

Payson City Planning Commission Staff Report April 24, 2019

Infill (I-O) Overlay

Background:

Project Name: Nielson Flag Lot
Location: 377 S 400 West
Current Zone: R-2-7.5 Zone

Applicant: Julie & Scott Nielson
Utah County Parcel #: 08:063:0003
Acres: 0.57

Approval Process:

Approvals Requested:	Infill Overlay (Preliminary & Final Plat Approval at future date)
Approval Process:	Planning Commission Recommendation Public hearing at Planning Commission Notices were sent to all neighbors within 500 feet City Council final approval
Development Review Committee:	Technical and Administrative Review
Planning Commission:	Recommendation to City Council
City Council:	Approve or Deny (Administrative Action)

Current Conditions:



The property has an existing single family detached home at 377 S 400 West. The home was built in the 1920's and has kept a large lot, at 0.57 acres. Neighboring properties are all zone residential, with all the lots to the south being 1/5 of an acre. To the north, the lot at 343 S 400 West was recently subdivided, as the Erik Estates subdivision, which created a flag lot in addition to the existing single family home.

Zone Requirements and Analysis:

The zone allows for one single family home per lot. Each lot is required to have a minimum frontage and width of 75 feet and a total lot area of 7,500 sq ft. *Payson City Code 19.6.6.3*. The infill overlay allows a reduction in frontage along with setback and size modifications which would allow for the creation of a flag lot. *19.6.25* Along

with configuration changes, the Planning Commission and City Council may require a layout and/or architectural style and elements.

One of the primary purposes of the infill overlay is to allow for flag lots in areas where other development opportunities are not feasible. The flexibility of the overlay allows for redevelopment and maintenance of existing neighborhoods and is intended to stabilize or enhance property values, foster community pride, and improve the quality life. 19.6.25.1 To guide the process of determining whether the overlay is appropriate, the code lists several criteria to consider. These include:

- Whether a through street or cul de sac could exist
- Whether such a street would create a more efficient land use pattern, better emergency access, connectivity, infrastructure, and harmony with the neighborhood
- Whether any development alternative exists, either housing or streets, and that this proposal is preferable
- What the potential is for future redevelopment alternatives. This includes opportunities that are not available now, but will become available as buildings go through their life cycle.

The code concludes that “when alternative development potential exists, or will exist, and the flag lot is not preferable to every alternative, a flag lot shall not be permitted.” 19.6.25.3

With this strict application in mind, city staff and the applicant had multiple discussions about the redevelopment opportunities for this block. If this property were combined with the Erik Estates properties there would be space to incorporate a clustered housing community. This would also create the potential to utilize some of the adjacent deep and underutilized lots. The newly created Erik Estates lot to the north had already been purchased by the time the Nielson’s approached the city about 377 South. The applicant reports that the property owners to the north were uninterested in changing plans.

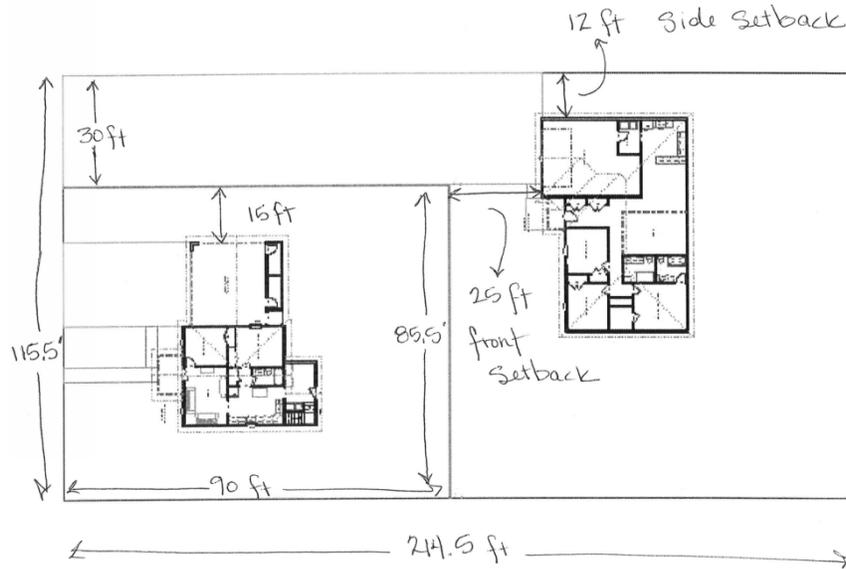
Erik Estates (orange) with the approved future house. The Nielson flag lot proposal is to the south (in yellow)



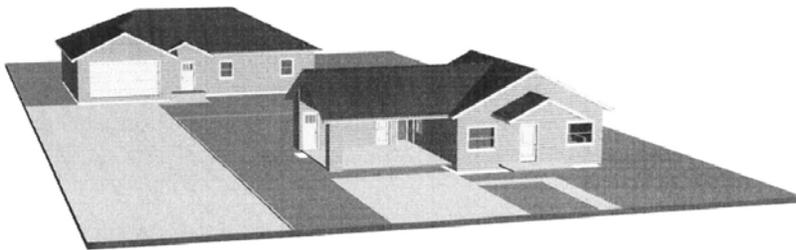
With the lot to the north having a previously approved flag lot, staff feels that there are not many feasible alternatives for development and that the addition of a new home on a flag lot at this site would not add any additional negative impact on the development cycle of this neighborhood.

The proposed flag lot would have a thirty foot wide access, a twelve foot north side setback, and a twenty-five foot

front setback. The submitted concept plan shows the layout as drawn below:



The exterior material for the flag lot home would consist of stone and/or brick and smartside (LP wood siding). The applicant submitted a rough sketch of how this could look:



The applicant and any reviewing body should be aware that application of the I-O Overlay in no way alleviates the responsibility to follow all zoning, building, fire, and development codes. At the creation of the two lot subdivision, the applicant will still need to meet all requirements, which may impact the desired and/or proposed layout. At that time, items like utilities, emergency vehicle turnaround, and exact lot specifications will be addressed. This overlay is simply to “give a thumbs up” to the use of a flag lot on this parcel.

General Plan

The proposal includes one additional single family detached home. This land use is consistent with the existing general plan. This is also consistent with the ongoing discussions for the general plan update.

Standard of Review

An application for an overlay zone is an **administrative action (or ministerial)**. For a legislative action, the land use authority 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.

The Planning Commission and City Council may require additional information in order to make a well-informed decision.

Recommendation

Staff recommends approval based on meeting the requirements of the Infill (I-O) Overlay, including the improvement to the neighborhood and lack of alternative development options, and consistency with the General Plan and land use goals of the city.

The Planning Commission may:

1. Recommend approval, contingent on meeting all requirements, including redlines. The Planning Commission should select this option if the proposal is consistent with City Code, the General Plan, advances the land use goals of the city, and is not detrimental to the health, safety, and welfare of the city.
2. Remand to staff for further review. The Planning Commission 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.
3. Deny the request. The Planning Commission should select this option if it is determined that the proposed development does not meet the requirements of the zone.

Each recommendation of the Planning Commission should include findings that indicate reasonable conclusions for their recommendation.