TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
April 12, 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, Joel Mona, Lori Meyers, and Clark Jones.
ABSENT: Jere Jarrell, and Jeff Loyd
STAFF PRESENT: Ray Erlandsen, Acting Community Development Director, Sheila DeSchaaf, Planner II, LaRon Garrett, Public Works 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. P10-003 Unified Development Code Amendment
   Filed by: Charles P. & Nancy J. Spurlock, property owners of 1205 North McLane Road
   Location: Could affect all of Payson
   Purpose: Reducing the 35' minimum lot width at street frontage for the pole portion of flag lots.

   Sheila DeSchaaf, Planner II, summarized the staff report.

   Staff recommends approval of the amendment to the Unified Development Code (UDC).

   Commissioner Scheidt clarified that the Engineering, Community Development,

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and Fire departments were supporting the proposed change to the code, to which the reply was in the affirmative.

Commissioner Scheidt then asked why the change was being proposed. Sheila DeSchaaf, Planner II, replied that this parcel had two (2) homes currently and didn't meet the current 35' requirement for access to the rear home and meet the setbacks to allow the rear home be split from the other property. Ms. DeSchaaf commented that staff felt this proposed amendment could be beneficial by having a reduced standard from the current minimum. There was discussion regarding the possibility of doing a lot line adjustment and it was explained that there wasn't enough frontage to meet the current 35' requirement. The only alternative that staff could see was a code amendment that would affect the whole Town.

Commissioner Scheidt then asked if a variance could be granted by the Board of Adjustments. Tim Wright, Deputy Town Attorney, replied that it would be considered a self-imposed hardship which would be difficult to justify the variance.

Chairman Goddard opened the public hearing.

Ralph Bossert stated that he opposed the recommended code change.

Gary Keller commented that he too was opposed to the recommended code change.

Chairman Goddard closed the public hearing.

James Scheidt moved, seconded by Joel Mona, that the Planning and Zoning Commission <u>not</u> recommend to the Town Council approval of P10-003, an amendment to the Unified Development Code, Section 15-02-004, "Residential District Uses", by amending Section 15-02-004 (D) as shown in Exhibit B.

Motion carried 5-0.

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.

Sheila DeSchaaf, Planner II, gave a brief overview of the request from the previous meeting. She noted that staff was recommending some amendments to condition # 3.

The recommended amended conditions are:
3 (a) Off-street parking requirements of the Unified Development Code (UDC) must be met.

3 (b) Pettet Lane may not be used as ingress/egress or as parking for the day care use.
3 (c) All ingress/egress onto Rancho Road that is associated with the day care use shall be in a forward motion.

Chairman Goddard opened the public hearing.

Lauree Connolly, applicant, addressed the concerns that were submitted in the staff report. She stated that she does have a written agreement with the church, adjacent to the day care, for use of their parking lot. She also commented that the pre-school was closed until the use issue was settled.

The Commission asked questions, which were answered by the applicant and staff.

Chairman Goddard closed the public hearing.

Commissioner Jones asked if staff had received a copy of the parking agreement. Sheila DeSchaaf, Planner II, stated that she had seen it prior to the meeting but it did need to be recorded.

Commissioner Scheidt requested that the building be inspected for minimum requirements. Fire Marshal Lockhart stated that he did an inspection of the structure and it was adequate and found no code violations that would preclude their intended use.

Motion: Approve CUP10-002, a request to allow a home-based business use, in-home day care, and to allow more than two (2) customer/client visits per day at 409 East Rancho Road, subject to the conditions recommended by staff which includes conditions 1, 2, 3a, 3b, and 3c.
Moved by Joel Mona, seconded by Lori Meyers.

Vote: Motion carried 5 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, and Clark Jones.

Absent: Jere Jarrell, and Jeff Loyd.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. Proposed amendments to Town of Payson Landscaping Requirements, Screening & Buffering

Sheila DeSchaaf, Planner II, stated that approximately a year ago the landscaping, screening & buffering section which includes lighting had been combined into one document. Since that time the Design Review Board has been reviewing that section to see if it acheives the intended goal for that section of the code. She commented that the highlighted/strikeout areas were for the Design Review meeting tomorrow which there could be minor changes to it. It

was anticipated that this would be brought before the Commission, for action, at the next meeting.

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

F. INFORMATION TO COMMISSION (Not for Discussion)

Sheila DeSchaaf, Planner II, stated that staff received a letter of resignation from Jere Jarrell. Staff also received a letter from Mark Waldrop requesting to be placed on the Commission and should be confirmed by Council at this Thursday's meeting.

ADJOURNMENT

4:06 p.m.

Russell Goddard, Chairman

5-10-10

Approved

Chris Floyd, Executive Assistant