

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, May 23, 2018 7:00 p.m.

CONDUCTING Kirk Beecher, Vice Chair

COMMISSIONERS Kirk Beecher, Adam Billings, Ryan Frisby, Kathy Marzan, Robert Mills,
Harold Nichols

EXCUSED John Cowan

STAFF Jill Spencer, City Planner
Daniel Jensen, Planner II
Kim E. Holindrake, Deputy Recorder/Admin. Asst.

OTHERS Jared Menlove, Carol Pulver, Allen Hurst, Jason Knight, Paul Olsen, Jesse
Guthrie, Judy Hurst, Jerry Robinson, Jesse Brimhall – Lake Town
Developers, Trent Beezley, Lynn Rindlisbacher

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

Six commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Frisby.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of May 9, 2018

MOTION: Commissioner Mills – To approve the minutes from the regular meeting of May 9 and to approve the consent agenda. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

5. Public

No public comments.

6. Review Items

6.1 PUBLIC HEARING – AWD Inc. Subdivision, Plat B, arranged on Utah County Parcel 34:298:0001 located at 492 North 1100 West and consisting of two lots in the I-1, Light Industrial Zone (7:03 p.m.)

Staff Presentation:

Daniel Jensen stated this is a two-lot subdivision in the industrial zone, which will go to the city council because of a deferral agreement. There is an existing business building and a large personal storage equipment shed on the property. The owner wants to sell the business but retain his personal storage building. The existing business meets all the requirements of the I-1 Zone. The storage building has limited utilities, no curb, gutter, or sidewalk, no parking, and no landscaping. A deferral agreement was created with the owner for the storage building property, which does not run with the land but with the owner. The agreement is recorded on title. When the owner sells the property, it triggers the improvements. The use is limited to personal storage of Mr. Wilson only. The city council addressed the deferral agreement but wanted to approve the agreement with the subdivision. The council is in favor of the deferral. The code gives the council the discretion based on a series of conditions to defer items such as curb, gutter, sidewalk, and utilities usually on properties where it doesn't make sense to put those items in because of the property location and utility locations.

Commissioner Mills questioned if this creates a non-conforming right when the property owner is storing personal property.

Commissioner Frisby questioned if it also creates a setback issue.

Daniel Jensen stated in this case the use is also being deferred. Because the agreement is recorded on the property, it doesn't become a non-conforming use or right. The setback reduction to 10 feet is allowed with approval from the development services director, which was approved.

Applicant Presentation:

Jared Menlove stated he has worked for the applicant and is the new owner of the first lot. The storage building doors face north away from the business building. He doesn't have any concerns with the reduced setback.

MOTION: Commissioner Frisby – To open the public hearing on item 6.1. Motion seconded by Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Public Hearing:

No public comments.

MOTION: Commissioner Mills – To close the public hearing on 6.1. Motion seconded by Commissioner Nichols. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

MOTION: Commissioner Billings – To recommend approval for the AWD Subdivision Plat B on Utah County parcel 34:298:0001 for the I-1 Light Industrial Zone contingent upon the findings and recommendations of staff as required by code. Motion seconded by Commissioner

Mills. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

- 6.2 PUBLIC HEARING – Peteetneet Cove Subdivision arranged on Utah County Parcels 08:160:0014, 08:160:0011, 08:160:0006, and 08:160:0001 located south of 500 North between 400 East and 500 East and consisting of five single-family dwelling lots and four twin home structures in the R-1-7.5 Residential Zone (7:19 p.m.)

Staff Presentation:

Daniel Jensen stated the RMO-1 Planned Residential Community Overlay Zone was approved previously and included a concept plan. The RMO-1 was created as an infill tool to deal with odd shaped parcels within the existing neighborhoods. It allows some density while maintaining harmony with existing neighborhoods. The project includes four parcels with an existing dilapidated home. The project includes a mix of single-family homes and duplexes/twin homes with an average density of 60% of per unit requirements in the zone. There are strict architectural requirements, common space with landscaping requirements, community design requirements, and private roads. This project is near Barnett Elementary School at 500 North and 500 East. There are 13 total units. The trail is open to the development and continues north and south. Additional street parking is provided. The average density is 5,715 square feet per unit.

Applicant Presentation:

Jerry Robinson stated the most pleasant parts includes 15 feet between the buildings for a spacious feel, area open to the creek, building windows along the trail side, and garages not visible from the street.

Commission Discussion:

Commissioner Mills stated the project looks awesome. He is concerned that 450 East does not continue to the south and future development.

Jerry Robinson stated there are plenty of opportunities to access property from other areas. He tried to be considerate of the neighborhood on 450 East by not taking the street through. The property is not in a FEMA zone. A hammerhead turnaround is provided for safety vehicles and units 7, 8, and 9 are required to be fire sprinkled. The project passed the fire code. He has worked with the city for ten months looking at different concept plans.

MOTION: Commissioner Nichols – To open the public hearing. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Public Hearing:

Carol Pulver stated she lives to the south. She is concerned that the walking trail only goes from 700 North to the Cloward property, which is just two blocks. She questioned the owner's dedication and having an HOA. The night of the overlay zone change there was no public comment, therefore no one was given notice. A councilwoman asked for approval without the public comment. The neighbors were not notified.

Jill Spencer stated trails are created when development occurs. The areas along the Peteetneet trail corridor are dedicated to Payson City. The remaining areas are private open space. Daniel Jensen stated there is an HOA.

Allen Hurst stated the plat map he received shows three single-family dwellings and five double homes. He questioned if the boundary description was accurate. He was coerced, pressured, and given money to sign a boundary agreement. When he signed, he was told that the paper described their property when it actually described off his property line. It cuts out almost four feet on the north side of his property and nine feet on the west side of his property. He has structures on his property where he used the fence line going north/south and east/west because it was an undisputed property line. He was convinced forcefully to sign in order for Don Robinson to meet deadlines. He wants the commission to know the kind of people they are dealing with. He knows property disputes are expensive and cause hard feelings. Don Robinson told him he would stake their property but he only staked his property.

Jason Knight stated he lives to the north of the project. He stated the project was denied at the first meeting, and the neighbors were never notified of the second meeting. The project was approved at the second meeting. There will be a lot of traffic in the area, and it doesn't fit the neighborhood. This type of high development in this area is not good. He can't help it if they over bought their property but understands they need to make money. This is an established residential area. They just want to maximize their profit just like 15 years ago during the building boom. We know what those neighborhoods look like now. Payson City is not a rich area and won't attract the hidey-tidy people like in Woodland Hills and Salem. They promise all these things then sneak in and make changes. He doesn't want this. This trail was assured to be a Payson City park, which the neighborhood maintained the first four years. He likes his street because there isn't a lot of traffic. His kids grew up playing in the road; all the kids grew up playing in the road. It wasn't irresponsible; they just policed it themselves.

Paul Olsen stated he agrees with Mr. Knight. At the first meeting, no one was in favor of this development. He came to the second meeting that was cancelled. No one heard about the rescheduled meeting where this was approved. He doesn't see anything wrong with taking 450 East through with a cul-de-sac. They just want to maximize profit and cram things in there. It needs to be consistent with the neighborhood. All the homeowners on 450 East don't want this or an HOA. He moved to Payson because of the small town feel. His kids and the neighborhood kids walk and play at the school. He is concerned with the safety of children and the increased traffic. He wants to see this developed because the old home is an eyesore but not this plan.

Jesse Guthrie stated he lives across from the dilapidated house. He didn't hear about the second meeting because this is a different plan. There are tons of school kids in the area. Single-family homes will drop the ratio, and the kids will be safer. He is worried about the road not being wide enough and the high density with kids walking to Barnett Elementary. Most of the kids walk straight down the middle of the road and don't use the sidewalk.

Judy Hurst stated in 1980, her husband built a retaining wall on the west side of their home to the fence line. The fence line runs along the property line described in the boundary description of the Peteetneet Cove subdivision. In 1983, he built a stone and block patio near the west end of their property that is near the property line described in the boundary description. Don Robinson told them

187 their patio and shed was on his property. They called a lawyer who advised them that because they
188 have been there for 43 years and the walls and patio have been there for 38 years, they own that
189 property by acquisition. When Don Robinson heard this, he offered to give them the property in order
190 to keep the patio and shed. They feel they were coerced into signing the property over to him.

191
192 Commissioner Beecher stated the council approved the overlay zone on April 3. The planning
193 commission held the public hearing three or four weeks prior. The commission does not address
194 property rights.

195
196 Daniel Jensen clarified that the city requires one public hearing with each land use application. The
197 public hearing for the RMO application was held with the commission and then forwarded to the
198 council. The council is not required to hold a public hearing but can choose to open the meeting to
199 comments. There is no notice required for additional meetings. Meetings and hearings are all posted
200 via the newspaper, city website, city center, and State noticing website. The public can also subscribe
201 to the State noticing website. There is no requirement to mail a notice for following meetings.
202 Property owners received a public hearing notice for this land use application for the subdivision.
203 Following the RMO public hearing, the main concern was the two access points on the north. There
204 was a petition of support from the neighbors and a few spoke in favor. Some who signed the petition
205 came up stating they no longer supported the project. This project started with 18 units, then 16 units,
206 and then 14 units. It is now at 13 units, and the Cloward property is no longer included.

207
208 Daniel Jensen read an email from Steve McCauley stating he likes that the project has been reduced
209 from 14 to 13 units. He is concerned with the two entrances on the north side because of traffic and
210 because of foot traffic to Barnett Elementary. Previously it looked like units 6 and 7 were connected
211 and hopes that has been changed.

212
213 Daniel Jensen addressed parking. Parking is not allowed on the private streets.

214
215 Jerry Robinson stated at the request of the fire department, all curbs will be painted red except in
216 designated parking stalls.

217
218 Daniel Jensen addressed the road width. A wider road would encourage on street parking. As a
219 planner, he recognizes there are kids in the area, and they are not as easily seen. A cul-de-sac would
220 have created a wider road space for kids to cross. The current accesses are offset to create slower
221 traffic. Studies show residential areas produce eight trips per day per home for 130 trips per day.

222
223 **MOTION: Commissioner Nichols – To close the public hearing.** Motion seconded by
224 Commissioner Frisby. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
225 Kathy Marzan, Harold Nichols. The motion carried.

226
227 Commission Discussion:

228 Commissioner Frisby stated under the R-1-7.5, they could technically build ten single-family homes.
229 This proposal is only three additional units arranged differently.

230
231 Commissioner Nichols questioned if twin homes are allowed in the R-1-7.5. Potentially if this project
232 was not built, someone else could come in and build twin homes, which may not be as nice. There is

no guarantee it would be single-family homes. The commission discussed this project on October 25 and December 13, 2017.

Daniel Jensen stated twin homes are only allowed with the RMO Overlay with the same 60% density.

Jerry Robinson stated the estimates are in the low \$300,000 even with the twin homes. This RMO project requires architectural standards while other RMO projects don't have any architectural standards. The alternative is to deny this and something else will be built with no standards. The homes are roughly 3,000 square feet plus a full two-car garage and enclosed patio area. The boundary line agreement has been recorded at the county and takes the boundary back to Mr. Hurst's boundary except for the structure at the west end that the agreement says can stay. It wasn't as heavy handed as portrayed. The three-foot wire fence was originally used as the boundary. His brother, who is not his partner on this project, worked out the agreement that took the line back to Mr. Hurst's original boundary. He had nothing to do with it.

Commissioner Beecher stated the RMO has already been approved. The task tonight addresses the subdivision.

MOTION: Commissioner Nichols – To recommend approval for the Petetneet Cove Subdivision arranged on Utah County parcels 08:160:0014, 08:160:0011, 08:160:0006, and 08:160:0001 contingent upon the completion of all requirements set forth by staff and according to what has been discussed. Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

6.3 **PUBLIC HEARING – Modifications to Phase 4 of the Villages at Arrowhead Park Development located at approximately 1500 North Arrowhead Trail (8:26 p.m.)**

Staff Presentation:

Jill Spencer stated the original proposal included 50 single-family homes and 65 townhomes with 115 total units in phases 1 through 5. The commission previously forwarded phases 1-3 for the single-family units to the council. The proposed modifications include combining phases 4 and 5 and increasing the units from 65 to 80 units. This does not increase the overall density of the project. It has the modified street cross sections with all units facing public streets or open space areas/private driveways, and all units will have a two-car garage. She reviewed a similar project in Spanish Fork with variation in materials, colors and entries. There is no change to the private road widths, and the private driveways are 26-feet wide. All other features are consistent with the previous recommendation of amenities, RV parking waiver, and landscaping. The recommendation was to waive the RV parking in phases 4 and 5, then see how it goes. RV parking could be added to future phases if needed. Because of the changes, this additional public hearing is being held.

Jessie Brimhall stated he wants to purchase the project as a co-applicant with the original developers. His company built the Ridge at Spanish Fork, which is similar to this project. He answered questions and clarified the project. This project uses the same 26-foot, building-to-building cross section. He clarified the use of the apron, which can be sloped and line up with the asphalt with a waterway at the asphalt center. Additional parking is provided anywhere possible. His company prides itself on building a high quality townhome in the mid to high \$200,000 and low \$300,000

range. He feels these are a great compliment to the single-family homes. People buying these want a nice place to live but want to travel and enjoy their weekends with no yard maintenance. The large footprint is the two-story units. There are no basements. The two-story units range between 2,400 to 2,500 square feet and the three-story units range between 1,600 to 2,300 square feet. The garage doors are eight-feet high and several units are 23-feet in length for large trucks or 37 feet in length for two cars back to back. The additional units is a financial decision. He is bringing a product higher than what is found in the area. The goal is to create many different styles of housing throughout the entire area. He is looking at having more options available compared to the Spanish Fork project.

MOTION: Commissioner Mills – To open the public hearing. Motion seconded by Commissioner Nichols. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Public Hearing:
No public comments.

MOTION: Commissioner Nichols – To close the public hearing. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Commission Discussion:

Commissioner Mills questioned the height of the townhomes. His overall concern with the development of this area is how it connects to the existing city's infrastructure because the development will generate a lot of traffic. He questioned what amenities are proposed.

Commissioner Frisby stated he is familiar with a similar project in Provo where people park on the street so it is a concern. He would like to see the additional parking spread out. Otherwise, people will park anywhere. He is concerned the developer will request additional density in the future phases.

Jill Spencer stated the building height might need additional review by the fire department. Conversations with the developer have been that the market will dictate density. He may put more in one area and reduce in another because of the market.

Jessie Brimhall stated building height to the roofline is about 40 feet. There is no clubhouse, but two large playgrounds, covered pavilions, and BBQ facilities. The walking trails and wetland improvements will be kept natural. They have found in similar projects that there is plenty of additional parking. The main road is 66-feet wide.

Commissioner Billings stated this is an opportunity to do something different in Payson and brings in new construction practices and materials.

Trent Beezley stated with density, they might go back to patio home design for the 55+ area in the future. There is an RV storage facility proposed to the east in Salem.

Commissioner Mills commended the proposed changes because the layout is much better.

MOTION: Commissioner Mills – To recommend approval of the proposed modifications to Phase 4 of the Villages at Arrowhead Park as discussed with the conditions mentioned in the staff presentation as well as forwarding the findings from the staff report. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

(10-minutes break)

6.4 **PUBLIC HEARING – Proposed amendments to Title 19, Zoning Ordinance, specifically the CC-1, Central Commercial Zone (9:19 p.m.)**

Staff Presentation:

Daniel Jensen stated the central commercial zone is located in the middle of town along SR-198 and Utah Avenue. Staff held a meeting recently with the downtown business owners and polled them on several questions. Is Historic Main a pleasant place to walk scored 94%. Is the area around downtown a pleasant place to walk only scored 35%. They felt a walkable environment kept people downtown. Historic Main has interesting architecture and is an interesting place to be with a narrower street width and the nature of businesses. The surrounding areas have wider streets and no landscaping. Would additional housing help my business scored 56%. Others felt additional housing wouldn't hurt their business but it wouldn't help either. The façade fits the historic nature and is well maintained scored 61%. The façade is well maintained scored 33%. Historic authenticity (preservation) scored 6%. Businesses can do whatever they want scored 0%. Fifty-six percent supported a building height of four stories or more. Seventy-eight percent supported a building height of three stories or more. Those who supported only two or three stories were concerned with parking. When parking was addressed, the concern was abated. Staff showed the group a series of pictures with building located toward the front and at the back. The consensus supported buildings to the front. The group was 100% in favor of variation in elevations with architectural elements such as pop-outs and colors. In street design, 89% favored bulb-outs, street trees, and narrow lanes with 94% preferring walkability. Eighty-nine percent preferred mixed-use buildings. In the CC-1 Zone, the proposal is to include second story and basements that would allow residential while removing the ADO and height limit except in the historic district. Parking would be limited to the number of units. The ground floor would be commercial or non-profit only with a zero lot line. Public facilities could be added to the ground floor. Building orientation and site design are toward the street and facing public streets. The goal tonight is to gather public input and the ideas of the commission.

Commission Discussion:

Commissioner Billings appreciates opening up the downtown area to more appropriate development and considering the aesthetics. The proposal is considerate of the need for keeping part of the city historic and allowing development.

Commissioner Mills stated these are all really good things. Most of it focuses on the form of how our structures are built. With orienting to the street, there is still a lot of language in the ordinance about minimum setback requirements. It may be more effective to implement a maximum setback. There is a lot of language stating the council may grant waivers. His observation is this is more of an administrative process than legislative. An important part is the streetscape. There needs to be a standard. It's not just space but how it's utilized.

Commissioner Beecher agreed with Commissioner Mills comments. The items you want to stay away from should be limited. If you don't want a 50-foot setback, then set the maximum at 25 feet. In the historic area, he wouldn't want to be more than 25 feet. The lots are skinny and deep on historic main. Most of the buildings are built right at the property line.

MOTION: Commissioner Mills – To open the public hearing. Motion seconded by Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Public Hearing:

Lynn Rindlisbacher stated his son owns property on 100 West and is concerned with the widening of 100 West. He met with UDOT twice. He's not sure how the setback will work. UDOT said seven to eight years before they do anything.

MOTION: Commissioner Marzan – To close the public hearing. Motion seconded by Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

Further Discussion:

Daniel Jensen stated there needs to be some sort of control for staff to recognize any unique circumstance with a maximum setback. Someone wouldn't want to build so close to a UDOT road and then have to tear it out.

Commissioner Beecher stated a public gathering area is different from just wanting them to come into the building. Accommodations need to be made. It should be an administrative action. The downtown should be the showcase of Payson.

Commissioner Billings stated it would be nice to have walking from the downtown to the park. People come from all over the state for the salmon supper and the downtown doesn't accommodate walking.

Jill Spencer stated UDOT put together a corridor study for 100 West but nothing formal. It indicates that unless there are alternative routes, it will be widened to five lanes. The study shows short-term options trying to find other routes. The long term shows widening to five lanes. A solution is to utilize the city collector and arterial road systems and make them as competitive as the highway. It's challenging in the neighborhoods.

7. Commission and Staff Reports (10:05 p.m.)

The dates for the General Plan workshops have been set. The first meeting is June 27 from 1-3 p.m. here in the council chambers. The second meeting is June 28 from 6-8 p.m. Flyers will go out, and a website is being developed to accommodate online comments.

8. Adjournment

MOTION: Commissioner Marzan – To adjourn the meeting. Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The motion carried.

This meeting adjourned at 10:10 p.m.

Kim E. Holindrake, Deputy City Recorder