

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
February 25, 2015**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Chairman John Cowan; Commissioners Blair Warner, Todd Cannon, George Van Nosdol, Ryan Frisby, and Kirk Beecher; City Councilmembers Kim Hancock and Mike Hardy; Planner Jill Spencer; Zoning Administrator Jon Lundell; Commissioner Harold Nichols excused.

INVOCATION: Commissioner Beecher

CONSENT AGENDA

- Approval of minutes for the regular meeting of February 11, 2015.

Motion by Commissioner Beecher to approve the minutes for the regular meeting of February 11, 2015. Seconded by Commissioner Frisby. Motion carried.

Commissioner Cannon arrived at 7:06 p.m.

PUBLIC FORUM

No public forum.

REVIEW ITEMS

PUBLIC HEARING – REQUEST BY SHAWN AND NATALIE CORNWALL FOR APPROVAL OF THE PROPOSED CORNWALL SUBDIVISION, A TWO-LOT SUBDIVISION LOCATED BETWEEN MAIN STREET AND 100 EAST AT APPROXIMATELY 530 SOUTH. THE APPLICANT IS ALSO REQUESTING APPROVAL OF THE I-O, INFILL OVERLAY ZONE TO REDUCE THE FRONTAGE REQUIREMENTS OF THE R-1-9, RESIDENTIAL ZONE FOR THE LOTS IN THE PROPOSED SUBDIVISION.

Motion by Commissioner Warner to open the public hearing. Seconded by Commissioner Van Nosdol. Motion carried.

Planner Spencer presented information from the following staff report.

Background

The applicants, Shawn and Natalie Cornwall are requesting approval of the Cornwall Subdivision and use of the I-O, Infill Overlay Zone to improve property located between Main Street and 100 East at approximately 530 South. The subdivision consists of two (2) lots, one of which contains an existing single family dwelling owned by Rick and Mari Broadbent (Lot 2). The applicants are proposing to install the necessary improvements to construct a single family dwelling on Lot 1 of the proposed subdivision.

The proposed subdivision is located in the R-1-9, Residential Zone which allows single family dwellings on lots containing at least nine thousand (9,000) square feet of lot area and ninety (90) feet of frontage on a public street. The width of both parcels is less than the minimum frontage requirement of the underlying zone (90 feet); therefore, the applicants are requesting approval of the overlay zone to reduce the frontage requirement of the R-1-9 Zone. As proposed, Lot 1 has 65.14 feet of frontage and Lot 2 has 75.40 feet of frontage.

The applicants are processing the applications to correct an improper division of land that occurred in 1993. Utah Code and City Ordinance require the division of land to be approved by the legislative body (City Council). Staff has completed a review of City records to determine if subdivision approval was granted before the deeds were

recorded in 1993 and nothing was found. Therefore, the applicant must receive subdivision approval from the City Council to ensure compliance with Utah Code and City Ordinance. The applicants have discussed the proposed subdivision and the obligations to correct the improper division of land with the adjoining property owner (Broadbent).

In order to obtain approval of the subdivision and the overlay zone request, the applicant must receive a recommendation from the Planning Commission and the City Council must grant approval. Prior to forwarding a recommendation to the City Council, the Planning Commission is required to hold a public hearing to receive input from the public in relation to the proposal of the applicant. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

The subdivision was reviewed for compliance with Title 19, Zoning Ordinance (November 5, 2014); Title 20, Subdivision Ordinance (November 5, 2014); the Standard Specifications and Standard Plans of Payson City, and other applicable provisions of the Payson City Municipal Code. Following staff review of the proposed Cornwall Subdivision a list of items has been generated that will need to be satisfied in conjunction with development approval.

1. The lots in the proposed subdivision satisfy the minimum lot area requirements of the R-1-9, Residential Zone; however, neither lot satisfies the minimum frontage requirements of underlying zone. To develop the property as proposed, the applicant will need to obtain approval from the City Council for use of the I-O, Infill Overlay Zone. Approval of the overlay zone is limited to reduction in the frontage requirements of the R-1-9 Zone. All other zoning requirements, including setbacks must be satisfied.
2. The applicants are requesting the City Council waive the review fees associated with the I-O, Infill Overlay Zone. The current owners of the property were not involved in the improper division of land that occurred in 1993, yet are responsible to correct the situation before improvement of the property. The applicants have incurred considerable costs (i.e. survey, boundary line adjustments, subdivision review fees) to correct the error and request that the overlay zone fees be waived.
3. A title report will need to be submitted that indicates any encumbrances, easements, deed restrictions or other barriers that could impact development of the site. All easements, right-of-ways and other dedications must be indicated on the Preliminary Plan and Final Plat.
4. Prior to recordation of the Final Plat, all property taxes, including current year taxes will need to be paid and verification of payment provided to Payson City.
5. There is a significant grade change between Main Street and 100 East. The project engineer has included contour lines on the project drawings to identify the location of steep slopes. Moreover, a note has been included on the plans indicating the hillside (western portion of Lot 1) will not be disturbed. If in the event the hillside is altered, geotechnical studies will be required to identify improvements that will be implemented to properly stabilize the slope. Site grading and slope stabilization plan must ensure positive lot drainage and stabilization of the lots in the proposed subdivision and adjacent properties. Compaction tests will need to be completed for all imported or redistributed material.
6. The applicant will need to work with the City Engineer to identify solutions to control the storm water generated along the frontage of Lot 1 following the installation of curb, gutter, and sidewalk. A pre-treatment catch basin and sump may be required to capture the storm water generated along 100 East.
7. The applicant will need to work with the Payson Power Department to design the electrical layout of the proposed subdivision. The power service line for the new dwelling will need to be located underground. The applicant will need to submit payment of the material and labor costs associated with the installation of power facilities by the Payson Power Department.
8. The project drawings will need to be modified to indicate the following:
 - a. The size of the utility main lines in 100 East and lateral sizes.
 - b. The 100 East street cross-section will need to be consistent with the Standard Specifications and Standard Plans of Payson City (i.e. width of asphalt, sidewalk, asphalt thickness).
 - c. An address will need to be provided for each lot (Lot 1 – 538 South; Lot 2 – 535 South).
 - d. Staff would suggest the service laterals for Lot 1 be extended in a manner that will limit the number of utility cuts in 100 East.
 - e. The property line between Lot 1 and Lot 2 will need to be clearly defined.

- f. A public utility easement will need to be provided on the perimeter of each lot. The easement will need to be five (5) feet on the side and rear property lines and ten (10) feet along any public right-of-way (Main Street and 100 East).
 - g. Other changes as required by the City Engineer following a review of the project drawings.
9. Following Preliminary Plan approval, the Final Plat will be reviewed by staff and the City Council. The Final Plat must be consistent with Chapter 20.29 of the Subdivision Ordinance. Some of the issues that will be addressed with the Final Plat include, but may not be limited to the following:
- a. The applicant will need to transfer an adequate amount of water to serve the development to Payson City in accordance with Title 10, Water Ordinance of the Payson City Municipal Code.
 - b. The applicant will need to submit a performance guarantee in the form of a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty (120) percent of the engineer's cost estimate for completing the project improvements.
 - c. Prior to commencement of construction, a pre-construction meeting will need to be held with the City Engineer to discuss project timelines, construction standards, and other site improvement requirements.
 - d. Any improvements required by the private utility providers will need to be completed prior to the issuance of a building permit or during construction, as applicable, and at the applicant's expense.
 - e. Prior to the improvement of the site and construction of any structures, all debris and waste, including unused construction materials will need to be removed from the site and may not be used as fill material.
 - f. Prior to the issuance of a Certificate of Occupancy, the front yard landscaping for the dwelling on Lot 1 will need to be completed in accordance with the provisions of the development ordinances.

These items represent the issues that are not consistent with the development ordinances of Payson City and will need to be completed by the applicants. The Planning Commission, City Council or staff may require additional information in order to make a well-informed decision.

Recommendation

This staff report identifies items that are not in compliance with the Payson City Development Code. 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 Standard Specifications and Standard Plans; 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 approval of a subdivision and use of the I-O, Infill Overlay Zone. Because each application requires separate motions from the Planning Commission and City Council, staff has appropriately separated the requests of the applicants:

Approval of the I-O, Infill Overlay Zone

The applicants are seeking approval for use of the I-O, Infill Overlay Zone to reduce the frontage requirement for the lots included in the proposed Cornwall Subdivision. Approval of an overlay zone is a legislative action which the City Council is not obligated to approve. Upon review of the request, the Planning Commission may recommend approval, modification and approval, or denial of the proposed use of the I-O Infill Overlay Zone.

Cornwall Subdivision

Following a review of the proposed subdivision, the Planning Commission will need to determine if the subdivision satisfies the provisions of the adopted development ordinances. Following a review of the information, the Planning Commission may:

1. Remand the proposed subdivision back to staff for further review. If the Planning Commission requires more information to reach a reasonable conclusion, the project could be remanded to staff with specific instructions to obtain and submit additional information for review by the Planning Commission.

2. Recommend approval of the subdivision as proposed. If the Planning Commission chooses to recommend approval of the subdivision 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 Council will be missed.
3. Recommend approval of the subdivision contingent upon the satisfaction of the conditions included in this staff report. Staff would suggest that if the applicants are able and willing to satisfy the conditions listed herein, an additional dwelling may be appropriate in this area.
4. Recommend denial of the proposed subdivision. This action should be taken if the Planning Commission 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 Council.

All decisions should include findings that indicate reasonable conclusions for the recommendation of the Planning Commission.

Commissioner Beecher asked if the planned home would be able to meet slope disturbance limitations and still meet the required setbacks for the zone.

Planner Spencer stated that the applicant indicated where the proposed home would sit on the property and that it does meet the required setbacks.

Commissioner Beecher asked if the home had a basement.

The applicant, Natalie Cornwall, stated that the garage would be the basement of the home.

Chairman Cowan asked if the storm drainage had been addressed for the site.

Commissioner Beecher expressed concern about the required curb, gutter and sidewalk and how it would impact storm water on the site.

Planner Spencer stated that the city engineer and the designing engineer would need to work together to determine the best solution to handle the storm drainage on the property

Commissioner Beecher stated concern with the small stretch of side walk in front of the property. He stated that this area of the city may be eligible for CDBG funding to complete the road way improvements in the area

Planner Spencer stated that there has been a survey done to determine if the area would qualify for that type of funding. The results of that survey have not been determined. The street department would be involved on determining that priority.

Commissioner Frisby asked for clarification on the requested waiver of the overlay fees.

Planner Spencer stated that would be a determination of the city council.

Motion by Commissioner Beecher to close the public hearing. Seconded by Commissioner Warner. Motion carried.

Motion by Commissioner Beecher to recommend approval of the I-O In-fill Overlay Zone and the preliminary plat for the proposed subdivision with staff conditions, finding that it matches the characteristics of the surrounding properties and area of the city. Seconded by Commissioner Warner. Motion carried.

COMMISSION AND STAFF REPORTS

Planner Spencer gave a brief update on the review of the Standard Land Uses and stated that at the following meeting there will be a discussion regarding modifications to the list. She also stated that there will be a 13 lot subdivision by self-help homes to present at the following meeting.

Chairman Cowan asked if there was any update on the Utah Department of Transportation's Environmental Impact Statement (EIS) of the north Main, I-15 interchange.

Planner Spencer gave a brief update on the EIS and previous studies completed at the North Main interchange. The first public meeting for the EIS will be held on March 19th at the Clarion Manor. She asked for volunteers to be on the Hollow Park and the South Meadows Planning area steering committee.

Motion by Commissioner Beecher to adjourn.

Meeting adjourned at 7:25 p.m.