

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, July 31, 2019 7:00 p.m.

CONDUCTING Chairman John Cowan

COMMISSIONERS Kirk Beecher, Adam Billings (7:08 p.m.), John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore

STAFF Jill Spencer, City Planner
Daniel Jensen, Planner II
Trista Bird

COUNCILMEMBERS Linda Carter, Taresa Hiatt

OTHERS Packer Morley – Walkera Development, Jerry Robinson, Thayne Bailey, Verla Ekins, Rudy Ekins, Tom Cooper, Jeff Southard, Fernando Carroll, Max Lerwill

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:02 p.m.

2. Roll Call

Six commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Mills.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of July 10, 2019

MOTION: Commissioner Marzan - To approve the consent agenda. Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

5. Public Forum

No public comments.

6. Review Items (7:07 p.m.)

6.1 PUBLIC HEARING – Request by Walkera Development LLC to rezone 5.35 acres including The Depot, Plat A, Lot 4 located at 614 North 400 West on parcel 37:292:0004

from the S-1, Special Highway Service Zone to the RMF-20, Residential Multi-Family Zone.

Staff Presentation:

Daniel Jensen stated this item was addressed previously at the April 24, 2019 meeting. There were several concerns brought up by the public. Staff has discussed and hopefully addressed those concerns. This area is proposed to have the same development as the Apartments at the Depot to the north. He reviewed future developments in the area including the new I-15 interchange, Nebo Beltway, and General Plan updates. The issue with the SESD power pole in the street has been resolved. Another issue was the general inconvenience of development such as closed roads, road resurfacing, and noise, which will occur with any development. He reviewed the levels of service for streets regarding traffic concerns. The city engineer calculated trip generation at build out for the area at approximately 2,535, which falls under a level of service A or B for a local road classification. Because of the current development layout, connectivity is not available along the east side of the property but may be possible with future development. The current request is for a zone change, which is a legislative decision where the city addresses health, safety, and welfare of the community, consistency with the general plan, and goals of the city. He clarified the RFM-20 Zone allows 20-units per acre. Future approval would be a site plan approval.

Applicant Presentation:

Packer Morley stated they have worked with staff to address the concerns. They are not asking for any use to be approved at this time; just approval of the zone change. Any future use would have to go through the process.

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

Public Hearing:

Max Lerwill stated the Eversage project has impacted everyone who uses 400 West and has been quite disturbing to the existing neighborhood. During construction, they lost access to their driveway for two days with a 12-foot deep trench. Their phone and internet lines were cut several times. The road was torn up for twelve months and sometimes completely blocked off. The entrances to the Eversage project do not have stop signs and vehicles with trailers are parked close to the entrances for days. There is nowhere to push snow now and last year snow was pushed up onto his property. Instead of his view of Loafer Mountain, he sees apartment buildings and people sitting on the curb smoking and letting their animals out to relieve themselves. He would request that the zone change be denied until another access is provided along the east side of the project to lots 3 and 4. A road would also provide access to a landlocked parcel that could be used for RV storage for the project.

Fernando Carroll summarized the intent of the Payson City Zoning Ordinance that states, *The intent of the ordinance is to lesson congestion on streets, prevent overcrowding of the land, and provide adequate light and air.* A zoning designation of an RMF-20 is overcrowding of the land and congesting of the streets. The proposed 5-plus acres would constitute approximately 100 more units and 225 more vehicles (residents and visitors). This zoning change equates to approximately 268 units and 603 vehicles added to a very small area with only one access street. He asks the commissioners to consider where they live and to imagine 268 families and 603 vehicles suddenly moving in across the street. The S-1 Zone in the area states, *It is imperative to have good traffic circulation for this to be successful as a commercial enterprise.* The 600 vehicles will bring a lot of

customers to this S-1 property but will not result in good traffic circulation. If the zoning for this development is changed to multi-family residential, there needs to be an additional street access from 900 North. He questioned why the existing owner and developer can't put in a street. He understands wanting to maximize profits by cramming in as many units as possible. He understands the city wanting to stabilize the tax base of the city. But it should not be done at the expense of the existing street and neighborhood. Parking has been an issue as well. He has concerns regarding the irrigation canal and needed improvements. He urged the commission to reject the proposed zoning change or at least reduce the density.

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

Commission Discussion:

Commissioner Cowan stated he grew up just south of 400 West. He knows the traffic has grown and grown from 400 West down to 9600 South. Additional units will add to the traffic problem, which needs to be addressed with the development.

Commissioner Beecher stated based on the general plan for the area, this zone change is consistent with that plan and meets the requirements. The number of units is capped by the 20-units per acre, which is 107 units maximum. The road use will increase, but it doesn't exceed the road capacity. Roads are defined by the width, and wider roads are designed to carry more traffic.

Jill Spencer clarified it is up to 20-units per acre. All the ordinance requirements must be met as well, which may reduce the number of units.

Commissioner Marzan stated she did notice the RV's parked on the side of the road this week.

Daniel Jensen explained that the engineers have already determined that this would be a collector status road. He clarified that the city cannot require a property owner to build a road on their property unless through the condemnation process or with a land use application. The property to the east is not owned by this applicant. When development occurs to the east, the city could require a road and connection. This road is going through growing pains. The developer will be required to complete the east side of the road. Parking on the street can be addressed by code enforcement, which he will mention to the Police Chief. RV parking will be addressed with the development application. He will discuss striping and street improvements with the Street Superintendent.

MOTION: Commissioner Mills - To recommend to the city council approval of the proposed zone based on the following: The proposal is consistent with the general plan and what the surrounding neighborhood uses have called for, and also the fact this will still go through site plan approval process where upon any sort of project will be furthered reviewed. Second by Commissioner Beecher. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

- 6.2 PUBLIC HEARING – Request for preliminary Plan and final plat approval of the South Haven Farms Subdivision located adjacent to and south of SR-198 extending to 100 South and between 1300 East and 1500 East. The proposed subdivision includes four lots on property included in the Holdaway-Pleasant Flats Annexation.

Staff Presentation:

Daniel Jensen reviewed the South Haven Farms subdivision. This project is part of the recently annexed Holdaway-Pleasant Flats Annexation. The proposal includes commercial, residential multi-family at 20 units per acre and 12 units per acre, and a professional office area. Each of the four quadrants represent future development areas.

Applicant Presentation:

Jeff Southard stated the zoning was approved with the annexation. Their goal is to develop super pads that will have all the improvements in place. Each pad would then come for a development approval. He has submitted a zone text amendment to accommodate the senior housing development. Utility lines will be upsized, and the city will reimburse him.

MOTION: Commissioner Frisby – To open the public hearing for item 6.2. Motion seconded by Commissioner Billings. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

Public Hearing:

No public comment.

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

MOTION: Commissioner Beecher – To recommend to the City Council approval of the preliminary plan and final plat of the South Haven Farms Subdivision contingent upon staff redlines and finding it is consistent with the City Code, General Plan, and advances the goals of this area as discussed. Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

- 6.3 PUBLIC HEARING – Request to apply the TS-O, Transit Station Overlay for property located at approximately 800 South and 1700 West on parcels 30:060:0056 (portion), 30:060:0030, 30:060:0040m 30:060:0014, and 30:060:0069 to allow a master planned walkable community around a higher education facility. The current zoning includes the A-5-H, Agricultural Holding Zone, R-1-A, Residential Agriculture Zone, and S-1, Special Highway Service Zone

Staff Presentation:

Daniel Jensen stated this zone change is an overlay to allow additional permitted uses, design standards, and criteria for greater flexibility as represented in the concept plan. The South Meadows Area Specific Plan (SMASP) is the governing plan for this area. The plan includes two alternatives depending on whether a university does or doesn't come to the area. If there is no transit or university, this is a base scenario land use plan. The anticipated university has decided to go to the north interchange, but MTEch is still planning to come to this location. The proposal is consistent with the SMASP for the area. He reviewed the general plan and nodal development. The project provides a mix of housing types and sizes with an average of 25-units per acre as well as retail/office space and some condominium units. The housing product includes urban-style and modern elevations. The concept plan would be contingent on a shared parking lot and access agreement with MTEch. The amenities will need to be consistent with the RMF Zone and are meant to be shared

among all types of housing units within the development. The project design is to be pedestrian friendly with trails connecting to other city trails. Staff has met with the Utah Transit Authority (UTA), but they have no plan to bring a station to this southern area.

Applicant Presentation:

Jerry Robinson stated MTEch board has formally committed to go at this location, which is a public record. The plan is to give MTEch 13.3 acres for its 300,000 square-foot facility with 900 parking stalls, which is a cost to the owner of this property. He reviewed the concept plan that includes connection to the Orthodox Church, wetlands, trails, moving dry creek, MTEch facility, commercial, and housing. Every unit has 2.4 parking stalls. He spoke with a realtor tonight and learned that the Eversage Apartments will be 100% full by October so there is a demand for this type of project. He would like to have the design be more contemporary to be consistent with the commercial. The open space is approximately three football fields. MTEch is the key to developing the commercial and housing densities for a nodal. The densities are consistent in concept with the SMASP and allows them to give the property to MTEch. He requests that the commission approve this tonight so that MTEch will come here. He answered questions from the commissioners. The streets are 70-foot wide and accommodate on-street parking. RV parking has not been provided, but is important to consider. RV parking could be provided instead of some of the open space. The units are primarily for students, but families may use the units. The units are primarily rentals, but condos will be available as much as the market will bear. He has a memorandum of understanding with MTEch. MTEch is going to the state for funding in January subject to receiving the 13.3 acres.

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

Public Hearing:

Tom Cooper stated his son that lives in this area. First and foremost, he is very pro-growth in the city. In order to have a healthy community, the city has to have good, balanced, and strong growth. He feels this project is being rail-roded through. There has been no feasibility study done. It is a very large project and will have a great impact on the city utilities and traffic flow. He is very concerned about the existing road corridor and that it isn't adequate for the proposed traffic increase. He doesn't feel like the donated commercial property is costing as much as they say. In his opinion, some things are misleading. He doesn't think this project is a bad idea in concept; but before it moves forward, it needs to have more time and effort put into it.

Rudy Ekins stated he lives on the dead-end road by the church. Years ago, when the Ridgestone Development came in, one of the biggest concerns was foot traffic. This development is pushing foot traffic, which goes nowhere. He is concerned about foot traffic going over I-15. He has tried to ride his bike from this area to Wal-Mart, and it is very dangerous.

Verlin Ekins stated she is concerned about fire with two-level apartments because there are no elevators. She is thinking of the EMS people that have to go into two level apartments and carry people down the stairs. She lives on the dead-end road, and there are issued driving up and down the road. They wait for cars to go buy to take another car out. She is not against development and realizes it's going to happen. However, she feels this is being railroaded and pushed through. The semi-trucks don't go 25 mph. She would like the commission to ask if it's good for both the farmer and the developer.

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

Commission Discussion:

Chairman Cowan questioned parking and the possibility of not enough parking. If enough parking isn't provided, the city gets into a real mess and getting away from RV parking has created some real problems, which is a major issue for him. The city is beginning to have too many apartments. He feels like there are several questions that need to be answered. Traffic is a concern, and 1700 West is a bad road with heavy truck traffic. This road needs to be improved at least to the city limits.

Commissioner Mills questioned the underlying zone allows for 20 units per acre, but the proposal is for 25 units. The staff report reads, *The applicant argues that the proximity to the college and interchange make it a sound planning principle to allow greater density. Staff does not disagree, however the Planning Commission and City Council will need to decide if the proposed density is sufficiently similar to the adopted plans.* He personally doesn't have a problem with the proposed density. If density is appropriately placed, then open is saved in other areas preserving farm land and agricultural land. He questioned if the city can procedurally do this. From his experience, this may need an amendment to the General Plan. He supports the density but would be more supportive of an amendment to the General Plan.

Daniel Jensen explained that the TSO Overlay has permitted uses and a category on density. There is a minimum density of 15-units per acre and a maximum density of 25-units per acre on the gross acreage. The SMASP does not show 25-units per acre. If viewed as a substantial change from the General Plan, an amendment to the General Plan could be a recommendation. The applicant felt the concept plan is within range of consistency of the SMASP.

Commissioner Frisby stated his concern with using the TSO Overlay Zone on a project where the transit part has been cut out. Parking is still an issue. He would like to meet with an MTech representative before moving forward.

Commissioner Mills stated with a 300,000 square foot school facility, there will be some sort of public transit. He would rather encourage the transit element than discourage it.

Daniel Jensen clarified that the overlay would be contingent on a shared parking agreement or the concept plan is out. UTA has stated that if there is a demand, they will provide public transit whether a bus or shuttle system.

Jerry Robinson apologized for the timing of things but it is MTech's timing. MTech will be closing the facility in Spanish Fork and all of that will come to the Payson facility.

Thayne Bailey stated MTech has taken this through the process to get funding with the state and was in the top two projects for funding approval. It is important to understand what MTech will do for the community. MTech provides the training that people need to get real jobs right away. This allows people to get an education that they can't get at a University. Every facility fills up right away.

Commissioner Marzan likes the project idea but is concerned about the parking, streets, timing, and the guarantee from MTech.

Commissioner Beecher clarified this is contingent upon MTech coming here.

Discussion regarding producing the commitment from MTech, requiring a traffic study, zoning approval is not a commitment from the city to participate in utilities, a text amendment creating a new zone would be required to go over 25-units per acre.

MOTION: Commissioner Beecher - To recommend to the City Council the approval of the TSO Overlay Zone for this area with the conditions that a traffic study is done (before site plan) and if needed, either recommended by the city attorney or staff, that the modification to the area specific plan be made concurrently. Also that the conditions that MTech guarantees be in hand before proceeding any further, that MTech has committed, a shared parking agreement, and any other staff conditions. Motion seconded by Mills. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Kathy Marzan, Robert Mills, Tyler Moore. Those voting no – Ryan Frisby. The motion carried.

7. Commission and Staff Reports

No reports.

8. Adjournment

MOTION: Commissioner Beecher – To adjourn. Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

This meeting adjourned at 9:19 p.m.

/s/ Kim E. Holindrake

Kim E. Holindrake, City Recorder