

Payson City Council Staff Report, September 5, 2018

Request for Approval for Use of the RMO-1 Overlay Zone to Accommodate a Planned Residential Community in the R-1-9, Residential Zone

Approval Process:

Development Review Committee:	Technical and Administrative Review
Planning Commission:	Recommended Approval to City Council
City Council:	Approval or Denial (Legislative Action)

Background

The applicant, Jerry Robinson, is requesting approval for use of the RMO-1, Two-Family Residential Overlay Zone to accommodate a Planned Residential Community in the R-1-9, Residential Zone. The proposed development is arranged on Utah County Parcels 43:025:0005, 49:310:0001, 49:310:0002, and 49:310:0003 located north of 1130 South between 1100 West and Turf Farm Road (1270 West). The majority of the property is owned by Elwood & Susan Wall, with a smaller portion (0.64 acres) owned by Payson City Corporation. The applicant has entered into a purchase contract with each owner and has received authorization from the owners to submit the land use application.

The R-1-9 Zone allows single-family dwellings and allows two-family dwellings with approval of an overlay zone. The proposed development includes an existing dwelling (Wall) and the construction of six (6) single-family dwellings and twelve (12) twin home structures for a total of thirty-one (31) residential units (single-family and twin homes) on approximately 6.13 acres.

The RMO-1 Overlay Zone was established to provide areas for two-family structures (duplex and twin homes) designed to be compatible with surrounding uses. The City Council recently amended the RMO-1 Overlay Zone to accommodate Planned Residential Communities, which can provide neighborhoods with a mixture of single-family and two-family structures on larger infill lots. The applicant is proposing to use the newly adopted ordinance to create a Planned Residential Community on the subject property.

The applicant is requesting approval of the overlay zone at this time, with preliminary and final plat approval to come at a later date. Approval of the overlay zone is a legislative action of the City Council, in which the Council is not obligated to approve. If the overlay zone is approved, the applicant will need to apply for subdivision approval and satisfy the applicable provisions of the development ordinances of Payson City.

To establish project density, layout, and design, the applicant must obtain approval for use of the RMO-1 Overlay Zone from the City Council, following a recommendation from the Planning Commission. The Planning Commission held the required public hearing at the July 11th meeting and accepted additional public comments at the August 22nd meeting before recommending approval. The public hearing was properly noticed and courtesy notices have been mailed to property owners within five hundred (500) feet of the proposed subdivision.

Analysis

Necessary Approvals

To develop the property as proposed, the applicant will need to obtain approval for use of the RMO-1, Two-Family Residential Overlay Zone and preliminary/final approval of a subdivision. Although the approval process for each request is similar, the type of action is different.

As mentioned above, the applicant is only requesting approval of the RMO-1 Overlay Zone at this time. The overlay zone allows the City Council to examine the specific needs of each request to determine proper use of the property. Council will need to determine if the proposed concept plan is appropriate in this location and if the proposed density, layout, design, and housing product is appropriate in this neighborhood. If the overlay zone is approved, the

applicant will return at a later date for preliminary and final approval. The level of review for each phase is as follows:

RMO-1, Two-Family Residential Overlay Zone. Application of an overlay zone is a **legislative action**. A legislative action is made only by the City Council, who has broad discretion in balancing private conduct against the public health, safety and general welfare of the community. Because the City Council has great deference in how the community grows, the Council may approve, amend and approve, or deny the land use application. Any modifications to project density, layout and design, housing product, and any other similar land use and development considerations should be addressed at this time. Once approval is granted, the applicant is eligible to develop the property consistent with the approval and in a manner that satisfies the land use and development ordinances.

Preliminary/Final Approval (Subdivision). A request for subdivision approval that satisfies the minimum requirements of the zone (traditional subdivision), or a project that is consistent with a previous approval granted by the land use authority (i.e. overlay zone), is an **administrative action (or ministerial)**. At this stage, the Planning Commission and City Council cannot change the rules. The land use authority is responsible to ensure the project satisfies any previous approvals and all applicable ordinances. If these requirement are met, there is no discretion to deny the application.

Density

The applicant is entitled to use the property consistent with the requirements of the underlying zone, R-1-9, that would allow a single-family dwelling on 9,000 square foot lot with at least 90 feet of frontage. The Planned Residential Community with the RMO-1 Overlay Zone permits the project to have a minimum average area of 5,400 square feet per unit. This density is average throughout the development to allow for enhanced utilization of green space and amenities.

As proposed, the average lot area per unit is 6,380 square feet, which exceeds the minimum requirement of 5,400 square feet per unit. One argument brought to staff was that the existing Wall property is distinct from the development and so this property should not be calculated in the average. While the code allows the property to be calculated in the density requirement, the applicant ran the numbers as if this property was excluded and showed the average area to be 5,403 square feet per unit. (See *Concept Plan—density calculated without Wall property*)

Staff suggests that the proposed density acts as a transition area from the neighboring S-1 Highway Commercial and I-1 Industrial areas and is appropriate for the neighborhood. City Council will need to determine if the proposed number of units and the mix of housing product is appropriate in this neighborhood.

Project Layout and Design

The applicant is proposing to create a small-scale community surrounded by an existing residential area and S-1 Highway Commercial and I-1 Industrial developments. The community will consist of clustered housing units (twin homes and single-family) accessed from public streets. Planned Residential Community architectural requirements ensure that homes will engage with public streets through street-facing orientation and strong architectural elements, such as porches, porticos, windows, and rooflines. Homes are required to engage with open areas, to avoid “walling off” green space. The applicant must obtain approval of the following:

- Use of an alternate street cross-section. The applicant is requesting approval of a 44’ right-of-way with 30’ as asphalt, and curb, gutter and sidewalk on both sides of the street. The roads are proposed to be dedicated to Payson City to be used as public streets. It is also proposed the garage access for Units 3-13 be accommodated by a private alley. The width of the alley must satisfy the minimum requirements of the Payson City Fire Department.
- Internal setbacks. The structures satisfy the required perimeter setback of 25 feet. Internal setbacks within the community must be appropriate for the neighborhood style and approved by the land use authority. The distance between buildings varies from 10 feet to 16 feet. The Planning Commission and City Council will need to determine if the proposed internal setbacks are appropriate.

- Project fencing. The Planning Commission and City Council will need to determine if project fencing is necessary. At a minimum, staff would suggest that fencing be required along the north property line to separate potential incompatible land uses (commercial/residential). Land use transition requirements must be implemented along the north property line.
- Open space and amenity plan. The applicant is proposing a small open space area with a play area south of Unit 26. The Planning Commission and City Council will need to determine if the open space area and proposed amenities are sufficient for the number of units proposed. Additional information will need to be provided regarding the use, ownership, and improvements of the open space area.
- Connectivity. Staff asked for the project roadways to align with 1150 West at 1130 South to provide connectivity and avoid the safety risks associated with having a staggered intersection. The project is designed to provide better access to and from the existing stubbed street at 1050 South and cul de sac at 1000 South as well as provide connectivity to the existing commercial areas and access to and from major arterial streets. By adopting a grid-like layout that includes the conversion of the cul de sac to a through street, public safety vehicles can more quickly access all points of the development, street maintenance, snow removal, and garbage collection is made more efficient and cost effective, utility connection is improved and optimized, and the welfare of our residents is increased by creating a more cohesive and walkable community with better neighborhood connection. Additionally, cul de sacs require city-wide resources to maintain, but only benefit a few local residents, while through streets are usable by the community at large and provide residents with shorter routes. From a purely vehicular standpoint, increased connectivity is a public good because it reduces travel times and traffic by providing more direct routes. From a public safety standpoint, removing the cul de sac to create a direct route quickens response times and provides better visibility into an area of a neighborhood that would otherwise be made remote. Fire regulations also prohibits more than ten (10) units on a street without a secondary access. The additional access at 1000 South provides an escape route in case of emergency if the southern route is blocked. Pedestrian connectivity is an important part of the design, as the homes are designed architecturally to engage with the street and create a pleasant walking experience. For the above reasons, Staff recommends integrating the bulbed street at 1000 South into a through street continuing through this development and on to future development to the East and South.

If approval is granted, the applicant will need to prepare project drawings (preliminary plan, construction drawings, final plat) for review by staff, the Planning Commission and City Council. The drawings must be consistent with the overlay zone approval and adopted ordinances, and all improvements completed consistent with the specifications of Payson City. Each lot/unit must have access to municipal services, including drinking water, pressurized irrigation, wastewater, and power service.

Housing Product

The City Council has imposed specific design criteria for structures included in a Planned Residential Community. The Planning Commission and City Council will need to determine if the proposed housing product is consistent with the adopted design guidelines. Building materials, dwelling size and height, general architecture and other design details should be conditions of approval and included in a development agreement recorded in the office of the Utah County Recorder.

Subdivision Approval and Compliance with City Regulations

City staff has completed a review of the proposed project for compliance with the applicable requirements of the Payson Municipal Code. However, it must be noted that the review was limited to the proposed use of the RMO-1 Overlay Zone. Additional information and review is necessary for the division of land to accommodate the subdivision. The applicant must properly address the requirements of the land use and development ordinances for the project (overlay and subdivision).

The Planning Commission and City Council may require additional information in order to make a well-informed decision or impose additional conditions to ensure the new structures will satisfy the purpose and objectives of the RMO-1 Overlay Zone and the land use goals of the City Council.

Recommendation

The City Council will need to determine if the applicant has adequately addressed the provisions of Section 19.6.8 of the Zoning Ordinance and the construction of six (6) single-family dwellings and twelve (12) twin home structures in the RMO-1 Overlay is suitable in this location. The recommendation of staff and Planning Commission is approval. The council packet includes minutes from the planning commission meeting, including their recommendation.

The City Council may:

1. Remand the request of the applicant back to staff for further review. Council should select this option if it is determined that the applicant has not provided enough information for Council to formulate and forward a well-informed recommendation to the City Council.
2. Approve the request for use of the overlay zone contingent upon the satisfaction of conditions. Council should select this option if it is determined that use of the RMO-1 Overlay and the layout, design, and density of the proposed concept plan is in line with the General Plan, advances the land use goals of the city, and is not detrimental to the health, safety, and welfare of the city.
3. Deny application of the overlay zone. Council should select this option if it is determined that the proposed development is not an appropriate infill option for the subject property.

Each recommendation of the City Council should include findings that indicate reasonable conclusions for their recommendation.