

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
September 11, 2006**

CALL TO ORDER - 4:00 p.m.

ROLL CALL

PRESENT: Jere Jarrell, James Scheidt, Barbara Underwood, Mark Waldrop, Kevin Sokol, Hal Baas, and Russell Goddard.

ABSENT/EXCUSED: None/None

STAFF PRESENT: Jerry Owen, Community Development Director, Sheila DeSchaaf, Planning Specialist, LaRon Garrett, Town Engineer, Tim Wright, Deputy Town Attorney, and Chris Floyd, Secretary.

A. APPROVAL OF MINUTES

No items in this section

B. PUBLIC COMMENTS - Comments concerning items not on the agenda.

Note: Those wishing to address the Planning and Zoning Commission during this time need not request permission in advance. Action taken as a result of public questions and comments shall be limited to directing staff to study the matter or rescheduling the matter and decision at a later date. There shall be no discussion regarding any issues presented.

There were no public comments.

C. SCHEDULED HEARING(S)

1. **A-11-06**

Abandonment Request

Filed by: Town of Payson, Public Works Engineer, LaRon Garrett

Location: 200 South Fawn Drive

Purpose: A request to abandon a portion of the existing cul-de-sac at the south end of Fawn Drive and abandon the existing 90' wide public roadway easement and public utility easement for the future Green Valley Parkway.

LaRon Garrett, Town Engineer, summarized the staff report.

The Commission asked questions which were answered by staff.

Chairman Jarrell opened the public hearing.

Al Poskanzer stated that he felt the proposal he made, to modify the plan, was a win-win situation and it did save a resident elk population in the area. He also made some observations regarding comments in the staff report. Mr. Poskanzer commented that his proposal was to relocate the detention basin to the west of the proposed tract.

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Russell Goddard reiterated that the Commission was here to consider the abandonment.

James Scheidt commented on Mr. Poskanzer's letter.

There was a discussion regarding the elk and their movement patterns.

Hal Baas commented on the abandonment of the cul-de-sac with regards to the developer restoring the original topography. He then questioned if this was a restoration of topography or a drainage issue. LaRon Garrett, Town Engineer replied that there was no requirement to restore the slope. Mr. Garrett felt that this was a non-issue.

Ralph Bossert, Tetra Tech, commented that Tract B is the detention basin because it is the low area. He stated that everything drains to that area. Mr. Bossert also noted that this was all constructed with the rest of the Manzanita Hills development. The developer is trying to make some amenities to the basin.

Linda May asked how the easement would affect the existing driveways on Fawn Drive. LaRon Garrett, Town Engineer, stated that the existing Fawn Drive wasn't being widened so therefore, the existing driveways would not be affected.

Another homeowner in the area asked that the Commission consider Mr. Poskanzer's proposal.

Chairman Jarrell closed the public hearing.

Motion: Recommend to the Payson Town Council approval of the request to abandon the existing Green Valley Parkway Public Roadway and Public Utility Easement created by Docket 742, Pages 544-547, and to abandon the cul-de-sac at the south end of North Fawn Drive per the attached legal description, attached to the staff report.

Moved by James Scheidt, seconded by Russell Goddard.

Vote: Motion carried 7 - 0

Yes: Jere Jarrell, James Scheidt, Barbara Underwood, Mark Waldrop, Kevin Sokol, Hal Baas, and Russell Goddard.

2. **CUP-153-06**

Conditional Use Permit Request

Filed by: John Myers, owner

Location: 803 North McLane Road

Purpose: To consider the allowance of guest quarters with kitchen facilities.

Sheila DeSchaaf, Planning Specialist, summarized the staff report.

Staff recommends approval with the following four (4) conditions:

1. That the proposed guest quarters use shall be for servants or non-paying guests

only and shall not be leased or rented.

2. That the proposed guest quarters use shall be connected to the Northern Gila County Sanitary District prior to issuance of a Certificate of Occupancy.

3. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a single family residence with a detached, guest quarters use with kitchen facilities, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process.

4. Failure to comply with conditions one (1) thru three (3) above shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department, with a 24 hour notification to the property owner, a zoning inspection shall be allowed at the guest quarters. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

The Commission asked questions which were answered by staff.

Chairman Jarrell opened the public hearing.

John Myers, owner, stated that he was a college/university professor which involves a lot of research and he would be staying in there at times. He also commented that he needed more room when family comes to visit. Mr. Myers stated that he had no intention of renting it out.

Russell Goddard stated that he had no concern with this proposal.

Hal Baas stated that he would readily do what has been done in the past which is to be consistent and he would vote for this.

James Scheidt commented that the CUP's that are issued for this type of situation is to the property and not the owner. Mr. Scheidt would like to see a checks and balance introduced into the code for this type of situation.

Motion: Approve CUP-153-06, a request for guest quarters use with kitchen facilities at 803 North McLane Road, Gila County Tax Parcel Number 302-40-014B subject to the four (4) conditions as prepared by staff.

Moved by Hal Baas, seconded by Barbara Underwood.

Vote: Motion carried 6 - 1

Yes: Jere Jarrell, Barbara Underwood, Mark Waldrop, Kevin Sokol, Hal Baas, and Russell Goddard.

No: James Scheidt.

3. **CUP-154-06**
Conditional Use Permit Request
Filed by: Walter Knoll, owner

Location: 900-B North Beeline Highway

Purpose: To consider the allowance of outside display of merchandise in a C-2 zoning district.

Sheila DeSchaaf, Planning Specialist, summarized the staff report.

Staff recommends approval with the following seven (7) conditions:

1. The outside display of merchandise shall be restricted to the areas depicted on the site plan as submitted.
2. Any displays on the front sidewalk shall be kept a minimum of three (3) feet from exit doors and shall not impede pedestrian traffic or handicap access.
3. The (currently) locked gate in the rear fenced area, shall remain unlocked and the gate shall be identified with an EXIT sign during business hours.
4. All exit pathways shall be maintained at all times inside the store and rear fenced area.
5. The site shall be properly maintained so that unsightly conditions are not present.
6. The duration of this Conditional Use Permit shall run for a period of one year and come before the Planning and Zoning Commission for review at its first regularly scheduled meeting in September 2007.
7. Failure to comply with the above conditions shall be grounds for zoning citations and/or possible revocation of the Conditional Use Permit. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

Chairman Jarrell opened the public hearing.

Nick Brotcke read a statement that he had prepared concerning the outside display of merchandise in C-2 zoning and that it violated the zoning code. He felt that the Town would be setting a new precedent. Mr. Brotcke asked the Commission not to approve this request.

Russell Goddard commented that he was opposed to using the parking lot spaces for display of merchandise.

Hal Baas commented on the Home Depot and the tire store along the Beeline Highway with regards to their outside displays. He was concerned about the consistency of the regulations from business to business and the enforcement. Sheila DeSchaaf, Planning Specialist, replied that the Home Depot situation had been brought to her attention and that they have a new manager which she is meeting with tomorrow. She also commented that in trying to have more control of a CUP one of the recommendations is for the CUP to be issued for a year then brought back to the Commission for review.

Barbara Underwood stated that she was against the outside displays. She said she didn't mind the occasional outside display for a weekend event but not everyday. Ms. Underwood also noted that parking was an issue in this area.

Kevin Sokol stated that he had seen other businesses with outside displays and asked how those were being handled. Sheila DeSchaaf, Planning Specialist, stated that they could have a temporary use permit which is done administratively or with citations. Mr. Sokol was also concerned with the parking.

There was a lengthy discussion that continued regarding the outside display of merchandise and using the parking lot spaces. There were several other people that voiced their opposition to this CUP.

Mark Waldrop stated that he would support this use without the parking spaces being used.

Russell Goddard stated that he would also support this use without the parking spaces.

The owner, of the business in question, made a few comments regarding the type of business she has.

Chairman Jarrell closed the public hearing.

Motion: Approve CUP-154-06 with condition 1 to read "The outside display of merchandise shall be restricted to the area depicted on the site plan as the back fenced in area;" condition 2 to be deleted; and to renumber conditions 3-7 to 2-6. After several comments were made on the motion the question was called. Moved by Barbara Underwood, seconded by Russell Goddard.

Vote: Motion failed 3 - 4

Yes: Jere Jarrell, Barbara Underwood, and Hal Baas.

No: James Scheidt, Mark Waldrop, Kevin Sokol, and Russell Goddard.

Motion: Approve CUP-154-06 with condition 1 to read 'The outside display of merchandise shall be restricted to the area depicted on the site plan as submitted except for the parking lot spaces (i.e. outside display allowed in the back fenced in area and the sidewalk); all other conditions to remain the same. After a comment was made on the motion a roll call vote was taken.

Moved by Russell Goddard, seconded by Kevin Sokol.

Vote: Motion carried 4 - 3

Yes: Jere Jarrell, Mark Waldrop, Kevin Sokol, and Russell Goddard.

No: James Scheidt, Barbara Underwood, and Hal Baas.

Recessed 6:11 p.m.

Reconvened 6:20 p.m. with all Commissioners present.

4. **P-325-06**
Unified Development Code Amendment

Filed by: Community Development Department

Location: All of Payson

Purpose: To clarify provisions affecting planned area development (PAD), subdivisions, hillside development and minor land divisions.

Chairman Jarrell asked if the next three (3) items, P-325-06, P-327-06, and P-328-06 could be discussed at the same time. Jerry Owen, Community Development Director, then made some opening comments regarding all three items.

Jerry Owen, Community Development Director, stated there are a series of proposed changes to the Unified Development Code which are significant and lengthy. It includes approximately 90 pages of the UDC. Mr. Owen commented that none of these needed Commission action today so they could be discussed in general.

He said that P-325-06 includes a new rewrite of the PAD, and subdivision code. The subdivision provisions include the hillside development regulations that were previously presented by LaRon Garrett. Also the minor land division portion is not really included but needs to be decide how to proceed. Mr. Owen commented that staff was looking at a November timeframe for getting it to the Council.

Mr. Owen stated that P-327-06 is expected to be on the Council agenda on October 5, 2006. This includes amendments to the notice and procedure section and the five affirmative votes of the Town Council.

Jerry Owen, Community Development Director, stated that P-328-06 which is the new National Forest zoning is expected on the October 19th Council agenda.

5. **P-327-06**

Unified Development Code Amendment

Filed by: Community Development Department

Location: All of Payson

Purpose: To clarify the amendment procedure to text, provide for a minimum of 5 (five) affirmative votes of the Town Council to change the Town's zoning map as well as to clarify notice and procedure requirements for public hearings.

Jerry Owen, Community Development Director, stated that Section 15-09-008 and 15-09-009 of the UDC were rewritten in their entirety. These amendments would clarify notice and procedure requirements for public hearings and also to provide for a minimum of five (5) affirmative votes of the Town Council to change the Town's zoning map.

Barbara Underwood stated that she doesn't like the minority of the vote having a say on every zone change.

James Scheidt made several suggested changes to the proposed amendment.

Hal Baas commented that he would like to see a list of the actual changes. He felt that some of the specifics were taken out of the proposed amendment and he would like to see some of them put back in the amendment. Tim Wright, Deputy Town

Attorney, stated that staff felt a rewrite of this section was easier than trying to amend the existing so therefore, some of the numbering may be different. Mr. Wright proposed that staff come back with a summary of the changes. Mr. Baas commented that he would like for the property to still be posted. James Scheidt also commented regarding the 300' limit notification and prior discussion to extend the notification area in certain situations.

Kevin Sokol stated that he was also against the five (5) votes at the Town Council level. He commented that the rezoning process was difficult and time consuming.

There was a lengthy discussion regarding the Town Council request for all zone changes to be approved by at least five (5) members of the Town Council.

Ralph Bossert, Tetra Tech, commented that he wasn't in favor of the requested 5 affirmative votes by the Council on all rezoning case.

Jerry Owen, Community Development Director, reviewed the comments that were made regarding revisions for the next meeting.

James Scheidt moved, seconded by Russell Goddard, to table the rest of the items and discuss it at the next Commission meeting which is on September 25, 2006.

Motion carried 6-0. (Kevin Sokol had stepped out of the meeting)

6. **P-328-06**
Unified Development Code Amendment
Filed by: Community Development Department
Location: All of Payson
Purpose: To create a new zoning district "NF" (National Forest).

No discussion or action was taken.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

No items in this section.

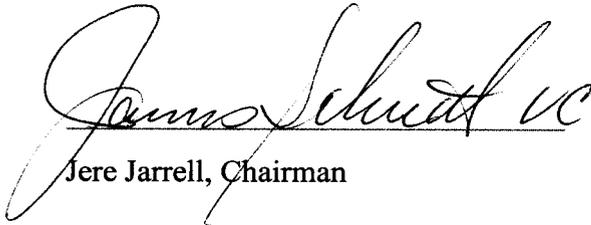
E. REQUESTS TO STAFF FOR THE PLACEMENT OF ITEMS ON FUTURE PLANNING & ZONING COMMISSION AGENDAS

F. INFORMATION TO COMMISSION (Not for Discussion)

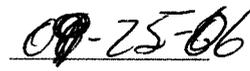
1. September 25, 2006, P & Z Meeting Tentative Agenda:
 - a. UDC Amendment for Subdivision, Hillside & PAD, 2nd review.
 - b. Apply "NF" zone to Tonto National Forest lands.
 - c. Chilson Ranch site plan review.
 - d. Build Out number, 1st draft.

- e. 250 building permit allocation plan.
- 2. Boards & Commissions Conference - November 3, 2006

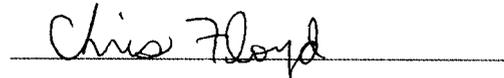
ADJOURNMENT - 7:25 p.m.



Jere Jarrell, Chairman



Approved



Chris Floyd, Secretary