**Planning Commission Staff Report**

**May 26, 2021**

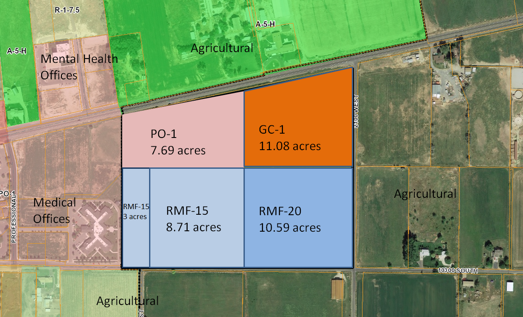
**REQUEST**

The applicants are requesting the following approvals at this time:

* Preliminary Plan and Final Plat approval of South Haven Farms Plat B, a two-lot subdivision that would give the clubhouse area its own parcel
* Preliminary and Final Plan approval of VALO at South Haven Farms, a 101-lot townhome proposal on Utah County Parcel 66:747:0004
* Approval of the proposed private road layout

**BACKGROUND AND PROJECT DESCRIPTION**

The property was annexed into the municipal boundaries on August 6, 2019 as part of the Holdaway-Pleasant Flats Addition Annexation. Zoning was assigned at the time of annexation and anticipates a mix of commercial and residential uses in this area. After annexation, this area was subdivided into four quadrants with unique zoning designations (see below). The current proposals all apply to the parcel shown as RMF-15 below.



In the annexation agreement, it specifies that the RMF-15 parcel shall not exceed 12 units per acre. This was calculated based upon the gross area of the parcel (i.e., before roads and improvements). As such, the applicant’s proposal of 101 total units in this development is within the parameters outlined in the annexation agreement (12 units per acre x 8.71 acres – 104.52 units).

Typically, the required amenities in any RMF Multi-Family Residential Zone are used exclusively by the parcel requesting approval. This particular request is unique in that the applicant is proposing that the clubhouse parcel will be shared by both VALO at South Haven Farms (proposed) and the Residence at South Haven Farms (approved in 2020). The planning commission and city council will need to determine during their review process whether or not the proposed amenity schedule will meet the needs of *both* multifamily developments. In short, 311 total units will have access to the clubhouse parcel

**Project Name:**

VALO at South Haven Farms and South Haven Farms Plat B

**Applicants:**

Tyler Miles and Packer Wilkes, representing owners

**Owner:**

South Haven Farms LC

**Location:**

West side of 1400 East between 50 South and 100 South

**Zone:**

RMF-15, Multi-Family Residential

and the commission and council will need to determine whether the proposed amenities will be enough.

The two-lot subdivision and the townhome proposal would normally be considered administrative approvals. However, since the applicants are requesting approval of private roads (legislative), all three requests hinge upon the approval of private roads as outlined. Because of this, all three decisions are essentially legislative and the commission and council are not obligated to recommend approval if they determine that these proposals are not consistent with the land use goals of this area or Payson City as a whole.

VALO at South Haven Farms is located on Lot 4 of the South Haven Farms Subdivision Plat A (i.e., the southwest quadrant of the development). The proposed development consists of 101 total residential units and an amenity parcel that will include a clubhouse. These units will all be rental units that are owned and maintained by a single entity. Development of the property must be consistent with the Payson City Code and the requirements of the annexation agreement. Furthermore, a development agreement will be prepared for review and approval by the city council. The development agreement will need to address the amenity parcel’s relationship to the residential parcels both currently and in the future.

**APPROVAL PROCESS**

To develop the property as proposed, the applicant will need to obtain legislative and administrative approvals. These approvals are listed below. The planning commission and city council will need to determine if the requests are consistent with the Payson City Code and will further the land use goals of the city.

* Preliminary and Final Development Plan (administrative)
* Preliminary and Final Plat (administrative)
* Waiver of public road requirement and approval of private road layout and cross-section (legislative)
* Housing product (administrative)
* Amenity package (administrative)

Approval of the Preliminary and Final Development Plan requires approval by the city council, following a recommendation by the planning commission. Public comment and any pending DRC redlines should be included in the review process, and addressing staff redlines may be included as a condition of approval.

**EVALUATION**

City staff has completed a review of the proposed project for compliance with the applicable requirements of the Payson City Code. Staff have provided redlines throughout the process and have been working with the applicants to rectify those. The applicants will need to demonstrate that the proposed amenity package and project layout meet Payson City Code and the goals outlined in the General Plan.

**General Plan**

The proposed development is consistent with the land uses outlined for this area in the Payson City General Plan. At a closer level of detail, the proposed changes do not conflict with the Holdaway-Pleasant Flats Annexation Agreement or the RMF-15 zoning designation applied to this parcel.

**Standard of Review**

A request for development plan approval that satisfies the minimum requirements of the zone, or a project that is consistent with a previous approval granted by the land use authority (i.e. zoning), 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.

However, as stated above, the request for approval of the private road layout is **legislative**, meaning that the city council is not necessarily required to approve the applications that are tied to private road approval. The planning commission and city council may choose to work with the applicant to revise the layout or request more information in order to make a well-informed recommendation or decision, respectively.

**Overall Development**

Staff has completed a review of the project for compliance with the Payson City Code and the annexation agreement. The following will need to be considered by the planning commission and city council:

* As reflected on the Future Land Use Map of the Payson City General Plan, the project is located with a Mixed Use Development Node. These development nodes are important to the future economic vitality of the community and have the potential to be served by urban infrastructure, which may offer the opportunity for higher densities and more intense land uses.
* The annexation agreement anticipates a farmhouse style and design to be integrated into the overall development. The applicant has provided building elevations and color renderings that demonstrate the project is consistent with the design standards for this area along public street frontage. However, since private roads may be potentially approved *within* the development, the applicant will not need to meet the *public* street frontage design standards if the roads are classified as private. The planning commission and city council may determine it appropriate to require additional design elements along the proposed private roads as a condition of approval.
* The requested level of density meets all stipulations of both the RMF-15 Zone and annexation agreement.
* To ensure compliance with the land use and development ordinances, the applicant will need to properly address the review comments provided by the Development Review Committee (DRC). Because the proposal includes modifications to the requirements of the Payson City Code, legislative approvals are necessary. If the modifications are not approved, preliminary plan approval should not be granted until the layout is modified to conform to the adopted regulations.
* Private roads are not allowed in new developments in Payson under current ordinances. However, the city council is able to grant an exception of the private road layout under unique circumstances. With this being a legislative change, the planning commission and city council should review the engineering staff report and consider whether or not approval of the private roads shown is the most appropriate decision.
* The design standards for multifamily developments are largely tied to public street frontage. As such, since the streets within the VALO development are proposed to be private, the interior facades are not obligated to meet the ordinance’s design standards for buildings that abut a *public* street. As such, the planning commission and city council may want to request more detailed design along the proposed private street frontage as part of their legislative decision.
* Project amenities are an important element of residential neighborhoods, especially multi-family projects. The applicant is proposing to provide amenities both on-site and off-site by aggregating the amenities required for Lots 3 (Residence at South Haven Farms) and Lot 4 (VALO at South Haven Farms). These neighborhoods, as well as the senior housing on Lot 1, will have access to these amenities.

These items represent the issues that either conflict with current city ordinances or simply require more discussion by the land use authority. The planning commission and city council will need to determine if the proposed project is consistent with the adopted land use goals, ordinances, and policies or if modifications are necessary to accomplish the goals established in the General Plan and/or the Holdaway-Pleasant Flats Annexation Agreement. The staff, planning commission, and city council may require additional information in order to make a well-informed recommendation or decision.

**RECOMMENDATION**

The applicants are seeking a recommendation of approval for the VALO at South Haven Farms townhome development, including private roads. The applicants are also requesting a recommendation of approval for the Preliminary Plan and Final Plat of South Haven Farms Subdivision Plat B. The planning commission, following a public hearing to receive public input, may:

1. Remand the proposed request back to staff for further review. This action should be taken if it is determined there is not enough information provided by the applicant for the planning commission to formulate a well-informed recommendation.
2. Recommend approval contingent upon the satisfaction of staff suggestions and any additional conditions deemed necessary to achieve the land use goals of Payson City. Staff would suggest that if the planning commission recommends approval of these proposals contingent upon the satisfaction of appropriate conditions, the applicant will be required to satisfy the regulations of the Payson City Code, the annexation agreement, and the land use goals of the City.
3. Recommend denial of the development applications. This action should be taken if the planning commission determines the applicant is unwilling or unable to satisfy the regulations of the Payson City Code and the land use goals of the City.

Any motion of the planning commission should include findings that indicate reasonable conclusions for the recommendation forwarded to the city council.