

1 PAYSON CITY
2 PLANNING COMMISSION MEETING
3 Payson City Center, 439 W Utah Avenue, Payson UT 84651
4 Wednesday, May 23, 2018 7:00 p.m.
5

6 CONDUCTING Kirk Beecher, Vice Chair
7

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

10
11 EXCUSED John Cowan
12

13 STAFF Jill Spencer, City Planner
14 Daniel Jensen, Planner II
15 Kim E. Holindrake, Deputy Recorder/Admin. Asst.
16

17 OTHERS Jared Menlove, Carol Pulver, Allen Hurst, Jason Knight, Paul Olsen, Jesse
18 Guthrie, Judy Hurst, Jerry Robinson, Jesse Brimhall – Lake Town
19 Developers, Trent Beezley, Lynn Rindlisbacher
20

21 1. Call to Order
22

23 This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was
24 called to order at 7:00 p.m.
25

26 2. Roll Call
27

28 Six commissioners present.
29

30 3. Invocation/Inspirational Thought
31

32 Invocation given by Commissioner Frisby.
33

34 4. Consent Agenda

35 4.1 Approval of minutes for the regular meeting of May 9, 2018
36

37 **MOTION: Commissioner Mills – To approve the minutes from the regular meeting of May 9**
38 **and to approve the consent agenda.** Motion seconded by Commissioner Marzan. Those voting yes
39 – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The
40 motion carried.
41

42 5. Public
43

44 No public comments.
45

46 6. Review Items

47 6.1 PUBLIC HEARING – AWD Inc. Subdivision, Plat B, arranged on Utah County Parcel
48 34:298:0001 located at 492 North 1100 West and consisting of two lots in the I-1, Light
49 Industrial Zone (7:03 p.m.)
50

51 Staff Presentation:

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

64
65 Commissioner Mills questioned if this creates a non-conforming right when the property owner is
66 storing personal property.

67
68 Commissioner Frisby questioned if it also creates a setback issue.

69
70 Daniel Jensen stated in this case the use is also being deferred. Because the agreement is recorded on
71 the property, it doesn't become a non-conforming use or right. The setback reduction to 10 feet is
72 allowed with approval from the development services director, which was approved.

73
74 Applicant Presentation:

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

78
79 **MOTION: Commissioner Frisby – To open the public hearing on item 6.1.** Motion seconded by
80 Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
81 Kathy Marzan, Harold Nichols. The motion carried.

82
83 Public Hearing:

84 No public comments.

85
86 **MOTION: Commissioner Mills – To close the public hearing on 6.1.** Motion seconded by
87 Commissioner Nichols. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
88 Kathy Marzan, Harold Nichols. The motion carried.

89
90 **MOTION: Commissioner Billings – To recommend approval for the AWD Subdivision Plat B**
91 **on Utah County parcel 34:298:0001 for the I-1 Light Industrial Zone contingent upon the**
92 **findings and recommendations of staff as required by code.** Motion seconded by Commissioner

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

95
96 6.2 PUBLIC HEARING – Peteetneet Cove Subdivision arranged on Utah County Parcels
97 08:160:0014, 08:160:0011, 08:160:0006, and 08:160:0001 located south of 500 North
98 between 400 East and 500 East and consisting of five single-family dwelling lots and four
99 twin home structures in the R-1-7.5 Residential Zone (7:19 p.m.)

100
101 Staff Presentation:
102 Daniel Jensen stated the RMO-1 Planned Residential Community Overlay Zone was approved
103 previously and included a concept plan. The RMO-1 was created as an infill tool to deal with odd
104 shaped parcels within the existing neighborhoods. It allows some density while maintaining harmony
105 with existing neighborhoods. The project includes four parcels with an existing dilapidated home.
106 The project includes a mix of single-family homes and duplexes/twin homes with an average density
107 of 60% of per unit requirements in the zone. There are strict architectural requirements, common
108 space with landscaping requirements, community design requirements, and private roads. This
109 project is near Barnett Elementary School at 500 North and 500 East. There are 13 total units. The
110 trail is open to the development and continues north and south. Additional street parking is provided.
111 The average density is 5,715 square feet per unit.

112
113 Applicant Presentation:
114 Jerry Robinson stated the most pleasant parts includes 15 feet between the buildings for a spacious
115 feel, area open to the creek, building windows along the trail side, and garages not visible from the
116 street.

117
118 Commission Discussion:
119 Commissioner Mills stated the project looks awesome. He is concerned that 450 East does not
120 continue to the south and future development.
121
122 Jerry Robinson stated there are plenty of opportunities to access property from other areas. He tried to
123 be considerate of the neighborhood on 450 East by not taking the street through. The property is not
124 in a FEMA zone. A hammerhead turnaround is provided for safety vehicles and units 7, 8, and 9 are
125 required to be fire sprinkled. The project passed the fire code. He has worked with the city for ten
126 months looking at different concept plans.

127
128 **MOTION: Commissioner Nichols – To open the public hearing.** Motion seconded by
129 Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
130 Kathy Marzan, Harold Nichols. The motion carried.

131
132 Public Hearing:
133 Carol Pulver stated she lives to the south. She is concerned that the walking trail only goes from 700
134 North to the Cloward property, which is just two blocks. She questioned the owner’s dedication and
135 having an HOA. The night of the overlay zone change there was no public comment, therefore no one
136 was given notice. A councilwoman asked for approval without the public comment. The neighbors
137 were not notified.

138
139

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

143
144 Allen Hurst stated the plat map he received shows three single-family dwellings and five double
145 homes. He questioned if the boundary description was accurate. He was coerced, pressured, and
146 given money to sign a boundary agreement. When he signed, he was told that the paper described
147 their property when it actually described off his property line. It cuts out almost four feet on the north
148 side of his property and nine feet on the west side of his property. He has structures on his property
149 where he used the fence line going north/south and east/west because it was an undisputed property
150 line. He was convinced forcefully to sign in order for Don Robinson to meet deadlines. He wants the
151 commission to know the kind of people they are dealing with. He knows property disputes are
152 expensive and cause hard feelings. Don Robinson told him he would stake their property but he only
153 staked his property.

154
155 Jason Knight stated he lives to the north of the project. He stated the project was denied at the first
156 meeting, and the neighbors were never notified of the second meeting. The project was approved at
157 the second meeting. There will be a lot of traffic in the area, and it doesn't fit the neighborhood. This
158 type of high development in this area is not good. He can't help it if they over bought their property
159 but understands they need to make money. This is an established residential area. They just want to
160 maximize their profit just like 15 years ago during the building boom. We know what those
161 neighborhoods look like now. Payson City is not a rich area and won't attract the hidey-tidy people
162 like in Woodland Hills and Salem. They promise all these things then sneak in and make changes. He
163 doesn't want this. This trail was assured to be a Payson City park, which the neighborhood
164 maintained the first four years. He likes his street because there isn't a lot of traffic. His kids grew up
165 playing in the road; all the kids grew up playing in the road. It wasn't irresponsible; they just policed
166 it themselves.

167
168 Paul Olsen stated he agrees with Mr. Knight. At the first meeting, no one was in favor of this
169 development. He came to the second meeting that was cancelled. No one heard about the rescheduled
170 meeting where this was approved. He doesn't see anything wrong with taking 450 East through with
171 a cul-de-sac. They just want to maximize profit and cram things in there. It needs to be consistent
172 with the neighborhood. All the homeowners on 450 East don't want this or an HOA. He moved to
173 Payson because of the small town feel. His kids and the neighborhood kids walk and play at the
174 school. He is concerned with the safety of children and the increased traffic. He wants to see this
175 developed because the old home is an eyesore but not this plan.

176
177 Jesse Guthrie stated he lives across from the dilapidated house. He didn't hear about the second
178 meeting because this is a different plan. There are tons of school kids in the area. Single-family
179 homes will drop the ratio, and the kids will be safer. He is worried about the road not being wide
180 enough and the high density with kids walking to Barnett Elementary. Most of the kids walk straight
181 down the middle of the road and don't use the sidewalk.

182
183 Judy Hurst stated in 1980, her husband built a retaining wall on the west side of their home to the
184 fence line. The fence line runs along the property line described in the boundary description of the
185 Peteetneet Cove subdivision. In 1983, he built a stone and block patio near the west end of their
186 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

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

235
236 Daniel Jensen stated twin homes are only allowed with the RMO Overlay with the same 60% density.
237

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

247
248 Commissioner Beecher stated the RMO has already been approved. The task tonight addresses the
249 subdivision.

250
251 **MOTION: Commissioner Nichols – To recommend approval for the Petetneet Cove**
252 **Subdivision arranged on Utah County parcels 08:160:0014, 08:160:0011, 08:160:0006, and**
253 **08:160:0001 contingent upon the completion of all requirements set forth by staff and**
254 **according to what has been discussed.** Motion seconded by Commissioner Mills. Those voting yes
255 – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan, Harold Nichols. The
256 motion carried.

257
258 6.3 **PUBLIC HEARING – Modifications to Phase 4 of the Villages at Arrowhead Park**
259 **Development located at approximately 1500 North Arrowhead Trail (8:26 p.m.)**

260
261 Staff Presentation:
262 Jill Spencer stated the original proposal included 50 single-family homes and 65 townhomes with 115
263 total units in phases 1 through 5. The commission previously forwarded phases 1-3 for the single-
264 family units to the council. The proposed modifications include combining phases 4 and 5 and
265 increasing the units from 65 to 80 units. This does not increase the overall density of the project. It
266 has the modified street cross sections with all units facing public streets or open space areas/private
267 driveways, and all units will have a two-car garage. She reviewed a similar project in Spanish Fork
268 with variation in materials, colors and entries. There is no change to the private road widths, and the
269 private driveways are 26-foot wide. All other features are consistent with the previous
270 recommendation of amenities, RV parking waiver, and landscaping. The recommendation was to
271 waive the RV parking in phases 4 and 5, then see how it goes. RV parking could be added to future
272 phases if needed. Because of the changes, this additional public hearing is being held.

273
274 Jessie Brimhall stated he wants to purchase the project as a co-applicant with the original developers.
275 His company built the Ridge at Spanish Fork, which his similar to this project. He answered
276 questions and clarified the project. This project uses the same 26-foot, building-to-building cross
277 section. He clarified the use of the apron, which can be sloped and line up with the asphalt with a
278 waterway at the asphalt center. Additional parking is provided anywhere possible. His company
279 prides itself on building a high quality townhome in the mid to high \$200,000 and low \$300,000

280 range. He feels these are a great compliment to the single-family homes. People buying these want a
281 nice place to live but want to travel and enjoy their weekends with no yard maintenance. The large
282 footprint is the two-story units. There are no basements. The two-story units range between 2,400 to
283 2,500 square feet and the three-story units range between 1,600 to 2,300 square feet. The garage
284 doors are eight-feet high and several units are 23-feet in length for large trucks or 37 feet in length for
285 two cars back to back. The additional units is a financial decision. He is bringing a product higher
286 than what is found in the area. The goal is to create many different styles of housing throughout the
287 entire area. He is looking at having more options available compared to the Spanish Fork project.
288

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

292
293 Public Hearing:
294 No public comments.

295
296 **MOTION: Commissioner Nichols – To close the public hearing.** Motion seconded by
297 Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
298 Kathy Marzan, Harold Nichols. The motion carried.

299
300 Commission Discussion:
301 Commissioner Mills questioned the height of the townhomes. His overall concern with the
302 development of this area is how it connects to the existing city’s infrastructure because the
303 development will generate a lot of traffic. He questioned what amenities are proposed.

304
305 Commissioner Frisby stated he is familiar with a similar project in Provo where people park on the
306 street so it is a concern. He would like to see the additional parking spread out. Otherwise, people
307 will park anywhere. He is concerned the developer will request additional density in the future
308 phases.

309
310 Jill Spencer stated the building height might need additional review by the fire department.
311 Conversations with the developer have been that the market will dictate density. He may put more in
312 one area and reduce in another because of the market.

313
314 Jessie Brimhall stated building height to the roofline is about 40 feet. There is no clubhouse, but two
315 large playgrounds, covered pavilions, and BBQ facilities. The walking trails and wetland
316 improvements will be kept natural. They have found in similar projects that there is plenty of
317 additional parking. The main road is 66-feet wide.

318
319 Commissioner Billings stated this is an opportunity to do something different in Payson and brings in
320 new construction practices and materials.

321
322 Trent Beezley stated with density, they might go back to patio home design for the 55+ area in the
323 future. There is an RV storage facility proposed to the east in Salem.

324
325 Commissioner Mills commended the proposed changes because the layout is much better.
326

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

332
333 (10-minutes break)

334
335 6.4 PUBLIC HEARING – Proposed amendments to Title 19, Zoning Ordinance, specifically
336 the CC-1, Central Commercial Zone (9:19 p.m.)

337
338 Staff Presentation:

339 Daniel Jensen stated the central commercial zone is located in the middle of town along SR-198 and
340 Utah Avenue. Staff held a meeting recently with the downtown business owners and polled them on
341 several questions. Is Historic Main a pleasant place to walk scored 94%. Is the area around downtown
342 a pleasant place to walk only scored 35%. They felt a walkable environment kept people downtown.
343 Historic Main has interesting architecture and is an interesting place to be with a narrower street
344 width and the nature of businesses. The surrounding areas have wider streets and no landscaping.
345 Would additional housing help my business scored 56%. Others felt additional housing wouldn't hurt
346 their business but it wouldn't help either. The façade fits the historic nature and is well maintained
347 scored 61%. The façade is well maintained scored 33%. Historic authenticity (preservation) scored
348 6%. Businesses can do whatever they want scored 0%. Fifty-six percent supported a building height
349 of four stories or more. Seventy-eight percent supported a building height of three stories or more.
350 Those who supported only two or three stories were concerned with parking. When parking was
351 addressed, the concern was abated. Staff showed the group a series of pictures with building located
352 toward the front and at the back. The consensus supported buildings to the front. The group was
353 100% in favor of variation in elevations with architectural elements such as pop-outs and colors. In
354 street design, 89% favored bulb-outs, street trees, and narrow lanes with 94% preferring walkability.
355 Eighty-nine percent preferred mixed-use buildings. In the CC-1 Zone, the proposal is to include
356 second story and basements that would allow residential while removing the ADO and height limit
357 except in the historic district. Parking would be limited to the number of units. The ground floor
358 would be commercial or non-profit only with a zero lot line. Public facilities could be added to the
359 ground floor. Building orientation and site design are toward the street and facing public streets. The
360 goal tonight is to gather public input and the ideas of the commission.

361
362 Commission Discussion:

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

366
367 Commissioner Mills stated these are all really good things. Most of it focuses on the form of how our
368 structures are built. With orienting to the street, there is still a lot of language in the ordinance about
369 minimum setback requirements. It may be more effective to implement a maximum setback. There is
370 a lot of language stating the council may grant waivers. His observation is this is more of an
371 administrative process than legislative. An important part is the streetscape. There needs to be a
372 standard. It's not just space but how it's utilized.

373

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

378
379 **MOTION: Commissioner Mills – To open the public hearing.** Motion seconded by Commissioner
380 Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills, Kathy Marzan,
381 Harold Nichols. The motion carried.

382
383 Public Hearing:

384 Lynn Rindlisbacher stated his son owns property on 100 West and is concerned with the widening of
385 100 West. He met with UDOT twice. He's not sure how the setback will work. UDOT said seven to
386 eight years before they do anything.

387
388 **MOTION: Commissioner Marzan – To close the public hearing.** Motion seconded by
389 Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, Ryan Frisby, Robert Mills,
390 Kathy Marzan, Harold Nichols. The motion carried.

391
392 Further Discussion:

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

396
397 Commissioner Beecher stated a public gathering area is different from just wanting them to come into
398 the building. Accommodations need to be made. It should be an administrative action. The downtown
399 should be the showcase of Payson.

400
401 Commissioner Billings stated it would be nice to have walking from the downtown to the park.
402 People come from all over the state for the salmon supper and the downtown doesn't accommodate
403 walking.

404
405 Jill Spencer stated UDOT put together a corridor study for 100 West but nothing formal. It indicates
406 that unless there are alternative routes, it will be widened to five lanes. The study shows short-term
407 options trying to find other routes. The long term shows widening to five lanes. A solution is to
408 utilize the city collector and arterial road systems and make them as competitive as the highway. It's
409 challenging in the neighborhoods.

410
411 7. Commission and Staff Reports (10:05 p.m.)

412
413 The dates for the General Plan workshops have been set. The first meeting is June 27 from 1-3 p.m.
414 here in the council chambers. The second meeting is June 28 from 6-8 p.m. Flyers will go out, and a
415 website is being developed to accommodate online comments.

416
417 8. Adjournment

418

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

422
423 This meeting adjourned at 10:10 p.m.

424
425
426 _____
427 Kim E. Holindrake, Deputy City Recorder

DRAFT