

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, August 22, 2018 7:00 p.m.

CONDUCTING John Cowan, Chair

COMMISSIONERS Kirk Beecher, Adam Billings, Ryan Frisby, Kathy Marzan, Robert Mills  
(8:50 p.m.)

EXCUSED Harold Nichols

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

OTHERS Jerry Robinson, Kenny Ellsworth, Sue Robinson, Marie Mitchell, Tonya  
Ellsworth, Jeff Noyes, Elwood Wall

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

Five commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Frisby.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of July 25, 2018 (7:03 p.m.)

**MOTION: Commissioner Beecher – To approve the minutes from the July 25 meeting.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan. The motion carried.

5. Public Forum

No public comments.

6. Review Items

6.1 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.

Staff Presentation:

Daniel Jensen stated this request is for the RMO-1 Overlay Zone, which is used as an infill tool. The project approval will come later. The overlay allows a mix of single family and twin homes. It is a legislative action similar to a zone change. The density can be greater than the base zone and calculates to 5,400 square feet in this project. This is a cottage type neighborhood with walkability and narrower streets. The proposed layout extends the cul-de-sac to interior streets with one existing home, 12 twin homes, and 6 detached homes for a total of 31 units. The density excluding the wall property creates an average lot of 5,403 square feet. The housing product includes architectural features such as porches, recessed garages, and roof pitches. The overlay approval is tied to the proposed concept plan. The connection through the cul-de-sac is a requirement of the project through the streets department and fire department. It provides connectivity and a more cohesive neighborhood. If the connection is not made, one access is restricted to ten units. The applicant provided a petition in support of the project.

Jerry Robinson stated he held two neighborhood meetings with about 25 people attending. The initial petition had eight people and an additional five have been added. This property is located next to an industrial site where commercial or apartment zoning is often located. He is not recommending apartments, but it is a transition zone to commercial. The Wall property has been reduced and the park has been increased to meet the requirements for the area. There have been concerns with street width, but the streets meet the Payson standards for width. One advantage of narrower streets is to slow traffic. With regards to the cul-de-sac, they will do whatever the city asks them to do. Single family is located next to single family. It will be a beautiful community. He checked on the high power water line and found it is on the south side of the street in 1130 South.

Public Comments:

Elwood Wall stated the High Line Canal Company has a ditch along 1130 South on the south side. The other ditch is a high-flow ditch.

Kenny Ellsworth stated he lives in the cul-de-sac. He did not receive any invitation to any meetings. He wants his cul-de-sac to remain. The original plans did not remove the cul-de-sac and make a connection. It will cost the developer \$35,000 to retrofit the cul-de-sac. There only needs to be an inlet and outlet for the fire department. He has information the property ombudsman where property owners can get information and help regarding eminent domain. He is going to call them tomorrow.

Sue Robinson stated she heard that city considered a park on the three lots and asked if it is still in the plans. She questioned if the footage includes the three lots because all the lots have to be 9,000 square feet. She questioned the height of the townhomes and the slope of the property because of flooding. She was informed at the neighborhood meeting that the city required the connection at the cul-de-sac. She is concerned with people not stopping at the stop sign on 1130 South and more congestion.

Jill Spencer stated at one time there was a request from the neighborhood to have a park on the three lots. From the city standpoint, they were donated to the city as buildable lots and the use has never changed. There is been no plan to designate the lots as park space.

Commissioner Cowan clarified the current zone is R-1-9, which is 9,000 square foot lots. The overlay reduces the lot requirement.

Commissioner Beecher clarified that a development can be on several parcels, and this development is on four parcels.

Jerry Robinson stated the area is in a FEMA zone so there will be no basements. The tallest homes will not be higher than Ms. Robinson's home will. There is a grade change of about 38 inches. He doesn't anticipate units 27-31 being taller than the homes on 1050 South. There is a proposed sump in the back of the three current lots and then it flows to the west. The city engineer will make sure neighbors are protected. His original drawing had 1000 South as a dead end, but staff required that it continue through.

Jill Spencer read an email from Mark Raff. *He attended the community meeting on August 14 at the Wall residence where most of the residents on 1050 South and 1000 South attended. There was a heated discussion regarding the cul-de-sac. The original plan kept the cul-de-sac as is, but Payson city rejected it because it needed to go through for fire and utility access. This was new information to everyone because it was not mentioned at the planning commission meeting. He questioned if the other accesses were not enough for fire and utilities. The adjacent Hansen property to the east could have a mirror image plan. He questioned that would create the needed access for fire and utilities. He offers this idea in hopes to help the neighbors and save the cul-de-sac. He requested that the three city lots be single-family, single-story homes because of the land slope and to maximize privacy. There are concerns with the pressurized water line along 1130 South. He would like the city to do its due diligence to ensure the pipe is safely protected during construction and afterwards. He is overall okay with the request and the design improves upon the neighborhood. He read RMO-1 code and there are possible conflicts with lot sizes, home sizes, and front and rear setbacks.*

Jill Spencer stated Mr. Robinson did submit a proposal with 1000 South as a dead end. Multiple city departments required the connection. The street department did meet with the owners, and a subsequent meeting was held with the city manager and mayor regarding the city's interest to connect 1000 South. Mr. Raff may be reading an old copy of the code because the RMO was recently amended. Staff does not see any inconsistencies and will continue to communicate with Mr. Roth. She noted the process is two-part that includes the overlay zone to establish the density and then subdividing. Many technical issues will still need to be resolved with the subdivision, which will require another public hearing.

Marie Mitchell stated she agrees with single-family homes on the three city lots. In the neighborhood meeting, visitor parking and snow removal were mentioned. She doesn't see anything on the plans. The stop sign is a safety issue because people don't stop. If this is a cottage-type, walking neighborhood, then the connection isn't needed. The water behind the three lots runs to the north. She would like to see 10 units so the 1000 South isn't needed.

Jerry Robinson stated the property would be surveyed to make sure the water flows to the west on the development property. It will be better than it is now. The snow can be pushed to the open space on the Wall property. He has no control over who plows or where and when they plow the snow. He is willing to add parking to the open space if required, but there is parking along the streets.

Tonya Ellsworth stated her husband plows the streets not the city, and the snow is pushed on their property. They met with the street department and mayor. They had the meeting with the street

department, and she had the meeting with the mayor. They never talked about it being about the fire or street requirements to remove the cul-de-sac.

Jeff Noyes stated looking at the zoning options and buildings that could go into the property; this is a pretty good option. He is the one who brought up the concern of the canal. It is underneath the pavement. He has concerns with drainage and working on the cul-de-sac. He likes the looks of the development; it's one of the better options.

Elwood Wall stated in the last year and a half several people have talked to him about developing his property. Mr. Robinson approached him and asked that they look at his development in Mapleton called Harvest Park. He looked at this development, which is very different from most other places. The houses are nice, and he felt he could live among this type of development. Other developers wanted duplexes or similar development to the south. This is the best use of his property. The Hanson property to the east will be a totally different development. He has nothing to do with it. He doesn't mind people using his property. Right now the snow is pushed on his property.

#### Commission Discussion:

Commissioner Beecher mentioned he spoke to a relative of the Hanson Family who are in favor of the development. He questioned a temporary cul-de-sac on 1000 South to the Hanson property. There are 12 units that need the connection from the cul-de-sac.

Commissioner Billings stated in the past meeting, the commission discussed the three lots having single-family homes, which he agrees because of safety issues and the street being a collector street. An alternative development is a large condominium project that is fenced with multiple-story buildings. This project really is functional, flowable, and livable. He's sorry it's taking some land, but it's not going through a home, which is good.

Commissioner Frisby stated the density is the reason to remove the cul-de-sac and may not be the best decision. If there are 10 units or less, then cul-de-sac stays.

Commissioner Marzan stated she feels it's a great product and fit for the area. It's a difficult decision to remove the cul-de-sac.

Commissioner Cowan stated the commission makes a recommendation. Public safety issues are out of our hands. The issue before the commission is what the applicant presents, and the commission makes a recommendation based on what is presented.

Jill Spencer stated when we are talking about a second point of ingress and egress, the limit is 10 units on a single point. The turnaround on the east side of 1000 South is great for a turnaround but doesn't take care of another access. Only 10 units could be built until that access connects. There were other reasons in making a connection with the cul-de-sac. Eminent domain has very strict rules and requirements. The private property right ombudsman with the state helps owners understand their rights. Staff encourages them to have that conversation with them. The city has to provide just compensation, and it has to provide a legitimate public purpose. At this time, the city has only had a conversation with those property owners.

The commission further discussed density and connectivity.

Daniel Jensen stated the RMO-1 is tied to the concept layout and housing designs. Things may shift a few feet here and there to meet subdivision requirements, but there would be no new roads, connections, or cul-de-sacs. His understanding is even with fewer units, staff has multiple reasons for the connectivity.

**MOTION: Commissioner Beecher – To recommend to the city council, to approve the RMO-1 Zone and associated building products and general concept plan as proposed with minor corrections and modifications as required with the subdivision.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Kathy Marzan. Those voting no – Ryan Frisby. The motion carried.

7. Discussion regarding residential land use transitions along commercial corridors (8:30 p.m.)

Staff Presentation:

Daniel Jensen asked for feedback from the commission regarding transitions along commercial corridors and infill development. The city's current tools are limited so he wants to create tools for transition areas. The CC-1 for downtown has some good infill options. Residential Multi-Family (RMF) has a minimum lot area and suburban style development. There is the RMO-1 for planned residential community and R-1 for twin homes. This is all we have for infill. Properties that have deep lots that used to be agricultural land in the middle of the city and blocks, the options are flag lots and twin homes. Along the highway, it goes from commercial to R-1 with no transition or tool. Developers continually ask staff how they can do infill development between the commercial and R-1 areas. He reviewed the commercial locations on the south side and east side of the city where single family abuts commercial. He reviewed buildings in different types of development such as small lot, detached small lot, attached housing, townhomes, townhomes with front garages, townhomes with garages and side streets, eight plex, and suburban apartment complex. There can be different transition styles.

Points of Discussion:

- Infill:
  - Small Lot and Detached Small Lot Developments – Good solution for a transition. Good because the units are separate. Needs to have enough parking. Walkable. Setbacks are reduced to create parking. Rear parking can be accommodated. The city needs to provide for many types of housing in the right location.
  - Flag Lots – Neighborhoods have life styles. Flag lots create an inconsistent life style in a community. They can lock a lot of viable development. There are difficulties getting the utility lines back to the home. Fencing is difficult.

(Robert Mills 8:50 p.m.)

- The term infill is not defined in the ordinance. It may be used in the RMO-1 Overlay Zone. People talk about infill, and it needs to be defined. The housing type isn't as important as the design standards. There needs to be a good mix in all neighborhoods.
- One concern with infill is having the needed capacity in utilities to accommodate a higher density.
- Transition:
  - The transition could go through the block or end in the middle so single family faces single family. A transition distance can be applied similar to the 150 feet in the S-1 Zone. It needs to be addressed from commercial to residential and residential to commercial.