

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
June 1, 2015**

Chairman Clark Jones called the duly posted public meeting of the Planning and Zoning Commission to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Clark Jones, Dan Jaeger, Eric Martindale, James Scheidt, Jennifer Smith, and Lori Meyers.

ABSENT: Barbara Underwood

STAFF PRESENT: Sheila DeSchaaf, Planning & Development Director, Doni Wilbanks, Planning Specialist, Trever Fleetham, Planning Technician, Bobby Davis, Economic Development Specialist, Hector Figueroa, Town Attorney, and Chris Floyd, Executive Assistant.

A. APPROVAL OF MINUTES

1. Public Meeting 5-4-15 Pages 1-5

The 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. CUP15-006 Conditional Use Permit
Filed by: Payson Plaza, LLC, property owner; Lorraine Ellis, applicant; and Alana Holley, agent
Location: 307 South Beeline Highway, Suite G
Purpose: To allow pet grooming on C-2 Zoning District property.

Doni Wilbanks, Planning Specialist, summarized the staff report.

Commissioner Smith questioned if there was a requirement for isolated HVAC for this use and if so does this property have it. Sheila DeSchaaf, Planning and Development Director, stated that it was served by three (3) of its own condenser units.

Chairman Jones opened the public hearing.

Lorraine Ellis, applicant, gave a brief overview of the proposed dog grooming business.

Sheila DeSchaaf, Planning and Development Director, explained that any animal grooming or anything involving animals requires a conditional use permit in C-2 and any concerns that sometimes arise with this use.

Chairman Jones closed the public hearing.

Motion: To approve CUP15-006, a request to allow an animal grooming use in a fully enclosed building in a C-2 zoning district at 307 G South Beeline Highway with the conditions listed in the staff report.

(NOTE: Conditions as listed in the staff report:)

1. Site shall comply with all Town of Payson development regulations, including design review requirements for commercially zoned property.
2. No more than four (4) dogs or other animals shall be kept, maintained, trained, boarded, or offered for sale on the premises at any one time.
3. All business activity must be conducted within the enclosed building.
4. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as the animal grooming use at 307 G South Beeline Highway conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.

Moved by Lori Meyers, seconded by James Scheidt.

Vote: Motion carried 6 - 0

Yes: Clark Jones, Dan Jaeger, Eric Martindale, James Scheidt, Jennifer Smith, and Lori Meyers.

Absent: Barbara Underwood.

2. CUP15-007 Conditional Use Permit
Filed by: Ponderosa Bible Church, property owner/applicant; Joseph Falkner, agent
Location: 212 West Corral Drive
Purpose: To allow a church office use on R-1 Residential Zoning District property.

Sheila DeSchaaf, Planning and Development Director, summarized the staff report. Staff recommends approval.

Commissioner Meyers questioned condition #2 regarding the parking on private property and if that included the right-of-way. Ms. DeSchaaf confirmed that it did include the right-of-way. She also noted that all of the conditions with the exception of the time frame were from the original conditional use permit.

Chairman Jones opened the public hearing.

Melissa Petkoff, applicant, gave an overview of the proposed continuation of the church office.

Commissioner Scheidt questioned why the two (2) buildings on Roundup were not used for the offices. Ms. Petkoff noted those buildings were converted to classrooms and conference rooms.

Carol Fagan, member of the audience, questioned how long does a use permit last. Sheila DeSchaaf, Planning and Development Director, stated that typically they run with the property as long as the property is used for that purpose but for this particular use permit it will run concurrent with the property until such time permanent office space is constructed at 1800 North Beeline Highway.

Chairman Jones closed the public hearing.

Commissioner Scheidt recommended adding condition number seven (7) 'not to exceed two (2) years.

Commissioner Scheidt moved, seconded by Commissioner Meyers, to add number seven (7) to the staff recommendations that this CUP not run more than two (2) years.

Motion carried 6-0.

Commissioner Meyers moved, seconded Commissioner Scheidt, to approve CUP15-007, a request to allow church office uses in a R1 zoning district at 212 West Corral Drive subject to the conditions 1-7 recommended by staff.

(NOTE: Conditions as recommended by staff:)

1. The use shall be in substantial conformance with the current Site Plan submitted March 26, 2007.
2. All parking must be on private property. On street parking is not permitted.
3. No parking may be created or utilized other than existing parking.
4. All ingress and egress from the property onto Corral Drive must be in a forward motion.

5. There shall be no signs on the property.
6. The length of this Conditional use Permit shall run concurrent with the use of this property by the applicant until such time as permanent office space is constructed at 1800 North Beeline Highway. As long as church office use at 212 West Corral Drive conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.
7. That this CUP not run more than two (2) years.

Motion carried 6-0.

3. P15-005 Unified Development Code
Filed by: Town of Payson
Location: Could affect all of Payson
Purpose: To amend the Unified Development Code provisions to reduce front yard setbacks in Commercial and Industrial Zoning Districts.

Sheila DeSchaaf, Planning and Development Director, summarized the staff report.

Chairman Jones opened the public hearing.

Chairman Jones closed the public hearing.

Motion: To recommend to the Town Council approval of P15-005, an application to modify the front yard and street-side yard setbacks in Commercial and Industrial Zoning Districts to zero.
Moved by James Scheidt, seconded by Jennifer Smith.

Vote: Motion carried 6 - 0

Yes: Clark Jones, Dan Jaeger, Eric Martindale, James Scheidt, Jennifer Smith, and Lori Meyers.

Absent: Barbara Underwood.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. Discussion regarding community gardens

Sheila DeSchaaf, Planning and Development Director, stated that there is one community garden in Town. It recently came through with building plans to provide a shade structure at their facility. There were concerns about whether this was an accessory use to the church property or a use for which the Town should have specific guidelines. It seems other cities and towns want to promote this for a healthier community so staff felt there really should be some criteria to evaluate these as they move forward. Council waived specific requirements for parking and design review and directed staff to work with the

Commission to create appropriate guidelines for Council's consideration.

There was discussion regarding establishing some type of criteria for community gardens. Some of the suggestions were; no off street parking, using the conditional use permit process to specify certain requirements, and would need to provide exceptions.

2. Discussion regarding Open Meeting Law

Hector Figueora, Town Attorney, stated that last week he attended two (2) days of training and they dealt primarily with open meeting law, public records, and all of the changes that have been made. He said he would probably have a mass training in July that would include other departments. Mr. Figueora stated that the biggest issue is the open meeting law with respect to quorums.

Sheila DeSchaaf, Planning and Development Director, stated she had one (1) follow up to that in the fact that notices are sent for the citizen participation in case the Commission wants to attend to learn more information. There could be an issue with a quorum so if staff knows ahead of time who will attend then it can be posted for a quorum if need be.

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

F. INFORMATION TO COMMISSION (Not for Discussion)

Sheila DeSchaaf, Planning and Development Director, noted that Council did approve the exempt structure amendment.

Adjournment - 5:54 p.m.

Clark Jones, Chairman

Approved

Chris Floyd, Executive Assistant