



City Council Staff Report

Date:

8/7/2024

Applicant:

Andrea Bushman

Location:

947 N 1800 E

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Attachments:

1. Application information.

REQUEST

Consideration of a Resolution authorizing the use of a Transferable Development Right on a property located at 947 N 1800 E in the A-2, TDR-R zone.

BACKGROUND & DESCRIPTION

The subject property is a two acre lot in the Walters Estates subdivision and is developed with a single-family dwelling. Below is a timeline and history of the Walters Estates subdivision, the Maple Glen subdivision to the north and the surrounding property to the south and east.

- 2006 – City approves a TDR-R and the Maple Glen subdivision consisting of six one-acre lots and one lot of approximately two acres.
- 2015 – City approves a TDR-R on approximately 60 acres of property south and east of Maple Glen. No subdivision concept plan or plat was approved at that time.
- 2017 – City approves the use of a TDR to split one of the two acre lots in Maple Glen into two one-acre lots, similar to what is being proposed with the current application.
- 2018 – City approves the Walters Estates subdivision that included four two-acre lots, including the subject lot.

The applicant is proposing to subdivide their existing lot to create one new building lot. Both lots would be one acre in size. The Planning Commission recommended approval of this application on July 25, 2024.

EVALUATION

This application is considered administrative in nature. The legislative decision of whether the site should be eligible for TDRs has already been made. The purpose of the City Council's review is to determine whether the project is consistent with the existing code. If the project is consistent, the Council should approve the application.

TDR-Receiving Site: As mentioned previously, the subject property is already part of a TDR-R. Mapleton City Code section 18.76.070 indicates that once a TDR-R has been approved that:

"...the property owner shall be eligible to transfer development rights to the property in accordance with the requirements of this chapter..."

During the past few years, there have been applications dealing with the use of TDR's within previously platted subdivisions. MCC Section 18.76.070.B states:

"In no case shall a receiving site rezone be approved in any previously platted subdivision."

Since the rezone to TDR-R has already occurred, this section does not apply.

MCC Section 18.76.080 indicates that the City Council shall approve a request to utilize TDRs if the request is consistent with the following criteria (a staff response is also included):

1. *Does not exceed the density limitations of the TDR ordinance;*

Response: The TDR ordinance would allow for two one-acre lots with the use of one TDR certificate. The application is consistent with this requirement.

2. *Is in accordance with TDR ordinance in general;*

Response: The property is already designated a TDR-Receiving Site. The purpose of this meeting is to determine if the project is in compliance with the TDR ordinance.

3. *Is in accordance with the subdivision requirements;*

Response: The property will comply with the minimum size and width requirements and with the subdivision ordinance. Since the property is already part of an existing subdivision, the only improvements would be to install utility laterals to the site. The Planning Commission approved the Preliminary Plat contingent upon the Council's approval of the use of a TDR.

4. *Is consistent with other recommendations of the General Plan; and*

Response: The General Plan designates the subject property as "Rural Residential" and recommends two acres per lot, or one acre per lot when TDRs are being used. Goal 9 of the General Plan encourages continuing to implement the TDR program. The application is consistent with the General Plan.

5. *Achieves a desirable development compatible with surrounding development.*

Response: As mentioned previously, the Maple Glen subdivision consists primarily of one acre lots that were created utilizing TDRs, including the lot that abuts the subject property to the north. The proposed new lot would be consistent with other lots along this street.

RECOMMENDATION

Approve a Resolution authorizing the use of a TDR on the subject lot.

RESOLUTION NO. 2024-

A RESOLUTION AUTHORIZING THE USE OF A TRANSFERABLE DEVELOPMENT RIGHT ON A
PROPERTY LOCATED AT 947 N 1800 E IN THE A-2, TDR-R ZONE.

WHEREAS, the subject property is zoned A-2, TDR-R; and

WHEREAS, the proposal to utilize a TDR-R is consistent with Mapleton City Code Section
18.76; and

WHEREAS, the General Plan encourages continuing to implement the TDR program; and

WHEREAS, the Planning Commission recommended approval of this application on July
25, 2024.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to authorize
the use of a Transferable Development Right on a property located at 947 N 1800 E.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,
this 8th Day of August, 2024.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

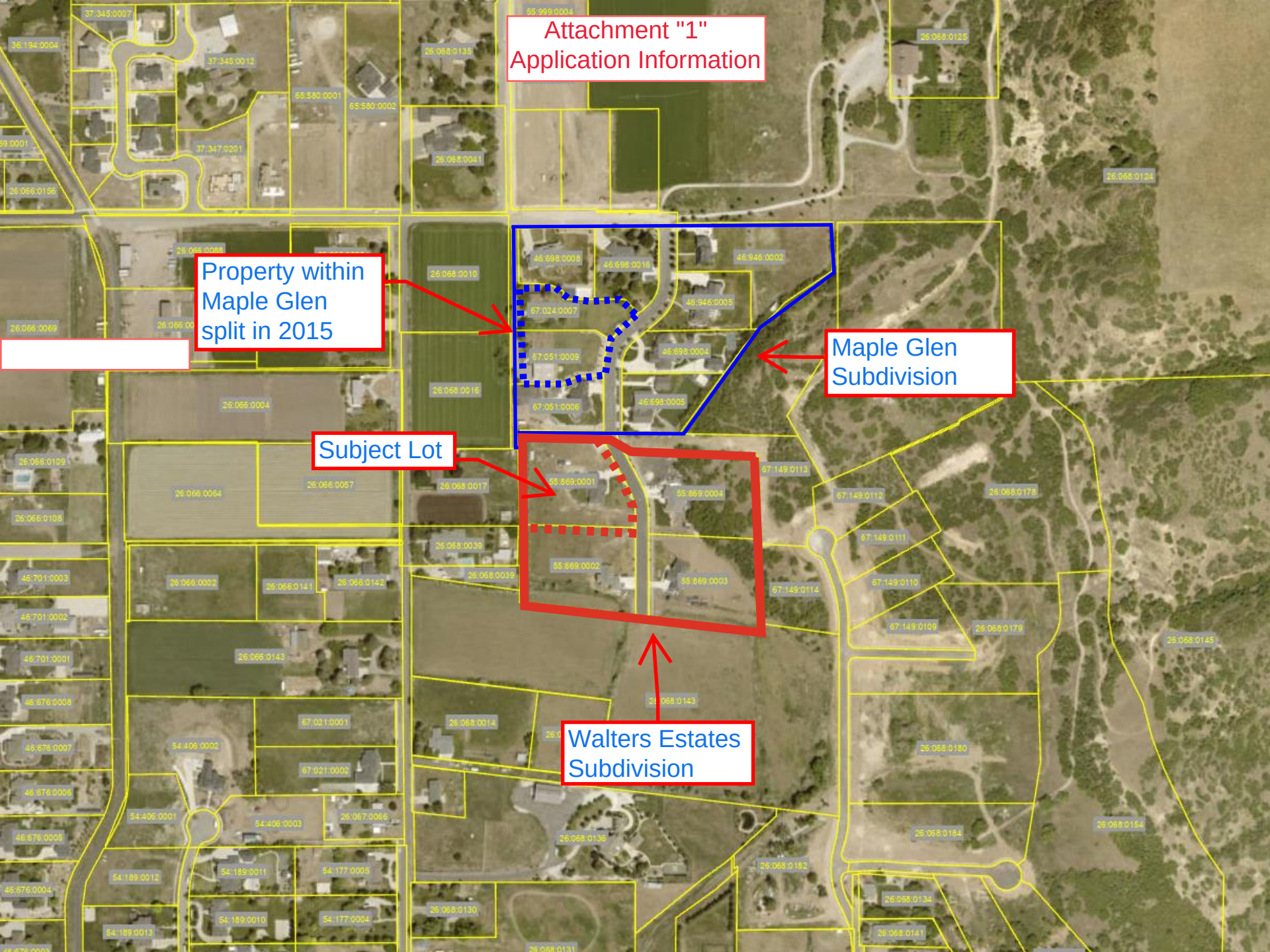
Attachment "1"
Application Information

Property within
Maple Glen
split in 2015

Maple Glen
Subdivision

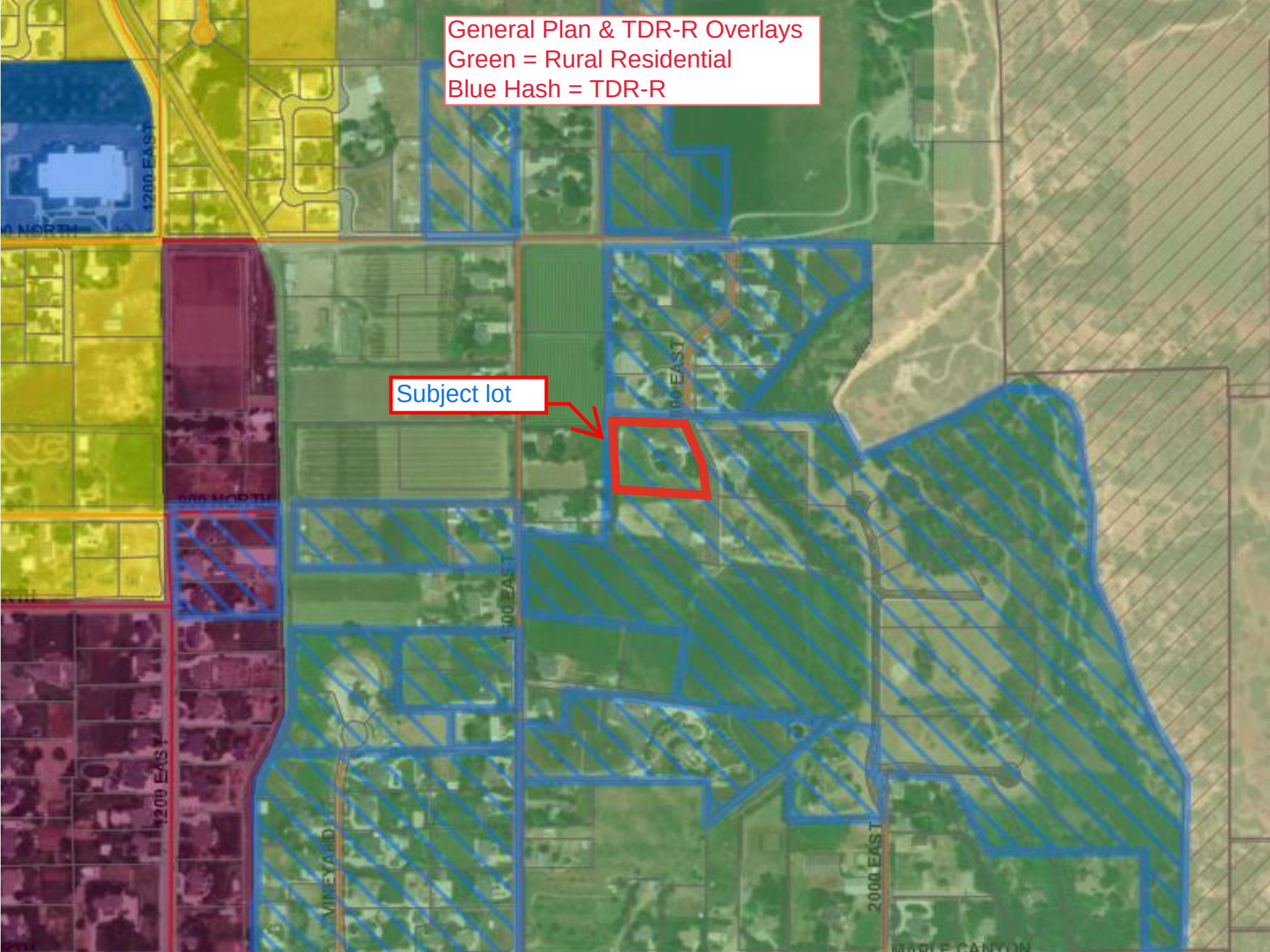
Subject Lot

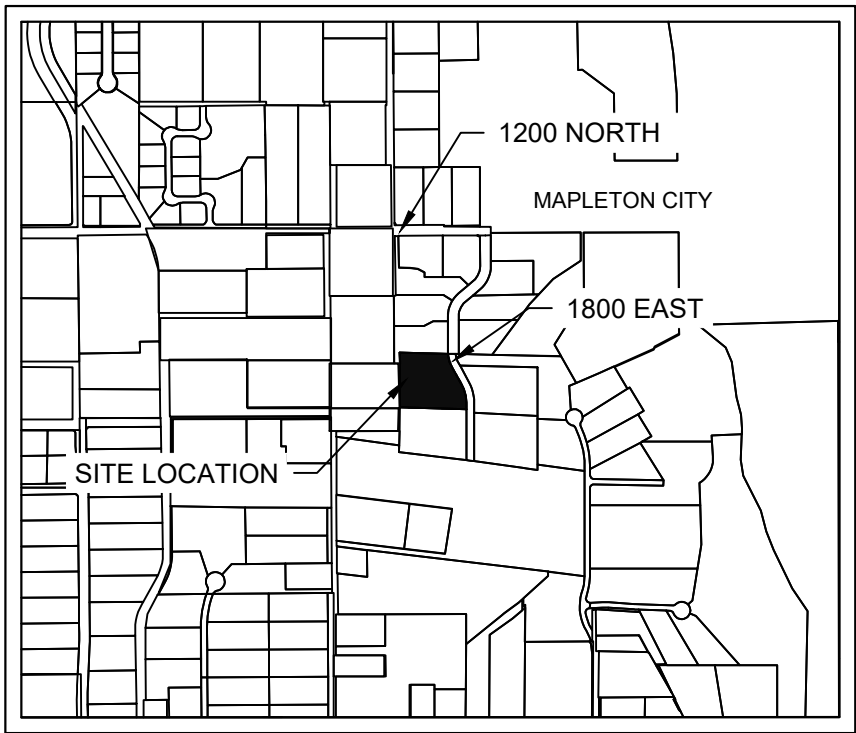
Walters Estates
Subdivision



General Plan & TDR-R Overlays
Green = Rural Residential
Blue Hash = TDR-R

Subject lot





VICINITY MAP
(NTS)

LEGEND

- WALTER ESTATES PLAT "C" BOUNDARY CORNER
- LOT CORNER (REBAR & CAP ON REAR CORNERS & A.P.,
MAG NAIL & WASHER SET IN CURB ON EXTENSION OF
LOT LINE FOR FRONT CORNERS)

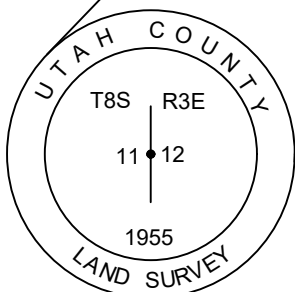
P.U.E.

BASIS OF BEARING: N 00°11'19" W ALONG THE SECTION LINE - 2666.55' (2666.09' RECORD)

ROMINGER, CLAUDE &
STIRLING
26:066:0017

EAST - 358.71'

414.61'



MW BROWN
ENGINEERING, INC

Office: (801) 377-1790 Fax: (801) 377-1789
578 East 770 North, Orem UT 84097

WALTERS ESTATES PLAT "C"
INCLUDING A VACATION OF LOT 1, WALTERS ESTATES PLAT "B",
SITUATE IN THE NORTHWEST QUARTER OF
SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST,
SALT LAKE BASE & MERIDIAN, MAPLETON,
UTAH COUNTY, UTAH

LEWIS, MICHAEL (ET AL.)
67:051:0006

LOT 2
989 N 1800 E
43659 sq. ft.
1.00 ac.

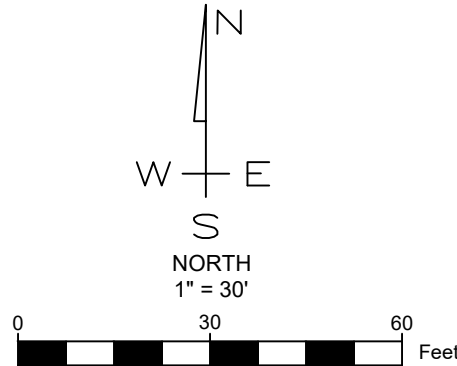
LOT 1
947 N 1800 E
43813 sq. ft.
1.01 ac.

BUSHMAN, LAVERNE (ET AL.)
55:889:0002

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	59.97'	120.00'	59.35'	N14°03'46"W	28°37'59"
C2	89.16'	180.00'	88.25'	N14°11'25"W	28°22'48"

ROCKY MOUNTAIN POWER DATE:

- ROCKY MOUNTAIN POWER**
- PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
 - PURSUANT TO UTAH CODE ANN 17-27a-603(4)(C)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF-WAY,
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS,
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR,
(4) ANY OTHER PROVISION OF LAW.



SURVEYOR'S CERTIFICATE

I, JAXON THOMAS BROWN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 13513878 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW IN ACCORDANCE WITH SECTION 17-23-17, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

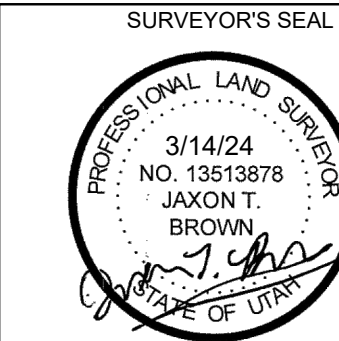
A RESIDENTIAL SUBDIVISION SITUATE IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, WALTERS ESTATES PLAT "B" OF OFFICIAL RECORDS, SAID CORNER IS LOCATED 414.61 FEET N 00°11'19" W ALONG THE SECTION LINE AND 558.71 FEET EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 12, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID WALTERS ESTATES PLAT "B" THE FOLLOWING THREE COURSES: 1) N 00°22'54" E FOR A DISTANCE OF 227.48 FEET, 2) N 02°42'48" W FOR A DISTANCE OF 57.17 FEET, 3) S 88°41'32" E FOR A DISTANCE OF 252.65 FEET TO THE WESTERLY RIGHT-OF-WAY OF 1800 EAST STREET, THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES: 1) ALONG A CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 28°37'59", HAVING A RADIUS OF 120.00 FEET, AND WHOSE LONG CHORD BEARS S 14°03'46" E FOR A DISTANCE OF 59.35 FEET, 2) S 28°22'49" E FOR A DISTANCE OF 126.38 FEET, 3) ALONG A CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 28°22'48", HAVING A RADIUS OF 180.00 FEET, AND WHOSE LONG CHORD BEARS S 14°11'25" E FOR A DISTANCE OF 88.25 FEET, 4) S 00°00'00" W FOR A DISTANCE OF 34.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 2 N 88°26'02" W A DISTANCE OF 347.65 FEET TO THE POINT OF BEGINNING.

SAID RESIDENTIAL SUBDIVISION CONTAINS 2.01 ACRES (87,471 SQ. FT. ±) AND 2 LOTS.

Jaxon T. Brown
JAXON THOMAS BROWN
PLS 13513878

03/14/2024
DATE:



OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT WE, ALL THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 20____.

BUSHMAN, DAVID R & LAVERNE F (ET AL.)

SIGNED: _____ PRINT: _____
(REPRESENTATIVE) (REPRESENTATIVE)

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY _____, WHO REPRESENTED THAT HE/SHE IS THE _____ OF THE _____ AND HAS AUTHORITY TO EXECUTE THIS INSTRUMENT.

MY COMMISSION NUMBER: _____ SIGNED: (A NOTARY PUBLIC COMMISSIONED IN UTAH)

MY COMMISSION EXPIRES: _____ PRINT NAME OF NOTARY

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY OF MAPLETON, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC.

THIS _____ DAY OF _____, A.D. 20____

CITY ENGINEER
(SEE SEAL BELOW)

APPROVED BY MAYOR ATTEST CITY RECORDER

UTAH COUNTY RECORDER

PLAT "C"
WALTERS ESTATES

A RESIDENTIAL SUBDIVISION
INCLUDING A VACATION OF LOT 1, WALTERS ESTATES PLAT "B"
SITUATE IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 8
SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN,
MAPLETON, UTAH COUNTY, UTAH
SCALE: 1" = 30'
SHEET 1 OF 1

NOTARY PUBLIC SEAL CITY ENGINEER SEAL CLERK - RECORDER SEAL

MAPLETON IRRIGATION APPROVAL

APPROVED THIS _____ DAY OF _____,
A.D. 20____

CENTURY LINK

CENTURY LINK

APPROVED THIS _____ DAY OF _____,
A.D. 20____

CENTURY LINK

COMCAST CABLE TELEVISION

APPROVED THIS _____ DAY OF _____,
A.D. 20____

COMCAST CABLE TELEVISION

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
PLANNING COMMISSION.

DIRECTOR CHAIR, PLANNING COMMISSION

DOMINION ENERGY QUESTAR CORPORATION

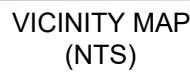
QUESTAR GAS COMPANY, DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS' DEDICATION OR IN THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTRACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

QUESTAR GAS COMPANY
DBA DOMINION ENERGY UTAH

APPROVED THIS _____ DAY OF _____, 20____

BY - _____

TITLE - _____



I, JAXON THOMAS BROWN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 13513878 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND THE ADJACENT TRACTS OF LAND, TO-WIT: 1-23-11, AND HAVE SUBMITTED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN AND THAT THIS PLAN IS TRUE AND CORRECT.

A RESIDENTIAL SUBDIVISION SITUATE IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, WALTERS ESTATES PLAT "B" OF OFFICIAL RECORDS, SAID CORNER IS LOCATED 414.61 FEET N 00°11'19" W ALONG THE SECTION LINE AND 358.71 FEET EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 12, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID WALTERS ESTATES PLAT "B" THE FOLLOWING THREE COURSES: 1) N 02°22'54" E FOR A DISTANCE OF 227.48 FEET, 2) N 02°42'48" W FOR A DISTANCE OF 57.17 FEET, 3) S 88°41'32" E FOR A DISTANCE OF 252.65 FEET TO THE WESTERLY RIGHT-OF-WAY OF 1800 EAST STREET, THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES: 1) ALONG A CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 28°37'58" HAVING A RADIUS OF 120.00 FEET, AND WHOSE LONG CHORD BEARS S 14°03'46" E FOR A DISTANCE OF 59.35 FEET, 2) S 28°22'49" E FOR A DISTANCE OF 126.38 FEET, 3) ALONG A CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 28°22'48", HAVING A RADIUS OF 180.00 FEET, AND WHOSE LONG CHORD BEARS S 14°11'25" E FOR A DISTANCE OF 88.25 FEET, 4) S 00°00'00" W FOR A DISTANCE OF 34.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 2 N 88°26'02" E A DISTANCE OF 347.65 FEET TO THE POINT OF BEGINNING.

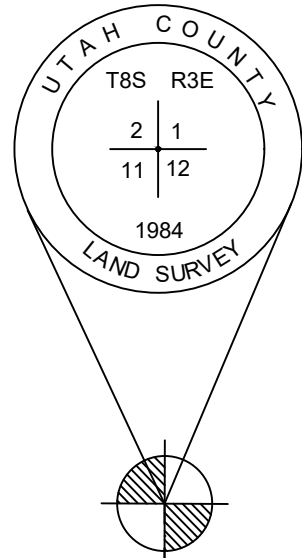
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Jaxon T. Brown
JAXON THOMAS BROWN
PLS 13513878

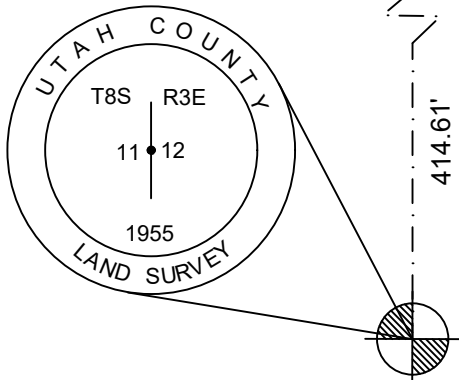
03/14/2024

DATE _____

CURVE TABLE					
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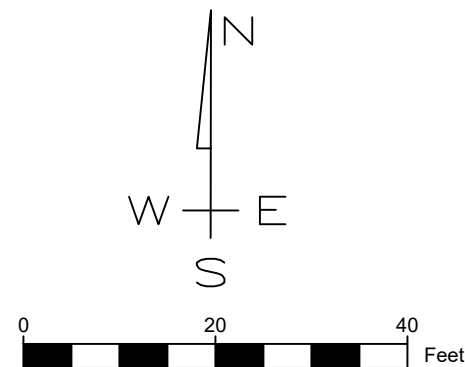


BASIS OF BEARING: MODIFIED NAD 83. N 00°1'19" W ALONG THE SECTION LINE - 2666.55' (2666.09' RECORD)



PRELIMINARY PLAT

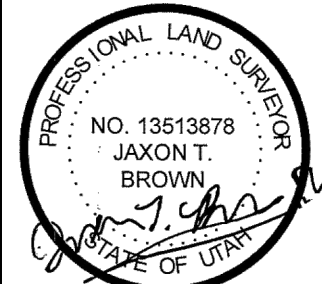
INCLUDING A VACATION OF LOT 1, WALTERS ESTATES PLAT "B",
SITUATE IN THE NORTHWEST QUARTER OF
SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST,
SALT LAKE BASE & MERIDIAN, MAPLETON,
UTAH COUNTY, UTAH



BUSHMAN, LAVERNE (ET AL)
55-869:0002

**MW
BROWN
ENGINEERING, INC.**

Office: (801) 377-1790 Fax: (801) 377-1789
578 East 770 North, Orem UT 84058

[illegible]

Designed _____
 Drawn _____
 Checked _____
 Date _____

Title:	WALTER'S ESTATES PLAT C	
Location:	MAPLETON, UTAH	
Drawing Name:	PRELIMINARY PLAT	
PROJECT NO.	2023.036	
SHEET NO.	N/A	