

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, August 26, 2020 7:00 p.m.

Electronic Meeting

CONDUCTING Kirk Beecher

COMMISSIONERS Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, Kit Morgan, Blair Warner

EXCUSED John Cowan

STAFF Nestor Gallo, Development Services Director
 Kevin Stinson

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 Beecher.

4. Consent agenda

4.1 Approval of the minutes for the regular meeting on July 22, 2020

MOTION: Commissioner Marzan- To approve the consent agenda. Motion seconded by Commissioner Frisby. Those voting yes Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, Kit Morgan, Blair Warner. The motion carried.

5. Public Forum

No public Forum

6. Review Items

6.1 PUBLIC HEARING - Request by Terry Harward for preliminary approval of the Villages at Arrowhead Park Subdivision, Phases 5-7. The proposal is to change from 85 single family lots with an average lot size of 8,047 square feet to 132 single family lots with the average lot size of 4,490.

Staff Presentation:

Nestor stated this is located at the north side of city. He reviewed the develop agreement for the whole project and all the phases. The annexation agreement allows a total of 654 total units. Once the total issued building permits exceed 400 the pressurized irrigation will need to be brought to the development by the developer.

Phase 1-4 have already been approved and are building or have been built.

In 2019 phase 5-7 was approved with 85 units.

Phase 8 was submitted and reviewed but it was not approved.

Phase 9 & 10 are recently platted.

Phase 11 is under constructed.

The new proposal for phase 5-7 have decreased the lot size for more homes in the project. The lot sizes were 6600 sq. ft. to 12000 sp. ft. with an average of 8050 sq. ft. The lot sized are now proposed between 6000 sq. ft. to 11411 sq. ft. with an average size of 4490 sq. ft. The proposal is for 47 additional lots.

Street cross sections have been changed, there is a request to wave the RV parking and storage requirements. They would like a modification on the established setbacks.

Currently the street cross section is 60 feet right of way. The proposal of the new master plan is requesting the asphalt is changed from 40 feet to 34 feet. The transportation master plan has not been adopted by the City Council yet.

The culinary water, pressurized irrigation, storm drains and sewer pipes are in compliance with the city standards. The sewer will be directed to Salem City's plant. The annexation agreement requires that the pressurized irrigation system be installed and brought in to the project by the developer once they exceed 400 constructed units.

There are concerns with the utilities and phasing. Each phase needs to be completed in order to build the next phase. 5 needs to be built before 6 and 6 before 7.

Storm water will be discharged into the wetlands. This has to be approved by the army corps of engineers as long as the water is pre-treated by an oil/water separator.

Geotechnical reports shows that the ground water is between 2.5 feet to 8.5 feet. The ground water is very low. Basements are not encouraged nor recommended by staff. Foundation drains are recommended and will need to drain into a stream, wetlands or an underground pipe system.

Storm drain meets the city standard.

There are concerns with how

The wetlands/environmental impact has been approved by the appropriate agencies.

Wetlands are regulated by the EPA. Any encroachment without the proper permits have heavy fines and prosecution. We have made Terry aware of that.

Any discharge to the stream requires a stream alteration permit approved by the Utah State Division of Water Rights. This has also been submitted by Terry.

Commissioner Beecher questioned if the approved wetland and environmental certificates are approved for the new density. They were originally approved for less roof tops. Increasing the roof tops increases the run off. Will they need to be approved for the new density?

This certificate did not have a release rate. Commissioner Beecher finds this strange because he has never seen one of these reports without the release rate. Nestor will look into this.

The RV parking waiver is a concern because of the smaller lots and increased density in homes. Phase 1-3 have parcels large enough for onsite RV parking and storage of RVs. The applicant has requested to change the setbacks from 25 feet in the front to 20 feet with driveways remaining 20 feet behind the sidewalk and porches to be as close as 14 feet from the property line. They are requesting to change side setbacks from 8 feet to 5 feet. They are requesting to change side setbacks on corner lots from 20 feet to 15 feet. With rear setback going from 25 feet to 20 feet.

The DRC staff, which includes all of the different public work superintendents and the fire and police chief among others, have concerns with this project.

- The open space does not include playgrounds or amenities
- Yards should be fully landscaped before issuing the certificate of occupancy because of the small lots.
- Phasing for future areas need to be addressed with regards to construction, bonding and utilities.
- Concerns are raised about utilities, mail boxes, street signs and meter boxes. Will they fit on the small lots and not be on driveways or in site views?
- The pressurized irrigation main line needs to be brought to the development by the developer.
- The Building code will not allow encroachment on the PUE. These houses are so close that window wells, eaves and foundations will be encroaching and will not be allowed.
- The Police Chief is concerned with safety with parking, kids playing and site distances.
- Fire Chief is concerned with the points of access. There is too much density for one point of access. The second point of access for phase 6 and 7 need to be independent of phase 5.

Applicants Comments:

Trent stated that most of the information was shared at the work session. After the last approval they started looking at different products in Salt Lake County. They are the same price of home on a smaller lot. They claim that this is what people want instead of larger lots. They talked to the other builder and they were excited about continuing with building in the development with the smaller lots. They were not excited with moving forward in the development with the larger lots. The development costs are higher than they expected and it is not an option for them to have any less than 654 lots. These homes will not sell for any less money than the homes to phase 1-3.

They want the higher density in these phases and state the next phases will be larger lots. These homes will not cost any less than any of the other phases. They said that Linda Carter wants them to stick to what Brigham Young had with square block and lots. It is too hard for her generation to find addresses. She said the length of the larger block is too long. They promised they would look in to it. As they looked into it they decided that it does not make since to add a road as they feel that no one would use it. They feel a walking trail would work better.

This would not fall under a sub association, but a master association. The trail would be dedicated to the city and fall on the city to maintain it.

Travis commented that most of their presentation has been presented to staff, but some of it is new.

Travis asked about the code requirements for setbacks. He said they are 25 foot from front of sidewalk and 20 foot from the back of the sidewalk and he is not sure where Nestor got his numbers.

Payson city code 19.6.6.3 says the setback is 25 feet from the property line as Nestor stated in his presentation.

They are requiring that the build to stagger elevations from side to side lots and across the street and stagger front distance so that as you look down the road all of the homes will not be at the same level.

With the porch forward design they are requesting a waiver on the front setback to accommodate the additional porch. This will make the porch more predominate on the home instead of the garage.

About 90 of the lots will be able to accommodate a 22 foot driveway.

Nestor asked if a modification can be made to the home location to allow bigger driveways, by sifting it back. Travis said they can, but it would cut out of the back yard, but most people want a larger back yard for kids and families.

They are asking for the following setbacks:

20 foot front garage setback like approved in phase 1-3

14 foot front living setback

5 foot side yard setback

15 foot side living setback for corner lots like approved in phase 1-3

20 foot rear yard setbacks like approved in phase 1-3

Commissioner Frisby pointed out the change was given on some of those setbacks in the other phases to allow for RV parking.

Travis asked where the 5 foot public utility easement came from, if it was a city or state requirement.

Commissioner Beecher stated that nothing can be built in the easement including footing, foundations, window wells and eaves, nothing. The 40 foot lots make it difficult for a house to be built on the lot.

The PUE encroachment on side lots come from the building code.

Their intent is to keep all the utilities in the front, so it should not be a problem. They don't think window wells are not allowed in the PUE. Nestor told them they are not allowed.

Field stone is not doing basement. Richmond would like to do basements so they will place them where the ground level is higher.

Corner lot set backs are the same that were approved for phase 1-3 so it should not be a problem. He is not sure why the police chief has a problem with it.

Nestor explained that the site distance is for safety. Instead of fixing the front setbacks concerns they will paint the curb red.

Commissioner Morgan is concerned with the smaller setbacks that there will be a visibility issue for backing and turning.

Commissioner Warner said we do not want the 14 foot setback on corner lots. Terry said they would restrict the porch forward homes to non-corner lots.

Nestor we cannot allow water meters in the driveways because they are driven on and the transponders are constantly broken.

Utilities the water meters and PI meters are put right next to each other. Power is put on the other side. They will work with the power company to make sure they all fit.

Each home will have 4 off street parking spaces. The applicant showed a map of how the on street parking would work on lots with 50 foot frontage, not 40 foot, like most of the lots.

They will have standard 6 foot planters and 5 foot planters.

They will put a walking trail instead of a road from 1130 E to 1170 E. It will be a hard surface trail and dedicated to the city.

The developer, Terry and his group, will install all utilities before selling any lots in the phase, they will be the developer on each phase and developing them in order. This will be a part of the development agreement.

The trail is narrow with tall fences. It will not be a good trail to walk on at night.

Adam said it would be best for the kids spook ally at Halloween. They don't know how to change that. They have thought of that and think it could require a light.

Commissioner Marzan said the redlines say this needs to be 15-20 feet. Commissioner Moore agrees and says it need to lead to a park or amenity. Commissioner Frisby said it would be nice to have it go across the whole development and leads to a park, instead of dead-end.

Brian said they cannot make it any better unless they take out lots. There is just not enough space. There is not a need for it. The distance around is less than 800 feet. The trail should not be added because there is no reason for it.

Commissioner Marzan said that the trail is a poor attempt at fixing the problem and request of splitting up the block length. The planning Commission all voiced in that they want the blocks reduced in length.

Adam says that putting the trail in creates more issues than it resolves.

Commissioner Frisby that the city is wanting to see block lengths be reduced to 500 feet.

The applicant had no other response to the commission's questions and concerns and moved on with their presentation.

They will construct 1.5 miles of trails including boardwalks in the wetlands.

Commissioner Marzan had question on parking. The applicant requested that the RV parking be waved because they feel that it detracted from the aesthetic. In her business they have to have data driving decisions. There is no data to back up there claims. She lives in an R-1-9 neighborhood. It is an issue with RV parking hanging over the street. These homes are priced at a point that people will have money to buy toys and RVs. Having a space to park these toys would be more attractive to buyers. Waving the RV parking would not be a great option because of the lot size.

Adam said that they anticipate those that have RV will park them off site. In Salem there is a planned RV parking site planned, though not built. They don't think that people with RV's will be their buyers because they will look at this as say there is nowhere to put their stuff. It will not work for them.

Commissioner Marzan said that parking RV's in the street or over the streets is a problem. The applicant said that fine will be issued to those that park RV's. She asked if they are going to be fining and towing RVs.

Matt Loveland with fieldstone said they will restrict the RV parking up front. They must be housed somewhere else. They tell people they cannot have RVs in the beginning and it just works out. It will be enforced by the HOA.

Commissioner Frisby asked who would enforce this, because there is not an HOA, they said it is on a master HOA.

Commissioner asked what the need for the setback modification is. Why are we looking at it?

Adam said they are only seeking to modify the setback for the porch forward. This is to have a breakup in the street scape and allow the porch forward design with a 20 foot driveway and nice size backyard.

There are additional setback modification request. With the exception of the porch forward and the 5 foot side yard setbacks, these are the same requests made in other phases. Including 20 foot rear yard and 16 foot side yard.

Commissioner Frisby cited Code 19.6.6.5 and they are as Nestor quotes with a 25 foot rear setback, not the 20 foot the developer claims. Commissioner Frisby said the other phases were adjusted to allow for RV parking in that development. In this development there is necessity to for the setback to allow for parking or is it just to accommodate lot size.

Adam said that he did not know, but thought they did request an RV waiver. The Commissioner said it was allowed with the condition that the one side be larger so home owners could have parking on the one side.

Commissioner Frisby asked how to guarantee porch forward designs instead of garage forward. Most of the rendering are garage predominate designs. How can they guarantee the porch forward is dominate? They will just let the home buyers decide what they want and that will dictate the numbers.

Adam said most of the designs are porch forward. They could look at setting limits.

Matthew Loveland said the porch forward design makes a long hall in the front and most buyers do not select it.

If most buyers do not buy the porch forward design then this would not solve the problem of garage dominate.

Commissioner Frisby asked the time line for the amenities.

The boardwalk has not been determined when it will be completed. Terry thinks it would make sense to build the trails and connections as they develop the phases. Before they receive final on phase 7 they would connect the back trails to the other side.

Commissioner Frisby commented that the plan shows that the total amount of units in the development will stay the same. What do we have as a guarantee to the city that you will not come back and want more?

Adam said in the annexation agreement they are entitled for 654 units as a base entitlement and that goes up to 800 something. Once the concept approval they were locked in at 654. If they came back and asked for more they would be told “No”. Terry said it is in the development agreement of 9 & 10

Commissioner Marzan asked if any fencing is going to be put in.

The developer would not put in any fences. The home owner would put in their own fence, including the walkway.

Adam said they would make sure a fence was put in on the walkway one way or the other.

Commissioner Marzan stated lighting on that walkway is a concern.

Terry said this can be addressed in the development agreement.

MOTION: Commissioner Morgan- To open the public hearing. Motion seconded by Commissioner Warner. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, 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 Morgan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, Kit Morgan, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Marzan stated that the Mayor and Council would like more single family homes, but there are so many unanswered questions and redlines at this time, she does not feel good letting it move forward.

Commissioner Frisby agrees, he listed his questions and would like a more detailed answer to his questions. He stated that it is too much in this phase. He likes the original phasing plan. If we are going to allow additional density there are lot of extra question that need to be answered. He would prefer not allowing so much of an increase in the density.

Commissioner Morgan stated there are several unanswered questions. Specifically the 5 foot side setbacks, eaves projecting in to the easement and window wells.

Commissioner Warner likes the idea of going to single family. He also feels the uncertainty the other commissioners have expressed. There are still issues that need to be taken care of. He feels the applicant has made a good effort. They might need to lose a lot of two.

Commissioner Moore feels that same as what has been said.

Commissioner Frisby stated his questions can be provided in writing and forward to Jill.

MOTION: Commissioner Marzan- To remand it back to staff finding that there are a lot of redlines that need to be addressed and questions that need to be answered. Motion seconded by

Commissioner Frisby. A roll call vote was taken with those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, Kit Morgan, Blair Warner. The motion carried.

7. Commission and Staff Reports and Training

As the master plan will be adopted soon and you will see a new report from engineering that will help with making a more educated decision.

8. Adjournment

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

Those voting yes Kirk Beecher, Ryan Frisby, Kathy Marzan, Tyler Moore, Kit Morgan, Blair Warner. The motion carried.

This meeting adjourned at 8:46p.m.

Kevin Stinson, Administrative Assistant