

**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE PUBLIC MEETING  
August 3, 2015**

**Chairman Clark Jones called the duly posted public meeting of the Planning and Zoning Commission to order at 3:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Barbara Underwood, Clark Jones, Dan Jaeger, Eric Martindale, Jennifer Smith, and Lori Meyers.

**ABSENT:** James Scheidt

**STAFF PRESENT:** Sheila DeSchaaf, Planning & Development Director, LaRon Garrett, Assistant Town Manager, Doni Wilbanks, Planning Specialist, Bobby Davis, Economic Development Specialist, Jason Larson, Code Compliance Specialist, Hector Figueiroa, Town Attorney, and Tracie Bailey, Deputy Town Clerk.

**A. APPROVAL OF MINUTES**

1. Public Meeting 7-6-15 Pages 1-6

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.**

Kathy Abbot thanked Councilmember John Wilson and Su Connell for the notification about this meeting. Her concern is with the potential easement along Chaparral Pines Drive and asked that this item be placed on a future agenda. She felt that the fence, which could possibly be placed in the easement, would be a barrier to the natural migration of the elk and a safety issue with regards to children climbing on it. She asked that the Commission consider denying this request when the issue comes before them in the future.

**C. SCHEDULED HEARING(S)**

1. A15-003 Abandonment Request  
Filed by: Town of Payson  
Location: 1004 North Scenic Drive  
Purpose: To abandon a portion of a drainage and public utility easement.

Sheila DeSchaaf, Planning and Development Director, commented that there was an amended condition with respect to when they would have to complete the engineering plans. Previously it said prior to Council hearing on this matter and was amended to prior to building permit application. She stated that there could be considerable expense in getting the information required so it could come after the decision but prior to building permit application.

LaRon Garrett, Assistant Town Manager, gave a brief overview of the proposed abandonment request. He suggested that if the Commission recommended approval that they request the engineered plans be submitted to show that the 100 year water flow would not be increased.

The Commission asked questions which were answered by staff.

Chairman Jones opened the public hearing.

Kathy Abbot stated that this would affect her home at lot 91. She felt this would block her view of the water feature on the golf course. She would be in opposition to this being approved.

Jackie Keller lives 2 doors down from this lot. She pointed to the map and showed how it would cause water damage to the other lots. Chairman Jones would like to see a topographic map for this area.

Commissioner Jaeger stated he was the applicant, representing the owner of lot 71, so he recused himself from voting on this matter. He said there was minimal surface exposure and there would be a culvert.

Chairman Jones closed the public hearing. This item was put on hold until after the next item was completed.

2. CUP15-009 Conditional Use Permit  
Filed by: Beeline Property, LLC, property owner; Payson Area Habitat for Humanity, agent  
Location: 425 North Beeline Highway  
Purpose: To allow outside sales and display uses in a C-2 Zoning District.

Doni Wilbanks, Planning Specialist, summarized the staff report. Staff recommendations are as follows:

1. Display area shall be limited to the areas depicted on the site plan as submitted, stamped July 22, 2015.
2. Display areas shall not interfere with ADA accessibility.
3. Storage/drop-off area shall meet fire and building safety requirements

which will require revisions to site plan submitted and stamped July 22, 2015.

4. Carport and fencing shall be required to comply with Design Review.
5. A landscape buffer shall be planted along the front property line between the proposed display area and street right-of-way.
6. All display and storage areas shall be on private property.
7. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as outside display, sales and storage use at 425 North Beeline Highway conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.

Commissioner Underwood asked about the craft sales area and the landscaping. The questions were answered by staff and applicant.

Chairman Jones opened the public hearing.

Chairman Jones closed the public hearing.

Motion: To approve CUP15-009, a request to allow outside display, sales, and storage of merchandise in a C-2 zoning district at 425 North Beeline Highway subject to the conditions recommended by staff.

Moved by Lori Meyers, seconded by Eric Martindale.

Vote: Motion carried 6 - 0

Yes: Barbara Underwood, Clark Jones, Dan Jaeger, Eric Martindale, Jennifer Smith, and Lori Meyers.

Absent: James Scheidt.

3. P15-007 Unified Development Code Amendment  
Filed by: Town of Payson  
Location: Could affect all of Payson  
Purpose: To amend the Unified Development Code to create provisions for the use of Recreational Vehicles for temporary lodging in conjunction with residential uses/residential zoning districts.

Sheila DeSchaaf, Planning and Development Director, summarized the staff report. This is regarding the use of recreational vehicles as temporary dwellings.

The Commission asked questions, which were answered by staff. Some of the concerns were location of the unit, medical necessity with regards to the length of time, and if have a larger lot the possibility of two (2) units being allowed.

Chairman Jones opened the public hearing.

Dane Hubel explained he had family that liked to come up for hunting and it would be nice if they could stay in a RV while they are here. He thinks it would be a good change.

Bob Graziano stated he had concerns with the length of stays, noise control, and utilities. He commented that he was opposed to the amendment.

Chairman Jones closed the public hearing.

Commissioner Smith felt that there were some details that needed better clarification and there should be more study and detail. Sheila DeSchaaf noted the concerns she heard; side or rear yard provisions for the short term for healthcare provider, possibly allow in driveway but not the front yard area, existing residence insufficient to house the caregiver, generator noise, limitation on maximum number of occupants within the RV, and review other communities on use of large lots.

Commissioner Smith moved, seconded by Commissioner Underwood, that they redirect to staff for further exploration and bring it back at the September meeting.

Motion carried 6-0.

At this time the Commission returned to item #1.

Sheila DeSchaaf, Planning and Development Director, stated that now she has a topographical map to show the Commission. LaRon Garrett, Assistant Town Manager, pointed to the map to show how the drainage flowed. Commissioner Smith asked if this was above the existing drainage to which the reply was in the affirmative.

Motion: To recommend to the Town Council approval of the abandonment request of the north portion of the public utility and drainage easement on Lot 71 of the Chaparral Pines subdivision contingent upon the requestor providing sufficient engineering plans and documentation to show that the 100-year water surface elevation will not be increased by reducing the area of the drainage easement.

Moved by Eric Martindale, seconded by Lori Meyers.

Vote: Motion carried 4 - 1

Yes: Barbara Underwood, Clark Jones, Eric Martindale, and Lori Meyers.

No: Jennifer Smith.

Absent: James Scheidt.

#### **D. SCHEDULED DISCUSSION/POSSIBLE ACTION**

1. Review of Ordinance 830 (mobile storage container) provisions

Chairman Jones recessed the meeting at 3:58 p.m. He reconvened at 4:02 p.m. with all members still present.

Sheila DeSchaaf, Planning and Development Director, explained that the mobile storage container provisions that were adopted with ordinance 830 were set to sunset in 36 months. This was done to give the Council the ability to rescind those provisions. She said this would be the same for the temporary sign discussion to follow this one. She also noted it could be a way to enact the RV provisions that were discussed earlier in the meeting. This would give them a sunset date to try them out and not restrict the Town's ability to make the restrictions more stringent in the future. Ms. DeSchaaf then gave a summary of what was different with ordinance 830 and previous provisions.

The Commission asked questions which were answered by staff.

It was the consensus of the Commission to bring this item back to the September meeting.

2. Review of Ordinance 829 (temporary sign) provisions

Sheila DeSchaaf, Planning and Development Director, went over the power point presentation first. She noted that in the previous provisions the temporary signs were only allowed Wednesday through Monday and not Tuesday's. The basic design criteria says the temporary portable/directional signs have to be attached to a black metal A frame base. Prior to the 2013 provisions the white background and any light or bright colors were restricted to 5% of the overall sign area. She stated that the main complaint has been the limitation on size and the construction method of the sign.

There was discussion regarding keeping the metal A frame for the temporary portable sign and the possibility of it being the color of black or white.

Sheila DeSchaaf, Planning and Development Director, commented that regarding banners the difference in provisions is that they were allowed everyday out of the month versus limited to 15 days per month. They were also allowed in the right of way whereas previously they were allowed on private property. Now they could either be on private property or right of way as long as they are 15 feet back from the edge of improvements.

Jason Larson, Code Compliance Specialist, stated that he dealt with signs more than anything. He commented that he liked the uniform look but also understood that the businesses wanted their sign to be unique.

There was continued discussion regarding the metal signs, supporting businesses, the possibility of being less restrictive, and allowing home made

signs. It was the consensus of the Commission to bring back same provisions but more relaxed.

Sheila DeSchaaf, Planning and Development Director, stated that staff would like to bring something back to the Commission regarding electronic message center signs. She showed some examples of the different types. The propose change would be to increase the size of the message center and not the sign itself. It was noted that it could be reprogrammed if another business moved in. Staff will bring something back for the September 21 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, Planning and Development Director, commented that community gardens would be heard at the September 3 and 17th Council meetings.

Adjournment - 4:54 p.m.

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Clark Jones, Chairman

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Approved

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Chris Floyd, Executive Assistant