

Payson City
Planning Commission Meeting
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, June 26, 2024, 6:00 p.m.

Conducting: Ryan Frisby, Planning Commission Chair

Commissioners: Perry Adams, Rachel Becker (arrived at 6:04pm), Kirk Beecher, Camarie Brinkerhoff, Kepi Heimuli, Blair Warner

Absent:

Staff: Robert Mills, Development Services Director (attended via Zoom)
Jill Spencer, Senior Planner
Michael Bryant, Planner II
Marty Dargel, Planning Technician
Brandon Dalley, City Prosecutor

Others

1. Call to Order

This meeting of the Planning Commission of Payson, Utah, having been properly noticed, was called to order at 6:00 p.m.

2. Invocation/Inspirational Thought – Commissioner Heimuli

3. Consent Agenda

3.1 Approval of minutes for the regular meeting of June 12, 2024.

MOTION: Commissioner Heimuli - To approve the Consent Agenda. Motion seconded by Commissioner Adams. Those voting yes – Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

4. Public Forum

No public comment.

5. Review Items

5.1 PUBLIC HEARING - Request by Chris Knapp to apply the I-O, Infill Overlay to Utah County Parcel #08:128:0016. This parcel is located at approximately 287 East 700 South in the R-1-9, Residential Zone. The I-O, Infill Overlay, zoning designation will allow for a nine-lot single-family home subdivision to be located on the parcel with reduced lot sizes.

Staff Presentation:

Staff began presentation by displaying a map of the request for Belle Hollow Subdivision located at approximately 287 East 700 South on Utah County parcel #08:128:0016. The applicant is requesting the I-O, Infill Overlay to create a nine-lot subdivision. The overlay is necessary to allow smaller than the

minimum lot size of 9,000 square feet for this R-1-9 residential zone. However, the overall density of the subdivision is greater than 9,000 square feet per lot with the inclusion of open space and amenities. A diagram of the subdivision layout with road placement was displayed indicating an open space area of 13,500 square feet which would include a sports court, picnic tables, and swing set. Nine lots, sized between 7,000 and 8,275 square feet with an average lot size including open space of 9,078 square feet, were also indicated.

Staff recommends approval based upon the following findings:

- This would create single family homes on vacant land within the city center, already in close proximity to infrastructure.
- A new road will be placed oriented north to south (approximately 300 East).
- Improvements to city infrastructure of curb, gutter, and sidewalk will be installed as a result of subdivision approval.
- Several lots close in proximity are of similar size.
- Overall lot density in the subdivision will exceed 9,000 square feet per lot.

Various questions from commissioners regarding an HOA, frontage, water retention, and road placement were addressed by the applicant and staff.

MOTION: Commissioner Beecher – To open the public hearing. Motion seconded by Commissioner Heimuli. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kevi Heimuli, Blair Warner. The motion carried.

Public Comment:

Taylor Pierce had several concerns regarding overall crowding of the area, traffic with the ballfields and pool in the area, parking, neighbor that has animals being allowed to keep them, spillway flooding.

Spencer Pierce was concerned that there would be an HOA forced on the existing property owners in the area.

Kevin Stinson questioned where the roads line up and has concerns regarding zoning. He feels an overlay is an excuse by developers to not follow the rules. He also feels that we need to plan for the future.

MOTION: Commissioner Heimuli – To close the public hearing. Motion seconded by Commissioner Brinkerhoff. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kevi Heimuli, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Adams feels animal rights need to be maintained.

Commissioner Frisby pointed out that this plan has fewer units than the prior developer had planned.

Commissioner Warner stated the HOA would only affect the nine lots within the subdivision which was then confirmed by the applicant.

Commissioner Beecher pointed out that 300 East is already a platted road.

Discussion was had concerning whether it could become a private road. Staff explained that public works and the engineering department prefer it to be a public road. The addition of these roads would

actually provide more areas for public parking. It was also pointed out there are many 7,000 square foot lots in the area.

MOTION: Commissioner Beecher – To recommend to city council approval of the I-O, Infill Overlay, finding that the property is near city services, matches homes in the area in size, and is a good use of this land. Motion seconded by Commissioner Adams. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

5.2 PUBLIC HEARING – Request by Kade Patton to apply the RMO-1, Two-Family Residential Overlay to Utah County Parcel #08:093:0019. This parcel is located at approximately 643 West 400 N in the R-2-7.5 Residential Zone. The RMO-1 Overlay allows for duplexes and twin homes to be built in single family residential zones.

Staff Presentation:

Staff displayed a Google map of the triangular shaped parcel located west of Interstate 15 at approximately 643 West 400 N. An example of the duplex-style housing product was shown. Sunrise Peaks Duplex Community development would be under single ownership and would consist of eight total units. Common space would surround the duplex units. Setback requirements would be met and provide a 25-foot buffer from I-15 and the railroad tracks. Trees will be planted to buffer the noise.

Staff recommends approval for the RMO-1, Two-Family Residential Overlay designation at this location for the Sunrise Peaks Duplex Community. Findings include:

- Parcel is within the R-2-7.5 Residential Zone which allows for this overlay
- Parcel is near other multi-family residential (352 & 376 North 600 W & Miller Meadows Trailer Park, Shady Oaks Trailer Park, Pineridge Farms, and Eversage Apartments.
- Existing city infrastructure at 400 North.
- Development of the property will allow for a higher and better use than existing use, therefore being more efficient with public infrastructure.
- The development is near Payson City Center and various public amenities.

Commissioners' questions regarding traffic relative to the freeway underpass, and fencing were addressed. Staff explained that city engineers prefer all driveways to front internally with no further concerns. The applicant pointed out the existing fencing.

Applicant Comments:

Kade Patton stated they feel this would be a better use of the property than its current use. The duplexes would be a better fit for the neighborhood than industrial use.

MOTION: Commissioner Warner – To open the public hearing. Motion seconded by Commissioner Heimuli. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

Public Comment:

No public comment.

MOTION: Commissioner Heimuli – To close the public hearing. Motion seconded by Commissioner Brinkerhoff. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Warner feels it fits the neighborhood and feels good about it.

Commissioner Beecher questioned if it meets criteria. Staff confirmed that it would have a private road.

MOTION: Commissioner Heimuli – To recommend approval to city council finding there is nearby multi-family housing. Motion seconded by Commissioner Beecher. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

- 5.3 PUBLIC HEARING - Request by Evolve Building and Development for recommendation of approval of the MU-1, Mixed Use Overlay, zoning designation for the following Utah County Parcels located at approximately 1025 West 800 South: 30:063:0050, 35:354:0012, 35:354:0011, 35:354:0010, 35:354:0009, 35:354:0008, 35:354:0007, 35:354:0006, and 35:354:0005.

Staff Presentation:

Staff explained that the applicant will be sharing a presentation but gave a brief synopsis of the Spring Creek Landing project from the prior meeting. This request is being brought back to the planning commission at the applicants' request. Discussion items during the previous planning commission meeting touched on the following:

1. A request for a development agreement to be proffered
2. Concerns related to the transition buffer
3. Concerns related to traffic and access points
4. Building height (Will it meet city code? How high?)
5. Amenity package (What is included and is it conducive for what is appropriate for multi-family residents?)
6. Is the parking enough for commercial and residential visitors, businesses, and residents?

Applicant Presentation:

Wesley Zufelt and Colin Brinkerhoff presented a history of the project explaining the original project was to be four stories tall but was reduced to three stories. Several neighborhood meetings were held to hear the neighbors' concerns and they tried to meet those as possible. Adjustments were made to the placement of buildings and parking to form buffers and access for emergency vehicles. Amenities will include a dog park, playground, outdoor seating pavilion, and tables. Placement of commercial and residential was explained. Parking will be swapped from commercial during the day to residential in the evening, allowing for ample parking. Traffic and feasibility studies were done. Solutions were given for future traffic issues. Building height requirements will be met. Applicants feel this project is a good transition from commercial to residential and will provide affordable options for people.

Commissioners enquired regarding a development agreement. Staff stated that a development agreement has not yet been proffered. Staff clarified that what was just presented by the applicant staff has just heard for the first time as well as the planning commission, so staff is not prepared to give any feedback other than what is in the city code. Staff did provide feedback concerning previous discussion items based on the city code. That is as follows:

1. A request for a development agreement to be proffered. **Preferable but not required.**
2. Concerns relating to the transition buffer. **Meets Code section 13.14.130.14 (A?), (B), (C), (D?), (E?), (F?), (G) Question marks are unknowns by staff at this time.**

3. Concerns related to traffic and access points. **Engineering requested an updated traffic impact study which has not been provided.**
4. Building height (will it meet the city code? How high? **Code section 13.14.130.14 (A) states that in transition areas the maximum height shall equal the maximum height in the residential zone, which is 35 feet.**
5. Amenity package (What is included and is it conducive for what is appropriate for multi-family residents?) **This has not been fully shared with staff at this point, only pictures from architectural renderings. The MU-1 code references the following code section for multi-family development amenities: 13.14.070.16 (C) requires 61-100 units to have two picnic areas, one sports court, one recreation area with amenities, a clubhouse.**
6. Is the parking enough for commercial and residential visitors, businesses, and residents? **This meets the city code for parking regulations – 238 required, 245 provided.**
 Additionally, staff will require that design requirements be met according to the city code and design guidelines.
 Further questions by commissioners were discussed, and MU-1 Overlay process explained by staff at the request of Commissioner Warner.

MOTION: Commissioner Heimuli – To open the public hearing. Motion seconded by Commissioner Becker. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

Public Comment:

Kenneth Strong lives in the area and is concerned with the traffic. He feels 800 South is very busy and dangerous. He is also concerned about being able to fill those buildings with businesses. He wonders if the city cares about what the neighborhood wants. The neighbors don't want it.

Milton Guest has lived in the neighborhood since 1976. He questions if apartments will be owned or rented. He is concerned about taxes being paid. He does not want this in his backyard. Renters do not keep up the property. There will be traffic problems. He is 100 percent in opposition.

Jenny Stinson is opposed to the project. She and others in the neighborhood have gathered 145 signatures from those in opposition. She is not here to complain but cares about Payson. She feels other promises concerning developments in the area were not kept. She would like to see only commercial on the property.

Kelly Carter is opposed. He cited the safety of the neighborhood children with all the traffic.

Amy Levitt lives on 930 West. Amy has lived in the area for 50 years. She stated broadleaf trees do not have leaves in the winter so will not provide adequate privacy. She has concerns about businesses being open late in the day, the shared parking, traffic, and accidents happening. She feels there are plenty of apartments in the surrounding area to rent so we don't need residential here. She is concerned about the playground and dog park. Feels zoning should remain commercial but is concerned that businesses would not be able to survive there.

Flora Moore does not live in the neighborhood but is interested in how development has been happening along 800 South. She is concerned about a dog park alongside commercial business. She questions if there are enough egress points for the development for safety for the families living there.

Cathy Marzan does not want this in her backyard but feels there could be worse things (like a hotel) that could go there. She requested a development agreement if approval is recommended. She is concerned that there will be a lot of cars and people with 68 units.

Kevin Stinson is in opposition. He pointed out that this does not meet the codes with this request. He stated that UDOT is not in favor of this, and this area of 800 South is highly restricted. He stated he has been in contact with the director of UDOT and was told they do not have any knowledge of this and so they do not have access. He feels apartments do not make sense there and has concerns that due to inadequate parking, people will be parking in the neighborhood. There is a clearview area on the east side coming out onto the road that is not to code. He referenced the petition with 145 signatures in opposition to the project. He pointed out that there are apartments on the north end and on the other side of the freeway. He does not feel it makes sense to put them in this area. He feels the transition from commercial to residential should be more gradual. He stated the percentage of commercial to residential is not to code. He stated that title restrictions are how to make properties more affordable and does not think that will be put in place here. He referenced the Payson City General Plan, and that the buildings needed to face the street according to the plan. He feels the parcel is too narrow for the proposed project. Lastly, he stated that this doesn't meet the code, the requirements, or the plan or the city.

Sarah Ogden feels it looks good on paper but is concerned about the trees. She feels the city needs to listen to the neighbors.

Adrian Walton is concerned about the kids crossing 800 South to get to school. She feels promises are not kept.

MOTION: Commissioner Heimuli – To close the public hearing. Motion seconded by Commissioner Becker. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

Commission Discussion:

Applicant, Wesley Zufelt, was asked to address traffic circulation. He pointed out the building was put in the center for ease of access for emergency vehicles and that there is a second access point in the front.

Commissioner Warner thanked everyone for being there. He appreciates all the differing opinions presented and input offered. He reiterated that this is a multi-step process that must be followed by the city.

Commissioner Adams was concerned with the amount of green space and access points.

Commissioner Beecher was concerned that this was the first time seeing the changes.

Commissioner Heimuli would like to see a development agreement and updated UDOT study.

Commissioner Frisby feels that the traffic is manageable with 68 units but would like to see a new traffic study. He is for mixed use but feels the intensity is probably more than planned for. He would like to see a higher percentage of commercial included in this plan and feels the amenities are lacking open space. He agreed that as the property owner they have the right to develop based on the current zone, but he does not feel the applicant is necessarily entitled to the overlay. The job of the commissioners is to make sure what is best for Payson City and although this meets the minimum for the zone change, it needs

additional things to make it more conducive to handle that amount of intensity. He stated he appreciates all the public input.

Commissioner Warner wants to make sure to provide the city council with a summary of the items of concern.

Commissioner Becker is concerned with parking. Confirmation was given that the number of parking spaces meets the city code.

MOTION: Commissioner Heimuli – To recommend approval to city council conditioned upon the following items being addressed: a development agreement, an updated traffic study being done, additional open space, a higher percentage being commercial, have more of a buffer. Finding it does meet the plan for the area. Motion seconded by Commissioner Beecher. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

5.4 DISCUSSION ITEM – Amendments to the Moderate-Income housing Element of the Payson City General Plan.

Staff Presentation:

Staff requested to table this item.

MOTION: Commissioner Beecher – To table item 5.4. Motion seconded by Commissioner Heimuli. Those voting yes – Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

6. Commission and Staff Reports and Training

None

7. Adjournment

MOTION: Commissioner Beecher – To adjourn. Motion seconded by Commissioner Warner. Those voting yes: Perry Adams, Rachel Becker, Kirk Beecher, Camarie Brinkerhoff, Ryan Frisby, Kepi Heimuli, Blair Warner. The motion carried.

The meeting was adjourned at 8:00 p.m.

/s/ Marty Dargel
Marty Dargel, Planning Technician