

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
January 11, 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: Jere Jarrell, James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, and Clark Jones.

ABSENT: None

STAFF PRESENT: Ray Erlandsen, Acting Community Development Director, Sheila DeSchaaf, Planner II, Tim Wright, Deputy Town Attorney, and Chris Floyd, Executive Assistant.

A. WELCOME NEW COMMISSIONER -Clark Jones

Chairman Goddard welcomed Clark Jones to the Commission.

B. ELECTION OF OFFICERS

Commissioner Jarrell moved, seconded by Commissioner Scheidt, that Russell Goddard continue as Chairman and Joel Mona continue as Vice-Chairman for 2010. They were elected by affirmation.

C. APPROVAL OF MINUTES

1. Public Meeting 12-14-09 Pages 1-4

Commissioner Scheidt moved, seconded by Commissioner Jarrell, to approved the minutes as submitted; motion carried 7-0.

D. 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.

A member of the audience asked that no decision be made regarding the conditional use request at 906 East Frontier since he had comments and questions. Chairman Goddard explained that he would have a chance to comment later in the meeting when that item was

being addressed.

E. SCHEDULED HEARING(S)

1. CUP-175-09 Conditional Use Permit
Filed by: Janet L. & Thomas R. Curtiss, property owners
Location: 800 East Highway 260
Purpose: To allow an outside display and sales use of a concession trailer in a C-2 zoning district.

Chairman Goddard recused himself from discussion on this item.

Vice-Chairman Mona presided during this item.

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

Staff recommends approval with the following conditions.

1. Site shall comply with all applicable Town of Payson Building, Fire, Water, and Zoning Departments, as well as the Northern Gila County Sanitary District (NGCSD), Arizona Public Service (APS) and the Gila County Health Department.
2. The proposed use shall not occupy any required parking spaces.
3. The outside display and sales shall comply with Town of Payson design review requirements.
4. 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 an outside display and sales use of a concession trailer as depicted in the staff report, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process.

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

Vice-Chairman Mona opened the public hearing.

Vice-Chairman Mona closed the public hearing.

Motion: Approve CUP-175-09, a request to allow an outside display and sales use in a C-2 zoning district at 800 East Highway 260 with the conditions listed in the staff report.

Moved by Lori Meyers, seconded by Jeff Loyd.

Vote: Motion carried 4 - 2

Yes: Joel Mona, Lori Meyers, Jeff Loyd, and Clark Jones.

No: Jere Jarrell, and James Scheidt.

2. CUP-176-09 Conditional Use Permit
Filed by: Randall J. & DeLaine L. Brooks, property owners
Location: 906 East Frontier Street
Purpose: To allow a group home with more than six residents.

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

Staff recommends approval with the following conditions:

1. Site shall comply with all Town of Payson development regulations, including water conservation measures.
2. The use shall comply with all state licensure requirements. Failure to comply with state requirements shall be grounds for revocation of the CUP.
3. No more than 10 residents with two caregivers shall be allowed.
4. An approved Town of Payson business license (BL) and occupancy permit (BOP) are required prior to commencing business.
5. All requirements of the Gila County Health Department shall be met.
6. 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 group home (assisted living home) with no more than ten residents use, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process.

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

Chairman Goddard opened the public hearing.

John Wakelin stated that he didn't have an issue with the assisted living aspect but had other concerns if it was just a group home.

The Commission asked further questions regarding a possible time frame for review and the group home definition, which were answered by staff.

A member of the audience stated that he didn't have an issue with the assisted living aspect but was concerned if there were new owners later that could change the use.

Linda House, Manager for the assisted living home, stated that her career has been as a certified caregiver for the elderly. She commented that they would be providing care for the elderly.

There was discussion regarding limiting the number of parking spaces, business license requirements, group home definition, no parking in easement, showing annually that compliance is met, and possible review of CUP in five (5) years.

Chairman Goddard closed the public hearing.

Vice-Chairman Mona stated the proposed additional conditions which were:

No parking of residents, visitors or employees in the easement will be permitted.

Property owner to provide annual proof that the home falls within the group home definition.

Parking spaces limited to a maximum of five (5).

CUP subject to review in five (5) years.

There was further discussion regarding the definition of group home and an assisted living category.

Motion: Approve CUP-176-09, a request to allow a group home with more than six, but no more than ten residents use at 906 East Frontier Street, with the conditions listed in the staff report, as amended:

6. No parking of residents, visitors, or employees in the 25' ingress/egress easement, as designated on Gila Co. Map # 582, will be permitted.

7. Property owner shall provide annual proof that the home falls within the group home definition.

8. Parking shall be limited to a maximum of five (5) spaces.

9. This Conditional Use Permit shall be subject to review in five (5) years.

10. The original #6

Moved by Joel Mona, seconded by James Scheidt.

Vote: Motion carried 7 - 0

Yes: Jere Jarrell, James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, and Clark Jones.

Meeting was recessed at 5:00 p.m.

Meeting reconvened at 5:11 p.m. with all members of the Commission still present.

3. P-360-09 Unified Development Code (UDC) amendment
Filed by: Town of Payson

Location: All of Payson

Purpose: To amend the Unified Development Code by increasing the maximum allowable height of buildings in multifamily, commercial, and industrial zoning districts.

Sheila DeSchaaf, Planner II, reviewed the process that started the proposed building height amendment to the UDC. Ms. DeSchaaf then summarized the current staff report.

The Commission asked questions, which were answered by staff.

Chairman Goddard opened the public hearing.

Jeanie Langham voiced her concerns regarding the proposed increase in building height. She felt that there hadn't been enough research done on the issue.

Chairman Goddard felt that staff had proposed a good plan that allows for the possible increase in building height but does not mandate it.

Several Commissioners made comments in response to Ms. Langham's concerns.

Clmn. Blair asked that the Council have time to review the proposal before any action is taken.

Stephanie Creasy, of the Best Western Inn, stated that the hotel community was not ready for an increase in building height. She noted that currently the local hotels were not running at 50% occupancy and felt that an increase in building height could affect their business.

Chairman Goddard closed the public hearing.

Commissioner Meyers commented that she had concerns with an open ended PAD and felt that a height limit should be set.

Commissioner Jarrell felt that there were enough safeguards through the PAD process and didn't feel a height limit was needed.

Chairman Goddard noted that he didn't want to see a set height limit and felt that the applicant needed to prove why an increase in height was needed.

Motion: Recommend to the Town Council approval of the amendments to the maximum building height as drafted in the staff report dated January 11, 2010. Moved by James Scheidt, seconded by Jere Jarrell.

Vote: Motion carried 6 - 1

Yes: Jere Jarrell, James Scheidt, Russell Goddard, Joel Mona, Jeff Loyd, and Clark Jones.

No: Lori Meyers.

Ray Erlandsen, Acting Community Development Director, noted that this would probably go before the Council on March 18 for the first reading and April 1 for the second reading.

F. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. To approve the P & Z meeting schedule for 2010 and January 2011

The meeting schedule was approved as submitted.

H. INFORMATION TO COMMISSION (Not for Discussion)

Item H. was taken out of order.

Ray Erlandsen, Acting Community Development Director, stated that staff was in a furlough process until at least the end of June. This seriously affects our ability to provide service. Tim Wright, Deputy Town Attorney, explained that salaried employees become hourly employees on their furlough week which means they can't work more than their designated hours.

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

Commissioner Loyd asked that the assisted living category be considered. Ray Erlandsen, Acting Community Development Director, noted that staff would be reviewing this item and bringing back to the Commission at some point in the future. He stated that staff recognized that assisted living was prevalent and would be more so in the future.

Commissioner Jarrell asked about a possible quorum attending a citizen participation meeting on January 15 regarding the land exchange near the airport. Tim Wright, Deputy Town Attorney, cautioned the Commission on attending this meeting and reminded them that they should just listen and observe. He asked that the Commission reserve their comments until they hear from the applicant at a Planning and Zoning meeting. Commissioner Jarrell noted that he and Commissioner Jones were part of the Woodhill association which this application could affect. Mr. Wright suggested that they have someone else attend the meeting for Woodhill.

ADJOURNMENT

6:06 p.m.

Russell Goddard, Chairman

Approved

Chris Floyd, Executive Assistant