

Planning Commission Staff Report

August 28, 2019

**Applicants:**

Scott and Julie Nielson

Owners:

Scott and Julie Nielson

Location:

377 South 400 West

Zone:

R-2-7.5

ATTACHMENTS:

1. Project Drawings
2. DRC Redlines

REQUEST

Request for preliminary and final approval of the proposed Nielson Acres Subdivision arranged on Utah County Parcel 08:063:0003. The city council recently granted approval for use of the I-O, Infill Overlay to create a flag lot in an existing neighborhood.

BACKGROUND AND PROJECT DESCRIPTION

The parcel contains an existing single-family detached home that 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.



Erik Estates (orange) with the approved future house

The Nielson flag lot is to the south (in yellow)

APPROVAL PROCESS

To develop the property as proposed, the applicant is required to obtain approval of two (2) land use applications: I-O, Infill Overlay and Subdivision approval (preliminary and final). On May 15, 2019, the city council granted approval for use of the overlay to accommodate a flag lot. The applicants are now requesting approval of the preliminary plan and final plat to finalize the approval process.

Section 20.11.5 of the Payson City Subdivision Ordinance authorizes the planning commission to take final administrative action on subdivisions containing three (3) lots or less. Therefore, the planning commission will be the final authority on the proposed subdivision. The planning commission is required to hold a public hearing in order to receive input from the public in relation to the proposal of the applicant. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

EVALUATION

The applicant is requesting approval to implement the I-O, Infill Overlay approval by subdividing the parcel to accommodate an additional single-family dwelling. The following is an evaluation of the request:

General Plan

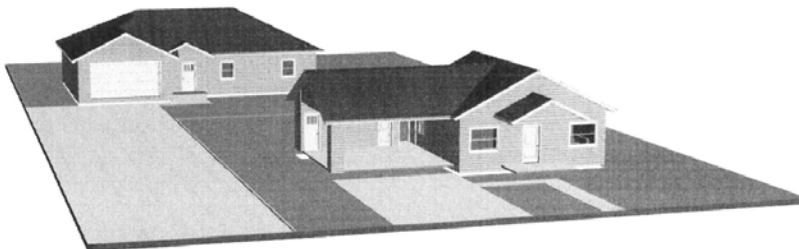
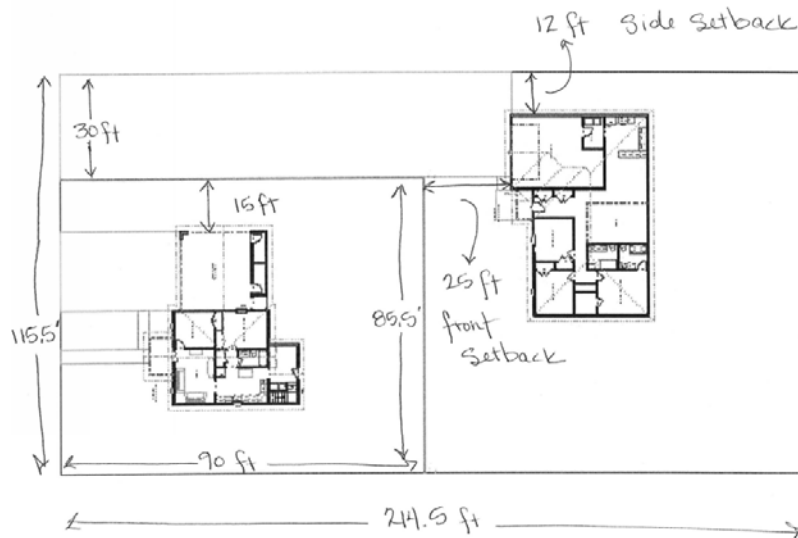
The proposal includes one additional single-family detached home. This land use is consistent with the current general plan. This is also consistent with the ongoing discussions for the general plan update.

Standard of Review

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), is an **administrative action (or ministerial act)**. 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.

Zone Requirements and Analysis:

The zone allows for one single-family dwelling per lot. Each lot is required to have a minimum frontage and width of 75 feet and a total lot area of 7,500 square feet. The infill overlay allows a reduction in frontage along with setback and size modifications, which would allow for the creation of a flag lot. The proposed subdivision, improvement of the site, and construction of the dwelling will need to be consistent with the requirements of Section 19.6.25 and the approval of the city council.



City staff has completed a review of the proposed project for compliance with the applicable requirements of the Payson City Municipal Code. The applicant has been provided a list of items that need to be addressed to ensure compliance with City Code. Staff will continue working with the applicant to ensure the minimum requirements are addressed. Staff would suggest the following conditions of approval be included in the motion.

1. The project drawings (preliminary plan, final plat) must be consistent with the adopted ordinances and the improvements completed consistent with the specifications of Payson City. Each lot must have access to municipal services and the applicant is responsible to provide utility services to each lot, including, drinking water, pressurized irrigation, wastewater, and power service. The utility connections for the existing dwelling will need to be inspected and updated, if necessary.
2. The project drawings will need to be modified to indicate the revisions requested by the Development Review Committee (DRC). The existing utility laterals and connections for the existing dwelling (Lot 1) will need to be inspected and upgraded as required by city ordinance.
3. Approval of the subdivision, improvement of the site, and construction of the dwelling must be consistent with the Overlay approval granted by the city council.
4. The applicant will be responsible to satisfy the conditions indicated on the acknowledgment letters from the private utility service providers. A letter from the local Postmaster will need to be provided indicating the method of mail delivery.
5. The following items will need to be addressed prior to the recordation of the final plat.
 - a. Complete the transfer of adequate water consistent with Title 10, Water Ordinance of the Payson City Municipal Code.
 - b. Provide a performance guarantee in the form of a cash bond or irrevocable letter of credit for completing project improvements.
 - c. Submit payment for testing and inspection fees, slurry seal, and invoice for electrical facilities and labor.
 - d. Schedule and conduct a pre-construction meeting with the city engineer prior to the installation of project improvements. Construction standards, geotechnical requirements, Storm Water Pollution Protection Plan (SWPPP) regulations, traffic control, project schedules, and other improvement related issues will be discussed at the meeting.

RECOMMENDATION

The applicant is requesting preliminary plan and final plat approval of a traditional subdivision in the R-2-7.5, Residential Zone. The city council has designated the planning commission as the land use authority for traditional subdivisions containing three (3) lots or less. Therefore, the planning commission will be the final authority on the proposed subdivision. For convenience purposes, the planning commission may choose to review the preliminary plan and final plat simultaneously and take action on each process at the same meeting. The planning commission, following a public hearing to receive public input, may:

1. Remand the proposed preliminary plan and/or final plat back to staff for further review. This action should be taken by the planning commission if it is determined that there is not enough information provided by the applicant for the planning commission to formulate a well-informed decision.
2. Approve the proposed preliminary plan and final plat contingent upon the satisfaction of staff suggestions. Staff would suggest that if the planning commission approves the preliminary plan and final plat contingent upon the satisfaction of staff conditions, the applicant would be required to satisfy the regulations of the Payson City land use and development ordinances and the land use goals of the City.
3. Deny the proposed preliminary plan and/or final plat. This action should be taken if the planning commission determines that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances, the Overlay approval, and/or the land use goals of the City.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. The planning commission should include findings that indicate reasonable conclusions for their decision.