

Mapleton City Planning Commission Staff Report

Meeting Date: August 28, 2014

Applicant: John Phillip and Dawn Dunn

Location: 520 West 800 South

Prepared by: Brian Tucker, Planner

Public Hearing Item: No

Zone: A-2

Item: 3

REQUEST

Consideration of a request to waive the requirement that improvements be installed as part of the platting of a metes and bounds lot located in the Agricultural-Residential (A-2) Zone.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is 1.008 acres in size and is located in the A-2 Zone at 520 West 800 South. This portion of 800 South, located between 400 West and 800 West, has not been developed with curb, gutter and sidewalk. When the existing homes along this road were built the roadway was in many cases given a gravel or asphalt shoulder and in some cases neighbors have given the shoulder a finished edge. The most recent of these homes was built in 2005.

Mr. and Mrs. Dunn are hoping to build on a metes and bounds lot they own at approximately 550 W and had hoped to improve the lot to the same level as their neighbors had. Since the last home was constructed in 2005, the city has adopted a Transportation Master Plan that designated 800 South as a future "Major Local Road" with a cross section much wider (56' -66') and with a more finished edge than the existing country lane. Mapleton City Code has also evolved over time and now requires a landowner to plat lots created by metes and bounds legal descriptions and build street improvements appropriate to the type of road adjacent to the property. Underground improvements are also required to the extent that water, sewer, pressurized irrigation lines and storm drainage improvements are not already in place.

In this case the adopted road cross section for this future collector street is a 66' right of way. In a circumstance where no roadway existed and the property owner was building only on one side the developer would typically build what is known as a "half plus five", in other words half of the right of way plus five feet. This road construction would include the sidewalk, curb and gutter on one side of the street, half of the pavement width plus five feet, all water, sewer and secondary water lines and storm drainage facilities on their side of the street. This is the level of improvement that will be installed about 350 feet east of the applicant's parcel, on 800 South, as part of the Diamond Back Subdivision.

800 South has an existing water main, an existing sewer main and a paved roadway approximately 18 feet wide. The City Engineer will require that the Mr. and Mrs. Dunn install curb, gutter and sidewalk, pavement between the existing roadway and the curb and gutter, and the pressurized irrigation/secondary water line within the roadway. The applicant can "petition the planning commission to waive the requirement for curb, gutter and/or sidewalks", however "the planning commission may only waive or modify the requirements if it is determined to more effectively achieve the policies, goals and objectives of Mapleton City". Any modifications "shall be consistent with appropriate engineering measures to protect public safety".

On July 10, 2014 the Planning Commission discussed the requested improvement waiver and indicated to Staff that they were supportive of the request. The purpose of this Public Hearing is to formally grant or deny the waiver request for the curb, gutter and sidewalk improvement requirements of MCC Chapter 18.84.390.

EVALUATION

Required Improvements: MCC Chapter 18.84.390 indicates that no building permit for construction of a

dwelling shall be issued unless the lot is serviced by a culinary water line, a pressurized irrigation line, a sewer line and a hard surfaced road with curb, gutter and sidewalk. With regards to the curb, gutter and sidewalk requirement, MCC Chapter 18.84.390.F.1 states the following:

“An applicant may petition the planning commission to waive the requirement for curb, gutter, and/or sidewalks. However, the planning commission may only waive or modify the requirements if it is determined to more effectively achieve the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety.”

The applicant is formally requesting that the Commission waive the requirement for the installation of curb, gutter and sidewalk at this location. It should be noted that the only improvements the Commission has the power to waive are the curb, gutter and sidewalk requirements.

STAFF RECOMMENDATION

Recommend approval of the sidewalk, curb and gutter waiver in accordance with Planning Commission direction at their July 10, 2014 meeting.

ATTACHMENTS

1. Application Materials.
2. MCC Chapter 18.84.390.

ATTACHMENT #2:

MAPLETON CITY CODE SECTIONS

17.02.030: LOTS CREATED BY METES AND BOUNDS DESCRIPTION:

In order to ensure the accurate location of property lines and the location of future construction and land uses within those property lines; and in order to ensure the orderly dedication of rights of way for public thoroughfares; and in order to facilitate the orderly transfer of ownership of buildable lots, no property created by a "metes and bounds" description and recorded with the Utah County recorder shall be considered eligible for the issuance of a building permit unless:

A. The property is recognized as a legal lot of record by the community development director or his or her designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the community development director or his or her designee and recorded with the Utah County recorder; or

B. The property has been recognized by the community development director or his or her designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the community development director or his or her designee and the plat is recorded with the Utah County recorder.

A plat authorized by this section shall be prepared in accordance with section [17.08.030](#) of this title and section [18.84.390](#) of this code. (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

17.08.030: FINAL PLAT AND ENGINEERING DRAWINGS:

The final plats and plans shall consist of the following:

A. The original final plat Mylar, prepared on the forms approved by the county recorder for use in the county.

B. Copies of the final engineering drawings shall include the following:

1. Road width, curb, gutter and sidewalk.
2. Road section and curb, gutter and walk section.
3. Water line - connection to existing, field location and lot connection, valves.
4. Irrigation easements.
5. Drainage - contours, sumps, drop inlet boxes.
6. Street plan and profile.

- C. Documents indicating full compliance with the water rights conveyance requirements.
- D. An itemized estimate of the cost of constructing all required improvements, prepared by or under the direction of the city engineer. This estimate shall be used as the basis for setting the amount of the performance guarantee.
- E. Final copies of improvements construction agreement and the performance guarantee documents.
- F. A title report, covering the property within the final plat area, to identify all interests in the property which have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts. The purpose of this requirement shall be to ensure that purchasers of lots will have a clear and marketable title.
- G. Final copies of all other required documentation, as applicable.
- H. Evidence of payment of final plat checking and recording fees and facility improvement construction fee.
- I. The final plat shall show the location of all areas determined to be hazardous or otherwise unsuitable for building purposes (nonbuildable areas) together with a written statement identifying the reason(s) for the limitation against building in the nonbuildable areas, and indicating the fact that building is prohibited except in areas designated as buildable.
- J. Evidence of review of the plat by the electric, gas and telephone utility providers.
- K. Written notification from applicant to city requesting future reimbursement for specific on site and off site improvements prior to the recording of the final plat.

The final plans, plats, and documents shall be prepared in accordance with city standards. The number of copies required for submission shall be no less than thirteen (13). Failure to submit the final material in accordance with city standards and requirements shall be grounds for denial. (Ord. 2002-04, 3-20-2002)

18.84.390: MINIMUM LEVEL OF IMPROVEMENTS TO BE INSTALLED BEFORE BUILDING PERMITS MAY BE ISSUED:

No building permit for the construction of a dwelling or other structure intended for human occupancy shall be issued unless and until the lot is served by the following minimum level of improvements:

- A. A culinary water main and pressurized irrigation, which conform to city standards and extends to and across the lot. (See [title 13, chapter 13.20](#) of this code for requirements regarding the extension of water lines to unserved lots.)

B. A water service line and a pressurized irrigation line including the service tap, pipe and meter housing and assembly, constructed in accordance with city standards.

C. A hard surfaced access road (city street) having a right of way width which conforms to the minimum city standard and extends to and across the lot (see [title 13, chapter 13.20](#) of this code for requirements regarding the extension of city streets to unserved lots). In the case of a road which is part of an approved subdivision plat or road extension, a building permit may be issued with only the subbase and gravel base installed, provided that the city holds a performance guarantee for the completion of the road improvements. Paving will be required from the existing edge of pavement to any required or existing curb and gutter.

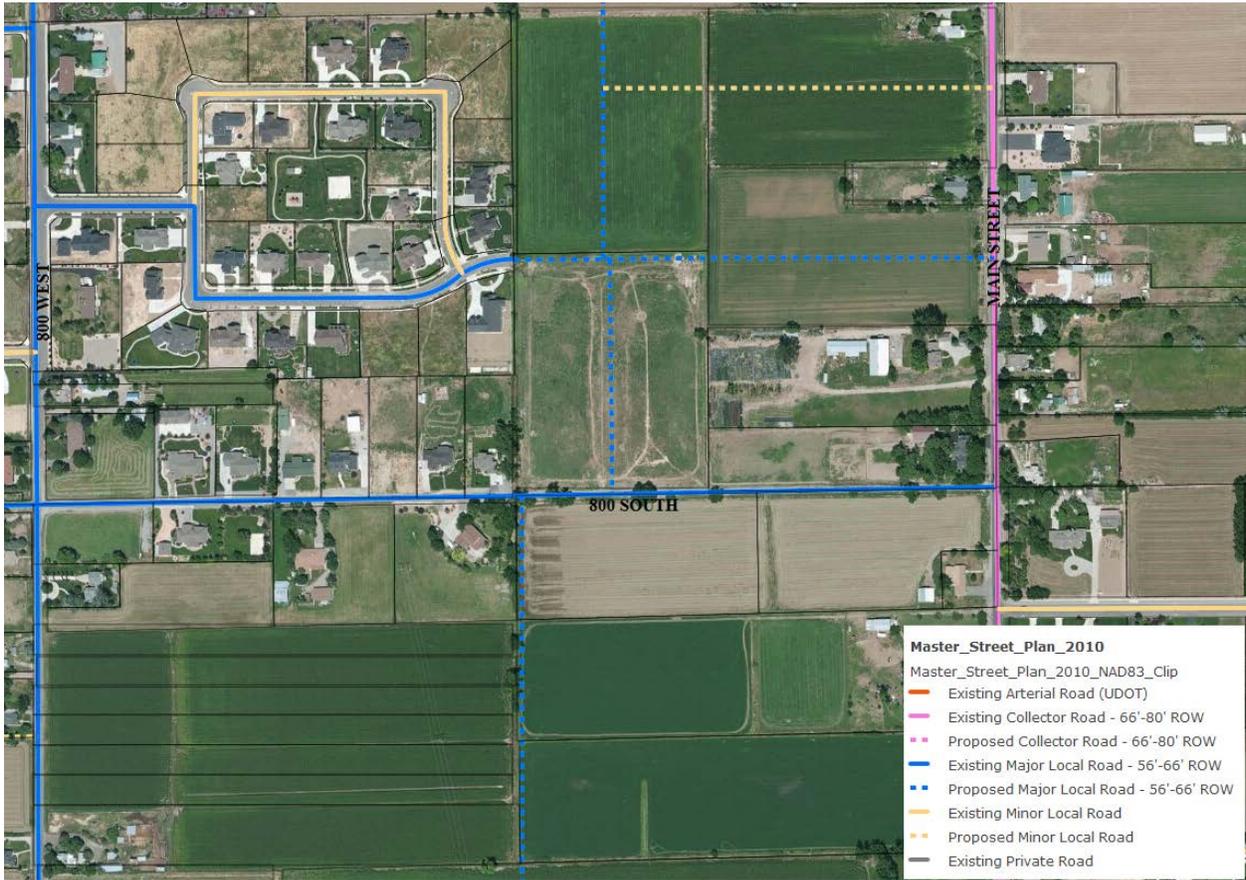
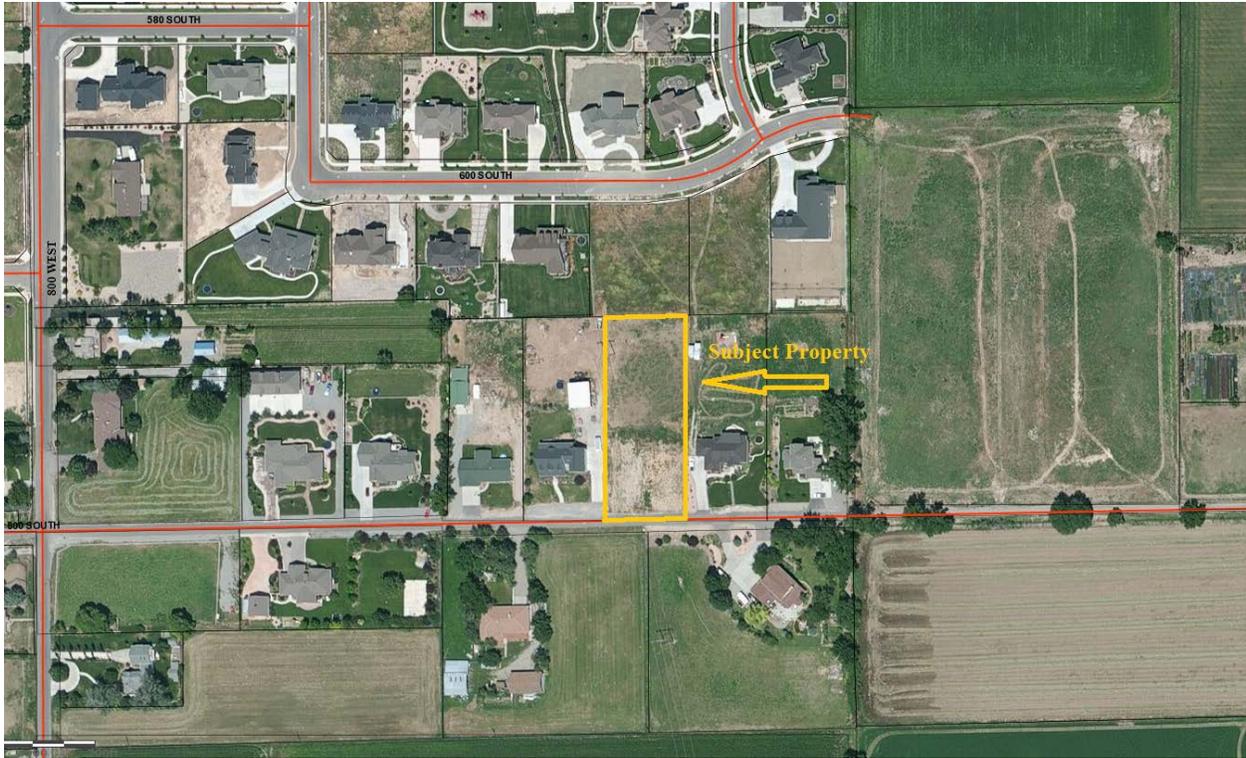
D. A sewer main, which conforms to city standards and extends to and across the lot. (See [title 13, chapter 13.20](#) of this code for requirements regarding the extension of sewer lines to unserved lots.)

E. A permanent sewer service line constructed according to city standards.

F. Curb, gutter and sidewalk as determined necessary by the city engineer.

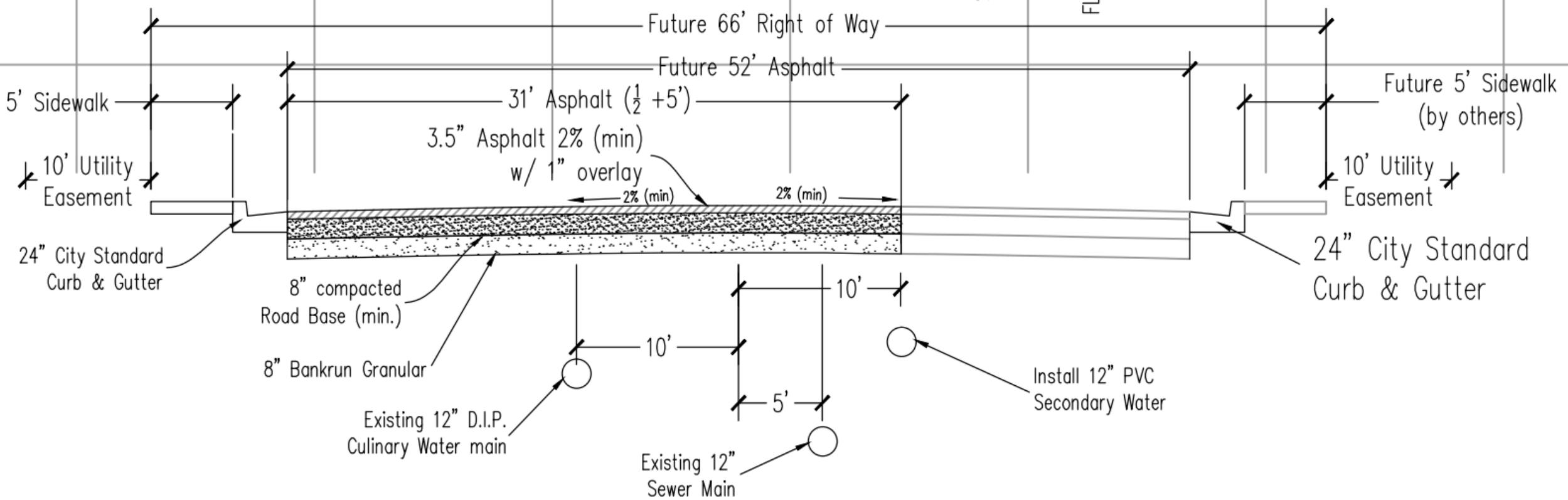
1. An applicant may petition the planning commission to waive the requirement for curb, gutter, and/or sidewalks. However, the planning commission may only waive or modify the requirements if it is determined to more effectively achieve the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety.

G. A plat map has been recorded with the Utah County recorder (see section [17.02.030](#) of this code). (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)









800 South Street

(see City detail "street - 03")