

Payson City Council Staff Report November 15, 2017

- ***Request for Approval of a Zone Change from the A-5-H, Annexation Holding Zone to the R-1-9, Residential Zone***
- ***Request for Preliminary and Final Approval of Plat E of the Heritage Village Active Adult Community***

Background

The applicant, Byron Bastian has submitted two (2) land use applications to develop property located at approximately 1300 South and 1150 West. The project divides Utah County Parcels 30-066-0027 and 30-066-0010 (portion) to accommodate twenty-four (24) single-family dwelling pads as an additional phase of the Heritage Village Active Adult Community. To develop the property as proposed, the applicant will need to obtain approval of a zone change and preliminary and final approval of the proposed subdivision.

The property was annexed into the municipal boundaries in 2010 and assigned a zoning designation of A-5-H, Annexation Holding Zone, which is an agricultural zone that allows single-family dwellings on five acre parcels. This zoning designation was assigned to allow agricultural pursuits to continue following annexation and to provide transitional zoning while the necessary land use and infrastructure studies were completed to support development in the area. A team of consultants, staff, landowners, residents, and various stakeholders worked together to prepare the studies that will be used to guide development in the South Meadows Planning Area. The Payson City Council adopted the South Meadows Area Specific Plan on January 20, 2016. The Base Scenario Land Use Plan of the South Meadows Area Specific Plan identifies a density of 4 units/acre for the subject property.

The property is currently located within an agriculture protection area created by the Utah County Board of Commissioners on April 19, 2000. The boundaries of the agriculture protection area will need to be amended to exclude the property proposed for development. The amendment must be consistent with Utah Code and recorded in the office of the Utah County Recorder prior to the recordation of the Final Plat for the development. The applicant and the property owner (DeHart) have received the application materials. Once the requested information has been submitted to staff, the amendment will be forwarded to the City Council for consideration.

Approval of the zone change as well as the subdivision request requires approval from the City Council following a recommendation from the Planning Commission. The Planning Commission considered the proposal and held a public hearing on October 11, 2017. The Planning Commission recommended the following:

- Approval of the zone change request from the A-5-H, Annexation Holding Zone to the R-1-9, Residential Zone.
- Approval of the Preliminary Plan contingent upon staff conditions, fencing that is consistent with City standards, and sidewalks on both sides of the street.

The required public hearing was conducted during the Planning Commission meeting and a copy of the meeting minutes have been included in the City Council packet. Additional public comment may be allowed at the discretion of the City Council.

Analysis

Following a review of the land use applications submitted by the applicant, staff has prepared this report to assist the City Council in formulating a decision regarding the proposed development. Because there are two requests and a need for two separate motions, staff has divided this staff report into separate sections addressing the zone change and the subdivision request.

Zone Change Request

The property is currently zoned A-5-H, Annexation Holding Zone and the applicant is requesting approval of a zone change to the R-1-9, Residential Zone. The proposed zone change would support the densities anticipated in the South Meadows Area Specific Plan adopted by the City Council. Approval of a zone change is a legislative action and the City Council is under no obligation to approve the zone change request. However, without approval of the zone change, the

proposed development cannot be approved because the layout is inconsistent with the requirements of the underlying zone, A-5-H.

An important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. Although it is typical for City Councilmembers to inquire about the anticipated use of the property, the City Council should consider all of the potential uses allowed in the zone because once the zoning designation has been changed, the owner of the property is entitled to use the property in any manner that satisfies the regulations of the zone. Therefore, if the City Council is comfortable with all of the potential uses of the proposed zoning district in this location a zone change would be appropriate. However, if some of the uses allowed would be inappropriate in this location, the zone change should not be approved.

Plat E of the Heritage Village Active Adult Community

The proposed development includes twenty-four (24) single-family dwelling pads with common space and various project amenities. The applicant is requesting approval of a Planned Residential Development to increase the number of units per acre and modify the lot frontage and lot area requirements of the R-1-9, Residential Zone. The applicant must demonstrate to the City Council that the project layout and design, density, and amenities will accomplish the land use goals of the Payson City General Plan, the South Meadows Area Specific Plan, and the land use ordinances.

Density

The applicant is requesting approval of a zone change, a Planned Residential Development (PRD), and a density bonus to accommodate the proposed number of dwelling units. The current and proposed zoning would accommodate the following densities:

- Current Zoning (A-5-H Zone) – 1 unit per five (5) acres
- Proposed Zoning (R-1-9 Zone) – 3.5 units per acre (base density)
- Proposed Zoning (R-1-9 Zone) – 4.38 units per acre (maximum 25% density bonus)

The applicant is requesting the maximum density bonus to accommodate twenty-four (24) single-family dwelling pads in the R-1-9, Residential Zone. If the zone change is approved, the applicant is eligible to request approval of a PRD to allow flexibility in the layout of the development and to increase the overall density. Approval of a Planned Residential Development is a legislative action and the City Council is not obligated to approve the request. At a minimum, the applicant must satisfy the requirements of Chapter 20.10, Planned Residential Development of the Subdivision Ordinance and demonstrate to the City Council that the proposed amenities justify the proposed density increase.

Project Layout and Design

As currently approved, there are ninety-three (93) single-family dwelling pads in the Heritage Village Active Adult Community. Plat E is proposed as an additional phase of the development and includes twenty-four (24) single-family dwelling pads, for an overall total of one hundred seventeen (117) units. The project layout, dwelling design and exterior materials, and landscaping standards will be consistent with the previous phases of the development.

The applicant is requesting approval of a Planned Residential Development (PRD) to provide flexibility in the lot frontage and lot area requirements of the proposed R-1-9, Residential Zone. In order to utilize this planning tool, the applicant must satisfy the minimum requirements of Chapter 20.10 of the Subdivision Ordinance and provide project amenities if additional density is requested. In addition to the flexibility in lot layout, the applicant is requesting modifications to other land use and development requirements. The City Council will need to determine if these requests are appropriate and will further the land use and development goals of Payson City. The City Council is not obligated to approve any modification to the requirements of the Payson Municipal Code.

Recreational Vehicle Parking

Section 20.10.4.2 of Title 20, Subdivision Ordinance requires applicants for development approval to address the provision of recreational vehicle parking and storage. The applicant is requesting the City Council waive the requirement for recreational vehicle parking and storage. The applicant must demonstrate that recreational vehicle

parking and storage is not needed and that adequate measures will be taken to ensure that recreational vehicle parking and storage will not occur within the development and obstruct access for city service vehicles and public safety equipment and apparatus.

Alternate Street Cross-Section

The applicant is requesting approval of an alternate street cross-section. The street design will be consistent with the Standard Street Cross-Section, with the exception of sidewalk. The applicant is requesting that the sidewalk requirement be modified for this phase.

There was a lot of discussion at the Planning Commission meeting regarding pedestrian circulation and the need for additional sidewalks in the development. The Planning Commission recommended sidewalks be provided on both sides of the street. The project drawings have been amended to include sidewalk only around the center section of Plat E, but does not demonstrate how residents will be connected to the previous phases. Staff has reviewed the proposal of the applicant and the recommendation of the Planning Commission and would suggest that sidewalk be installed adjacent to Lots 1 – 11 with a connection to the previous phases by installing a section of sidewalk adjacent to Lot 82 in Plat D.

Amenities

The applicant is requesting a density increase of four (4) dwelling units. In order to obtain the increased density, the applicant must demonstrate, to the satisfaction of the City Council, that the proposed amenities justify the additional units. Initially, the applicant was proposing to utilize the amenities in the previous phases (Plat B and Plat D) to obtain the density increase in the proposed phase (Plat E). Because the existing amenities (i.e. clubhouse, pickle ball courts, walking trails, open space) were approved as part of the amenity package for the previous phases, these amenities cannot be used to obtain additional units in the proposed phase. The applicant is proposing to install a pavilion within the boundaries of the new phase.

The City Council will need to determine if the project layout, building design, and amenities are sufficient and of adequate quality to warrant the density increase or if additional amenities should be provided. Details of the project amenities and the timing of installation will be included in a development agreement and recorded in the office of the Utah County Recorder.

Compliance with City Regulations

City staff has completed a review of the proposed development 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, 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. In addition, the property is located in an agricultural protection area filed with Utah County. This designation will need to be removed from the subject property prior to recordation of the Final Plat.
3. 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.

4. 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.
5. 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.
6. Provide, in cash, the amount necessary to complete the one (1) inch asphalt overlay for the new roadways associated with the proposed subdivision once ninety (90) percent of the dwellings in the subdivision have been constructed.
7. 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.
8. 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 by the applicant and inspected and approved by Payson City.
9. A development agreement will be prepared for review and approval by the City Council. The development agreement include information about required improvements, housing product and materials, amenities, etc. The contents will be similar to the previous phases. The project CC&R's will be reviewed by staff and subsequently recorded.
10. As specified in the South Meadows Annexation Agreement, the applicant will need to pay a proportionate share of the cost of the Specific Plan studies.

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 regulations of the Payson City Municipal 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 land use and 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 seeking approval to change the zoning designation of Utah County Parcels 30-066-0027 and 30-066-0010 (portion) from the A-5-H, Annexation Holding Zone to the R-1-9, Residential Zone and Preliminary Plan and Final Plat approval of Plat E of the Heritage Village Active Adult Community. Because each application requires separate motions from the City Council, staff has appropriately separated the requests of the applicant:

Zone Change Request

The City Council will need to determine if it is appropriate to modify the zoning designation of the subject property. If the City Council determines the uses of the R-1-9, Residential Zone are appropriate in this location and consistent with the land use and development goals of Payson City, the City Council should approve the request. Conversely, if the City Council determines the proposed uses are not appropriate in this location or inconsistent with the land use and development goals of the City, the City Council should deny the request.

Planned Residential Development (PRD)

Following a decision regarding the zone change request, the City Council will need to determine if the proposed development is appropriate in this location and the density increase has been justified by the applicant. The City Council may:

1. Remand the Preliminary Plan and Final Plat back to staff/Planning Commission for further review or with direction to provide additional information. This action should be taken if it is determined that there is not enough information provided by the applicant in order for the City Council to make a well-informed decision.
2. Approve the request contingent upon the satisfaction of conditions. Staff would suggest that imposition of appropriate conditions would lead to satisfaction of the land use and development goals of Payson City. The City Council will also need to determine if the amenity package warrants the increase in density (4 units).
3. Deny the request for Preliminary Plan and Final Plat approval. This action should be taken if it is determined the applicant is unwilling or unable to satisfy the regulations of the Payson City Municipal Code and the land use and development goals of the City.

Any motion of the City Council should include findings that indicate reasonable conclusions for the decision. Upon approval, staff will prepare a development agreement for review and approval by the City Council. If the City Council chooses to amend the zoning map to accommodate the zone change request, the amendment shall be completed by ordinance.