

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, July 11, 2018 7:00 p.m.

CONDUCTING            John Cowan, Chair

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

EXCUSED                Robert Mills

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

OTHERS                 Dennis Davis, Jeff Noyes, Kenny Ellsworth, Mark Raff, Sue Robinson, Dale  
                             Munger, Cregg Gordon, Ron Coble, Tonya Ellsworth, Marie Mitchell,  
                             Brandon 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 Billings.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of June 13, 2018

**MOTION: Commissioner Beecher – To approve the consent agenda.** Motion seconded by Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Harold Nichols. The motion carried.

5. Public Forum (7:03 p.m.)

No public comments.

6. Review Items

6.1 PUBLIC HEARING – Request for use of the RMO-1, Two-Family Residential Overlay Zone on Utah County Parcels 43:025:0005, 49:310:0001, 49:310:0002, and 49:310:0003

located north of 1130 South between 1100 West and Turf Farm Road (1270 West). The property is located in the R-1-9, Residential Zone. (7:04 p.m.)

Staff Presentation:

Jill Spencer stated the proposal consists of four parcels located in the R-1-9 Zone with 9,000 square foot lots and 90 feet of frontage. There are two approvals necessary to develop the property as proposed that includes the RMO-1 Overlay Zone and then subdividing the property. The RMO-1 approval is a legislative action that establishes the density, project layout and design, and housing product. The city council is not obligated to approve a request for an overlay zone. The RMO-1 is an infill tool for smaller parcels of land within existing neighborhoods. It allows an average density decrease to 60% of the per-unit requirements in the zone, strict architectural requirements, common space and landscaping requirements, community design requirements, and alternative street cross-sections. There is an existing single-family home on the site that will remain on site along with six new single-family dwellings and 12 twin homes for a total 31 units. There is .24 acres of open space, which will be privately owned and maintained by the homeowners. The project details include a modified 44-foot street cross-section with sidewalk on both sides, private drives to access units 3 through 13, frontage improvements, connectivity with existing and future development, maintain perimeter and internal setbacks, project fencing may be required by the city council, land use transition requirements to the north, and an open space and amenity plan. With each review process, the planning commission will hold a public hearing and the information will be forwarded to the city council.

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

Public Hearing:

Dennis Davis stated he lives in Heritage Village to the south of the proposed project. He is okay with the project but is concerned with the traffic. The road 1150 West lines up with the entrance to Heritage Village, which was not designed to handle a lot of traffic. Many of these residents are older and walk in the street because there is only sidewalk on one side. They have seen an increase in traffic because development opened to the southeast of Heritage Village. He doesn't want the road to align with 1150 West. He wants to ensure the safety of the residents.

Jeff Noyes stated he has concerns with the development. He was involved in a meeting several years ago regarding the canal, which is a Strawberry Water easement. There is a pressurized pipe underground along 1130 South. This project proposes to build homes that will cross that pipe. If the pipe blows, which it has previously, it will cause a lot of damage to the homes. He understood from the meeting several years ago that only single-family dwellings would be allowed on those three lots that cross the pipeline.

Kenny Ellsworth stated he has lived on a cul-de-sac all his life and bought his property for that reason and no traffic. It has been his dream to live on a cul-de-sac. All these homes will now travel along his road to exit the area. He will lose his basketball court to extend the road. He doesn't understand why the cul-de-sac should be removed so others can make money. It's not logical.

Mark Raff stated there is a slope from 1130 South to his property line. He has concerns with the slope into the new homes and access. Because of the slope, the property may be raised above his and the new owner may be able to see into his back yard and living space. Therefore, he objects to two-story homes behind his home. He has concerns with traffic and the narrow roads in the project. Five units are being squeezed onto three lots. He has concerns with parking, traffic, and utility easements. The green space is small for the number of units.

Sue Robinson agreed with the water concerns, utility easements, and traffic. Vehicles don't stop at the stop sign, and there is traffic late at night. She was told previously that the three lots couldn't fit a single-family home and now proposing twin homes. With permission from the city, she has maintained the property behind her home since she lived there by mowing, spraying, and bring in fill. She was told they would have a chance to buy it. She hasn't heard anything to give her the opportunity to purchase it. Other homeowners would like the opportunity as well. There are plenty of other places to build homes. She questioned why so many homes are being crammed into one area.

Dale Munger stated he submitted a comment and recommendation that the proposed development is in a flood plain per the January 2018 preliminary FIRM. He spoke to representative of the state, county, and city. With all the changes and the added emphasis put into the analysis, the proposed FIRM maps will not change. It will be a year out before the FIRM map is formally accepted. In 1983, flooding occurred and may occur again. If flooding occurs, many homes could be destroyed and may be condemned. The city needs to use the flood plain overlay zone for this project so that certain criteria is met. The city has now been made aware.

Cregg Gordon stated he owns property on the cul-de-sac. He is concerned with the 44-foot streets. His son moved into a similar development in Logan, and there is no parking. His son hates it. People have to park in the driveways, which are only one car deep. The city needs to reconsider the width of the streets. Parking will occur on the wider street portions on 1000 South and 1050 South. The city will condemn part of his property. He purchased it because it is on a cul-de-sac. It will affect his future rents. He would like to live there one day and have it on a cul-de-sac.

Ron Coble stated he is concerned when it snows and cars are parked on the street, how will the streets be plowed on a 44-foot road. Forty-four feet isn't very wide. There is not enough room to build the homes on the three lots. The Strawberry Water line is another problem. People will shoot out of Walmart and drive up and down 1050 South. When residents have events, they will park on 1050 South, which will causes congestion problems.

Tonya Ellsworth stated the commission has talked about a community feel. She questioned what about the community feel in their area. This will take away a cul-de-sac to make a through road. They will park in front of their homes and block their streets. The new residents will be able to see into her yard and home.

Marie Mitchell stated there is a phone boxes in her back yard that will need access. She wants to make sure there is proper access. Easement to give property amount of land.

Brandon Rindlisbacher stated usually there is opposition to this type of development. He agrees with many of the comments. There are a couple of things he likes about the project. One is the fact the garages aren't prominent and are set back, and the ally-loaded units have garages behind the homes.

He is curious to know the impact on the smaller roads. He lives on a wider road in Payson where it's cluttered with cars, trailers, and junk. He likes not allowing parking on the streets but adding guest parking areas. Another project could look worse and be laid out in a poor manner. This project is laid out well.

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

Commission Discussion:

Commissioner Nichols questioned the size of the homes and the price point. His biggest concern is density.

Commissioner Marzan stated she has concerns, knows the area, and drives by multiple times per week. There is a lot of foot traffic on 1130 South as well as foot traffic. This will resolve some of the missing sidewalk issues. Her boys drive their lawnmowers down 1130 South and this will add 31 units. She doesn't agree with the density, smaller streets, and parking. There are safety risks.

Commissioner Billings stated Mr. Robinson doesn't know all the problems that are being raised. He just tried to throw in as many homes as possible. He questioned the directions the commission can take tonight. He questioned if remanded back to staff, who addresses the issues and if denied, is it denied for good.

Commissioner Beecher questioned how the city acquired the three lots. The easement is not an issue; a home can be built. He would like to table the item so the applicant can answer the many questions that have been raised. He doesn't want to remand it back to staff, deny it, approve it, or approve it with conditions. He wants to table it.

Jill Spencer clarified the applicant will have to answer questions about home sizes and price points. He is aware of the flood plain requirements. This process is about addressing the questions and concerns. The three lots were donated to the city by the developer of the project about 18 years ago. Multiple people has approached the city over the years to purchase them. The city wanted to wait until the South Meadows Specific Plan was done to determine if it should be zoned commercial. Through that planning process, the city found there was sufficient commercial to accommodate the city for many, many years. At one time, there was a request to rezone the three lots and Wall's property to commercial. The three lots would not have been platted if not buildable. If denied by the commission and city council, it ends this application. He would have to reapply with a new application and begin the process again. Mr. Robinson has made adjustments on previous projects because of comments from the residents and has been willing to have a neighborhood meeting. Those meetings are between the applicant and the residents.

Commissioner Cowan agreed with the comments from the commissioners. He has concerns with the water line easement, cul-de-sac issue, flood plain issue, street width, and density. He encouraged Mr. Robinson to hold a neighborhood meeting.

Commissioner Frisby stated if the Wall property is removed, it calculates to eight units per acre.

**MOTION: Commissioner Beecher – To table this item for a future meeting and to recommend to staff that we have a new public hearing at that time when the applicant can be present.**

Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Harold Nichols. The motion carried.

6.2 Review and recommendation of proposed amendments to Title 19, Zoning Ordinance, specifically the CC-1, Central Commercial Zone (8:15 p.m.)

Staff Presentation:

Daniel Jensen reviewed the proposed amendments to Title 19 regarding the CC-1, Central Commercial Zone, which were previously review a couple of times. The area includes downtown Payson. As previously discussed, staff met with business owners who felt walkability and design were important, and keeping the retail feel with housing upstairs. Currently there is a cap on housing, which can be on the second floor and basement but not the main floor. Housing will be limited to available parking and building height. The ADO overlay is removed in this zone but still effective in other zones. The proposal includes ground floor commercial or non-profit only. There is a setback, but a zero lot-line is allowed if the pedestrian corridors are enhanced. Buildings are oriented to the street with specific architectural features. Lot coverage can increase to 95% if the landscaping is appropriate to the design and streetscape. The idea is to create space to engage the open space to create walkability and design. Much of the landscaping may occur in the park strip. The Q90 project used private property and the planter strip to meet the landscape requirements.

Public Comment:

Dale Munger stated off-street parking could be in the back or in the basement. The apartments would be rented by singles especially in 10 to 15 years when Utah Valley University is on board. The issue is how many parking spots per unit. Provo City is having problems, and they do three per unit. Some places require environmentally rooftop landscaping which reduces runoff from the roof and helps with heating. The city needs to consider what the city will look like 100 years out.

Commission Discussion:

Commissioner Cowan stated one issue the commission has struggled with is something from back in the 1800's when town was originally laid out. Main Street is narrow and not conducive to parking. Parking is a major issue especially when residential is encouraged in the commercial.

Daniel Jensen stated with the historic main street there is a cap written that the maximum height is the original building when built or the height as of July 1, 2018 whichever is higher. No building on historic main will be able to be demolished and rebuilt as a three or four story building.

Commissioner Beecher stated staff has reflected the information of the commission, and he feels comfortable with it now.

**MOTION: Councilmember Beecher – To recommend to the city council the revised CC-1, Central Commercial Zone as outlined and in the packet.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Harold Nichols. The motion carried.

7. Commission and Staff Reports (8:30 p.m.)

## Holdaway-Pleasant Flats Annexation

Jill Spencer stated the applicant for this annexation would like certain zoning at the time of annexation. The city council held work sessions and the commission was involved with the last work session. The outcome was the same with concerns with density and limited commercial. The East Side Comprehensive Plan shows a considerable amount of commercial to serve the east side of Payson as well as Salem, Woodland Hills, and Elk Ridge. The applicant is looking at 25 units per acre in the multi-family area with 15 units per acre overall. The applicant is looking for clarification and questioning if the city would be okay with 20 units per acre in POD 1 (multi-family), which is allowed in the city code. The density for the Apartments at the Depot is 19.6 units per acre and the density at Ridgestone is 18 units per acre.

Commissioner Beecher stated his biggest concern isn't density. His biggest concern is their planner is short sided stating this is the only place it's needed. Their representative that stated this is the only place commercial is needed, in his opinion, is wrong. Residential units along the highway is a dumb idea. You can't access them, and UDOT won't allow that many accesses. It will never happen. They are trying to maximize their dollar with a traffic plan. You can create a traffic plan to prove anything. They are wrong in their assessment that more commercial isn't needed.

Commissioner Frisby stated the higher density next to the commercial isn't a huge issue, but the city would pass up on an opportunity with the small commercial. Their studies say the other corners can carry the commercial. He wouldn't mind seeing a mixed use with commercial below and residential above. Commercial may not be supported now but it will in the future.

Commissioner Marzan stated this is the gateway to Salem and Elk Ridge.

Commissioner Nichols stated Payson would turn into the slums with the number of projects coming into the city with high density. It will be worse than Orem. Payson will have transient people coming and going who can't afford higher rents or house payments. He doesn't want this for Payson. He questioned why we are bending to the developers. The Arrowhead Trail project will have a ton of multi-family units as well. He wants to stick to the comprehensive plan. This says they don't care about the city; they just want to make their money.

Commissioner Beecher stated there is a phenomenal amount of high-density housing and single-family housing being building in Utah County. The plan for this area doesn't foresee this high density. Their proposal is very short-sided with only 2.5 acres of commercial.

Jill Spencer clarified that the commission feels there needs to be modification to the commercial i.e. increased. The city is looking 20 to 30 years in the future, and their vision is finding users within an 18-month window. The city needs to look at location and provide a mixture of housing especially with Utah Valley University coming and the need to fill jobs in the business park. The concern with 25 units per acres was not just a function of the city ordinance. It is a concern with the density in this location. The challenge is the city just began the general plan update. Therefore, we go back to the currently adopted East Side Plan that shows a significant amount of commercial, some multi-family, and special needs housing. The city council, commission, and staff need to look at what is best for the community and many years into the future. The applicant feels if there is support for his plan, he is

willing to go through the code amendment process. He doesn't want to waste his time if there is no support. It could be annexed as agriculture and then go through the application process for development.

Brandon Rindlisbacher stated the city needs to be aware that by 2050 there will be three times the residents in Utah County. It will come whether we want it or not. The city needs to focus on building a community. It may be more about design than density. It is quality over quantity.

8. Adjournment

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

This meeting adjourned at 8:53 p.m.

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