TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
September 13, 2010

Chairman Goddard called the duly posted public meeting of the Planning and Zoning to order at 3:00 p.m. in the Town Council Chambers.

PLEDGE OF ALLEGIANCE

ROLL CALL
PRESENT: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones, and Mark Waldrop.
ABSENT: None
STAFF PRESENT: Ray Erlandsen, Community Development Director, Sheila DeSchaaf, Planner II, Tim Wright, Town Attorney, and Chris Floyd, Executive Assistant.

A. APPROVAL OF MINUTES

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   Commissioner Waldrop moved, seconded by Commissioner Meyers, to approve the minutes of the June 14, 2010, meeting.

   Motion carried 7-0.

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. CUP10-005 Conditional Use Permit
   Filed by: Stanley-Potts, LLC, property owner; Arizona Exotics, applicant
   Location: 1103 South Beeline Highway
   Purpose: To allow a pet store use and outside display of merchandise.

   Shannon Long, applicant, gave a brief overview of his proposed exotics pet store.

   Chairman Goddard opened the public hearing.

   Chairman Goddard closed the public hearing.

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Sheila DeSchaaf, AICP Planner II, stated that staff recommends approval of CUP10-005 with the following conditions:

1. Site shall comply with all Town of Payson development regulations, including design review requirements for commercially zoned property.

2. No dogs or other animals, which may create noise discernable by the human ear at the property lines shall be kept, maintained, bred or offered for sale on the premises.

3. Exterior sales and display shall be limited to the covered walkway area depicted on the site plan, stamped September 2, 2010 and shall not impede accessible routes.

4. An approved business occupancy permit (BOP) is required prior to this CUP becoming effective.

5. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as the outside display and storage of merchandise and equipment and pet shop use at 1103 South Beeline Highway conforms to the above conditions, this CUP is valid. Changes in uses or additional uses shall require approval through the CUP process.

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

Carolyn Stanley, owner of property, stated the applicant was a very good tenant and runs a very clean shop.

Motion: Approve CUP10-005, a request to allow a pet shop and outside display of merchandise in a C-2 zoning district at 1103 South Beeline Highway with the conditions listed in the staff report.
Moved by Joel Mona, seconded by Lori Meyers.

Vote: Motion carried 7 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones, and Mark Waldrop.

2. CUP10-004 Conditional Use Permit
Filed by: Kyle & Lanette Parker, property owners; American Sales & Products, applicant
Location: 1400 North Beeline Highway
Purpose: To allow outside display or storage of merchandise or equipment.

Kacy Parker, applicant, gave a brief overview of his proposed project. He commented that a fence has been added to the site for security.

Commissoner Mona asked the applicant if he has read the recommendations and could he do it. Mr. Parker commented that a couple of the conditions would be tough but feels he could comply.

Ray Erlandsen, Community Development Director, stated that staff recommends approval of CUP10-004 with the following conditions:

1. The site shall comply with all Town of Payson development regulations, including design review requirements for commercially zoned property.

2. All outside storage of merchandise and equipment shall be located beyond the front 50' of the lot or parcel and screened by materials approved by design review requirements.

3. All fencing on the site shall comply with design review requirements for C-2 property.

4. Combine the two existing freestanding pole signs into one sign that meets current UDC requirements.

5. An approved business occupancy permit (BOP) is required prior to this CUP becoming effective.

6. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as the outside display and storage of merchandise and equipment at 1400 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.

Ray Erlandsen, Community Development Director, explained the purpose of the business occupancy permit.

Chairman Goddard opened the public hearing.

A member of the audience spoke in favor of the use permit.

Chairman Goddard closed the public hearing.

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

There was discussion regarding the 50' setback for outside storage and the proposed fencing. There was a recommended amendment to condition number two (2).

Motion: Approve CUP10-004, a request to allow outside display and storage of merchandise and equipment in a C-2 zoning district at 1400 North Beeline Highway with the conditions listed in the staff report and as modified in condition #2 to read 'All outside storage of merchandise shall be located a minimum of 10' from the front property line of the parcel and equipment shall be located a minimum of 50' from the front property line and screened by materials approved by design review requirements.' Moved by Joel Mona, seconded by James Scheidt.

Vote: Motion carried 7 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones,

and Mark Waldrop.

3. P10-006 Unified Development Code Amendment
Filed by: Maria Griselda Cohen, property owner
Location: 1121 North William Tell Circle
Purpose: To amend the Unified Development Code (UDC) Section 15-02-002B.3 pertaining to the keeping of livestock and poultry, to allow keeping of a limited number of poultry hens on lots less than one acre in size in residential districts.

Sheila DeSchaaf, AICP Planner II, summarized the staff report.

Chairman Goddard opened the public hearing.

Several members of the audience voiced their opposition to the proposed amendment.

Maria Cohen, daughter of applicant, stated that a partial survey was done in the neighborhood with people in favor of the proposed amendment.

There was discussion regarding the fact that the proposed amendment would be town wide, if approved. Another issue was the nuisance aspect. A suggestion was made that this be allowed with a conditional use permit or some type of administrative relief where the public could speak.

Tim Wright, Town Attorney, commented that the Commission would make a recommendation to Council and then depending on Council's action it could still require a code amendment.

There was further discussion regarding the proposed wording for a motion.

Motion: Recommend staff prepare a Council Decision Request allowing poultry hens on less than one acre through a CUP or other public process.
Moved by Joel Mona, seconded by James Scheidt.

Vote: Motion carried 7 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones, and Mark Waldrop.

4. P10-007 Unified Development Code Amendment
Filed by: Town of Payson
Location: All of Payson
Purpose: To amend the Unified Development Code (UDC) provisions related to automated signs.

Ray Erlandsen, Community Development Director, summarized the staff report.

Commissioner Mona felt that it was very important that this proposal had been coordinated with the Town Engineer regarding the 20 second intervals.

Mr. Erlandsen commented further that this was all about safety and not being distracted

for an extended amount of time.

Commissioner Loyd felt that if safety was the main concern then the Town should comply with its own rules referencing the event notification signs at each end of Town.

Mr. Erlandsen noted that there was an exemption for community wide benefits.

Chairman Goddard opened the public hearing.

Chairman Goddard closed the public hearing.

Commissioner Mona stated that Commissioner Loyd had a very good point but felt the community signs were a big benefit for the community events and would go along with the inconsistency on time intervals.

Motion: Recommend to the Town Council approval of P10-007, an amendment to the Unified Development Code, Section 15-05, Signs, by amending Section 15-05-003(A)(1.)(f.) and adding a new definition for "automated signs" as shown in Exhibit A of the staff report.
Moved by James Scheidt, seconded by Mark Waldrop.

Vote: Motion carried 7 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones, and Mark Waldrop.

5. P-361-09 Unified Development Code Amendment
Filed by: Town of Payson
Location: All of Payson
Purpose: To amend the Unified Development Code (UDC) provisions related to home-based businesses and neighborhood retail/office uses within multi-family districts.

Sheila DeSchaaf, AICP Planner II, summarized the staff report.

Chairman Goddard questioned the general purpose for changing the current code. Ms. DeSchaaf replied that one of the benefits was to expand income producing avenues for the property owners and the Town.

Ray Erlandsen, Community Development Director, felt the current code was very limiting in that it has one standard for all zoning districts. He also commented that with the proposed tiered system it was more applicable to our zoning.

Commissioner Waldrop commented that he felt the reference to undertaking and funeral parlors should be removed from the proposed amendment as it is not allowed by State law. It was suggested that it be left in the proposal in case State law ever changes.

Commissioner Loyd questioned the sale of firewood in a residential area. Ms. DeSchaaf replied that currently it is prohibited. Commissioner Loyd also questioned, under the proposed level one, and having more than one non-resident employee. Ms.

DeSchaaf commented that the current code allows for the petition of a conditional use permit based on size or access.

Commissioner Meyers suggested adding inoperative vehicles to the definition of accessory space.

Chairman Goddard opened the public hearing.

Chairman Goddard closed the public hearing.

Motion: Recommend to the Town Council approval of P-361-09, an amendment to the Unified Development Code, provisions related to home-based businesses and neighborhood retail/office uses within multi-family districts and replacing those provisions with the attached proposed Section 15-02-016-Home Occupations. Moved by James Scheidt, seconded by Clark Jones.

Vote: Motion carried 7 - 0
Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Jeff Loyd, Clark Jones, and Mark Waldrop.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

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

F. INFORMATION TO COMMISSION (Not for Discussion)

Ray Erlandsen, Community Development Director, noted that at this time there were no items scheduled for the October meeting.

Adjournment - 4:49 p.m.

Russell Goddard, Chairman

12-13-10
Approved

Chris Floyd, Executive Assistant