

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, December 11, 2019 7:00 p.m.

CONDUCTING John Cowan

COMMISSIONERS John Cowan, Kathy Marzan, Kit Morgan, Blair Warner

EXCUSED Kirk Beecher, Ryan Frisby, Tyler Moore

STAFF Jill Spencer, City Planner
 Daniel Jensen, Planner II
 Kevin Stinson, Admin Assistant

OTHERS

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:01p.m.

2. Roll Call

Four commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Warner

4. Consent Agenda

4.1 Approval of the for the regular meeting of November 13, 2019

MOTION: Commissioner Marzan- To approve the consent agenda. Motion seconded by Commissioner Warner. Those voting yes John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

4.2 RESOLUTION – Planning Commission annual meeting dates and times.

MOTION: Commissioner Morgan- To approve the resolution. Motion seconded by Commissioner Warner. Those voting yes John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

5. Public Forum

No public comments.

6. Review Items

- 6.1 PUBLIC HEARING – Request by Karl Shuler for preliminary and final approval of a three lot single-family residential subdivision, Provstgaard Properties LC Subdivision Plat A, in the R-1-7.5 zone at 210 N 600 East with parcel ID 08:082:0003.

Staff Presentation:

Daniel reviewed the information from past planning commission meetings. This is an administrative process and for the knowledge of the public. This is splitting the lot into three buildable lots. It is about one acre with a single-family house. Staff has been working with the family and feel it meets all requirements. There are some redline changes that need to be done by the applicant. Approval will be contingent on those redlines being completed by the applicant.

MOTION: Commissioner Marzan - To open the public hearing. Motion seconded by Commissioner Morgan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Public Hearing: No public comment

MOTION: Commissioner Marzan- To close the public hearing, item 6.1. Motion seconded by Commissioner Warner. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

MOTION: Commissioner Marzan- To approve the request for the preliminary and final of the Provstgaard's three lot single-family residential subdivision with completion of the redlines and staff comments. Motion seconded by Commissioner Morgan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

- 6.2 PUBLIC HEARING – Request by Doug Wilson for preliminary and final approval of a three lot single-family residential subdivision, S. Wilson Subdivision, in the R-1-7.5 zone on the south side of 400 North between 200 and 300 East. The parcels involved include parcel ID's 08:048:0035, 08:048:003, and 08:048:0038.

Staff Presentation:

Daniel stated this is similar to the last item. The point of this public hearing it for the public to let staff know if there are any conditions that staff are not aware of. Some time ago this lot was divided without going through the city. This is cleaning up the lots to make the lots buildable according to code. They will need to add curb and gutter and connect to public utilities. Lot three and one are on the red lines. They will need to meet the setbacks. Approval is based on meeting all red lines.

MOTION: Commissioner Marzan- To open the public hearing. Motion seconded by Commissioner Morgan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Public Hearing:

Jason Zeeman – Owns property to the south and east. Has questions on the fence lines. Is the fence the property line? He wants to build a shop and needs to know if it will change.

MOTION: Commissioner Morgan- To close the public hearing, item 6.2. Motion seconded by Commissioner Marzan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

MOTION: Commissioner Morgan- To approve the preliminary and final of the S. Wilson three lot single-family residential subdivision based on the condition of meeting the staff redlines.

Motion seconded by Commissioner Marzan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

6.3 PUBLIC HEARING – Request by Staheli Properties LLC to amend the East Side Comprehensive Plan to allow annexations under 300 acres in size.

Staff Presentation:

Jill talked about the history of the eastside comprehensive plan. In 2006, Payson was looking at this property between Payson and Salem. That area was included as a possibility to annex into the city. The plan was to manage the growth and preserve the area. Any development needed to meet city code. The residents were concerned with agricultural preservation, transportation, the infrastructure. The residents separated into two groups, north and south of the Salem canal. Development has now just started. One of the requests from the residents is that any new annexations be in excess of 300 acres. Residents have been notified of the area we are talking about today. The Stahelis have requested to be annex into the city. They are not talking about annexing today but are looking for either an exception to the 300 acre rule or amendment to the comprehensive plan.

Options, recommend to amend the plan and take out the minimum amount or reduce the amount of acres required; or denial and they will need to get the adjoining properties owners to join them to reach the 300 acre amount.

The eastside area has shrunk since the 2009 ordinance was put in place. Land has been annexed into other cities or planned to be annexed into other cities. There are no other hard rules about how many acres are required for annexation in other areas around the city

Kyle Spencer with Northern Engineering. The whole area is about 500 acres. Most owned by the Allred family - about 400 acres. There are about 20-30 property owners in the eastside plan.

MOTION: Commissioner Warner- To open the public hearing. Motion seconded by Commissioner Morgan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Public Hearing:

Debbie Cloward – representing Allred properties. When they were first presented with this it was only the Stahelis. Now it has grown to over 24 acres. They oppose the change. They feel it compromises the lifestyle of those not involved. Their orchards will not be protected. These people want the rural lifestyle. There are rumors that a high density house is possible. Their land already has many theft issues in the orchards. Trespassing is frequent. Borders between orchards and development need to be established and people need to realize that it is a working farm with

machines, smells and noise. The orchards are a valuable resource to Payson city and once they are gone they cannot be replaced.

Shawn Buffton – Land owner in the area. The original plan was not haphazard. They do not want to live in the city. Lehi city has lost it's farm lands. This is a similar problem that will come to this place. There is a lot of trespassing and theft already. If we change this rule it will open the door to many other changes. The county is trying to protect the county farm land not let cities take it. He has talked with a county commissioner and the county is in favor of protecting the county farm land. Can Stahelis hook up to Payson City for utilities? That would allow them to build their three houses and resolve the problems.

Nathan Stahlie – This land has been in the Staheli family for several generations. They have no intentions to develop land into a city. The three brother only want to build three houses so they can still live on and farm their land. The county will not let them add septic systems and drill wells. They were told they need to connect to Payson city. The Staheli family wants to continue to farm and stay on their family land.

Jill – 12 acres was the first amount asked to be annexed. Payson prefers to only provide the utilities to those within our boundaries.

Phil Staheli – Managing partner of Staheli properties. He was against the 300 acre rule at the time it was created. The county has it as a TR5 zone – the transition into a city. They want to put the three son's home on the property.

Ross Huff – Property owner in the area. He has questions. Can he be forced to be annexed? What happens to his water rights if he subdivides and is annexed? Can the city make him hook up to their sewer system? If they do will the hookup be at his cost or will the city pay for it? Can the city tell him that he has to put in curb and gutter before he can pay for it in cash? The answers to these question will help him make his decision. He is in favor of the Staheli's right to divide their land. He would like to be in the city and participate with the city benefits. He is wanting to pay for those benefits.

He moved to this area in 1946. There were large herds of Elk that came into the area. The orchards came in and fences things off and stopped the elk from coming. The large land owner should not be able to tell the small what they can do.

Jill – Utah code says that property owns can be brought into the city by petition without the property owners consent. You will need 51% of the property owners and one third of the value of the property owners to sign the petition.

Sheri Staheli – Owns 10 acres in the area. She was apart of the original plan. The purpose of the 300 acre was to make sure the annex would be done thoughtfully and with general consent. It was not intended that the orchards had the whole say. She prefers the idea of an exception so that each annex can be evaluated. She wants to remove the 300 hundred acre rule. She still wants to preserve the lifestyle they have. The lost land in the area went to Elk Ridge because the owner could not get what he wanted from Payson. Payson lost out on that opportunity.

Chad Gosser – Resident. The eastside plan was put together and well thought-out. He is urging them to stick with the plan. The reason for the 300 acres is to keep the future development clean and beautiful. The Condie property is a good example of the mess that is now on Payson’s hands. They do not want to see this broken in to little pieces. If we grow in large parts we can have neat parts of Payson in the future.

Wyane Barbin – He works in Orem and has seen other developments. He is for the exception. He knows the Stahelis and knows they want the larger farming areas not high density areas as does he.

Violet Johnson – Lives right next to the orchard. She is in favor of the exception. The Allred’s own 2/3 of the land then that is not fair that anyone else cannot develop their own land because of the Allred’s. Other land owners should be allowed to improve their lifestyle. She is not in favor of high density, but some more homes.

Darren Staheli – Wants to build on the property and live where they grew up. They do not want high density, but want to live on and farm the land they grew up on. It will help their father to continue to farm the land. They tried to work with the county and they would not let them put in well. They would like to work with the county but they will not work with them. The city is working with them and they would like to keep this land in their family to farm.

Kyle Staheli – He is a part of this community, he is a school teacher. He know it is special to these people. He wants to return to the land he grew up in with his family.

Becky Ellsworth – Part of the orchards. They grew up in Provo until the state took her father’s land and built the interstate. They want to be allowed to farm, not control what is going on out there.

MOTION: Commissioner Warner- To close the public hearing, item 6.3. Motion seconded by Commissioner Marzan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Cowan – Has an internal conflict. He like open country, but does not want to limit property owners and tell them what they can do with their land.

He suggested that the residents put a new committee together to decide how to use the land.

Jill – If we did an exception, they are near the road and new lands will be built on. The problem is exceptions don’t have rules. Maybe an amendment is the best way to go. The eastside plan does include cluster development to help move development away from the orchards. Parts of the eastside plan can be the tool to help with the annex.

Commissioner Warner – He was on the commission when the eastside plan was created 10 years ago. Agriculture has a problem with neighbors. Payson has changed in the last 10 years. There is increase pressure in the county for development. There are 500 acres here and we have a 300 acre rule and that is not a workable tool to manage what is done with annexations. Larger tracts of land are easier to work with for planning. History has shown that we do not get 300 acres in at a time. The Eastside plan is a plan and for a plan to continue people need to be vigilant to keep that plan functional. He

suggest a buffering for the agriculture area. He feels this needs work and an amendment. This needs to be looked at to help those that want to protect their land and those that want to use their land.

Commissioner Marzan – We need to maintain orchards and land areas, but also need to allow people develop their land as they see fit.

Commissioner Morgan – This is too much to make a definite decision tonight. The 300 acre rule needs to be re-looked at to find a happy medium. Size of annexation is a concern. Small annexes can remove the buffers.

MOTION: Commissioner Warner - To remand this to staff with the recommendation that we hold a committee with land owners to work out an amendment that will be workable to both parties and have another public hearing. Motion seconded by Commissioner Marzan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

- 6.4 Review and recommendation to amend Title 19, Zoning Ordinance, specifically amendments associated with the proposed NC, Neighborhood Commercial Overlay.

Staff Presentation:

Daniel stated this is a legislative action. It is a text amendment. NC1 Zone allows for limited commercial use in a residential zone. Staff feels that an overlay will be best for this project. The overlay will be limited to the project and property. The zone allows for very broad uses. The eventual objective is to remove the NC1 zone and add an overlay. There are still other properties that will need to be addressed before this is done. The overlay addresses several legislative elements including the best interest of the neighborhood, building design, hours of operation, noise, lighting, traffic, parking, signs, landscaping, lot size and various others. This will confine the applicant to the current overlay. If they want changes they will need to reapply for a change.

Considerations are also defined in the overlay to help define terms. Overlays can be specific and different to each project. The legislative body stays involved in each project, here as in a zone the applicant can do what they want as long as it meets the code within the zone.

Tonight is a recommendation for a citywide change not for any specific project.

MOTION: Commissioner Morgan- To recommend the approval to amend Title 19, Zoning Ordinance, specifically amendments associated with the proposed NC, Neighborhood Commercial Overlay with staff comments. Motion seconded by Commissioner Marzan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

- 6.5 PUBLIC HEARING – Request by Jeff Southard for use of the Senior Living Overlay to allow a 55+ community that includes two 45-unit apartment buildings and amenities for seniors and is four stories in height. The project is arranged on Utah County parcel 30:030:0085, Located at approximately 1300 E SR 198.

Staff Presentation:

Daniel summarized that the applicant, Jeff, has been working with staff. The property has been annexed in and super-pads were created. This is similar to a project built in Lindon. The

requirements are 30 units per acres. The Assisted living unit will need to have a conditional use overlay. This project will grow with time. Parking is addressed with 1.4 parking spaces per unit and several walking areas. Daniel review architectural features and amenities, exercise rooms, gathering areas, garden spaces.

If anything is to be individually own then there would need to be a plat and have individual lots.

Jeff Southard – Reviewed the project and elevation pictures. The buildings are to have a farmhouse look. They are open to the commission’s opinion on colors.

Review of pictures in Lindon. The apartments are 1 to 3 bedrooms. There is a large family gathering area in the complex. There are outdoor garden boxes, fenced pet areas. The plan is not to fence the walking areas in, but leave it open so they residents have walkable access to the general commercial area to the east. All rooms are ADA accessible, but only two are fully ADA. Every unit will be easily convertible to full ADA.

MOTION: Commissioner Marzan- To open the public hearing. Motion seconded by Commissioner Warner. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Public Hearing: No public hearing

MOTION: Commissioner Marzan- To close the public hearing, item 6.5. Motion seconded by Commissioner Morgan. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

Commission Discussion:

MOTION: Commissioner Marzan- To recommend the approval to allow the senior housing overlay on three acres, 55+ community that includes two 45-unit apartment buildings and amenities and is four stories in height. The project is arranged on Utah County lot one of the South Haven Farm, parcel 30:030:0085, Located at approximately 1300 E SR 198. Motion seconded by Commissioner Warner. Those voting yes – John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

6.6 Work Session – Villages at Arrowhead Park, phases 8-11

Jill stated the preliminary plan is coming soon. Changes have been made since the November presentation. Jill reviewed changes between original plans and new plans. Roads have been changed to help with connectivity. The roads are still private drives. The changes have allowed additional open space. Phase 8 is in the works of changing builders.

There is more open space and more walkability. Accessibility has improved, it is more open. Parking has increased. Phase 9 & 10 are twin homes and single family homes. Phase 11 is condominiums. Walkways in phase 9 & 10 still need work, details on 8 from the new developer, phase 11 review to make sure it is consistent with the code.

These are concept plans and the applicant is looking for confirmation from the commission that they are moving in the right direction before moving too far forward.

David Gardner from the development team – preliminary plans require significant engineering.

Phase 9 & 10 have back roads to garages and sidewalks in front for front doors. Review of phases, designs, affordability. Each phase fits together to the whole community.

Phase 11 will have the outside hall accessibility to keep it cost effective

Jim Zumfelt – Eagle summit Construction. Phase 11 builder. Sidewalks, for walking. 2.25 parking stalls per unit. Architectural design reviews for ascetics. Gables were added. Nine foot ceilings in each unit with 5 foot windows. These are for first time home buyers age 25-30 years. Income of \$15 an hour. They are starting in \$175000. This will be an HOA. The HOA will be responsible for ice and snow removal. The green space will have a playground and splash pad, basketball court and volleyball. Fenced dog park, pavilion.

Concern with garbage collection on phase 9 & 10. Roads are designed for firetruck and garbage trucks.

Matt Loveland with Fieldstone homes – the design and network will help the community greatly. It is pedestrian friendly. The changes to rear loaded garages allows for large windows in the front.

7. Commission and Staff Reports and Training

Jill – there will be a work session on the general plan next week. There will be more information to follow.

8. Adjournment

MOTION: Commissioner Marzan– To adjourn. Motion seconded by Commissioner Morgan.

Those voting yes John Cowan, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

This meeting adjourned at 10:05 p.m.

/s/ Kevin Stinson

Kevin Stinson, Administrative Assistant