TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
June 11, 2007

CALL TO ORDER - 3:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL
PRESENT: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.
ABSENT: Jere Jarrell
STAFF PRESENT: Ray Erlandsen, Zoning Administrator, Jerry Owen, Community Development Director, LaRon Garrett, Town Engineer, Tim Wright, Deputy Town Attorney, and Chris Floyd, Secretary.

A. APPROVAL OF MINUTES

1. Public Meeting 05-14-07 Pages 1-9

The minutes were approved has 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. CUP-159-07 Conditional Use Permit
Filed by: Payson Beeline LLC, property owners
Giant Industries Arizona INC & K Engineering & Design, authorized agent
Zygmunt Kwasnica, representative
Location: 2010 North Beeline Highway
Purpose: A request to allow a convenience market with gasoline sales and outside display and storage of merchandise or equipment use in a C-2 zoning district.

Hal Baas moved, seconded by Russell Goddard, to remove from table CUP-159-07; motion carried 6-0.

Ray Erlandsen, Zoning Administrator, stated that this item was tabled at the May 14 meeting so several issues could be resolved with the Water Department and Sanitary District. The Commission has received correspondence from the Water Department and Sanitary District, which indicate that the issues have satisfactorily been resolved.

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Staff recommends approval with the following conditions:

1. The site plan shall be in substantial conformance with the Preliminary Site Plan, dated January 11, 2005.

2. Development shall be subject to Design Review, Unified Development Code, Building and Engineering regulations (including detention) in place at time of building permit application.

3. Northern Gila County Sanitary District approval must be received prior to issuance of a building permit.

4. The building permit must be issued within one year from the date of approval, unless an extension of this use permit is granted by the Planning and Zoning Commission.

5. A signed agreement with Home Depot for shared access must be submitted prior to issuance of a building permit.

6. The length of this conditional use permit shall run concurrent with the use of this property. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the C-2 zoning district.

7. The applicant plans and procedures must demonstrate compliance with Town Water Department requirements prior to issuance of the building permit.

8. Designated outside storage/display will be limited to an ice machine and small propane tank rental and must be depicted and addressed as part of the design review application.

9. The operator of this facility shall install and maintain separate water meters for the convenience store and the RV dump station and water vending methods for the construction and operation of this facility shall meet with the approval of the Payson Water Department.

10. Failure to comply with the above conditions shall be grounds for zoning citations and possible revocation of the Conditional Use Permit.

The Commission asked questions, which were answered by staff.

Chairman Scheidt opened the public hearing.

Chairman Scheidt closed the public hearing.

Motion: Approve CUP-159-07, a request to allow a convenience market with gasoline sales, and outside display or storage of merchandise or equipment use at 2010 North Beeline Highway subject to the conditions listed in the staff report.
Moved by Russell Goddard, seconded by Mark Waldrop.

Vote: Motion carried 6 - 0
Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

Absent: Jere Jarrell.

2. CUP-160-07 Conditional Use Permit
Filed by: Robert & Kelly Fanizza, property owners
Location: 1511 West Red Baron Road
Purpose: A request to allow the installation of a 1500 gallon bulk liquid oxygen tank in a M-1 zoning district.

Ray Erlandsen, Zoning Administrator, summarized the staff report.

Staff recommends approval with the following conditions:

1. Development shall be subject to Unified Development Code, Building, Fire Department and Engineering regulations in place at time of building permit application.

2. The building permit for this use must be issued within one year from the date of approval, unless an extension is granted by the Planning and Zoning Commission.

3. The length of this conditional use permit shall run concurrent with the use of this property. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval by the Planning and Zoning Commission if not expressly permitted in the M-1 zoning district.

4. Failure to comply with the above conditions shall be grounds for zoning citations and possible revocation of the Conditional Use Permit.

Any other conditions the Commission deems necessary.

Chairman Scheidt opened the public hearing.

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

Chairman Scheidt closed the public hearing.

Motion: Approve CUP-160-07, a request to allow bulk liquid oxygen storage in a M-1 zoning district at 1511 West Red Baron Road, subject to the conditions listed in the staff report.
Moved by Hal Baas, seconded by Russell Goddard.

Vote: Motion carried 6 - 0
Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

Absent: Jere Jarrell.

3. P-337-07 Zone Change Request
Filed by: Patrick & Barbara Underwood, property owners
Location: 1601 East Underwood Lane
Purpose: To determine how a request to rezone property located at 1601 East Underwood Lane from R1-90 to R1-44, to allow a 14 unit single-family residential subdivision, be

recommended to Town Council.

Ray Erlandsen, Zoning Administrator, summarized the staff report.

Staff recommends approval with the following conditions:

1. The development shall be in substantial conformance with the Rezoning Site Plan, sealed April 20, 2007 and shall not exceed a total of 14 lots.

2. A note shall be added to the final plat stating "Areas outside the designated building envelopes shall not be disturbed in any manner except for defensible space thinning/maintenance. Any accessory structures, including fences, shall be located within the designated building envelope. Driveway widths outside the building envelope, on all lots, shall be limited to a maximum of 14 feet wide unless a greater width is needed to meet Fire Department requirements."

3. Building envelopes will be kept off the ridgelines and sensitive environmental areas.

4. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.

5. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.

6. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.

7. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.

8. The developer shall submit a proposal outlining their contribution to affordable/workforce housing prior to Council consideration of the rezoning.

9. All applicable Town standards for development shall be met.

10. If any conditions above, cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-44 rezoning may revert to the original R1-90 zoning, pending Council action.

Any other conditions the Commission deems necessary.

The Commission asked questions, which were answered by staff.

Barbara Underwood gave a brief overview of her project.

Chairman Scheidt opened the public hearing.

Several members of the audience were opposed to the proposed project. Some of their concerns were the vegetation in the area, traffic, water situation, wildlife, and some bought property in the area under the premise that the zoning would remain D90 (2 acre zoning).

Ray Erlandsen, Zoning Administrator, gave an overview of how the zoning evolved on this property.

Several members of the audience spoke in favor of the proposed project. They felt that it would be a well developed project.

Ralph Bossert, Tetra Tech, stated that he had been working with the Underwood's on the potential development of this project. He commented that he also worked with the Underwood's when they brought the sewer to the area. He stated regarding the traffic there are two (2) secondary emergency accesses. He felt that the streets in the area could handle the traffic.

Patrick Underwood made closing comments and addressed some of the concerns.

Barbara Underwood commented that they tried to speak with everyone in the 300' radius.

Chairman Scheidt closed the public hearing.

Several Commissioners made final remarks concerning the proposed project.

Chairman Scheidt summarized some of the comments and concerns that were addressed on the proposed project.

Motion: Recommend to the Town Council approval of P-337-07, a request to rezone a 15.04 acre property located at 1601 East Underwood Lane from R1-90 to R1-44 for the purpose of a 14 lot single family development with the conditions listed in the staff report. Moved by Russell Goddard, seconded by Mark Waldrop.

Vote: Motion failed 3 - 3
Yes: James Scheidt, Mark Waldrop, and Russell Goddard.
No: Hal Baas, Joel Mona, and Gary Bedsworth.

Absent: Jere Jarrell.
There was discussion after the motion regarding what the next option would be for the Commission.

Hal Baas moved, seconded by Russell Goddard, to forward this to the Town Council stating that we have duly considered an extensive presentation both pro and con and that it is this Commission's end result that we had a tie vote and are forwarding it on to the Town Council to make the decision. After a brief discussion of this motion; the question was called and the vote taken.

Motion carried 5-1 (with Chairman Scheidt casting the dissenting vote).

4. P-340-07 UDC Amendment Request Sections 15-03 (Landscaping and Buffering)
Filed by: Community Development Department
Location: All of Payson
Purpose: To clarify provisions affecting screening and buffering and add a section pertaining to fences.

Ray Erlandsen, Zoning Administrator, stated that this was a proposed amendment to the

Unified Development Code (UDC) Section 15-03 Landscaping and Buffering. He stated that the original intent was to insert language regarding fences. Mr. Erlandsen commented that when the review of this section began it was determined that the whole section needed to be revised. He would like to work with a couple of the Commissioners and review the whole section and then bring it back to the Commission.

Gary Bedsworth offered to assist Mr. Erlandsen in the review of this section.

Hal Baas also offered his assistance.

Chairman Scheidt opened the public hearing.

Gene Sampson, from the audience, volunteered to work with staff on the proposed revisions. Hal Baas commented that he would like as much HOA participation as possible. Someone from the Payson Pines and Foothills East HOA's also volunteered to work with staff.

Lori Meyers, from the audience, made a suggestion regarding fences with wooden slates.

Hal Baas commented that a request had been made for review of a fence ordinance, which was submitted before the orange fence issue.

Chairman Scheidt closed the public hearing.

Ray Erlandsen, Zoning Administrator, stated that the group would work on it and bring it back at a future Commission meeting.

The Commission recessed at 5:20 p.m.

The Commission reconvened at 5:27 p.m. with all Commissioners still present.

5. P-325-06 UDC Amendment Request
Filed by: Community Development Department
Location: All of Payson
Purpose: To clarify provisions affecting planned area development (PAD).

Jerry Owen, Community Development Director, summarized the staff report. With the proposed changes the applicant would have to submit a plan specific development. Several changes were made to the document based on previous discussions at a Commission meeting.

Chairman Scheidt commented that he had received several emails and had conversations with other Commissioners, which have provided input on the proposed document. He stated that he would like to appoint a couple of Commissioners to work with staff on this. He commented that he would like Joel and himself to work with staff and asked that any other comments be given to staff.

Hal Baas asked if staff could summarize what is wrong with the current PAD code, to see what other revisions could be needed.

6. P-341-07 UDC Amendment Request Sections 15-02-003 (General Development Standards

and Zoning Provisions) and 15-02-013 (Special Plan District - Green Valley Redevelopment Area).
Filed by: Community Development Department
Location: All of Payson
Purpose: To increase the maximum building height from 32 feet (GVRA Design Review Area) and 35 feet (Town-wide) to 45 feet.

Jerry Owen, Community Development Director, stated that for most of the community there is a 3 story, 35' height limit. He commented that there were several proposals for lodging accommodations and with the current code 3 stories would be allowed but it would basically require a flat roof. Mr. Owen also commented that the 32' in the GVRA district was more for the boomtown front for the historical part of Main Street and not necessarily the whole GVRA area. He stated that staff also met with the Fire Department to discuss the propose changes.

The Commission asked questions, which were answered by staff.

Chairman Scheidt opened the public hearing.

Fire Chief deMasi stated that the fire department does support the proposed changes. He felt that the proposal would work. He commented that the department did get a ladder truck several years ago but no additional staff for the truck. It is a call back off duty person that would staff the ladder truck.

Joel Mona thanked Mr. Owen for including the fire department in the discussions regarding this topic.

Questions were asked regarding if additional fire lane language or other requirements were needed, to which the Fire Marshal and Fire Chief replied that it was already covered in the code.

There was further discussion regarding the building height and fire protection that can be built into the project, also location where the new height would be allowed.

Chairman Scheidt closed the public hearing.

7. P-338-07 UDC Amendment Request
Filed by: Community Development Department
Location: All of Payson
Purpose: To modify provisions affecting prohibited and temporary signs.

Jerry Owen, Community Development Director, stated that there had been some further meetings on this issue and the Deputy Town Attorney, Tim Wright, has written a proposal. Mr. Owen then summarized the proposed changes to the code.

The Commission asked questions, which were answered by staff.

Chairman Scheidt closed the public hearing.

Russell Goddard stated that at the last meeting it was recommended to go to Council, what happened. Jerry Owen, Community Development Director, replied that since it was a staff

initiative it was recommended that more work be done on the proposed changes before going to Council. Russell Goddard commented that he liked this proposal better than the last one.

Motion: Recommend to the Town Council approval of P-338-07, appropriate amendments affecting prohibited and temporary signs.
Moved by Hal Baas, seconded by Joel Mona.

Vote: Motion carried 6 - 0
Yes: James Scheidt, Mark Waldrop, Hal Baas, Russell Goddard, Joel Mona, and Gary Bedsworth.

Absent: Jere Jarrell.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

Gary Bedsworth commented that he would be talking to Buzz Walker regarding a well that might be drawing from a contaminated aquifier at a proposed restaurant/microbrewery site.

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

F. INFORMATION TO COMMISSION (Not for Discussion)

1. July 9, 2007 P & Z Meeting Tentative Agenda:

   Ray Erlandsen, Zoning Administrator, commented that since we do have items coming back to the Commission there will be a July 9 meeting.

   Hal Baas voiced his appreciation for this Commission.

ADJOURNMENT - 6:41 p.m.

James Scheidt, Chairman

7-9-07
Approved

Chris Floyd, Secretary