

## *Payson City Planning Commission Staff Report, June 13, 2018*

### *Request for Preliminary Plan and Final Plat Approval of Sterling Grove Subdivision, Plat E*

#### **Background**

The applicant, Justin Hill is requesting Preliminary Plan and Final Plat approval of Plat E of the Sterling Grove Subdivision arranged on Utah County Parcels 30:026:0132, 30:026:0133 and 66:611:0407. The proposal includes six (6) single-family dwelling lots located east of 100 West between 500 North and 600 North. Plat E is the final phase of a larger residential development located adjacent to Interstate 15 on the north and west; commercial development (McDonalds & Rite Aid) and residential dwellings to the east; and residential dwellings to the south.

The property is located in the R-2-7.5, 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 and development 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. 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 property owners within five hundred (500) feet of the proposed subdivision. It should be noted that only one public hearing will be conducted for this project. Public comment will be recorded, documented, and included in the City Council packet for consideration.

#### **Analysis**

City staff has completed a review of the proposed subdivision for compliance with the applicable requirements of the Payson City 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 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. The Final Plat must be consistent with the regulations of Chapter 20.29 of the Payson City Subdivision Ordinance and the approval of the City Council. Additional modifications may be required to ensure compliance with City ordinance.
5. The development agreement for the Sterling Grove Subdivision will be expanded to include the property included in Plat E. The agreement includes information about required improvements, housing product and materials, dwelling size, general architecture requirements, and other project details. The agreement will be recorded in the office of the Utah County Recorder and run with the land, regardless of ownership.
6. The following items will need to be addressed prior to recordation of the Final Plat or during the construction phase, as applicable.
  - a. 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.
  - b. Provide a performance guarantee, in the form of a cash bond or irrevocable letter of credit, to ensure completion of 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.
  - c. 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.
  - d. 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.
  - e. 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 and private utilities will need to be completed by the applicant and inspected and approved by Payson City.
  - f. The landscaping requirements of Section 20.17.13 of the Subdivision Ordinance and any additional requirements included in the development agreement will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure.
  - g. 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 issues staff found to be inconsistent with the land use and development ordinances of Payson City. The Planning Commission and City Council will need to determine if the proposed project is consistent with the land use goals of the City Council or if modifications are necessary to accomplish the goals established in the Payson City General Plan. The staff, Planning Commission and City Council may require additional information in order to make a well-informed recommendation or decision.

### **Recommendation**

This staff report identifies items that are not in compliance with 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 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 a recommendation of approval for Plat E of the Sterling Grove Subdivision, a traditional subdivision consisting of six (6) single-family dwelling lots in the R-2-7.5, Residential Zone. The Planning Commission, following a public hearing, may:

1. Remand the proposed development back to staff for further review or with direction to provide additional information. This action should be taken by the Planning Commission if it is determined there is not enough information provided by the applicant for the Planning Commission to make a well-informed recommendation.
2. Recommend approval of the request contingent upon the satisfaction of conditions. If the Planning Commission recommends approval of Preliminary Plan, staff would suggest the conditions proposed by staff would lead to satisfaction of the goals and objectives of the land use goals of the City.

3. Recommend denial of the request for Preliminary Plan approval. This action should be taken if the Planning Commission 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.

Any motion of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation that will be forwarded to the City Council.