

# Planning Commission Staff Report

## April 22, 2020



**Applicants:**

Chase Adams

**Owners:**

Chase Adams

**Location:**

377 South 400 West

**Zone:**

R-1-7.5

**ATTACHMENTS:**

- 1. Project Drawings
- 2. DRC Redlines

**REQUEST**

Request for preliminary and final approval of the proposed **Lone Pine Subdivision** (note: name needs modification due to conflict at the county) along with approval of the use of the I-O, Infill Overlay arranged on Utah County Parcels 08:083:0002 and 08:083:0027. The overlay is required in order to allow the applicant to create a flag lot on the interior lot.

**BACKGROUND AND PROJECT DESCRIPTION**

The parcels contain an existing single-family detached home that was built in 1971. The existing home is on a 0.17 acre lot, and the owner has kept a separate 0.57 acre lot historically used for agriculture. Both lots have a twelve (12) foot wide access easement running along the north side of the property, recorded as a conveyance of “right of way” access. This right of way grants access to the two properties on the north and is shown on the plat. Additionally there is a six (6) foot canal easement on the south side of the agricultural lot. These easements will remain the same with the addition of public utility easements established on both building lots. Any existing animal rights, of which none were found, will be vacated along with the creation of this subdivision.

Neighboring properties are all zone residential, and every home on the west side of 700 East is also on a 0.17 acre lot.



*Area Map with project area in red*

## 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).

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. While the subdivision is a two lot subdivision, which generally permits the planning commission to be the final approval authority, the need for overlay approval is a legislative function that requires city council approval. Therefore, the city council will act as the final approval authority for both requests.

The planning commission is required to hold a public hearing to receive public input. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

This project was originally noticed to be heard at the April 8<sup>th</sup> planning commission meeting, but after sending notices out to neighbors, multiple neighbors contacted staff about a right of way easement that had not been brought to staff's attention. The neighbors provided staff and the applicant with documentation of the conveyance of the right of way and the applicant has agreed to amend the plans to show the right of way.

## 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

The request for application of the overlay is a **legislative action**. The land use authority has broad discretion to determine what is in the best interest of the health, safety, and welfare of the city. The planning commission, in giving a recommendation, and city council, in making a final determination may consider any reasonable factors and should articulate them in the motion. Once the overlay is granted, the applicant need only meet the administrative requirements for a subdivision.

A request for subdivision approval that satisfies the minimum requirements of the zone (traditional subdivision) 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.

### Overlay Requirements:

The overlay allows for setback reduction (discussed later) and the creation of a flag lot. The ordinance states that the creation of a flag lot is discouraged and only permitted when a through-street or cul-de-sac would not create a more efficient land use pattern, better emergency access, connectivity, proper installation of infrastructure, and increased harmony in the neighborhood. The applicant is responsible to show that the flag is preferable to all alternatives, including other housing options and future redevelopment alternatives. The planning commission and city council shall determine future redevelopment cycles when making this decision.

Staff has analyzed the neighborhood and determined that there is not a better redevelopment tool at this time for this property. While the homes in the vicinity to the south and east are aging, they still have decades of usable life, and any project aside from a flag lot would require demolition of several homes. Homes to the west are newly built with owners not interested in granting access from the west. Staff feels like this is a good case for a flag because no other reasonable development options exist at this time.

With the application of the overlay, the land use authority may also impose additional requirements, such as architectural, setback, and build-to line requirements. The applicant has provided elevations of the proposed home. This is included as the proposed architectural standards, along with the attached minimum architectural requirements document, which includes regulations with design and landscaping. Additionally, due to the size/height of the home, staff recommends increasing minimum required side setbacks from eight (8) to twenty-five (25) feet to keep the home away from neighboring lots. On the north side, part of that setback includes the twelve (12) foot right of way. Additionally, staff recommends either a build-to line or note on the plat that places the front door in a way that it is visible from the street.

**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.

The flag lot requires a flag stem of at least twenty (20) feet in width to allow ingress and egress, including for emergency vehicles. Due to the dedication of property for the flag stem, the lot with the existing home (proposed lot 1) will have a slight width reduction to 67.12 feet but maintain a lot size of 0.17 acres (or 7,500 sq ft).

While the right of way is currently part of proposed lot 2, it will become part of the respective lots, as shown on the plat, but remain open for access. The main effect of the right of way is that the owners will need to keep the twelve (12) foot section along the north property line free from any obstruction, including fences, accessory structures, and landscaping. It also reduces the buildable area for the properties as it is a de facto increase in setback.

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. Some of the staff report requirements include:

1. Completion of all remaining redlines. 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. Each lot must be graded to ensure that storm water from each lot does not impact an adjacent lot.
2. The construction of the dwelling must be consistent with the submitted elevation.
3. 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.
4. The following items will need to be addressed prior to the recordation of the final plat:
  - a. Complete the conveyance of water rights 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 Prevention Plan (SWPPP) regulations, traffic control, project schedules, and other improvement related issues will be discussed at the meeting.

**RECOMMENDATION**

Staff recommends project approval based on the proposal being the best known use for the property, consistency with the general plan, and compliance with the applicable development ordinances. 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. Recommend approval of the overlay and the proposed preliminary plan and final plat contingent upon completion of all redlines and the requirements in the staff report.
2. 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.
3. Recommend denial. 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.

The planning commission should include findings that indicate reasonable conclusions for their decision.