TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
March 15, 2010

Chairman Goddard called the duly posted public meeting of the Planning and Zoning Commission to order at 3:00 p.m. in the Town Council Chambers.

PLEDGE OF ALLEGIANCE

ROLL CALL
PRESENT: James Scheidt, Russell Goddard, Lori Meyers, and Clark Jones.
ABSENT: Jere Jarrell, Joel Mona, and Jeff Loyd
STAFF PRESENT: Ray Erlandsen, Acting Community Development Director, Tim Wright, Deputy Town Attorney, and Chris Floyd, Executive Assistant.

A. APPROVAL OF MINUTES

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   Minutes were approved as submitted.

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. CUP10-003 Conditional Use Permit
   Filed by: Safeway Inc., property owner
   Location: 401 East Highway 260
   Purpose: To allow outside display or storage of merchandise use in a C-2 zoning district.

   Ray Erlandsen, Acting Community Development Director, summarized the staff report.

   Staff recommends approval with the following conditions:

   1. Display area shall be limited to the areas depicted on the site plan as submitted, sealed February 10, 2010.

2. Commodities displayed on the exterior of the store shall be similar to grocery type commodities allowed to be stored or offered for sale within the store, with the exception of bundled firewood contained on the display rack as shown in "D. Firewood Display" of the accompanying submittal materials. Seasonal displays not specifically depicted in the submittal materials, and other special event displays shall comply with all adopted fire code standards. Where uncertainty exists, the decision of the Fire Marshal shall govern.

3. The length of this conditional use permit shall run concurrent with the use of this property. So long as the display area is used for display of products typically carried on the interior of a grocery store, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the C-2 zoning district.

4. Failure to comply with the above conditions 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 site. 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 Goddard opened the public hearing.

Chairman Goddard closed the public hearing.

Motion: Approve CUP10-003, a request to allow outside display of merchandise in a C-2 zoning district at 401 East Highway 260 subject to the conditions recommended by staff and read.
Moved by James Scheidt, seconded by Lori Meyers.

Vote: Motion carried 4 - 0
Yes: James Scheidt, Russell Goddard, Lori Meyers, and Clark Jones.

Absent: Jere Jarrell, Joel Mona, and Jeff Loyd.

2. CUP10-002 Conditional Use Permit
Filed by: James & Lauree Connolly, property owners
Location: 409 East Rancho Road
Purpose: To allow a home-based business use, in-home day care,and to allow more than two customer/client visits per day in a R1-10 MH zoning district.

Chairman Goddard noted that staff had received a letter from the applicant requesting the postponement of this application until the next meeting. He stated that the Commission would still take public comment on this application.

Tim Wright, Deputy Town Attorney, stated that the Commission should open the public hearing and then the Commission could decide whether to postpone the decision until the next meeting.

Ray Erlandsen, Acting Community Development Director, summarized the staff report.

Staff recommends approval with the following conditions:

1. The number of children being cared for within the facility shall not exceed 5.

2. The applicant shall comply with all State of Arizona and Town of Payson licensing requirements.

3. Off-street parking requirements of the Unified Development Code must be met. If the applicant requests the use of adjacent property to fulfill this requirement, a copy of the signed and recorded right of use shall be provided to the Zoning Administrator prior to recordation of the use permit.

4. The length of this conditional use permit shall run concurrent with the use of this property. So long as the home is used for a home-based day care use with more than 2 customer/client visits per day, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the R-1 zoning district.

5. Failure to comply with the above conditions 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 site. 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 Goddard opened the public hearing.

Several members of the audience voiced their concerns regarding the traffic, drainage, and road erosion on Pettet Lane.

Chairman Goddard asked if something could be worked out regarding parking at the church would the neighbors be agreeable. The main concern of the neighbors was compliance with the parking situation. Ray Erlandsen, Acting Community Development Director, stated that today's meeting was based on a complaint.

Commissioner Scheidt asked if the street (Pettet Lane) met the Town requirements to which the reply was that it is not a Town street. Tim Wright, Deputy Town Attorney, commented that one thing the Commission would

consider is traffic and ingress/egress for this land use.

Chairman Goddard closed the public hearing.

James Scheidt moved, seconded by Clark Jones, to postpone CUP10-002 until April 12 to make a decision on this application.

Motion carried 4-0.

3. CUP10-004 Conditional Use Permit
Filed by: Payson Community Kids Inc., property owner
Location: 409 South Tonto Street
Purpose: To allow a day care center use in a R-3 zoning district.

Ray Erlandsen, Acting Community Development Director, summarized the staff report.

Staff recommends approval with the following conditions:

1. The development shall be in substantial conformance with the Preliminary Site Plan study, dated February 5, 2010.

2. Site shall comply with all Town of Payson development regulations including fire, building, design review, and water conservation measures.

3. The use shall comply with all state licensure requirements. Failure to comply with state requirements shall be grounds for revocation of the CUP.

4. Off-street parking requirements of the Unified Development Code shall be met, and all parking spaces and driving aisles must be paved.

5. The existing street pavement ends prior to reaching this property. That street pavement must be extended to the south side of this property. The improvements shall include, at a minimum, a 24' wide paved roadway with a thickened edge.

6. Storm water detention must be provided in accordance with the current Town requirements.

7. The length of this conditional use permit shall run concurrent with the use of this property. So long as the site is used for a day care center use, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the R-3 zoning district.

8. Failure to comply with conditions one (1) thru seven (7) 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 or Public Works Engineer, with a 24 hour notification to the property owner, an inspection shall be allowed at the day care center. 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 Goddard opened the public hearing.

James Cooper voiced his concerns with the condition of the street, traffic, no lighting or sidewalks in the area, and parking.

Suzy Tubbs, President of Payson Community Kids, answered questions regarding the number of children and the fact that it is an after school program. For now it's only one day a week but would like to expand it to three days.

There was further discussion regarding the parking, traffic, access for emergency services, and privacy fencing.

Chairman Goddard closed the public hearing.

Motion: Approve CUP10-004, a request to allow a day care center use in a R-3 zoning district at 409 South Tonto Street, with the conditions as recommended by staff.
Moved by Lori Meyers, seconded by Clark Jones.

Vote: Motion carried 3 - 1
Yes: Russell Goddard, Lori Meyers, and Clark Jones.
No: James Scheidt.

Absent: Jere Jarrell, Joel Mona, and Jeff Loyd.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

There are 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. Future Code Amendments to the Unified Development Code (UDC)

    a. Design Review Board recommendation -Landscaping and Lighting

    b. Flag lot requirements

Ray Erlandsen, Acting Community Development Director, stated that there would be an April meeting.

He stated that the Design Review Board was working on proposed revisions to the landscaping and lighting section of the UDC that will be coming before the Commission.

A request has also been received regarding flag lot requirements.

ADJOURNMENT

4:27 p.m.

Russell Goddard, Chairman

4-12-10

Approved

Chris Floyd, Executive Assistant