezoning. He would like to see a masonry fence and not vinyl. Amenities needs to be addressed by the city council. No RV parking fits with the current development to north. There may be a need for additional amenities. The HOA it not a city issue as to who does or doesn't get in. Construction access would be addressed at the preconstruction meeting. He questioned the gated community concept. He is not a fan of the way the trail goes through. The city council should address the density bonus.

Jill Spencer stated that the community was not anticipated to be gated at the beginning. Later it was requested but there were obstacles they couldn't overcome. If gated the streets become the private and the HOA becomes responsible for all repairs and snow removal. There are a number of issues to create a gated community.

Commissioner Hiatt agrees with having sidewalks on both sides. She hears praise about the developer but suggested they get the broken fence post fixed as well as any other problems. It will make the community happy. She likes the idea of the development.

Commissioner Billings agrees with sidewalks on both sides of the street but doesn't know how to fix it. He lives in a community with sidewalk on one side and it isn't good. He suggested resolving the clubhouse issue by working on group organization and having group leaders. He suggested that the city invest in cameras for traffic enforcement.

John Smiley clarified that the space in front of the homes is the limited common area and the driveways would be located somewhere in that area. The driveways do not overlap.

Commissioner Nichols stated sidewalks is his concern as well.

MOTION: Commissioner Hiatt - To recommend approval of the zone change from the A-5-H to the R-1-9 residential zone, which includes 30:066:0027 and 03:066:0010 changing to the R-1-9. Motion seconded by Commissioner Nichols. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

6.4 PUBLIC HEARING – Request for Preliminary Plan approval of Plat E of the Heritage Village development arranged on Utah County Parcels 30-066-0027 and 30-066-0010 (portion). The development consists of twenty-four (24) single-family dwelling pads in the proposed R-1-9 Zone

MOTION: Commissioner Frisby - To recommend approval with the conditions that fencing requirements be held to city standards, that the city council seriously require sidewalks in the new subdivision, and any other additional staff recommendations. Motion seconded by Commissioner Hiatt. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

7. Commission and Staff Reports

No reports.

8. Adjournment

MOTION: Commissioner Hiatt – To adjourn the meeting. Motion seconded by Commissioner Nichols. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Taresa Hiatt, Harold Nichols. The motion carried.

The meeting adjourned at 10:39 p.m.

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