

Payson City Planning Commission Staff Report, July 25, 2018

Request for a Recommendation of Approval to Amend the Payson City Zoning Map

Approval Process:

Development Review Committee:	Technical and Administrative Review
Planning Commission:	Recommendation to City Council
City Council:	Approval or Denial (Legislative Action)

Background

In accordance with Section 19.2.8 of Title 19, Zoning Ordinance, the applicant, Joe Rich (representing Black Watch Payson LLC) is requesting a recommendation of approval from the Planning Commission for a zone change for Utah County parcels 30:057:0011, 30:057:0013, 30:057:0014, and 30:057:0015 located on the northwest corner of the intersection of 800 South and 800 West. The parcels are currently zoned R-1-9, Residential and it is proposed the zoning be changed to S-1, Special Highway Service to accommodate commercial uses.

The property is currently home of the Orchard Hills Recreation Fields used for various sports activities. In 2004, Payson City sold the property to Black Watch Payson LLC to accommodate additional commercial development near the 800 South/Interstate 15 interchange. The owner is now ready to improve portions of the property to support commercial business in the area. The recreation fields will be relocated to the Gene Hillman Recreation Complex on Main Street between 700 South and 1100 South.

The applicant has provided a concept plan for the property to show the general layout of the commercial development. This is conceptual only and may change to accommodate specific users. It is likely that residents, property owners, and even Commissioners will have questions regarding the proposed layout and potential commercial businesses. Representatives of Black Watch Payson LLC will be in attendance to address the questions and concerns of the public. It should be noted that a Site Plan application has not been submitted; therefore, staff has not completed a thorough review of the project layout for compliance with City ordinance. Upon approval of the zone change, the applicant will need to submit a complete Site Plan application for review and approval by staff. Requirements such as utilities, infrastructure, access, land use transition, off-street parking, design guidelines, and transfer of water will be addressed at the time of Site Plan review.

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

Analysis

The applicant is requesting approval to rezone the parcels from the R-1-9, Residential Zone to the S-1, Special Highway Service Zone. Approval of a zone change is a legislative action of the City Council. The Planning Commission is under no obligation to recommend approval and the City Council is under no obligation to approve the zone change request. The property owner is entitled to use the property consistent with the requirements of the underlying zone, this case the R-1-9, Residential Zone.

An important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. Although it is typical for Planning Commissioners and City Councilmembers to inquire about the anticipated use of the property, the Planning Commission should consider all of the potential uses allowed in the zone. Once a zone change is approved, the owner of the property is eligible to use the property in any manner that satisfies the regulations of the designated zoning district and the applicable land use and development ordinances

of the City. Therefore, if the Planning Commission is comfortable with all of the potential uses of the proposed zoning district in this location a zone change would be appropriate. However, if some of the uses allowed would be inappropriate in this location, the zone change should not be approved. The Planning Commission, City Council or staff may require additional information in order to make a well-informed decision.

Recommendation

The applicant is seeking a recommendation of approval to change the zoning designation of Utah County Parcels 30:057:0011, 30:057:0013, 30:057:0014, and 30:057:0015 from the R-1-9, Residential Zone to the S-1, Special Highway Service Zone. Following a public hearing to receive public input, the Planning Commission will need to determine if it is appropriate to modify the zoning designation of the subject parcels. If the Planning Commission determines the uses of the S-1 Zone are appropriate in this location and consistent with the land use and economic goals of the City Council, the Planning Commission should recommend approval of the request. On the other hand, if the Planning Commission determines the allowed uses are not appropriate in this location or inconsistent with the land use goals and objectives of the City Council, the Planning Commission should recommend denial of the request.

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