

Payson City Council Staff Report, September 5, 2018

Request to amend Gunnerson Subdivision and vacate and establish public utility easements

Approval Process:

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

Background

Tricia Gunnerson (“applicant”), as an agent for GW Development LC, has petitioned to amend the Gunnerson Plat A Subdivision to allow an additional office building in a location that differs from the current plat. Because the pads are in a platted subdivision, the subdivision will need to be amended. The process to amend the subdivision is made simple because the entire subdivision is owned by one owner—GW Development LC.

The subdivision is located in the GC-1 General Commercial Zone along 300 South between 100 West and Main St with parcel numbers 40:309:0001 to 40:309:0006. The applicant is proposing to combine pads 2 and 3, with the newly created pad, named pad 4, on a relocated site. This will allow one larger office building in favor of two smaller buildings. The proposal will vacate existing public utility easements and establishment new public utility easement. The public utility easement includes all areas designated as “common space” on the proposed Plat B.

The proposal does not affect any of the other pads as from renumbering some of the pads. All agreements, including the development agreement, related to Plat A will also include Plat B. The development agreement includes architectural requirements, which will apply to any new building on pad 4. All utility providers have been contacted and any concerns raised were addressed and resolved at the staff level.

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. Payson City may approve an amendment to a public utility easement if there is good cause and neither the public interesting nor any person will be material injured. *Utah Code 10-9a-609.5*. Staff has reviewed the proposed plat amendment and determined that it meets zoning requirements, advancing the land use and development goals of the city by facilitating desired growth, and has not found any public interest or person that will be injured by the proposed amendment.

Recommendation

City Council will need to determine if the proposed amendment of the Gunnerson subdivision is consistent with city code, the general plan, and Utah code. Staff recommends approval. Following review and a public hearing, the City Council may:

1. Approve
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.