Mapleton City

# City Council Staff Report

September 16, 2015

**Applicant:** Elisa Opt'Hoff

**Location:** Approx. 1780 E 1600 N

**Prepared by:** Sean Conroy, Community Development Director

**Public Hearing:** No

**Zone:** A-2

**Attachments:**

1. Application materials.
2. Planning Commission minutes.

## REQUEST

Consideration of a Resolution to waive subdivision improvements for the Homestead Plat "A" subdivision consisting of one 2-acre lot located at approximately 1820 East and 1600 North.

## BACKGROUND AND PROJECT DESCRIPTION

The subject property is a 126 acre parcel that fronts on both 1200 North and 1600 North and extends east up the mountainside. Approximately 23 acres of the property is in the A-2 zone, with the remaining 123 acres in the CE-1 zone. The parcel is not developed and is being used for agricultural purposes. The applicant is proposing to create a two acre building lot at the northwest corner of the property that will front on 1600 North.

On May 20, 2015 the applicant approached the City Council about the possibility of receiving a waiver from the requirements to widen the street and to add curb, gutter and sidewalk. The Council supported the request to not install sidewalk since the City's Lateral Canal Trail is proposed along the north side of 1600 North, but the Council did want the street widened with curb and gutter.

The applicant's plans show the street widening and the curb and gutter consistent with the Council's request. However, the applicant is now making a formal request that the requirements for street widening, curb and gutter be waived.

## EVALUATION

**Subdivision Ordinance:** Mapleton City Code (MCC) Chapter 17 constitutes the city's subdivision ordinance. This chapter requires right-of-way improvements as part of all subdivision applications, but does contain the following exception:

> *"17.12.040.B. As part of the preliminary plan review process, if approved by the city council, the curb, gutter, and sidewalk improvements otherwise required may be modified and specifically tailored to more effectively achieve the policies, goals, and objectives of Mapleton City. The modification shall be consistent with appropriate engineering measures to protect public safety and shall be made after the recommendation of the city engineer, the city staff, and the planning commission."*

**Street Widening, Curb, Gutter and Sidewalk**: The request to waive street widening, curb, gutter and sidewalk improvements often comes up, particularly in situations where the improvements will look out of place. The argument for requiring the improvements is that it is better to have the developer pay for the improvements rather than the City needing to burden the tax payers if the improvements were installed by the City at a later time. The arguments against requiring the improvements include that they often appear out of place and detract from the rural character of an area, and the improved areas often deteriorate and need repairs before they are ever connected to additional improvements.

Staff notes that the General Plan states the following:

> *"Retain rural features by way of open area, alternatives to curb, gutter, and sidewalk, planting strips, rail or log fences, trees, shrubs, etc."*

The Council should determine if the curb, gutter and street widening would impact the rural character of the area.

**Planning Commission Review:** The Planning Commission reviewed this application on August 27, 2015 (see attached minutes). Several members of the public spoke against the requirement to install curb, gutter and street widening improvements. Some of the concerns included:

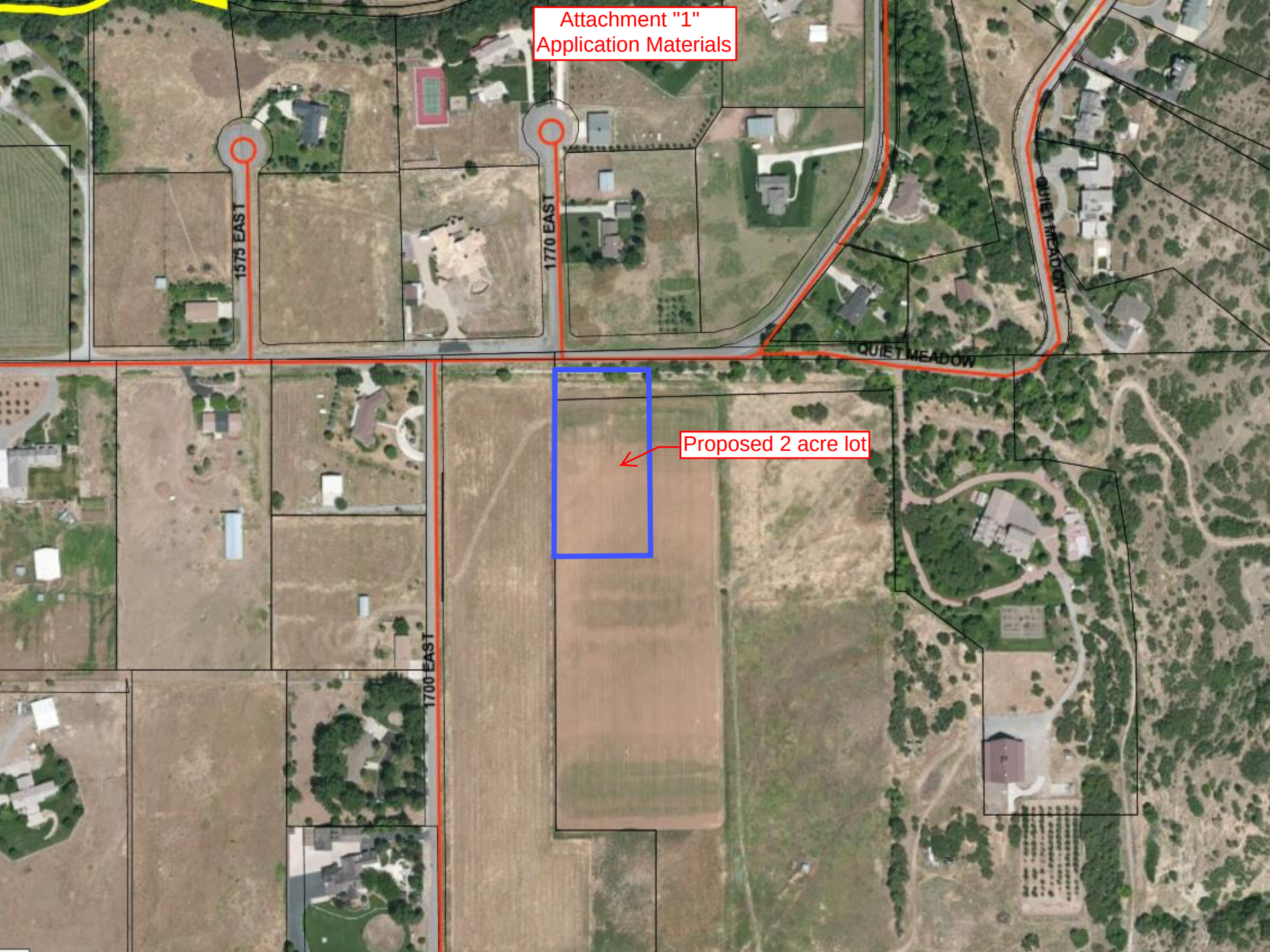
- There are no other similar improvements in the area and there likely won't ever be curb and gutter on the north side of the road due to the City's trial;
- The improvements would detract from the rural character; and
- The widened street for this one lot could be used as overflow parking for Springville's Bartholomew's Park.

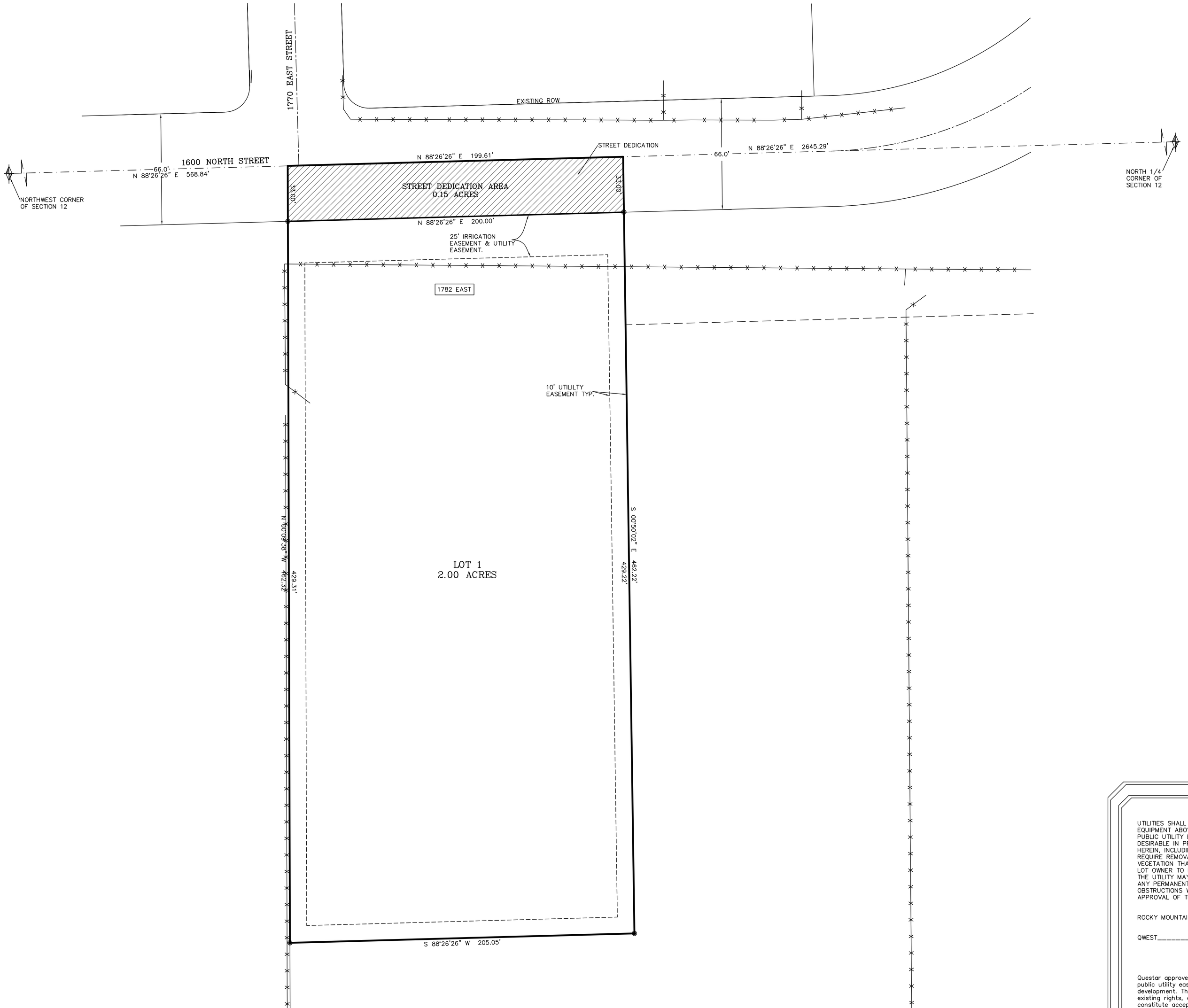
The Commission recommended that the Council waive the requirement for a formal curb and gutter and that staff develop a rural street cross section for this portion of 1600 North that still could require some street widening.

**1600 North:** East from 1250 East along 1600 North only one property has curb, gutter and sidewalk. Due to the construction of the Lateral Canal Trail, there likely will not be curb and gutter on the north side of 1600 North, east of 1200 East. If the Council is supportive of the Planning Commission's recommendation, staff could prepare a rural cross section that could be used for the eastern portion of 1600 North, including the subject lot.

## STAFF RECCOMENDATION

Determine if the waiver of curb, gutter and street widening is appropriate.


Attachment "1"
Application Materials
1575 EAST
1770 EAST
QUIET MEADOW
QUIET MEADOW
Proposed 2 acre lot
1700 EAST




SCALE : 1" = 30'

0' 30' 60' 90'

## LEGEND

- = SET 5/8" REBAR & CAP
- = FOUND EXISTING REBAR & CAP
- = FENCE LINE
- = DESCRIBED BOUNDARY
- = NEIGHBORING DEED LINE
- = EXISTING SEWER LINE
- = *SECTION CORNER*
- = *WATER VALVE*
- = *UTILITY POLE*
- = *FIRE HYDRANT*
- = *SANITARY SEWER MANHOLE*
- = ORIGINAL PARCEL BOUNDARY LINE

## CERTIFICATION

I Daryl N. Penrod, do hereby certify that I am a registered land surveyor, and that I hold a license in accordance with Title 58, chapter 22, professional Engineers and Land Surveyors Licensing Act, Utah Code Annotated, 1953 as amended, certificate no. 5331527. I further certify that by the authority of the owners, I have made a survey of the tract of land shown on this plat and described below, have subdivided said tract of land into lots, and easements, have completed a survey of the property described on this plat in accordance with Section 17–23–17, Utah code Annotated, 1953 as amended, have verified all measurements, and have placed monuments as represented on the plat.

DARYL N PENROD _____ DATE _____

## BOUNDARY DESCRIPTION

Beginning at a point N 88°26'26" E 568.84 feet along the section line from the Northwest corner of Section 12, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence N 88°26'26" E 199.61 feet along the section line; thence S 00°50'02" E 462.22 feet; thence S 88°26'26" W 205.05 feet; thence N 00°09'38" W 462.32 feet to the point of beginning.

Containing 2.15 acres.

Basis of Bearing is the current Utah County Resurvey Plat showing N 88°26'26" E along the North line of the Northwest Quarter of Section 12, indicated on said Plat as US State Plane (1983) Utah Central Zone.

### *OWNER'S DEDICATION*

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENT AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.
IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HANDS THIS___DAY OF_____,

A.D. 20_____

Mark J. Sheranian, ER Farm, LLC. _____ Lori T. Sheranian, ER Farm, LLC. _____

### *ACKNOWLEDGMENT*

STATE OF _____ } S.S.
COUNTY OF _____ }

ON THE____ DAY OF_____ A.D. 20___, PERSONALLY APPEARED BEFORE ME, _____ THE SIGNER'S OF THE FOREGOING CERTIFICATE WHO DULY ACKNOWLEDGE TO ME THAT HE DID EXECUTE THE SAME.

MY COMMISSION NUMBER _____ _____ PRINT NOTARY PUBLIC NAME

A NOTARY PUBLIC COMMISIONED IN UTAH.

MY COMMISSION EXPIRES _____ _____ NOTARY PUBLIC

### *ACCEPTANCE BY LEGISLATIVE BODY*

THE _____ OF _____
COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL EASEMENTS, STREETS, AND OTHER PARCELS OF LAND AS DEPICTED HEREON INTENDED FOR UTILITIES AND PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC,
THIS_____DAY OF _____, A.D. 20___.

_____ CITY MAYOR

APPROVED_____ ATTEST _____
CITY ENGINEER (SEE SEAL BELOW) CITY CLERK (SEE SEAL BELOW)

### *PLANNING COMMISION APPROVAL*

APPROVED THIS_____ DAY OF _____, A.D. 20___, BY THE PLANNING COMMISION.

_____ PLANNING COMMISSION CHAIR _____ COMMUNITY DEVOPMENT DIRECTOR

### *UTILITIES APPROVAL*

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE OWNERS EXPENSE. AT NO TIME ANY PERMANENT STRUCTURES MAY BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTIONS WHICH INTERFERE WITH THE USE OF THE P.U.E. WITH THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

ROCKY MOUNTAIN POWER_____COMCAST_____

QWEST_____MAPLETON IRRIGATION_____

### *QUESTAR GAS COMPANY*

Questar approves this plat solely for the purpose of confirming the the plat contains public utility easements. Questar may require other 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 acknowledgment at any terms contained in the plat, including those set forth in the owners dedication and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right of Way department at 1–800–366–6532.

Approved this _____ day of _____ 20_____

Questar Gas Company

By_____

### *OCCUPANCY RESTRICTION NOTICE*

The City of Mapleton has an ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is ulawful to occupy any building located within this subdivision without first having obtained a Certificate of Occupancy issued by the City.

**PLAT A**

# HOMESTEAD

**SUBDIVISION**

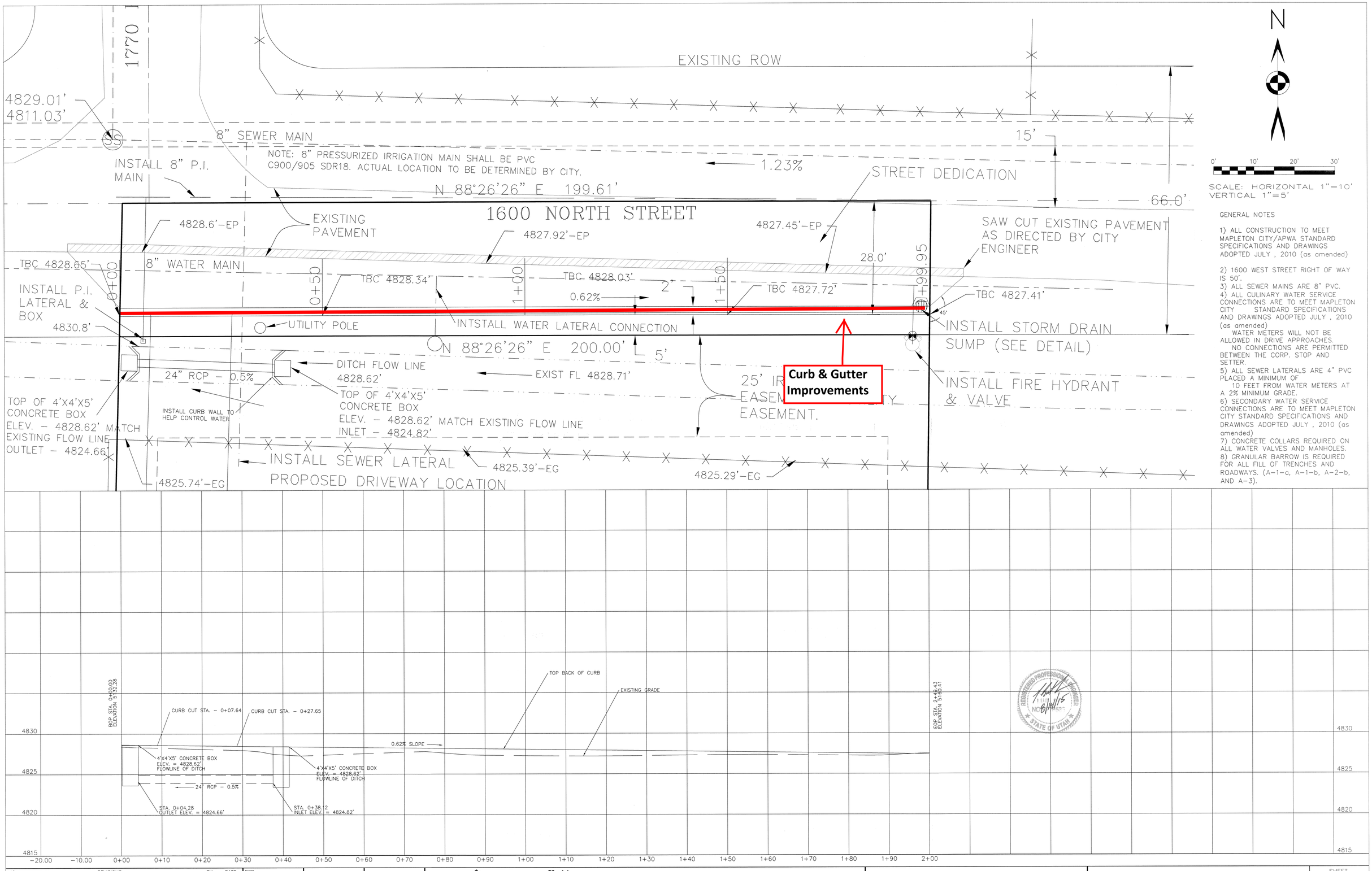
**SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST, S.L.B. & M.**

MAPLTON CITY, UTAH COUNTY, STATE OF UTAH
SCALE 1"= 30 FEET

| SURVEYOR | CITY ENGINEER | CLERK–RECORDER | NOTARY PUBLIC |
|---|---|---|---|
| | | | |

### *COUNTY RECORDER'S CERTIFICATE*

LUDLOW ENGINEERING & LAND SURVEYING
645 NORTH MAIN STREET, NEPHI, UTAH 84648
VOICE (435) 623–0897 FAX: (435) 623–2381




GENERAL NOTES

1) ALL CONSTRUCTION TO MEET MAPLETON CITY/APWA STANDARD SPECIFICATIONS AND DRAWINGS ADOPTED JULY , 2010 (as amended)

2) 1600 WEST STREET RIGHT OF WAY IS 50'.
3) ALL SEWER MAINS ARE 8" PVC.
4) ALL CULINARY WATER SERVICE CONNECTIONS ARE TO MEET MAPLETON CITY STANDARD SPECIFICATIONS AND DRAWINGS ADOPTED JULY , 2010 (as amended)
WATER METERS WILL NOT BE ALLOWED IN DRIVE APPROACHES.
NO CONNECTIONS ARE PERMITTED BETWEEN THE CORP. STOP AND SETTER.
5) ALL SEWER LATERALS ARE 4" PVC PLACED A MINIMUM OF 10 FEET FROM WATER METERS AT A 2% MINIMUM GRADE.
6) SECONDARY WATER SERVICE CONNECTIONS ARE TO MEET MAPLETON CITY STANDARD SPECIFICATIONS AND DRAWINGS ADOPTED JULY , 2010 (as amended)
7) CONCRETE COLLARS REQUIRED ON ALL WATER VALVES AND MANHOLES.
8) GRANULAR BARROW IS REQUIRED FOR ALL FILL OF TRENCHES AND ROADWAYS. (A-1-a, A-1-b, A-2-b, AND A-3).




REGISTERED PROFESSIONAL ENGINEER
6/11/15
STATE OF UTAH

| NO. | REVISIONS | BY | DATE |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

DES
DRN
CHK
APPD

DATE: JULY 2015

SCALE: 1" = 10'

Ludlow Engineering & Land Surveying

645 North Main
Nephi, Utah 84648
(435) 623-0897

HOMESTEAD SUBDIVISION

CURB & GUTTER PROFILE
CANAL CROSSING AND UTILITIES

SHEET
1 OF 3

# MAPLETON CITY
## PLANNING COMMISSION MINUTES
August 27, 2015

**PRESIDING AND CONDUCTING:** Chairman Rich Lewis

**Commissioners in Attendance:** Golden Murray
Keith Stirling

**Staff in Attendance:** Sean Conroy, Community Development Director
Brian Tucker, Planner

**Minutes Taken by:** April Houser, Executive Secretary

Chairman Lewis called the meeting to order at 6:30pm. Keith Stirling gave the invocation and Golden Murray led the Pledge of Allegiance.

***Items are not necessarily heard in the order listed below.***

**Item 2. Consideration of a Preliminary and Final Plat approval for the Homestead Plat "A" subdivision consisting of one 2 acre lot located at approximately 1820 East and 1600 North.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. This property consists of a 126 acre parcel. The property has frontage on 1200 North and 1600 North. Mark and Lori Sheranian's daughter would like to build one new residence on the property. Some street widening, along with curb and gutter on 1600 North, will be required. The City Council met in the past to discuss this possible subdivision. They felt that no sidewalk would need to be installed, but did ask for curb, gutter and street widening. The request complies with all zoning and subdivision ordinances.

The applicant stated that she would still prefer not to install the curb or gutter at this time. It was the City Engineer and City Council who felt it should be installed.

**Chairman Lewis** opened the Public Hearing. **Gary Peterson** disagrees with the City Engineer. He does not feel concrete should be put in this area. Mr. Peterson feels there is an opportunity here to protect the residents and kids. **Mike Mittanck** asked where the street widening would take place. Staff stated that it will only be along the frontage of this property. The ditch will be piped, so it will continue to remain elevated, and the driveway will cross over it. Mr. Mittanck was concerned about the esthetics of the area, and would suggest making it look nice if possible. **Steve McCowan** is not opposed to putting in a home on the 2 acres. He is concerned with

widening of the street, and would be opposed to anything in addition to a one lane each way street. Steve would ask that they maintain the current feel of the neighborhood, and would like the infrastructure to remain as is. **Robert McCowan** feels that the quiet country feel should remain, as it is what Mapleton is known for. No additional comments were given and the Public Hearing was closed.

Staff went over the different types of decisions that could be made this evening. If the improvements are installed the City will maintain them moving forward. **Commissioner Murray** liked the idea of the rural cross section in this area.

**Motion:** Commissioner Murray moved to recommend approval to the City Council of the Preliminary and Final Plat for the Homestead Plat "A" subdivision consisting of one 2 acre lot located at approximately 1820 East and 1600 North with the conditions listed below:

1. Any outstanding items identified in the Development Review Committee (DRC) Minutes dated August 11, 2015 be addressed.
2. Right-of-Way (ROW) be dedicated as suggested.
3. A Rural Street Cross Section be created for this type of development.

**Second:** Commissioner Stirling
**Vote:** Unanimous