

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
April 11, 2011**

Chairman Goddard called the duly posted 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: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Mark Waldrop, and Jeff Loyd was present telephonically.

ABSENT: Clark Jones

STAFF PRESENT: Ray Erlandsen, Community Development Director, Sheila DeSchaaf, AICP Planner II, Tim Wright, Town Attorney, and Chris Floyd, Executive Assistant.

A. APPROVAL OF MINUTES

1. Public Meeting 2-14-11 Pages 1-3

Motion: Approve the minutes of the February 14, 2011, meeting.

Moved by James Scheidt, seconded by Joel Mona.

Vote: Motion carried 6 - 0

Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Mark Waldrop, and Jeff Loyd was present telephonically.

Absent: Clark Jones.

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. P11-001 Zone Change Request

Filed by: Patrick and Barbara Underwood, property owner

Location: 1601 East Underwood Lane

Purpose: For a zone change request from R1-90 to R1-44 for the purpose of subdividing a 15.08 acre property into 12 single family residential lots.

Ralph Bossert, Verde Engineering, gave a brief overview of the proposed project at 1601 East Underwood Lane. This is a zone change request to develop this proposed subdivision. He stated that after the citizen participation meeting the applicant decided to reduce the proposed subdivision from 14 to 12 lots.

Barbara Underwood, applicant, stated she felt the Town was moving in a positive direction and they would like to continue in that direction. She thanked the people that attended the citizen participation meeting and felt they came trying to listen to the proposal and hopefully could work on a compromise. She also commented that the Town has reviewed the project and they have met all of the requirements.

Chairman Goddard asked how much development the applicant had done around the proposed subdivision site. Ms. Underwood pointed it out on the map which properties they had development in the area.

Ray Erlandsen, Community Development Director, stated that staff had reviewed this proposal and recommends approval with the following conditions:

1. The development shall be in substantial conformance with the Rezoning Site Plan, dated March 7, 2011 and shall not exceed a total of 12 lots.
2. A note shall be added to the final plat stating: "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. Adequate sanitary facilities shall be designed in accordance with Northern Gila County Sanitary District standards prior to submittal of the Final Plat.
4. Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.
5. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.
6. The developer shall submit a proposal outlining their contribution to the pedestrian circulation in the area prior to Council consideration of the rezoning.
7. All applicable Town standards for development shall be met.
8. 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.

Chairman Goddard opened the public hearing.

Mike Foil commented that he had read the letters from the concerned citizens regarding the traffic, environment, lower home values, etc. and he didn't believe there would be any adverse affect to the area with this proposal. Mr. Foil also addressed the supply and demand issue.

Ray Jones clarified that he was the originator of the Payson III Unit I subdivision. He noted that during the inception of this subdivision it was the goal to get as much zoning as would be allowed. Mr. Jones commented that it was not feasible at the time to bring the sewer to this property and that was the reason for the D90 zoning but it was also stipulated that if in the future the sewer could be brought in the property could be subdivided. He said it was never the intention that this property remain D90. He felt

that the proposed subdivision was a good project.

Len Little asked Ray Erlandsen to bring forth a document that states no lot hereafter shall be less than 90,000 square feet. It was noted that it was a Town document.

Tim Wright, Town Attorney, stated that Mr. Little was referring to Ordinance 371 which created the D44 and D90 zoning districts for the Town. As long as State law is followed it is possible to rezone property. Mr. Wright noted that there were State law provisions on how that happens which is what is being discussed today. Ultimately it will be up to the Council to decide that.

Harold Corbin spoke in opposition to the zone change request due to increase traffic and noise. His main concern was in the event of a fire the ingress/egress from the area.

Chairman Goddard commented that the Commission should take into consideration the surrounding property owners but also have to show consideration to the actual property owners and as long as what they are asking for is within the General Plan then the Council makes the ultimate decision.

Barbara Underwood stated that the Town had a letter dated June 29, 2004 from the Underwoods saying they would agree to wait for water and put their subdivision on hold. She also commented that there were two (2) emergency exits from the area through Chaparral Pines.

Mary Little made several comments regarding the original deed restrictions in reference to the property in the area remaining D90 and also a petition that was circulated in 2004 opposing this same rezoning request.

Several other members of the audience voiced their opposition to this rezoning request. A concern was that sufficient demand for new lots hadn't been demonstrated.

Commissioner Scheidt asked about the water issue. Tim Wright, Town Attorney, replied that with the current zoning of R1-90 individuals could have a well but if the rezoning to R1-44 is approved then they are required to be on Town water. Now the tower well and the C C Cragin water rights are in place. This proposed subdivision does need to be in compliance with the water element of the general plan.

There was further discussion regarding foreclosure property in the rim country, time frame for build out of the proposed subdivision, showing sufficient demand for the proposed subdivision, and the economics of it.

Chairman Goddard questioned recommendation #8 and the fact must have a final plat in two (2) years. Ray Erlandsen, Community Development Director, replied that if Council approves the rezoning then the applicant would continue to the preliminary plat stage which the Commission would see. Then a recommendation would go to Council regarding the preliminary plat and if that is approved then the applicant would then file for the final plat. Once the final plat is approved then there is no time limit on the build out. Tim Wright, Town Attorney, stated that no dirt would be moved until the final plat is approved.

Len Little made a brief comment to the existing build out of the area.

Chairman Goddard closed the public hearing.

Several Commissioners made final comments regarding the proposed rezoning.

Motion: Recommend to the Town Council disapproval of P11-001, a request to rezone a 15.04 acre property located at 1601 E. Underwood Lane from R1-90 to R1-44 for the purpose of a 12 lot single family development.

Moved by Joel Mona, seconded by Lori Meyers.

Vote: Motion carried 5 - 1

Yes: Russell Goddard, Joel Mona, Lori Meyers, Mark Waldrop, and Jeff Loyd was present telephonically.

No: James Scheidt.

Absent: Clark Jones.

The Commission recessed at 5:13 p.m.

The Commission reconvened at 5:20 p.m. with all members of the Commission still present.

2. CUP11-001 Conditional Use Permit
Filed by: Arizona Public Service Co. (APS), property owner; Ryan Weed, Coe & Van Loo, applicant
Location: 304 South Bassett Lane
Purpose: A conditional use permit for the construction of a new APS substation in a single family residential zoning district to strengthen existing electrical service and provide for future expansion within the surrounding community.

Ryan Weed, representing the applicant, gave a brief overview of the proposed project at 304 South Bassett Lane. The proposed project is for an Arizona Public Service (APS) substation.

Commissioner Mona asked about the cost of the project. Steve Deming, APS, commented that the site work would cost approximately 1 million and the equipment would be approximately 1.5 million.

There were some concerns with seeing some of the equipment above the wall and possibly increasing the height of the wall and possibly some additional landscaping on the north side of the site. There were suggestions for adding language to the conditions regarding the wall height and a landscape easement.

Commissioner Meyers questioned the light and noise. It was noted that it would be emergency lighting only and after construction it would be very low noise.

Chairman Goddard asked the Town Attorney if there was a consensus from the

Commission regarding the landscape easement then could this be added to the conditions. The Town Attorney replied that first the public hearing needed to be opened then ask for a consent agreement on the proposed additional conditions or ask for a motion.

Chairman Goddard opened the public hearing.

Jeanie Langham commented regarding the landscaping and the color of the wall.

Sheila DeSchaaf, AICP Planner II, stated that the color of the wall, as submitted, would comply with the design review requirements but if the Commission wants to be more restrictive then it would have to be a condition of the use permit.

Ryan Weed stated that APS would be willing to work with staff on a forest theme color for the wall.

Errol Owens stated that he would like to see the substation centered on the lot so that it would impact the surrounding properties equally. It was noted that there was a concern with existing vegetation on the eastern property.

Chairman Goddard closed the public hearing.

Chairman Goddard asked if there was a consensus to add the landscape easement to the conditions. Yes there was.

Then Chairman Goddard asked if there was consensus to adding to the conditions the extension of the wall height to 12' above exterior grade. There was no consensus.

Commissioner Mona moved, seconded by Commissioner Loyd, to add the condition that the north wall be 12' above grade.

Motion carried 5-1 with Commissioner Scheidt casting the dissenting vote.

The recommended condition regarding color was that the applicant shall work with staff to determine a forest themed color for the wall that complies with the required light reflectance values. There was a consensus for adding this to the list of conditions.

Ray Erlandsen, Community Development Director, stated that he would like this recommended condition to be number one, which would be that 'construction shall be in substantial conformance with the Owens substation citizen participation report dated February 24, 2011, as submitted.' There was a consensus to add this to the conditions.

Chairman Goddard asked the applicant if they were ok with the added conditions to which the reply was yes.

Ray Erlandsen, Community Development Director, read the following conditions:

1. Construction shall be in substantial conformance with the Owens substation citizen

participation report dated February 24, 2011, as submitted.

2. All criteria approved by the Design Review Board shall be completed prior to the issuance of a certificate of occupancy (C of O).
3. The two existing parcels shall be consolidated prior to the issuance of a building permit.
4. All Town of Payson development requirements shall be met.
5. A 25' wide landscape easement shall be offered to the property owner at 801 East Granite Dells.
6. The north wall shall be 12' in height from the outside grade.
7. The applicant shall work with staff to determine a forest themed color for the wall that complies with the required light reflectance values.
8. Failure to comply with the above conditions shall be grounds for zoning enforcement action which may include, at the discretion of the Zoning Administrator, a review by the P & Z Commission.

Motion: Approve CUP11-001, a request to allow a public utility substation in a R1-10-MH zoning district at 304 S. Bassett Lane, with the conditions as recommended and read by staff.

Moved by James Scheidt, seconded by Mark Waldrop.

Vote: Motion carried 6 - 0

Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Mark Waldrop, and Jeff Loyd was present telephonically.

Absent: Clark Jones.

3. CUP11-002 Conditional Use Permit
Filed by: Lincoln Electric Garage Door Co., property owner; Douglas Woody, applicant
Location: 405 West Main Street
Purpose: A conditional use permit for a motorcycle & ATV parts and service shop use in a C-2 zoning district.

Douglas Woody, applicant, gave a brief overview of the proposed project at 405 West Main Street. The proposed project is a conditional use permit for a motorcycle & ATV parts and service shop.

Commissioner Scheidt asked about the hours of operation. Mr. Woody stated that they would be 9-5 Tuesday - Friday and 10-4 Saturday.

Chairman Goddard opened the public hearing.

Chairman Goddard closed the public hearing.

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

1. All vehicles in need of repair shall be stored behind opaque fencing at the rear of the site or inside the building during non-business hours.

2. All repair/maintenance shall be done within garage bay or behind fencing.
3. Install new landscaping with adequate provisions for irrigation in designated landscape area north of designated parking spaces along Main Street frontage in accordance with the Unified Development Code standards.
4. The length of this conditional use permit shall run concurrent with the use of this property. So long as the site is used for vehicle repair use, then this permit is valid. Expansion of the approved use, change in uses, or additional uses shall be subject to review and approval if not expressly permitted in the C-2 zoning district.
5. Failure to comply with the above conditions shall be grounds for zoning enforcement action which may include, at the discretion of the Zoning Administrator, a review by the P & Z Commission.

Jeanie Langham commented on the storage of vehicles and the required landscaping for this project.

Motion: Approve CUP11-002, a request to allow a vehicle repair use in a C-2 zoning district at 405 W. Main Street, with the conditions as recommended by staff. There was discussion of this motion regarding the required landscaping.
Moved by Lori Meyers, seconded by Joel Mona.

Vote: Motion carried 6 - 0

Yes: James Scheidt, Russell Goddard, Joel Mona, Lori Meyers, Mark Waldrop, and Jeff Loyd was present telephonically.

Absent: Clark Jones.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. Meeting schedule for 2011 and January 2012

Chairman Goddard asked if this could be done by consensus or a motion to which the reply was by motion.

Commissioner Scheidt moved, seconded by Commissioner Mona, to approve the meeting schedule as submitted.

Motion carried 6-0.

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, stated that staff was in the process of updating the Unified Development Code (UDC). He commented that our part time tech has worked very hard on this project. The goal is to have the update online by June 1.

ADJOURNMENT - 6:27 P.M.

Russell Goddard, Chairman

Approved

Chris Floyd, Executive Assistant