

**PAYSON CITY PLANNING COMMISSION  
MEETING MINUTES**

**October 23, 2013**

**REGULAR SESSION – CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** 7:00 p.m.

**ROLL CALL:** Chairman John Cowan; Commissioners Blair Warner, Harold Nichols, Todd Cannon, Rob Baird & George Van Nosedol; City Councilmember Kim Hancock; Planner Jill Spencer; Administrative Secretary Amanda Baker. Councilmember Mike Hardy and Commissioner Ted Fitzgerald excused.

**INVOCATION:** Commissioner Baird

**PUBLIC FORUM:**

No public comment.

**CONSENT AGENDA:**

APPROVAL OF MINUTES – September 11, 2013

*Motion by Commissioner Cannon to approve the consent agenda adjourn. Seconded by Commissioner Warner. Motion carried.*

**REVIEW ITEMS:**

**REQUEST BY AARON GARCIA TO AMEND TITLE 19, ZONING ORDINANCE TO ALLOW MIXED MARTIAL ARTS (MMA) AS A PERMITTED USE IN THE CC-1, CENTRAL COMMERCIAL ZONE.**

*Motion by Commissioner Warner to open the public hearing. Seconded by Commissioner Cannon. Motion carried.*

Public hearing opened at 7:05 p.m.

Planner Spencer presented information from the following staff report.

**Background**

The applicant, Aaron Garcia is requesting a recommendation of approval from the Planning Commission and approval from the City Council of a text amendment to the Zoning Ordinance that would allow mixed martial arts (MMA) as a permitted use in the CC-1, Central Commercial Zone. The applicant recently applied for a business license to operate the Unbreakable MMA Academy; however, the request to instruct mixed martial arts was denied because mixed martial arts activities are not currently permitted in the City. In accordance with Appendix A of the Payson City Zoning Ordinance, *personal fitness* facilities are permitted in several commercial zones; however, the ordinance prohibits any combat style activities. Because of the “no combat” classification, mixed martial arts are not currently allowed.

By way of definition, mixed martial arts is *an extreme combat sport in which contestants are permitted to use the fighting techniques of wrestling and boxing but also those of martial arts such as kickboxing, judo, and karate* (Wikipedia.org). Martial arts may be categorized by a variety of criteria, such as technical focus (unarmed and weapon-based) or by application or intent (combat oriented, spiritual and philosophical development). Because the term *mixed martial arts* involves a wide-range of self-defense, as

well as offensive techniques, and involves different types of activities (i.e. training, contests, exhibition), it will be important to provide additional definition in the Zoning Ordinance.

Approval of a text amendment requires a recommendation from the Planning Commission, following a public hearing, and approval by the City Council, again following a public hearing. Because an amendment to the Zoning Ordinance affects many parcels rather than just the property owned by the applicant, mailing notice to all property owners potentially affected by these amendments is impractical. However, in accordance with State statute, notice of the public hearing has been posted in appropriate locations and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

### **Analysis**

As indicated in the applicant's formal request, the Unbreakable MMA Academy will provide self-defense instruction with discipline, motivation, and a higher level of fitness while encouraging confidence and self-respect. The applicant's request is limited to a MMA training facility with all contests, live matches, and exhibitions occurring at an appropriate venue.

Although it is typical for Planning Commissioners and City Councilmembers to inquire about a specific application of the ordinance, staff would suggest that an amendment to the Zoning Ordinance is more significant than a review of a single project. Once an amendment has been approved by the City Council, the provisions may be applied to all applicable parcels throughout the community, not just the applicant's proposal.

To adequately address the request of the applicant, the Planning Commission and City Council will likely need to consider the following issues:

#### Proposed Use

Two of the most common martial art forms are karate and taekwondo and these disciplines have been instructed within the City in the past. Karate is a Japanese art of self-defense that uses kicking, knee strikes, elbow strikes and open hand techniques to disable or subdue an opponent. Taekwondo training originated in Korea and generally includes a system of blocks, kicks, punches, and open-handed strikes and may also include various take-downs or sweeps, throws, and joint locks without the use of weapons. Individually, these activities are quite common and may be considered mainstream. Although various martial art disciplines have been taught for hundreds of years, and even date back to the ancient Olympics, the combination of the disciplines, referred to as *mixed martial arts* is relatively new. Mixed martial arts allows the use of both striking (i.e. punching, kicking) and grappling (i.e. throwing, submission holds, pinning) techniques. Rules and regulations for mixed martial arts have evolved from the original matches where competitors were pitted against one another with minimal rules to a sport that is now overseen by State athletic commissions. Nonetheless, mixed martial arts and ultimate fighting is often perceived as aggressive and even violent.

The applicant is requesting the ordinance be amended to allow mixed martial arts, consisting of karate, wrestling, boxing, kickboxing, and Jiu Jitsu. As indicated above, the applicant's request is limited to a training facility with all contests, live matches, and exhibitions being conducted at an approved venue. This is an important distinction because regulations for competition venues, required permits and licenses, and other event considerations have not been explored or addressed by staff.

#### *Staff Recommendations:*

- Provide a definition of *mixed martial arts* in Chapter 19.28, Definitions of the Zoning Ordinance to clearly delineate the acceptable forms of martial arts and limit any violent activities such as the use of weapons.
- Staff would suggest the use be limited to training facilities, with contests, live matches, and exhibitions being held at an appropriate venue with the proper permits and licenses.
- Provide regulations for MMA contests and exhibitions in Chapter 19.11, Temporary Uses of the Zoning Ordinance.

Proposed Location

The applicant is leasing a building located in the CC-1, Central Commercial Zone; therefore, the applicant is requesting that *mixed martial arts* training facilities be permitted in this zoning district. However, the Planning Commission will need to determine the most appropriate zoning district(s) for mixed martial arts instruction. The City has established different zoning districts to accommodate a variety of uses that are compatible and complementary. All businesses are welcome in the community, but some may be more suitable in specific zoning districts.

Classification

The Planning Commission and City Council will need to determine if the use is classified as a permitted use or a conditional use. Permitted uses are typically activities appropriate in the zone without the need to impose site or use specific conditions to ensure compatibility. Conversely, conditional uses are activities where potential negative impacts can be addressed through the imposition of specific conditions. The applicant has suggested that the instruction of mixed martial arts is similar to *personal fitness* facilities which are already allowed in the CC-1, Central Commercial Zone.

The Planning Commission and City Council are under no obligation to recommend approval or approve the request. It is the burden of the applicant to convince the Planning Commission and City Council that the proposed text amendment will benefit the community.

**Recommendation**

Development regulations are enacted to ensure that all property owners are treated equitably and to protect the health, safety, and general welfare of the residents. It is important to reiterate that amending the Zoning Ordinance will affect a number of parcels throughout the community, not just the subject property. Therefore, the applicant's request to operate the Unbreakable MMA Academy on a specific parcel of land should be set aside and the Planning Commission should focus on the proposed amendments from a broader perspective.

The Planning Commission, following a public hearing, must decide whether or not the proposed amendments are consistent with the development goals and objectives of Payson City. The Planning Commission will need to forward a recommendation to the City Council to approve, amend and approve, or deny the request of the applicant to amend various sections of the Payson City Zoning Ordinance to address mixed martial arts instruction.

Any recommendation of the Planning Commission and decision of the City Council should include findings that indicate reasonable conclusions for the recommendation or decision. If the City Council chooses to amend the Zoning Ordinance, the amendment shall be completed by ordinance.

Commissioner Baird asked what the zoning is for this type of facility in the neighboring cities.

Planner Spencer stated she wasn't sure. She stated the cities she heard back from regulate it as though it were a gym.

Commissioner Cannon asked if competitions would be considered combative and if they could hold competitions.

Planner Spencer stated there are additional regulations they would have to meet in order to hold a competition.

Jessica Leiddecker, representative for the applicant, stated their primary focus is to teach kids.

Commissioner Van Nosedol asked if the combatants are registered as deadly weapons

Planner Spencer stated that competitions are highly regulated and the use of weapons are not allowed during competitions.

Commissioner Cannon pointed out that "Club Fighting" is prohibited and wanted to point out that he agrees with the restriction.

Chairman Cowan asked about the age range for the students attending.

Ms. Leiddecker stated the age range is 4 years old to adult.

Commissioner Cannon asked if other classes such as aerobic classes would be offered.

Ms. Leiddecker stated they will have aerobic kick boxing.

Commissioner Warner stated that there are well run operations and poorly run operations. He asked the applicant what things make a poorly run business.

Ms. Leiddecker indicated that poorly run operations don't have the proper equipment and inadequate supervision.

Commissioner Warner suggested more information be provided in the Zoning Ordinance to ensure that it is a well-run operation.

Ms. Leiddecker stated that they only want to have a training facility and competitions will be held elsewhere.

Planner Spencer stated that there are some unknowns regarding new uses and oftentimes the initial reaction by cities is to zone them out completely or heavily restrict the use until new information and benefits are recognized and any unnecessary restrictions can be released.

Commissioner Warner stated his intent isn't to prevent this from moving forward but to be able to make sure we have safe operations.

Commissioner Baird stated he wants to make sure that he has enough information to make changes to an ordinance that is already in place.

Planner Spencer referred to the business plan provided by the applicant and stated that their operation is focused on the confidence and instructional benefits rather than the aggressive manner of mixed martial arts.

Commissioner Baird stated he feels the only difference between martial arts and mixed martial arts is the combat.

Mrs. Flores stated all of the students wear protective equipment and there are strict rules that what they are learning is just for the gym it is not to be used anywhere else. She stated it gives them an opportunity to release what they are dealing with. She stated that mixed martial arts is highly regulated by the State. She stated it will help with the youth and gives them something to do and helps them physically and mentally. She stated any sport you can get hurt but they use protective gear.

Commissioner Nichols feels that MMA is great and can be a lifesaving tool but is concerned that these children may become bullies.

Ms. Leiddecker stated that everyone is there to compete, but the techniques help build their self-esteem. She stated that it is taught in class where it is appropriate to use and if there is a problem it is dealt with right away.

Commissioner Nichols asked how Mrs. Flores' husband gets involved if it is being used outside the gym.

Mrs. Flores stated he works with them in the gym to help them understand that it is not ok to use this outside of the gym. If there is a problem she will work them harder and will stop training them if they won't change.

Commissioner Baird asked if Mrs. Flores' operation in Nephi offers training to adults as well.

Mrs. Flores stated that they do.

Commissioner Warner asked Planner Spencer if the requirements of State Code give good structure for this industry.

Planner Spencer replied yes. She stated that the regulations don't specifically address training facilities, but is comfortable with the regulations for competitions and events.

Commissioner Baird expressed concern about having this type of business in the community. He stated that he respects the discipline and values; however, he mentioned that the atmosphere isn't typically wholesome. He stated feels that there is a reason that this was excluded from the ordinance before and would like to have more time to do more research on this subject.

Councilman Hancock stated that there is a long history of boxing in the intermountain west. He stated there is a difference between training and competition, and as long as it is controlled by State codes we would be ok. He stated that the State regulations take care of the worry of the competition.

Chairman Cowan stated it seems like our world is getting increasingly violent. He stated that anything that is carried to an extreme can be dangerous. He stated he isn't sure how to weed out the individuals that will take it to the extreme.

Further discussion was held regarding the stereotypes and atmosphere of mixed martial arts.

Ms. Leiddecker stated that she is concerned that the planning commissioners are getting the wrong impression of mixed martial arts instruction. She stated that she has been to wrestling tournaments that have displayed a harsher atmosphere.

Commissioner Baird expressed his concern regarding the atmosphere of MMA and the results that can occur from that atmosphere.

Commissioner Nichols asked why the business is no longer located at South Valley Gym in Salem.

Mrs. Flores stated it is because of the cost and that there are more participants in the Payson area.

Chairman Cowan would like to close the public hearing.

***Motion** by Commissioner Baird to close the public hearing. Seconded by Commissioner Nichols. Motion carried.*

Public hearing closed at 7:50 p.m.

Commissioner Warner commented that the action of the Planning Commission isn't the last step and that there is another review with public hearing. He stated that there is time for them to do more research.

***Motion** by Commissioner Baird to table the item until the next meeting in order to provide the best information to the City Council.*

No second to the motion.

***Motion** by Commissioner Warner to recommend the City Council approve the changes to Title 19, Zoning Ordinance and Appendix A finding the amendments will be a good thing for the city and that the business is a good operation; recognizing the concerns raised by Commissioner Baird, the motion included that current State*

*regulations will ensure the business is managed well. Seconded by Commissioner Nichols. Vote: Commissioners Cannon, Nichols, Van Nosedol, and Warner voting yea; Commissioner Baird voted nay. Motion carried.*

Chairman encouraged everyone to do more research on mixed martial arts and attend the City Council meeting to share any additional comments or research.

**PRESENTATION OF SCOUT CERTIFICATES**

Chairman Cowan presented Certificates of Attendance to Boy Scouts Chase Tingen & Reed Slack.

**COMMISSION AND STAFF REPORTS**

No items.

**ADJOURNMENT**

*Motion by Commissioner Cannon to adjourn.*

Meeting adjourned at 8:00 p.m.