

**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION  
MINUTES OF THE PUBLIC MEETING  
June 10, 2013**

**Chairman Loyd 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:** John Swenson, Lori Meyers, Jeff Loyd, Mark Waldrop, and Dan Jaeger.

**ABSENT:** James Scheidt, and Clark Jones

**STAFF PRESENT:** Sheila DeSchaaf, Zoning Administrator, Doni Wilbanks, Planning Technician, LaRon Garrett, Assistant Town Manager, Tim Wright, Town Attorney, and Chris Floyd, Executive Assistant.

**A. APPROVAL OF MINUTES**

1. Public Meeting 5-13-13 Pages 1-3

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. A13-001 Abandonment Request  
Filed by: Town of Payson  
Location: 1200 East Frontier Street/719 South Ridgeway Lane  
Purpose: To abandon a portion of the Public Utility, Slope and Drainage Easement.

LaRon Garrett, Assistant Town Manager, summarized the staff report.

Chairman Loyd opened the public hearing.

Chairman Loyd closed the public hearing.

Motion: To recommend to the Town Council approval of the abandonment of a portion of the Public Utility and Drainage Easement contained on Lot 20 of the East Gateway

Phase Two subdivision as requested by the developer of the subdivision.

Motion carried 5-0.

Moved by Lori Meyers, seconded by John Swenson.

2. CUP13-002 Conditional Use Permit Request  
Filed by: Howarth Rowe, property owner  
Location: 706 West Longhorn Road  
Purpose: Requesting relief from the prohibition of taxi service use in conjunction with a level One Home Occupation in a R2 zoning district.

Doni Wilbanks, Planning Technician, summarized the staff report.

Staff recommends approval with the following conditions:

1. Vehicle trips associated with the business shall not exceed ten (10) per day.
2. All vehicles shall be parked in the garage or on the paved/concrete portion of the property. Vehicles shall not park in the dirt/landscaped areas or on the sidewalk.
3. Vehicles associated with the business and parked on site shall not exceed two at any time.
4. The length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a taxi/shuttle service use then the use permit is applicable. Change in use or additional uses may require separate approvals or a modification to this Conditional Use Permit.
5. Failure to comply with the above conditions shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department, then a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

Chairman Loyd opened the public hearing.

Howarth Rowe, applicant, gave a brief overview of his proposed intent for his request of a conditional use permit for shuttle service.

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

Several members of the audience voiced their opposition to the use permit for a taxi/shuttle service. Concerns were traffic on Longhorn Road and children in the area during the school year.

There was further discussion regarding the use permit with parking and traffic being an issue.

The Commission asked further questions regarding the use going with the property, if there was anything in the CCR's that would prohibit a business in the neighborhood, and how much traffic Longhorn Road could handle during the day.

Chairman Loyd suggested changing some of the recommendations based on comments heard today. 1) Limited vehicle trips associated with business to three (3) roundtrips

per day; 2) Time limit on cup for two (2) years; 3) Limit to one (1) vehicle; and 4) Set limitations on hours for those trips to 3:30 am to 10:00 p.m.

Chairman Loyd closed the public hearing.

Chairman Loyd asked if the application fee was refundable to which reply was no it is not.

Motion: To approve CUP13-002, a request to allow taxi services in conjunction with a Level One Home Occupation in a R2 zoning district at 706 West Longhorn Road subject to the conditions as follows:

1. Vehicle trips associated with the business shall not exceed three (3) round trips per day.
2. Vehicles associated with the business and parked on site shall not exceed one (1) at anytime.
3. A limitation of operation hours between 3:30 a.m. and 10:00 p.m.
4. All vehicles shall be parked in the garage or on the paved concrete portion of the property and shall not park in the dirt/landscaped areas or on the sidewalk.
5. The length of this Conditional Use Permit shall run concurrent for two (2) years with the use of this property. That is, as long as this property is used for a taxi/shuttle service use then the use permit is applicable. Change in use or additional uses may require separate approvals or a modification to this Conditional Use Permit.
6. Failure to comply with the above conditions shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

Moved by Jeff Loyd, seconded by John Swenson.

Vote: Motion failed 1 - 4

Yes: Jeff Loyd.

No: John Swenson, Lori Meyers, Mark Waldrop, and Dan Jaeger.

Absent: James Scheidt, and Clark Jones.

Motion: That the Planning and Zoning Commission deny CUP13-002, to allow taxi services in conjunction with a Level One Home Occupation in a R2 zoning district at 706 West Longhorn Road.

Moved by Lori Meyers, seconded by Dan Jaeger.

Vote: Motion carried 4 - 1

Yes: John Swenson, Lori Meyers, Mark Waldrop, and Dan Jaeger.

No: Jeff Loyd.

Absent: James Scheidt, and Clark Jones.

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

1. There are no items for this section

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

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

1. General Plan Update

Tim Wright, Town Attorney, noted that Council did have first reading on the RV parking with no public comments and the second reading will on June 20, 2013.

Sheila DeSchaaf, Zoning Administrator, noted that the comment period for the General Plan update has been extended to June 30. The plan should be coming before the Commission in August with a presentation to give an overview of all the various elements. There is a draft copy on the Town website.

Adjourned 4:33 p.m.

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Jeff Loyd, Chairman

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Approved

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Chris Floyd, Executive Assistant