

Payson City Planning Commission Staff Report March 8, 2017

Request for Preliminary and Final Approval of the Schramm Subdivision Request for the recommendation to City Council on the use of I-O Infill Overlay Zone

Project Information

Project Name: Schramm Subdivision/I-O Infill overlay
Location: 530 West 400 South
Zone: R 2-7.5
Approvals: Preliminary Plan approval, Final Plat approval. Recommendation to City Council in Infill Overlay Zone
Owner(s): Schramm Family Trust
Applicant: Ryan Schramm
*Surveyor/
Engineer:* Level of Focus, Inc.

Background

The Schramm Subdivision and Infill Overlay zone includes the division of one (1) existing parcel that contains two (2) Single family homes.

This is being proposed as a traditional subdivision in accordance Title 20, Subdivision Ordinance and Section 19.6.16 of Title 19, Zoning Ordinance. The request is an administrative action, whereby the applicant is entitled to subdivision approval if the applicant is willing to satisfy the minimum requirements of the development ordinances of Payson City. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

Lastly, Section 20.11.5 of the Subdivision Ordinance authorizes the Planning Commission to take final administrative action on traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision, unless an appeal of the Planning Commission's decision is filed. The Planning Commission is required to hold a public hearing in order 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.

The I-O Infill Overlay Zone is being requested in accordance with Section 19.6.25 of the Zoning Ordinance. This request is a legislative action; the Planning Commission can forward a recommendation of approval or denial to the City Council. The City Council makes the final legislative decision for the approval of the I-O Infill Overlay Zone.

Analysis

The Schramm Family Trust owns a single parcel of land located at 530 West 400 South in Payson, which has two existing single family homes. The applicant is entitled to subdivide the property consistent with the regulations of Utah Code and the development ordinances of Payson City.

The subdivision involves two homes on one parcel and the applicant is requesting the approval of the I-O Infill overlay zone in order to bring the second parcel, Lot 2, into compliance. The current zone is the R-2-75 zone which requires 75' of frontage and 7,500 sf. The I-O Infill Overlay Zone is being requested as the proposed lot 2 does not meet the square footage requirements. A decision regarding preliminary and final approval of the proposed subdivision is the responsibility of the Planning Commission.

The Schramm Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (January 6, 2016), Title 20, Subdivision Ordinance (November 18, 2015) and any other 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 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 Final Plat must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the Planning Commission.

The Purpose & Objective of the I-O Infill Overlay zone is:

Payson City encourages infill development that is compatible and consistent with existing uses, provided the adequate infrastructure is in place to serve any proposed development. The purpose and objectives of the I-O Infill Overlay Zone include, but are not limited to, the following:

1. To allow the orderly development of the established areas of the community.
2. To encourage reinvestment and maintenance of existing neighborhoods.
3. To stabilize and enhance property values.
4. To foster community pride.
5. To promote new development that will enhance and protect the existing structures.
6. To strengthen the economy and improve the quality of life. (9-1-04)

The full I-O Infill Overlay Zone is attached to this staff report.

Recommendation

This staff report identifies items that are not in compliance 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 Plan and Final Plat approval of a traditional subdivision that would divide a single parcel into two (2) lots in R-2-75 Residential Zone. The City Council has designated the Planning Commission as the land use authority for traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision. For convenience purposes, the Planning Commission may choose to review the Preliminary Plan and Final Plat simultaneously and take action on each process at the same meeting. However, there is no obligation to do so and the Planning Commission may choose to act upon the Preliminary Plan and consider the Final Plat at a subsequent meeting. The Planning Commission, following a public hearing to receive public input, may:

Options

1. Approve the Preliminary Plan as proposed. If the Planning Commission 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.
2. Remand the Preliminary Plan back to staff for further review. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant in order for the Planning Commission to formulate a well-informed decision.
3. Approve the Preliminary Plan contingent upon the satisfaction of staff suggestions. Staff would suggest that if the Planning Commission 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 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.

The Planning Commission may, but is not obligated to, grant approval of the Final Plat concurrent with Preliminary Plan approval. If the Planning Commission is inclined to grant Final Plat approval, staff would suggest that the Planning Commission 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 the conditions of Preliminary Plan and Final Plat approval are satisfied.

The applicant is also applying for the approval of the I-O Infill Overlay Zone in order to bring the two (2) single family homes into compliance, each on their own lot. The Planning Commission can recommend approval or denial to the City Council.

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 Planning Commission should include findings that indicate reasonable conclusions for their decision.