

Payson City Council Staff Report, August 15, 2018

Request to vacate two lots with public utility easements and for Preliminary Plan and Final Plat Approval for a two lot subdivision

Approval Process:

Type of Request:	Legislative
Staff Action:	Prepare Staff Report
Planning Commission:	N/A
City Council:	Approve or Deny (Legislative Action)

Background

Scott & Erica Phillips (“applicants”) are seeking to amend the side yard property line with their neighbors, Rhett & Jennifer Huff. The purpose for the proposed change is to accommodate “an aesthetically pleasing garage instead of an ugly carpot” on the applicants’ lot, as setbacks would not permit an enclosed garage without a property line adjustment. Because the lots are in a platted subdivision the options to amend a property line are to either A.) amend the entire subdivision or B.) vacate the parcels out of the subdivision and establish a new subdivision with the two lots. The applicants have elected to pursue the latter.

The two lots are located at 1069 S Greenridge Avenue (Phillips property) and 1085 S Greenridge Ave (Huff property), and both contain single family detached homes. The parcels are in the R-1-10 zone and consist of Lots 10 & 11 of Greenridge Landing Plat A, with parcel numbers 40:332:0010 and 40:332:0011, respectively. The applicants are proposing the establishment of Greenridge Landing Plat B, a two lot subdivision, with the former lot 10 as lot 1, and lot 11 and lot 2. The proposal will vacate existing public utility easements and establishment new public utility easements on lots 1 and 2 of Greenridge Landing Plat B, with a ten (10) foot front easement and five (5) foot side and rear easements.

The proposed lots will have the same frontage and lot width, with the proposed boundary line change occurring behind the front setback line. The new property line will create a three (3) foot jog toward the south after the setback line. The setbacks of the proposed subdivision are the same as plat A, with twenty (20) foot front, fifteen (15) foot rear, and five (5) foot side yard setbacks. The lot size will remain above the minimum requirement of 10,000 sq ft, with lot 1 containing 11,566 sq ft and lot 2 containing 10,452 sq ft.

Payson City Code requires that any land transaction adheres to Payson City Zoning requirements. *Payson City Code 20.9.2.* The City Council may consider any proposed vacation, alteration, or amendment of a subdivision plat. *20.9.2.* Noticing requirements have been met, as required in Utah Code 10-9a-208, 608, and 609.5. As of this staff report, Payson City Staff has not heard of any utilities existing in the public utility easements, with Dominion and CenturyLink being the only utility companies to respond.

Reasoning

Payson City Staff has reviewed the new lots and plat and have determined that it meets zoning requirements. The new lots will be platted as Plat B and fall under the same regulations as Greenridge Landing Plat A. The CC&R’s for Greenridge Landing Plat A require any garage or carport to be compatible with the architecture and exterior materials of the adjoining home. This will be enforced on any potential addition.

Recommendation

City Council will need to determine if the proposed vacation and creation of Greenridge Landing Plat B is consistent with city code and the general plan. Staff recommends approval. Following review and a public hearing, the City Council may:

1. Approve, if it is found that this is an appropriate action to take
2. Remand the request back to staff for further review if it is determined there is insufficient information for the City Council to formulate a well-informed decision.
3. Deny the request. The City Council should take this action if the proposal is inconsistent with the land use goals of the city or is not in line the city's municipal powers.

The decision of the City Council should include findings that indicate reasonable conclusions.