

Payson City Council Staff Report

July 3, 2019

Application of Infill (I-O) Overlay
Request for Preliminary and Final Plat Approval—Two Lot Subdivision

Background:

Project Name: MK Thompson
Location: 286 E Utah Ave.
Current Zone: R-1-9

Applicant: Kevin & Megan Thompson
Utah County Parcel #: 08:019:0010 & 11
Acres: 0.5

Approval Process:

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|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approvals Requested: | Preliminary Plan and Final Plat Approval Infill (I-O) Overlay |
| 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 Council due to overlay |
| City Council: | Approve or Deny (Administrative Action) |

Current Conditions:



Current zoning map, with combined area of lots outlined in red

The property consists of 0.50 acres over two parcels, with individual lot sizes of 0.35 and 0.15 acres. The north property has an existing single family home, which is a corner lot and facing

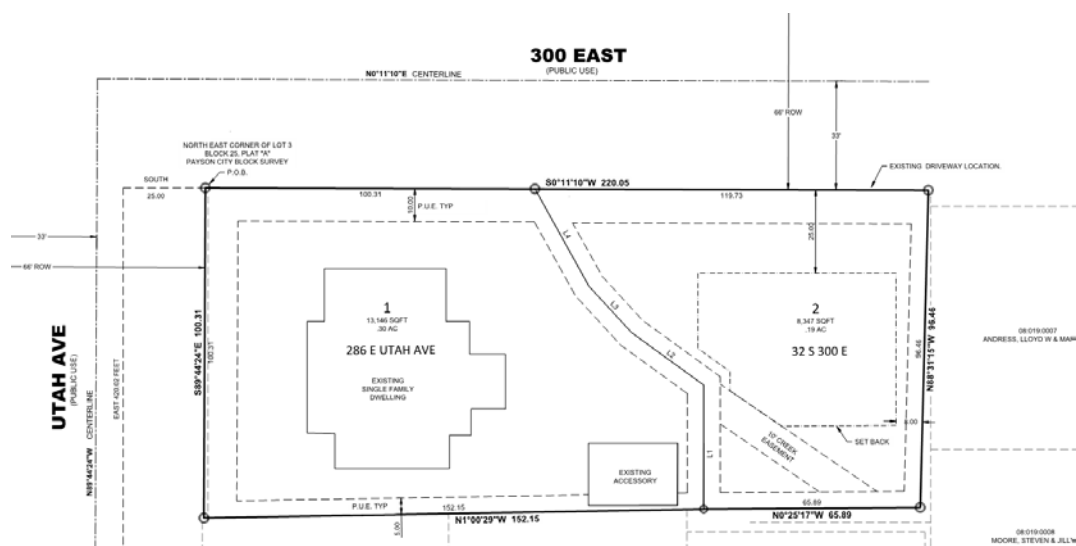
Utah Avenue to the north. Meanwhile, the south property has a garage facing 300 East and no primary structure. The properties have a combined dimension of 99 feet running east-west and 220 feet running north-south. Properties in all directions, except north, are also zoned R-1-9 and consist of single family detached homes. The properties to the north are zoned commercial, although some of them are presently used as legal non-conforming single family homes. Bisecting the two lots is a creek running generally along the current property line.

Zone Requirements and Analysis:

The zone allows for one single family home per lot. Each lot shall have a minimum of 9,000 sq feet, 90 feet of frontage and width, and have no more than 50% lot coverage. *Payson City Code 19.6.6.*

The northern lot presently exists as a lot of record that was created before 1983 and legally exists in accordance with Payson City Code 19.6.6.4. However, any change in parcel configuration requires adherence to the current zoning ordinance. The southern lot does not appear to be a buildable lot and requires size modifications to become such. Due to the creek, even with modifications, creating two lots that meet all requirements of the R-1-9 and have buildable areas that meet setback requirements has proven difficult. Accordingly, the applicant has pursued application of the I-O “Infill Overlay” to allow a modified lot size. The Infill Overlay allows for a reduction in lot size and width, to allow for better utilization of developed areas of the city, which would permit both the modification of the existing lot and the establishment of the southern lot as a buildable lot. Through application of the Infill Overlay, the lots can be created as proposed.

The proposed two lot subdivision has the existing home in Lot 1, with a lot width of approximately 100 feet and a varying depth, with approximately 100 feet on the eastern corner lot side and 152 feet on the western boundary for a total lot size of 13,146 sq ft. The southern boundary divides the two lots primarily along the creek, with lot 2 having nearly 120 feet of frontage on 300 East and a depth of about 96.5 feet for a total lot size of 8,347 sq ft.



Proposed Final Plat

With the application of the I-O overlay, the lot width—as measured at the front setback line—can be reduced from 90 feet and the lot area can be reduced from the required 9,000 square feet. Aside from these reductions, both lots will meet all other requirements for a two-lot subdivision. The purpose for the reduction is constraints created by the creek. The new lots will both have public utility easements and an easement has been created to include the creek that crosses lot 2.

The infill overlay zone may also allow for modifications to setback requirements. The applicants are requesting the front setback remain at 25 ft to keep any new home on lot 2 consistent with the existing neighborhood. The infill overlay also requires that the proposal be consistent and compatible with the existing neighborhood and architectural controls may be employed to achieve this objective. Regarding these requirements, the applicants provided the following information:

1. The reason for the overlay zone:

The new lot 08:019:0011 is short a few hundred square feet of the requirement of the R-1-9 zone

2. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other ideas:

The future home will Require 3 Materials 1: stucco maximum 80% 2: Minimum 10% Hardy Board Siding 3: Minimum 10% masonry. The home will include a basement with 2 stories not to exceed 35' feet tall. And meets all building materials of R-1-9 zone

3. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood and surrounding uses:

The reason for the overlay is because of the square footage shortage. However, 4 lots that are adjacent to the lot are under the square footage requirement as well. The new home design will meet zoning requirements which will make it compatible for the area. As the new home will be a single family home which also matches the homes in the area.

As the applicant suggests, several homes in the area have lot sizes below the 90 feet required in the R-1-9 zone. Each of the three lots directly to the south of the property fulfill this argument, with lot sizes of 7700, 5940, 8140 respectively (heading west to east in the image below)

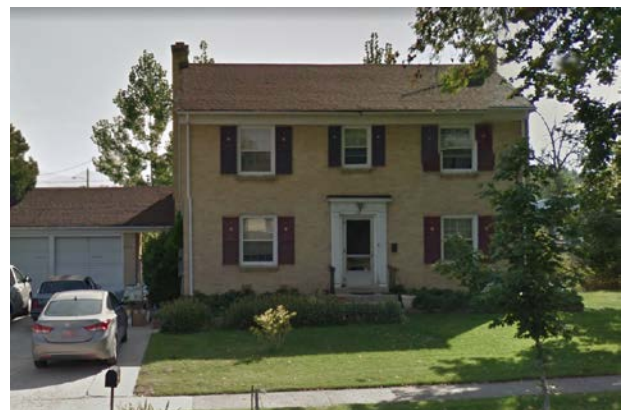


Regarding architectural controls, staff has some concern about protecting the identity of the

surrounding neighborhood. The existing home on the north lot is a Frank Lloyd Wright style home, as pictured:



Other homes in the immediate neighborhood include stylistic architectural elements or predominant brick elevations. Staff is concerned that these features define the neighborhood and are worth protecting and enhancing with future development. Nearby homes include:



Accordingly, the applicants have provided additional information regarding the proposed home and have included the elements seen in the photos as architectural standards (these include features such as columns, a porch, hard surfaced materials, and a recessed garage). The photos of homes similar to the proposed home include the following:



General Plan

The project will have no impact on traffic and is consistent with the general plan, which shows this neighborhood as residential.

Conditions of Approval

All staff conditions, including all requirements for recording a subdivision shall be met before recordation.

Standard of Review

Infill (I-O) Overlay: A request for application of an overlay is like a zone change, and the land use has **legislative** authority. The land use authority may approve or deny the land use application based on any reason that rationally relates to the health, safety, and/or welfare of the city.

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 requirements are met, there is no discretion to deny the application.

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

Recommendation

Based on completion of all redlines and meeting the requirements stated in the staff report, staff recommends approval. The Planning Commission met and held a public hearing on June 26, 2019 and forwarded a recommendation of approval, contingent on completion of all redlines and meeting the requirements listed in the staff report.

The City Council may:

1. Approve, contingent on meeting all requirements, including redlines. The City Council 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 City 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.
3. Deny the request. The City Council should select this option if it is determined that the proposed development does not meet the requirements of the zone.

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