

**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE PUBLIC MEETING  
December 7, 2015**

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

**ABSENT:** None

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

**A. APPROVAL OF MINUTES**

1. Public Meeting 11-2-15 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. P15-013 Zone Change Request  
Filed by: Paul and Diana Sexton and Rex C. and Alicia Sexton, property owners  
Location: 109 East McKamey Street  
Purpose: To rezone from R3-MH Multifamily Residential to C-2

Commercial a 1.78 acre property to allow for the development of a Recreational Vehicle Park.

Doni Wilbanks, Planning Specialist, summarized the staff report. Staff recommends approval of this rezoning application subject to the following conditions:

1. Applicant shall obtain Design Review approval prior to or concurrently with a Conditional Use Permit application.
2. No more than 39 RV's and/or 39 RV spaces shall be permitted on the site.
3. A 5 foot sidewalk shall be installed along East McKamey adjacent to this property.
4. 5 feet of additional right of way shall be provided to the Town of Payson along the East McKamey Street frontage of this property.
5. Culvert shall be extended along McKamey adjacent to the property.
6. A building permit for the Park shall be issued before any work can commence.

Chairman Jones opened the public hearing.

Scott Helmer stated that he attended the citizen meeting and learned that this proposed RV park could be for full time residences which he didn't feel was appropriate.

Commissioner Underwood commented that today was for the rezoning and not the conditional use permit.

Sheila DeSchaaf, Planning and Development Director, stated that staff recommendation was to bring their application back as a conditional use permit due to the lack of details.

Commissioner Smith asked which components of the application were missing. Ms. DeSchaaf replied that she wouldn't say missing but when an application is submitted for something other than single family staff request a detailed narrative explaining what the application is and some of the specifics of the request. The information that has been provided is in the UDC under the Planned Area Development (PAD).

Commissioner Martindale asked if the goal was to have a modular home park or an actual RV park. Paul Sexton replied that people would move in and out but how long they are going to stay was unclear.

Chairman Jones closed the public hearing.

Motion: To recommend to the Town Council approval of P15-013, a request to rezone a 1.78 acre property located at 109 East McKamey Street from R3-MH to C-2 subject to the conditions listed in the staff report.

There was discussion concerning length of stays, parking, public safety,

zoning, possible additional conditions during the conditional use permit process, and traditionally a two (2) year sunset clause is an added stipulation.

After discussion the question was called and the vote taken.  
Moved by Eric Martindale, seconded by Barbara Underwood.

Vote: Motion failed 2 - 4

Yes: Barbara Underwood, and Eric Martindale.

No: Clark Jones, Dan Jaeger, Jennifer Smith, and Lori Meyers.

## 2. A15-006 Abandonment Request

Filed by: Town of Payson

Location: West side of Chaparral Pines Drive

Purpose: To abandon a portion of the Chaparral Pines Drive right of way to allow for the construction of an elk fence on the private property within Chaparral Pines subdivision.

Sheila DeSchaaf, Planning and Development Director, stated that the Town Engineer has constructed an explanation of the request. Ms. DeSchaaf provided feedback that has been received to date as part of the public noticing process.

Curtis Ward, Town Engineer, explained the abandonment request. If a sidewalk were to be installed the east side of the road would be a better location. Staff recommendation is to approve the request.

The Commission asked questions which were answered by staff.

Jim Hamilton, representing the Golf Club at Chaparral Pines, did a slide show presentation regarding the right of way request for the purpose of an elk fence. It is the club's opinion that the fence will enhance the community and not devalue it. On behalf of the ownership of the golf club we are asking for your recommendation to the Council to approve the abandonment request of the public right of way.

Commissioner Smith asked why the right of way was needed. Mr. Hamilton replied so a decorative fence could be installed to enhance the community and not a game fence. To move the fence location back more foliage and trees would have to be removed.

Charlie Myer, Vice-President of the Chaparral Pines Community Association Board of Directors and Chairman of the boards fence committee, made a presentation to the Commission.

Commissioner Smith and Meyers asked further questions, which were answered by Mr. Myer and staff.

Chairman Jones opened the public hearing.

Several members of the audience spoke both in opposition to the fence and in favor of the fence.

There was considerable discussion regarding the right of way and the proposed elk fence.

Chairman Jones closed the public hearing.

Commissioner Smith stated that she understands the pleas of both sides of the residence but the Commission is here to decide about an easement and the fence issue should be considered in a separate discussion. Ms. Smith is concerned with long term planning and the movement of traffic. She would like to see the Town preserve the right of way.

Commissioner Meyers moved, seconded by Commissioner Jaeger, to recommend to the Town Council approval of this abandonment request of seven strips of public right-of-way while retaining a public utilities easement between 200 and 600 North Chaparral Pines Drive.

Commissioner Underwood commented that this does have more to do with the right-of-way and not the fencing.

Motion failed 3-3. (dissenting votes Commissioner Underwood, Chairman Jones and Commissioner Smith)

Commissioner Smith moved, seconded by Commissioner Underwood, to recommend to the Town Council denial of this abandonment request of seven strips of public right-of-way between 200 and 600 North Chaparral Pines Drive.

Motion failed 3-3 (dissenting votes Commissioners Jaeger, Martindale, and Meyers)

The Commission recessed at 4:50 p.m.

The Commission reconvened at 4:57 p.m. with all Commissioners still present.

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

1. Proposed recreational vehicle amendment update from the September Planning & Zoning meeting.

Sheila DeSchaaf, Planning and Development Director, gave the Commission an update on the proposed code amendment concerning the temporary use of Recreational Vehicles.

Commissioner Underwood stated that she was in favor of allowing the 14 day stay.

Commissioner Smith thanked staff for the additional work they did to make it a viable option.

Commissioner Underwood moved, seconded by Commissioner Smith, to recommend to the Town Council approval of Ordinance 875 and Resolution 2880 as submitted with the six (6) recommendations.

Motion carried 6-0.

2. General Plan progress report (P15-014)

Trever Fleetham, Planning Technician, gave a progress report on the General Plan implementation. He highlighted several projects that have occurred during this last year. There have been no requests for amendments to the General Plan during the year.

3. Request for Preliminary Plat extension (Heather Estates)

Sheila DeSchaaf, Planning and Development Director, stated that the Commission approved the preliminary plat for Heather Estates in March of this year. The developer has had issues with the ADEQ process regarding wastewater so have requested an extension. The Commission may approve a 6 month extension up to 2 times. If approved today it would be extended to September 2, 2016.

Ralph Bossert commented that it took six (6) months to get approval of the low pressure sewer design that was submitted to ADEQ.

Commissioner Smith moved, seconded by Commissioner Meyers, to extend the Preliminary Plat approval for Heather Estates for six (6) months to September 2, 2016 as requested.

Motion carried 6-0.

4. Proposed P & Z calendar for 2016 and January 2017 (will be voted on in January)

Commissioner Underwood commented that today was a perfect example that if someone wants to be here they can make 3 p.m.

Commissioner Smith commented on the Commission training she attended last week. If the training is available next year she encouraged the Commission to attend.

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

**F. INFORMATION TO COMMISSION (Not for Discussion)**

Chairman Jones thanked Commissioner Meyers for her service to the Commission.

Commissioner Meyers commented that she appreciates staff and the work they do.

ADJOURNMENT - 5:20 p.m.

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Clark Jones, Chairman

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Approved

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Chris Floyd, Executive Assistant