

Payson City Council Staff Report October 4, 2017

Request for Preliminary and Final Approval of the Nebo Gateway Subdivision

Project Information

Project Name: Nebo Gateway Subdivision
Location: Vacant parcels located east of 600 East between 300 North and 400 North
Zone: R-1-75, Residential Zone
Request: Preliminary Plan and Final Plat approval
Owners: Rural Housing Development Corporation (Self-Help Homes)
Applicant: Brent Bluth representing Self-Help Homes
Project Engineer: David Peterson – Excel Engineering

Background

The applicant, Brent Bluth representing Self-Help Homes has submitted a land use application to develop property located east of 600 East between 300 North and 400 North in the R-1-75, Residential Zone. The project, known as the Nebo Gateway Subdivision, is arranged on Utah County Parcels 08-083-0012, 08-083-0013, and 08-083-0015 and consists of ten (10) single-family dwelling lots. The property will be developed as part of the mutual self-help housing program administered by Rural Housing Development Corporation.

The property is located in the R-1-75, Residential Zone that allows, by right, single-family dwellings on seven thousand five hundred (7,500) square foot lots with at least seventy-five (75) feet of frontage on a public street. The lots in the proposed subdivision meet or exceed the minimum zoning requirements (i.e. lot area, frontage) of the underlying zone and the subdivision is considered a traditional subdivision without any request for increased density.

Approval of a traditional subdivision is an administrative action of the City Council. In other words, if the applicant is able to satisfy the regulations of the land use ordinances, the applicant is entitled to approval of the subdivision. However, if the applicant is unable or unwilling to satisfy the adopted regulations, the City Council may deny the request of the applicant. The applicant has submitted the necessary applications, project drawings, and other required documents, except as noted herein.

To develop the property as proposed, the applicant must obtain preliminary and final approval from the City Council, following a recommendation from the Planning Commission. The Planning Commission considered the request and held a public hearing on September 27, 2017. The Planning Commission recommended approval of the Preliminary Plan and Final Plat contingent upon satisfaction of the conditions proposed by staff. The required public hearing has been conducted; however, additional public comment may be allowed at the discretion of the City Council.

Analysis

City staff has completed a review of the proposed subdivision for compliance with the applicable requirements of the Payson Municipal Code. The applicant has been provided a list of items that need to be addressed prior to preliminary/final approval or construction, as required by City ordinance. Staff will continue to work with the applicant to ensure the minimum requirements are addressed.

As with any development in Payson, the following items will need to be addressed prior to approval of the Preliminary Plan and Final Plat or during the construction phase.

1. The project drawings (preliminary plan, construction drawings, and final plat) must be consistent with the adopted ordinances and the improvements completed consistent with the specifications of Payson City. Each lot must have access to municipal services and the applicant is responsible to provide utility services to each lot

and unit, including, drinking water, pressurized irrigation, wastewater, and power service. Connection and impact fees will be assessed at the time of issuance of a building permit.

2. Documentation will need to be submitted that indicates that any 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.
3. The applicant is requesting approval of a modified street cross-section to reduce the diameter of the cul-de-sac by eight (8) feet. The project drawings indicate a diameter of one hundred twelve (112) feet rather than the one hundred twenty (120) foot diameter as required by ordinance. In accordance with Chapter 20.19 of the Subdivision Ordinance, the City Council may, but is not obligated to, approve an alternate cross-section for the proposed street.
4. The applicant will need to install the required electrical facilities consistent with the approved power plan. Payment of all fees associated with labor and materials provided by the Payson Power Department are the responsibility of the applicant and will need to be submitted prior to the recordation of the Final Plat.
5. Complete the transfer of adequate amount of water to serve the development in accordance with Title 10, Water Ordinance of the Payson City Municipal Code. The applicant will receive an impact fee credit for the utility connections for an existing dwelling that was demolished several years ago.
6. Provide 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 project improvements. The applicant will also need to submit, in cash, an amount consistent with the fee schedule of Payson City for testing and inspection fees.
7. Provide, in cash, the amount necessary to complete the one (1) inch asphalt overlay for the new roadway in the proposed subdivision once ninety (90) percent of the dwellings in the subdivision have been constructed.
8. Schedule and conduct a pre-construction meeting with the City Engineer prior to the installation of project improvements. 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.
9. The applicant has been informed that prior to excavation and installation of public improvements, the Final Plat must be recorded, and prior to the issuance of any building permit, all required infrastructure, including the installation of asphalt and private utilities will need to be completed, inspected and approved.
10. The landscaping requirements of Section 20.17.13 of the Subdivision Ordinance will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure.
11. Prior to the improvement of the site and construction of any structures, all debris and waste, including unused construction materials and asphalt will need to be removed from the site and may not be used as fill material.

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 with the proposed project if the conditions referenced in 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 do not comply with the land use 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 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 preliminary and final approval of the proposed Nebo Gateway Subdivision, a traditional subdivision consisting of ten (10) single-family dwelling lots in the R-1-75, Residential Zone. The City Council may:

1. Remand the proposed request back to staff for further review. This action should be taken if it is determined that there is not enough information provided by the applicant for the City Council to formulate a well-informed decision.
2. Approve the Preliminary Plan and Final Plat contingent upon the satisfaction of staff suggestions and any additional conditions deemed necessary to achieve the land use goals of Payson City. Staff would suggest that if the City Council approves the project contingent upon the satisfaction of appropriate conditions, the applicant will be required to satisfy the regulations of the Payson City Municipal Code and the land use goals of the City.
3. Deny the proposed Preliminary Plan and Final Plat. This action should be taken if the City Council determines the applicant is unwilling or unable to satisfy the regulations of the Payson City Municipal Code and the land use goals of the City.

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.