

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
October 14, 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, James Scheidt, Clark Jones, Lori Meyers, Jeff Loyd, and Mark Waldrop.

ABSENT: Dan Jaeger

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

A. APPROVAL OF MINUTES

1. Public Meeting 9-9-13 Pages 1-5

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. CUP13-004 Conditional Use Permit
Filed by: Allen Rislund and Dennis & Victoria Baker, property owners:
Griffins's Propane, applicant
Location: 1315 West Red Baron Road
Purpose: To allow the storage and dispensing of a hazardous material (bulk propane).

Jon Brotz, Griffin's Propane, gave a brief overview of the proposed project for propane storage at 1315 West Red Baron Road.

Doni Wilbanks, Planning Technician, read the recommended conditions for this project:

1. Exterior land uses shall substantially conform to the site plan submitted and attached to the zoning application filed on September 6, 2013.
2. A building permit shall be obtained for the installation of the propane storage tank and all applicable Building and Fire Codes shall be met. The project shall meet all development standards, including but not limited to: building, fire, safety, and signage.
3. A lot consolidation of the two tax parcels must be completed prior to building permit application.
4. A building permit must be obtained within twelve (12) months of the approval date of this CUP.
5. A Certificate of Occupancy must be obtained within twenty four (24) months of the approval date of this CUP.
6. 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 bulk propane storage and distribution use then the use permit is applicable. Change in uses or additional uses may require separate approvals or a modification to this Conditional Use Permit.
7. 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.

Chairman Loyd opened the public hearing.

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

Sheila DeSchaaf, Zoning Administrator, noted that this project would be required to go before the Design Review Board for the building.

Chairman Loyd closed the public hearing.

Motion: The Planning and Zoning Commission approve CUP13-004, a request to allow the storage and transfer of hazardous material, bulk propane dispensing, in an M-1 zoning district at 1315 West Red Baron Road subject to the conditions recommended by staff.

Moved by Lori Meyers, seconded by James Scheidt.

Vote: Motion carried 6 - 0

Yes: John Swenson, James Scheidt, Clark Jones, Lori Meyers, Jeff Loyd, and Mark Waldrop.

Absent: Dan Jaeger.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. Discussion regarding UDC Section 15-10, enforcement.

Commissioner Scheidt gave an overview on why he requested that Section 15-10, enforcement, be included for discussion. He felt that there was no active enforcement of the current codes except on a complaint basis. He also felt that the Commission should request from the Council that this section be reviewed.

Tim Wright, Town Attorney explained how enforcement followed state law.

There was discussion regarding interpretation, state guidelines, complaint process was explained, and it was suggested by the Chairman that Commissioner Scheidt take his idea to a Council meeting outside any action by the Commission.

2. Discussion regarding buffers for dissimilar land uses.

Chairman Loyd stated that this was specifically related to the General Plan and the changing of the definition for low density. He noted that in the current UDC there were no zone buffers except for landscaping. He would like to see a possible step down approach for creating buffers for the density.

Sheila DeSchaaf, Zoning Administrator, stated that there was the ability in any rezoning case to make sure the buffering is accounted for. She noted that the landscaping section of the UDC refers to what you have to do between two (2) different land uses and sometimes between parcels with the same use. It could be possible to add language into the UDC to provide direction on what is expected when there is an application for increased density.

There was further discussion regarding rezoning process, possible appropriate buffering, and infrastructure as it relates to density.

Sheila DeSchaaf, Zoning Administrator, stated that she felt there was a way to make changes to the code, if it was the desire of the Council. She did feel that there was still flexibility in the code now with the conditions of any rezoning that comes forward.

Motion: Recommend that staff submit to the Town Council asking whether the Commission should look further into the issue of buffering.

Moved by James Scheidt, seconded by Clark Jones.

Vote: Motion carried 6 - 0

Yes: John Swenson, James Scheidt, Clark Jones, Lori Meyers, Jeff Loyd, and Mark Waldrop.

Absent: Dan Jaeger.

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

F. INFORMATION TO COMMISSION (Not for Discussion)

Tim Wright, Town Attorney, stated that the General Plan was approved by Council and will go forward to the voters in August at the primary election.

He also noted that State law has changed to prohibit the employees from influencing the election but could provide objective information. He also recommends that the Commission approach the issue in the same manner.

ADJOURNMENT - 4:11 P.M.

Jeff Loyd, Chairman

Approved

Chris Floyd, Executive Assistant