**Planning Commission Staff Report**

**December 14, 2022**

**REQUEST**

Request for approval of a preliminary plan approval on Utah County Parcels 30:084:0067, 30:084:0065, 30:084:0068, 30:084:0117 to be consolidated and then subdivided int a 35-lot single family home subdivision. The request includes three parcels consisting of approximately 20.65 acres located at approximately 12240 South and 550 West. The properties are owned by Phase One Properties LLC.

**BACKGROUND AND PROJECT DESCRIPTION**

The southern portion of the property was annexed into the municipal boundaries in March of 2022 as part of the Springs at Spring Lake annexation and was assigned a zoning designation of A-5-H, Annexation Holding to support the agricultural uses occurring on numerous parcels in the annexation area. The Future Land Use Map of the Payson City General Plan indicates a low-density residential designation for the area.

This request is seeking a positive recommendation from the planning commission for preliminary plat approval of the above stated subdivision. The preliminary plat is organized into 35 residential lots on 15,000 square feet or greater. This subdivision is required to have a detention basin to handle runoff from the development. It is the request of the applicant to dedicate the proposed detention basin to the city to be utilized for a duel nature purpose of storm water detention and park space that would adjoin to the cities planned park to the north of the property.

If approved the subdivision recording documents will need to show all dedications to the city including roads, trails, easements and if accepted the detention basin. A private sewer lift station shall not be dedicated to the city but shall remain in the ownership of an HOA that will be created for the subdivision.

On October 12, 2022, a public hearing was held for this preliminary plan and a zone change request on the same property to change from A-5-H to R-1-15000. The zone change request was forwarded to the city council with a positive recommendation. The preliminary plan for the 35-lot subdivision was remanded back to staff with the direction to staff and the applicant to work with Spring Lake residents on their concerns which include to address Utah County on gaining access onto county road 12240 South and to consult with UDOT about improving the connection and access along SR 198. Additionally, staff were directed to explore the idea of extending a road from the western end of the proposed subdivision northward to connect into 1900 South.

The various issues stated above were addressed as follows; applicant Rob McNeal obtained a letter from Utah County permitting the subdivision accessing 12240 south (see attached letter), Payson City staff met with UDOT concerning improving the connection and access along SR 198 to which UDOT declined. Payson City administration and staff discussed the idea of

**Project Name:**

Springs at Spring Lake Preliminary Plan

**Applicant:**

Phase One Properties LLC Rob McNeal

**Owner:**

Phase One Properties LLC

**Location:**

12240 South 550 West

**Current Zone:**

A-5-H, Annexation Holding

**Proposed Zone:**

R-1-15000 (Planning Commission gave a positive recommendation for this zone change on 10/12/2022)

ATTACHMENTS:

1. Locator Map
2. General Plan Future Land Use Map
3. Preliminary Plan Layout
4. Letter from Utah County

the road from the western edge of the proposed subdivision connecting north into 1900 South. Payson City Administration and staff both felt as if this idea was not a good idea because it would take out much of the area of a future park and storm water detention area and possibly affect a future fire station in that location.

**APPROVAL PROCESS**

Preliminary Plan approval is an administrative action of the city council. In a previous request the applicant was asked to run the zone change concurrently with the subdivision approval process. This was done because the zone change is necessary to the proposed development and the city council desired further information on the zone change request that would help them make the legislative decision on whether to change the zoning designation on these properties. At the October 12, 2022, planning commission meeting the preliminary plan was remanded back to staff and the applicant to work through some citizen concerns. Those things have now taken place and the applicant is requesting a recommendation from the planning commission on this preliminary plan.

This preliminary plan will require a zoning map amendment approval from the city council. The applicant seeks to bring both requests (preliminary plan approval, zone change request) to the city council at the same time. The zone change request received a positive recommendation by the planning commission on 10,12, 2022.

**STANDARD OF REVIEW**

Approval of a preliminary plan is an **administrative action** by the city council. Accompanying this preliminary plan approval is the need for a zoning map amendment which is a **legislative action** that is made only by the city council, who 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. The city council may also require additional information in order to make a well-informed decision.

An important factor in a request for a zone change is the effect the zone change has on the legally allowed uses of the property. At present, the property owners are entitled to use the property consistent with the requirements of the underlying zone, in this case the A-5-H, Annexation Holding Zone. Although it is typical for the planning commission and city council to inquire about the anticipated use of the property, they should consider all potential uses allowed in the zone. Once a zone change is approved, the owner of the property is eligible to use the property in any manner that satisfies the regulations of the designated zoning district and the applicable land use ordinances. However, with the zone change request running concurrently with the subdivision preliminary plan, council has a good understanding of the final product that is anticipated with the land use requests presented before them.

**RECOMMENDATION**

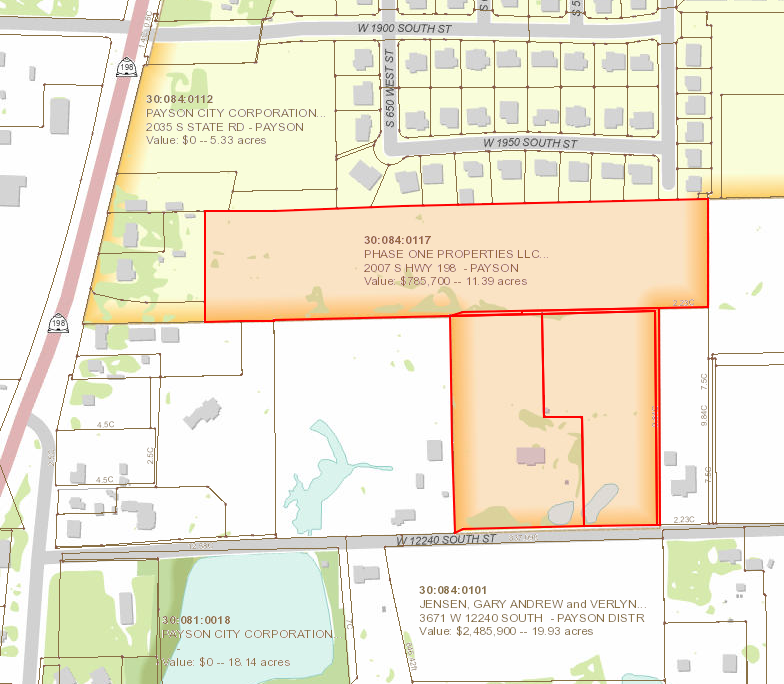
The applicant is seeking preliminary plan approval of the consolidation of Utah County Parcels 30:084:0067, 30:084:0065, 30:084:0068, 30:084:0117 and further subdivision of the consolidated parcels into a 35-lot single family home subdivision consisting of lots that are 15000 square feet or larger. Following consideration of this staff report the planning commission will need to determine if it is appropriate to subdivide the subject parcels. If deemed appropriate the planning commission should advance a positive recommendation to the city council. The planning commission may:

1. Remand the request back to staff for further review or with direction to provide additional information. This action should be taken if it is determined there is not enough information provided to make a well-informed decision.
2. **STAFF RECOMMENDATION:** Advance a positive recommendation to city council. This action should be taken if the planning commission determines the request would further the land use and economic goals of the city. Finding the proposed zone change would support the land uses and development types contemplated in the Payson City General Plan, and other land use plans applicable to the area.
3. Advance a Negative Recommendation to city council. This action should be taken if the planning commission determines the zone change is untimely or will not satisfy the long-term land use and development goals of the city.

The planning commission may require additional information to make a well-informed decision. Any motion of the planning commission should include findings that indicate reasonable conclusions for the decision.

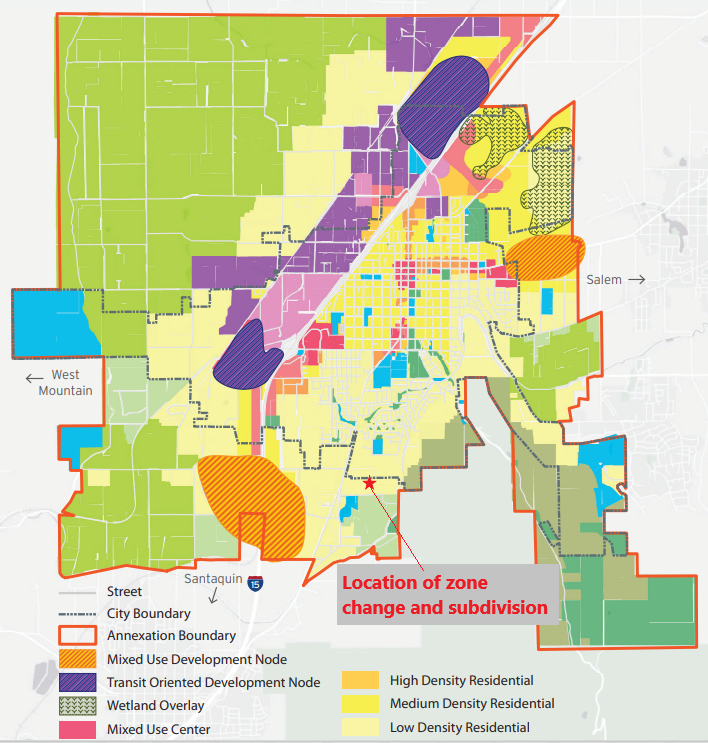
**Attachments:**

**Locator Map**



**Attachments:**

**Future Land Use Map**



**Attachments: Preliminary Plan Layout**

