

## ***Payson City Planning Commission Staff Report January 24, 2018***

### ***Request for Preliminary and Final Approval of the 316 Place Subdivision***

#### **Project Information**

*Project Name:* 316 Place Subdivision

*Location:* Property located on the southwest corner of the intersection of 300 South and 500 West

*Zone:* R-2-7.5, Residential Zone

*Approvals:* Preliminary Plan approval and Final Plat approval

*Owner(s):* AEM Properties LLC

*Surveyor/*

*Engineer:* David F. Hunt, Level of Focus, Inc.

#### **Background**

The applicant, Ben Allred representing AEM Properties LLC is requesting Preliminary Plan and Final Plat approval of the proposed 316 Place Subdivision located near the intersection of 300 South and 500 West in the R-2-7.5, Residential Zone. There is an existing single family dwelling on Lot 1 of the proposed subdivision and the applicant plans to construct a new single-family dwelling on Lot 2. The proposal includes a division of one parcel into two parcels, which in accordance with Utah Code constitutes a subdivision of property.

The project is proposed as a traditional subdivision and satisfies the minimum zoning requirements (i.e. lot area, frontage) of the Payson City Zoning Ordinance. In other words, the lots in the proposed subdivision meet or exceed the minimum requirements of seventy-five (75) feet of frontage on a public street and seven thousand five hundred (7,500) square feet of lot area. 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 land use and development ordinances of Payson City. The applicant has submitted the necessary applications, project drawings, and other required documents, except as noted herein.

Lastly, Section 20.11.5 of the Payson City 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. 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.

#### **Analysis**

The applicant is entitled to subdivide the property consistent with the regulations of Utah Code and the land use and development ordinances of Payson City. Plat A of the 316 Place Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (July 19, 2017), Title 20, Subdivision Ordinance (July 19, 2017), and other applicable requirements of the Payson City Municipal Code. 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. The project drawings (preliminary plan, 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. The applicant will need to work with the Payson Power Department on the layout of electrical facilities for the lots in the proposed subdivision. The electrical service for the new structure on Lot 2 and the existing dwelling on Lot 1 will need to be provided underground. 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 issuance of a building permit or the connection of the existing dwelling.

3. The project drawings will need to be modified to indicate the revisions requested by the Development Review Committee (DRC). The existing utility laterals and connections for the existing dwelling (Lot 1) will need to be inspected and upgraded as required by city ordinance.
4. The applicant will be responsible to satisfy the conditions indicated on the acknowledgment letters from the private utility service providers. A letter from the local Postmaster will need to be provided indicating the method of mail delivery.
5. Staff is not aware of any animal rights on the property; however, the applicant will need to be aware that approval of the subdivision will have the effect of relinquishing any existing animal rights on the property, if any.
6. It is the responsibility of the applicant to ensure that the requirements of the land use and development ordinances are adequately addressed. The following items will need to be completed prior to construction of a single-family dwelling on Lot 2 or during the construction phase, as required by City ordinance.
  - a. An adequate amount of water will need to be transferred in accordance with Title 10, Water Ordinance of the Payson City Code. (This requirement has been satisfied.)
  - b. 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 that will be used to cover testing and inspection fees.
  - c. Following Final Plat approval and prior to any site work and/or installation of improvements, a pre-construction meeting will need to be conducted with the Development Review Committee (DRC). Construction standards, project schedules, and other improvement related issues will be discussed at the meeting.
  - d. The applicant will need to be aware that prior to excavation and installation of public improvements, the Final Plat must be recorded, and prior to the issuance of a building permit, all required infrastructure, including the installation of asphalt and private utilities will need to be completed, inspected and approved.
  - e. The landscaping requirements of Section 20.17.13 or the Subdivision Ordinance will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure or occupancy of the existing dwelling.
  - f. Dumpsters and temporary restroom facilities are required on the site during the construction phase. All debris and waste must be removed from the site and shall not be used as fill material. If a construction trailer is proposed to be located on the project site, the appropriate permits will need to be obtained and inspections completed to ensure proper connections to the utility systems of Payson City.

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 of this staff report are satisfied. The Planning Commission 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 and 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 in the R-2-7.5, 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:

1. Remand the proposed 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 for the Planning Commission to formulate a well-informed decision.
2. Approve the proposed 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 would be required to satisfy the regulations of the Payson City land use and development ordinances and the land use goals of the City.
3. 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 may not be recorded in the office of the Utah County Recorder until the applicable 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 Planning Commission should include findings that indicate reasonable conclusions for their decision.