

## ***Payson City Council Staff Report February 3, 2016***

### ***Request for Preliminary and Final Approval of the SX3 Subdivision***

#### **Project Information**

*Project Name:* SX3 Subdivision  
*Location:* Utah County Parcel # 30-060-0055; Approximately 800 South and 1600 West  
*Zone:* S-1, Special Highway Service Zone  
*Approvals:* Preliminary Plan approval and Final Plat approval  
*Owner(s):* Stephanie Staheli  
*Surveyor/  
Engineer:* Legend Engineering

#### **Background**

The proposed SX3 Subdivision includes four (4) commercial building lots arranged on Utah County Parcel #30-060-0055 located north of 800 South at approximately 1600 West. The proposed subdivision is located within the boundaries of the S-1, Special Highway Service Zone and exceeds the minimum zoning requirements (i.e. lot area, frontage) of the underlying zone. The applicant, Stephanie Staheli is only requesting subdivision approval at this time. It should be noted that additional approvals and permits will be necessary before the lots are improved to accommodate commercial development.

The proposed subdivision is adjacent to an area designated for compact mixed-use development located in close proximity to transit facilities (i.e. commuter rail, bus rapid transit). These areas are commonly referred to as transit oriented developments (TOD). To realize the land use goals of the Payson City General Plan, any development within the proposed subdivision will need to be designed in a manner that places the buildings at property lines or designated frontage lines adjacent to the street in order to establish consistent and continuous building street walls that give scale and definition to the overall development. Furthermore, the development should be designed to create an attractive pedestrian environment with parking located behind buildings and interconnected to encourage shared parking areas. The applicant has provided a conceptual drawing as a baseline to ensure these elements are incorporated into the future development pattern.

The applicant is also requesting approval of a private road to provide the required frontage and access for Lot 3 of the proposed subdivision. Section 20.19.1 of the Subdivision Ordinance enables the City Council to approve a private street; however, this is a legislative action and the City Council is not obligated to approve the request.

In order to obtain approval of a Preliminary Plan and Final Plat, the applicant must receive a recommendation from the Planning Commission, and the City Council must grant approval. On December 9, 2015, the Planning Commission, following a public hearing, recommended approval of the SX3 Subdivision contingent upon the satisfaction of staff conditions. The City Council will need to conduct a public hearing before taking final action on the request. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

#### **Analysis**

The proposed SX3 Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (November 4, 2015), Title 20, Subdivision Ordinance (July 1, 2015), and any other applicable requirements of the development ordinances of Payson City. Because staff is unaware of the specific needs of the future user(s) of the proposed lots, many of the typical conditions of approval will be delayed until the time of site plan review. At that time, the applicant for development approval will be required to satisfy all applicable requirements of the development ordinances of Payson City.

Following staff review, a list of items has been generated that will need to be satisfied prior to the recordation of the Final Plat or development of the property, as applicable.

1. Documentation will need to be submitted that indicates that all current and past property taxes, including Utah Farmland Assessment rollback taxes have been paid for the property included in the proposed subdivision. This information must be provided before the Mylar is recorded in the office of the Utah County Recorder.
2. The applicant will need to obtain approval from the Bureau of Reclamation (BOR) to remove the abandoned irrigation ditch that traverses the proposed subdivision. A signature line will need to be included on the Final Plat for the BOR.
3. The project drawings will need to be modified to be consistent with the regulations of the Payson City development ordinances. The Preliminary Plan and Final Plat will need to be consistent with the requirements of Chapter 20.28 and Chapter 20.29, respectively. Additionally, the applicant will need to submit construction drawings, including plans and profiles for all proposed utility services. At a minimum, the drawings will need to address the following:
  - a. The provision of utility service to all lots within the subdivision. As an example, the plans will need to indicate how Lot 3 be served from the drinking water system and the pressurized irrigation system.
  - b. The location and size of service laterals for each lot.
  - c. The placement of manholes on the sewer main line.
  - d. Addresses for each lot.
  - e. The timing of installation of improvements.
4. The following issues related to access and circulation will need to be properly addressed:
  - a. The applicant will need to obtain approval of the private road from the City Council. This is a legislative decision of the City Council and additional conditions may be imposed to adequately address lot frontage, access, building placement, and other parcel configuration requirements. The private street will be owned and maintained by an Owner's Association.
  - b. 800 South street is classified as an arterial street on the Payson City Street Master Plan; therefore, limited access to 800 South will be imposed. Access points should be indicated on the plan and shared access and cross-connection agreements may be necessary to ensure proper access and movement of vehicles, deliveries, etc.
  - c. Access points will need to be located as far from the intersection of two streets as practicable.
  - d. Each project that generates traffic in excess of ten (10) equivalent residential units will need to provide a second point of access. The location of shared access points and the implementation of cross-connection agreements may be used to satisfy this requirement.
5. A storm water drainage that provides information on the overall grading and drainage plans for the proposed subdivision will need to be submitted to the City Engineer for review. The storm water generated within the project will need to be retained on-site through the installation of a retention basin or the use of sumps. Overflow waters may not exceed the pre-existing flow rate.
6. A public safety plan will need to be prepared for review by the Payson City Fire Chief. The plan should include existing fire hydrants within 1000' of the proposed subdivision, proposed hydrant locations within the development, access points, existing and proposed utilities, etc. On-site fire hydrants may be required in conjunction with site plan review. The applicant is responsible for payment of fire hydrant testing and inspection fees, if any.
7. The applicant will need to coordinate with Payson Power to determine the anticipated electrical load within the subdivision so that appropriate sizing of electrical facilities will occur. Payment of all fees associated with labor and materials provided by Payson Power are the responsibility of the applicant.
8. The applicant will need to submit a geotechnical report for the proposed subdivision. In particular, the geotechnical report will need to address any special construction methods necessary to ensure all buildings will be constructed in a manner suitable for the location, any requirements for structural fill, a pavement design and soils analysis, and any other information that to ensure proper development practices. Compaction test will need to be completed for all imported or redistributed material.
9. Letters from the private utility providers (i.e. Questar Gas, CenturyLink, Comcast, UTOPIA) will need to be submitted indicating knowledge of the project and an indication of available services near the proposed subdivision. The applicant will be responsible to satisfy the conditions indicated on the acknowledgment letters from the private utility service providers.
10. The applicant is requesting approval from the City Council of an agreement to defer the submission of the performance guarantee until after the Final Plat is recorded and prior to commencement of construction. Approval of the agreement would allow each lot to be fully improved (i.e. access, utilities) as development occurs on each lot.
11. The lots will need to be maintained consistent with the provisions of Chapter 19.24, City Beautification until the lots are fully developed.
12. Following recordation of the subdivision plat and prior to the installation of public improvements, the applicant will need to schedule and conduct a pre-construction meeting with the City Engineer. Construction standards, geotechnical requirements, Storm Water Pollution Protection Plan (SWPPP) regulations, traffic control, project schedules, and other improvement related issues will be discussed at the meeting.

13. There are other items that would typically be addressed in conjunction with subdivision approval if staff were aware of the future use of the property. These items will be addressed during the site plan process and prior to the commencement of individual site construction. It is the responsibility of the applicant to ensure that the requirements of the development ordinances are adequately addressed.
  - a. Preparation of an electrical layout for the development on each lot. The applicant for development approval will be responsible for payment of all labor and materials provided by the Payson Power Department.
  - b. Submission of a storm drainage plan capable of handling the twenty four (24) hour, one hundred (100) year storm event.
  - c. Transfer of water in accordance with Title 10, Water Ordinance of the Payson City Code.
  - d. Submission of financial assurance to guarantee that the work within the public right-of-way and project landscaping are completed in accordance with city standards.
  - e. Other business specific requirements, including, but not limited to, proposed uses, business statement, building design, and landscaping requirements.

These items represent the concerns City staff has identified following a review of the Preliminary Plan and Final Plat. In general, staff had no major concerns about the proposed project if the conditions of this staff report are satisfied. The City Council may require additional information in order to make a well-informed decision.

### **Recommendation**

This staff report identifies items that are not consistent with the development ordinances of Payson City. It was the intent of the staff to complete a thorough review and identify all items that do not satisfy the requirements of Title 10, Water Ordinance; Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; the Design Guidelines and Standard Specifications; and any and all other development requirements of the City. However, failure of the staff to identify an inconsistency with any City requirement does not release the applicant of the obligation to satisfy all development requirements of the City. If an item is identified at a later date, the applicant will be responsible to satisfy the relevant development requirements.

The applicant is requesting preliminary and final approval for the SX3 Subdivision that would divide a single parcel into four (4) lots in the S-1, Special Highway Service Zone. The City Council, following a public hearing to receive public input, may:

1. Remand the Preliminary Plan back to staff for further review. This action should be taken by the City Council if it is determined that there is not enough information provided by the applicant in order for the City Council to formulate a well-informed decision.
2. Approve the Preliminary Plan as proposed. If the City Council chooses to approve the Preliminary Plan as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances and the land use goals of the City will be missed.
3. Approve the Preliminary Plan contingent upon the satisfaction of staff suggestions. Staff would suggest that if the City Council approves the Preliminary Plan contingent upon the satisfaction of staff conditions, the applicant will be required to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.
4. Deny the proposed Preliminary Plan. This action should be taken if the City Council determines that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.

The City Council may, but is not obligated to, grant approval of the Final Plat concurrent with Preliminary Plan approval. If the City Council is inclined to grant Final Plat approval, staff would suggest that the City Council include the following conditions.

1. The applicant must satisfy all conditions of Preliminary Plan approval and the regulations of Chapter 20.29 of Title 20, Subdivision Ordinance.
2. The Mayor may not execute the Final Plat and the Final Plat will not be recorded in the office of the Utah County Recorder until all conditions of Preliminary Plan and Final Plat approval are satisfied.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. The City Council should include findings that indicate reasonable conclusions for their decision.