

City Council Staff Report September 7, 2022

**Project Name:**

Business Park Expansion
Zone Change

Applicant:

Payson City

Owner:

Corp of Pres Bishop Church
of Jesus Christ of LDS

Location:

600 South 1700 West

Current Zone:

A-5-H, Annexation Holding

Proposed Zone:

BPD, Business Park
Development

ATTACHMENTS:

1. Locator Map
2. Current Zoning Map
3. General Plan Future Land Use Map
4. BPD Zoning District
5. Planning Commission Minutes (08-10-2022)

REQUEST

Request for approval of a zone change for Utah County Parcel 30:061:0022 from the A-5-H, Annexation Holding Zone to the BPD, Business Park Development Zone. The request includes one parcel consisting of approximately 29.90 acres located at approximately 600 South and 1700 West, adjacent to the Payson Business Park. The property is owned by the Church of Jesus Christ of Latter-day Saints and is currently used for agricultural purposes, specifically crop production.

BACKGROUND AND PROJECT DESCRIPTION

The property was annexed into the municipal boundaries in 2014 and assigned a zoning designation of A-5-H, Annexation Holding to support the agricultural uses occurring on numerous parcels in the annexation area. The Payson City General Plan indicates an Office Flex designation and assignment of the BPD Zone would support the land uses and development types contemplated in the general plan.

To support the goals and objectives outlined in the Payson City General Plan, staff is requesting a zoning map amendment (i.e. zone change). It is to be noted that the property owner does not currently have plans to develop the property and the property owner is not initiating the zone change process. City staff contacted the property owner representative to rezone the property. The property owner does not object to the zoning map amendment, provided the current agricultural uses may continue. The property owner has authorized the filing of this application by signature on the zone change application.

APPROVAL PROCESS

A zoning map amendment requires approval from the city council following a recommendation by the planning commission. Utah Code requires a public hearing be conducted prior to a final decision on the application. That said, Payson City Code authorizes the planning commission to conduct this hearing before a recommendation is forwarded to the city council. On August 10, 2022, the planning commission conducted a public hearing and provided a favorable recommendation to the city council. The meeting minutes are included in the packet.

STANDARD OF REVIEW

Approval of a zoning map amendment is a **legislative action**. A legislative action is made only by the city council, who has broad discretion in balancing private conduct against the public health, safety, and general welfare of the community. Because the city council has great deference in how the community grows, the council may approve, amend and approve, or deny the land use application. The city council may also require additional information in order to make a well-informed decision.

An important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. At present, the property owner is entitled to use the property consistent with the requirements of the underlying zone, this case the A-5-H, Annexation Holding Zone. Although it is typical for city councilmembers to inquire about the anticipated use of the property, the city council should consider all potential uses allowed in the zone. Once a zone change is approved, the owner of the property is eligible to use the property in any manner that satisfies the regulations of the designated zoning district and the applicable land use ordinances. Therefore, if the city council is comfortable with all potential uses of the proposed zoning district (BPD Zone) in this location a zone change would be appropriate. However, if some of the uses allowed would be inappropriate in this location, the zone change should not be approved.

RECOMMENDATION

Staff is seeking approval to change the zoning designation of Utah County Parcel 30:061:0022 from the A-5-H, Annexation Holding Zone to the BPD, Business Park Development Zone. Following consideration of this staff report and the planning commission recommendation, the city council will need to determine if it is appropriate to modify the zoning designation of the subject parcel. The city council may:

1. Remand the request back to staff for further review or with direction to provide additional information. This action should be taken if it is determined there is not enough information provided to make a well-informed decision.
2. Approve the request. This action should be taken if the city council determine the request is would further the land use and economic goals of the city. Finding the proposed zone change would support the land uses and development types contemplated in the Payson City General Plan, the planning commission recommended the city council approve the request.
3. Deny the request. This action should be taken if the city council determines the zone change is untimely or will not satisfy the long-term land use and development goals of the city.

The city council may require additional information to make a well-informed decision. Any motion of the city council should include findings that indicate reasonable conclusions for the decision.