

# City Council Staff Report

January 6, 2016

**Applicant:** Ryan McDougal

**Location:** Approx. 800 N &  
200 W

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

**Public Hearing:** No

**Zone:** RA-2

**Attachments:**

1. Application materials.
2. Zoning Verification.

## REQUEST

A discussion item regarding potential public improvements associated with a subdivision located at approximately 800 North and 200 West in the Residential Minor Agricultural (RA-2) Zone.

## BACKGROUND AND PROJECT DESCRIPTION

In 2013 the applicant received approval for the Mapleton Estates subdivision located at 800 North and Main Street. The project included eight lots with the extension of 800 North from Main Street to the property boundary to the west. This plat has not yet been recorded or constructed.

The applicant subsequently purchased a 1.6 acre flag lot located directly west of the Mapleton Estates subdivision.

In 2014 the City approved the Plum Creek subdivision, which included three existing homes on 300 West and property behind the homes to the east. This subdivision has been constructed and includes a street (200 West) that stubs to the southern property line of the development. There are two long, narrow parcels (Dahl and Pendelton) in between the stubbed 200 West Street and the applicant's flag lot to the south.

The Transportation Master Plan envisions extending 200 west south and connecting with 800 North, which would extend from Main Street west to 300 West. The applicant is requesting a discussion regarding the attached concept plan that includes:

- A six lot subdivision that would include a portion of the Dahl and Pendelton properties as well as the flag lot.
- An extension of 200 West from the Plumb Creek subdivision south; and
- An extension of 800 North west from The Estates subdivision.

The applicant is particularly interested in discussing the improvements that may or may not be required in front of the Dahl and Pendelton properties as well as 800 North.

## 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.”*

Since all or portions of four of the lots in the proposed concept plan are being subdivided from the Dahl and Pendelton properties, the subdivision ordinance clearly requires improvements for all lots involved, including the two existing homes on 300 West. This is consistent with how other projects have been handled. For example, when the Plumb Creek Subdivision was approved, the City required improvements in front of the existing homes on 300 West.

While staff is generally supportive of the proposed concept as it would extend an existing stub street (200 West) and provide for the eventual extension of 800 North from Main Street to 300 West, staff is not supportive of waiving the improvement requirements.

**Flag Lot:** The City prepared the attached zoning verification letter on January 18, 2012 regarding the flag lot, owned at the time by Craig Colyar, and the adjacent lot to the west, owned by Jerry and Kim Batley. Zoning verification letters are prepared by staff, usually at the request of property owners or potential buyers, to document the legal status of a property. The zoning verification for the flag lot determined that it had been illegally subdivided from the Batley property, and provided the following two options to rectify the illegal subdivision:

- 1) Recombine the two parcels into a single parcel; or
- 2) Apply for a subdivision consistent with Mapleton City Code. This would include improvements along 300 West, installation of 800 North, and the extension of 200 West.

Staff supports the conclusions of the zoning verification letter dated January 18, 2012.

### **STAFF RECCOMENDATION**

Discuss the Concept and improvement requirements and provide direction to staff and the applicant.

300 W

Plum Creek Subdivision

200 West Stub St

Dahl Property

N 120 WEST ST

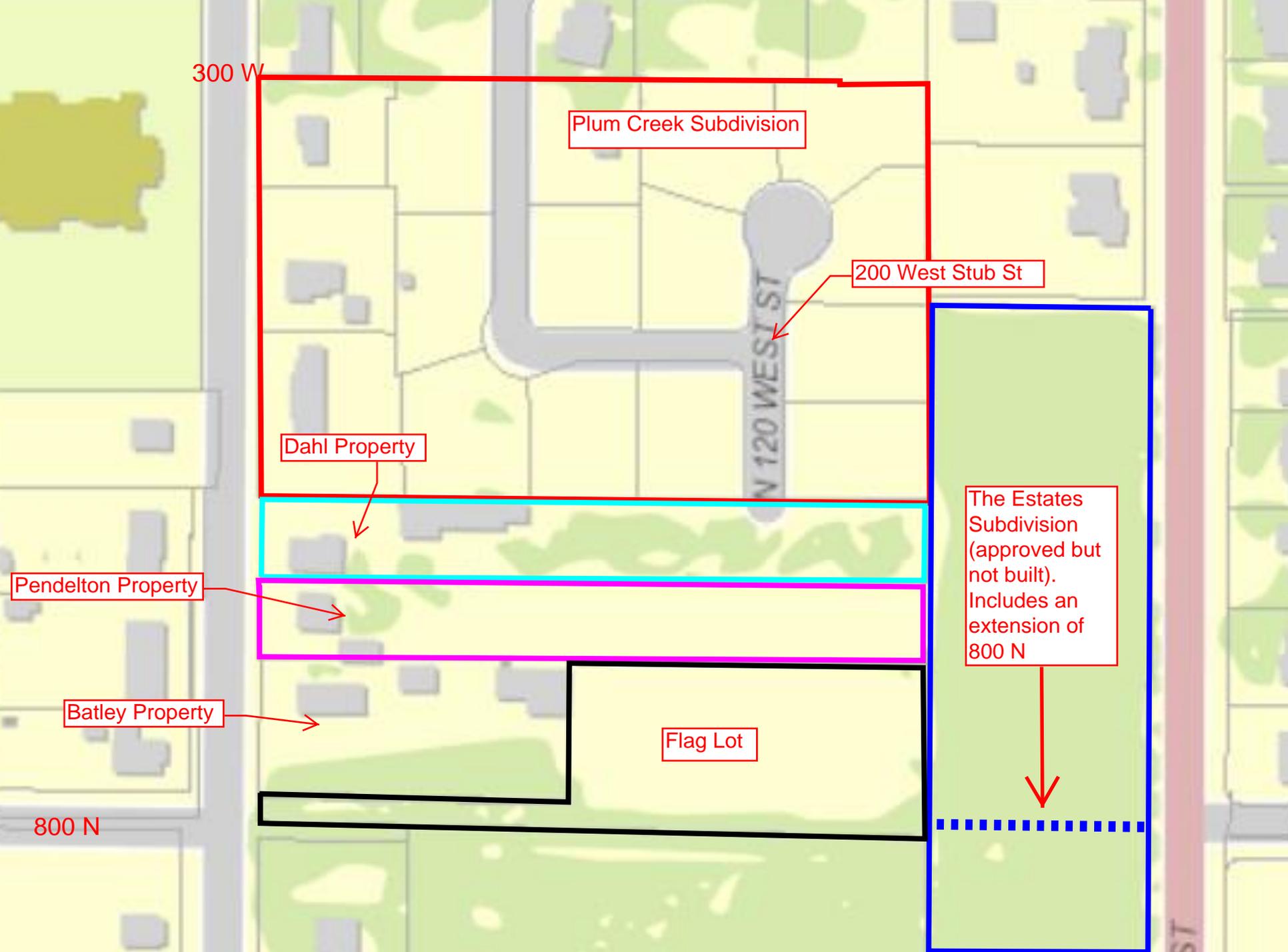
The Estates Subdivision (approved but not built). Includes an extension of 800 N

Pendelton Property

Batley Property

Flag Lot

800 N



Sean,

Lloyd Pendleton, Dean Dahl, and I would like to meet with the council regarding our options for developing our land adjacent to the new Knight-West neighborhood. We have cooperated to come up with a plan that would allow for the stubbed road coming from the North to be installed. I'm working on a drawing which will outline our proposed development. Since the development is small and we will only gain a couple of lots along the new road, we need to discuss our options with the council to determine whether or not the development costs outweigh the benefits of putting the road in. I'll send you a crude drawing of our proposal as soon as I can.

From our discussion you thought we could get on the agenda for the first meeting in January. Let me know if that is still accurate.

Ryan

Draft Concept

300 West Street

Lot 1  
14502 SF

Lot 4  
14502 SF

Lot 1  
14504 SF

Lot 13  
16291 SF

Lot 12  
14945 SF

Lot 2  
19777 SF

Lot 5  
14501 SF

Lot 15  
14500 SF

Lot 14  
14507 SF

Lot 11  
14518 SF

Lot 3  
24159 SF

Lot 6  
17963 SF

Lot 7  
14875 SF

Lot 8  
15069 SF

Lot 10  
14501 SF

Lot 9  
14500 SF

1000 North Street

120 West Street

Dean Dahl

**Lot 1**

**Lot 4**

Lloyd Pendleton

**Lot 2**

**Lot 5**

Jerry Batley

**Lot 3**

**Lot 6**

800 North Street

Future Estates @Mapleton

Ray & Lora Whiting  
Family LLC

Stephen Monsen

Amber Hanks



## MAPLETON CITY CORPORATION

January 18, 2012

TO: Craig Colyar  
1386 North 70 East  
American Fork, UT 84664  
(801) 234-9020  
craigc@tni.com

**RE: Zoning Verification**

**Utah County Parcel #: 26:062:0011 (Vacant)**

**Also Concerning Utah County Parcel # 26:062:0082 (Address: 830 North 300 West)**

Dear Mr. Colyar,

As per your request, I am writing you concerning the above-mentioned parcels. The following information has been compiled:

1. According to Mapleton City records, parcels # 26:062:0011 and 26:062:0082 are located in the RA-2 (Residential-Minor Agricultural) Zone. The minimum lot size for the RA-2 Zone is 14,500 square feet, with a minimum 100 feet of street frontage. According to Mapleton City zoning maps, the entire parcels have been zoned RA-2 since sometime between approximately 1980 and 1988. Prior to that time, since approximately 1975, the eastern part of the parcels were zoned RA-2, but the western approximately 100'-200' of the parcels were zoned I-D (Interim Development Zone) which required a minimum lot size of 0.5 acre for single-family homes and 0.75 acre for two-family homes, and a minimum 100 feet of frontage for single-family homes and 150 feet of frontage for two-family homes. Prior to that time, from approximately 1970-1975, the parcel was zoned A-2, which required a minimum lot size of 2.5 acres with 250 feet of frontage. Prior to that time, from approximately 1950-1970, the parcels were zoned RA-1, which required a minimum lot size of 6,000 square feet, with a minimum 60 feet of frontage. Prior to 1950, Mapleton City did not have any zoning ordinances.
2. Mapleton City's Subdivision Code requires land splits to go through subdivision plat approval process with Mapleton City (See Mapleton City Code Title 17: DEVELOPMENT CODE, PART II; SUBDIVISIONS). Mapleton City's subdivision code was originally passed in 1971. The intent of the subdivision code is stated in Mapleton City Code 17.01.020: INENT:

*"The intent of this title is as follows:*

*A. To facilitate the orderly development of the city.*

*B. To implement the city's transportation and circulation element of the general plan.*

*C. To facilitate the development of a safe and efficient street system.*

*D. To facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law.*

E. To ensure adequate water, sewer, drainage, utilities, and other services to developing areas of the city.

F. To establish the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the city.

G. To facilitate the development of a trail system.”

3. Mapleton City Code 17.02.010: SUBDIVISION PLATS REQUIRED; TO BE RECORDED states: “No person shall subdivide, as defined by section 17.32.010 of this title, any tract of land within the incorporated limits of the city; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by this title, unless and until a final plat, prepared in accordance with the provisions of this title, shall have been first considered by the planning commission and approved by the city council and recorded in the office of the county recorder.”
4. Mapleton City’s Transportation Master Plan map shows 800 North (a major local road with a 56’-66’ wide right of way) as a future road crossing through the southern part of parcel # 26:062:0011. It also shows a future minor local road (200 West) crossing through the western part of parcel # 26:062:0011. Mapleton City Code 17.12.020: STREETS AND ROADS; GENERAL CRITERIA states:

“A. *Subdivision Plans To Be Consistent With Transportation And Circulation Element Of The General Plan: Subdivision plans shall be consistent with the transportation and circulation element of the general plan as adopted by the city, as follows:*

1. *Arterial And Collector Streets (Feeder): Where the area of a proposed subdivision includes any arterial or collector class streets, as shown on the transportation and circulation element of the general plan, the subdivision plan shall incorporate such streets in the location shown on the transportation and circulation element of the general plan and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.*
2. *Minor Streets (Local Service): Where the area of a proposed subdivision includes any minor class streets, as shown on the transportation and circulation element of the general plan, the subdivision plan shall provide for such streets in the approximate location shown and the approval of the final plat shall include the dedication of the right of way and its improvement in accordance with the applicable city standards.*
3. *Significant Realignment: No subdivision plan which proposes the deletion or significant realignment of any street shown on the transportation and circulation element of the general plan shall be given preliminary approval unless and until the transportation and circulation element of the general plan shall have been amended by action of the city council. For purposes of this subsection A3 a "significant realignment" shall be deemed to include: a) any proposed offset in a street alignment of fifty feet (50') or more from that shown on the transportation and circulation element of the general plan, b) any proposed realignment which has the effect of shifting part or all of the right of way of a proposed subdivision street to property owned by another, or c) any other condition or change deemed by the planning commission to constitute a significant realignment.*

B. *Relationship To Adjacent Streets: The proposed street system shall properly align and be compatible with adjacent streets.*

C. *Access To Adjacent Properties: In order to facilitate the development of an adequate and convenient circulation system within the city and to provide access for the logical development of adjacent vacant*

*properties, the city may, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.*

*D. Temporary Dead End (Stub Streets): Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the vicinity or such other temporary measure as may be approved by the planning commission. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by the city.”*

5. The following information applies to parcels # 26:062:0011:
  - a. According to Utah County records the parcel is owned by Craig J. Colyar.
  - b. According to Utah County records, the parcel is approximately 1.58 acres in size, with approximately 30.6 feet of frontage on 300 West Street.
  - c. According to Utah County records, the parcel is vacant.
  - d. According to Utah County records, parcel # 26:062:0011 was created by Warranty Deed (Utah County Entry # 37074-1983), from Denise E. Yardley, formerly known as Denise Kanzee aka Denise Evans Kanzee, to Jerry K. Batley & Kim F. Batley, recorded December 6, 1983. Mapleton City has no record of approving this Warranty Deed. This Warranty Deed also created parcel # 26:062:0082 (see #6 below for more information regarding this parcel). The parent parcel was approximately 2.59 acres in size, with approximately 168.3 feet of frontage on 300 West Street, and was also called parcel # 26:062:0011.
  - e. According to Utah County records, the parent parcel (# 26:062:0011 – the pre-December 6, 1983 version) created by Warranty Deed (Entry # 2255-1955) from Norma Wilkins, also known as Norma Wilkins Mackenzie to Robert G. Mackenzie & Norma W. Mackenzie, recorded February 18, 1955.
  
6. The following information applies to parcels # 26:062:0082:
  - a. According to Utah County records the parcel is owned by Jerry K. Batley.
  - b. According to Utah County records, the parcel is approximately 1 acre in size, with approximately 137.7 feet of frontage on 300 West Street.
  - c. According to Utah County records, there is a single-family home on the parcel (Address: 830 North 300 West) that was built in 1902, with an adjusted year built (i.e. addition or remodel) of 1930. According to Mapleton City records, a building permit for a detached garage was issued to Jerry K. Batley on January 18, 2001 (Building Permit # 3381). Mapleton City has no other records of building permits issued for this address. Prior to 1948, Mapleton City did not require building permits.
  - d. See #5d above for information regarding how parcel # 26:062:0082 was created.

**Conclusion:**

From the above facts, it is the opinion of Staff that parcels # 26:062:0011 and 26:062:0082 are illegal lots, due to the fact that they were created by a Warranty Deed not approved by Mapleton City, and because parcel # 26:062:0011 does not meet the minimum frontage requirements of the RA-2 Zone. These parcels shall not be issued any building permits until the two parcels are recombined back into one parcel, as per Mapleton City Code 18.20.060(C): Illegal Lots. Once the two parcels are recombined into one, the resulting parcel shall be recognized

as a legal lot of record, and shall be eligible for further building permits, subject to compliance with the zoning and building code requirements of Mapleton City.

As an alternate solution, both parcels may become part of a subdivision. The subdivision must conform to all zoning and subdivision requirements of Mapleton City Code, including but not limited to: minimum lot size, minimum frontage, conformance with the transportation plan, including right of way dedication and improvements for 800 North Street from 300 West Street to the eastern boundary of the parcels for future connectivity to Main Street, and right of way dedication and improvements for 200 West to the northern boundary of the parcels. The subdivision must be approved by Mapleton City and must be recorded at the Utah County Recorder's Office.

**Severability & Appeals:**

The statements and interpretations of Mapleton City Code sections given in this letter are hereby declared severable, and the invalidity of any statements in this letter shall not affect the validity or enforceability of any other statements or parts thereof (see Mapleton City Code 1.01.060: PROVISIONS SEVERABLE).

If you have any additional information that may affect the conclusions of this letter, please contact Mapleton City Community Development Department. Additionally, please keep in mind that you do have the right to appeal the above decisions to the Board of Adjustment by filing an application with the Board within a period not to exceed forty-five (45) days from the above date, as per Mapleton City Code 16.04.050: APPEALS TO BOARD; TIME; PERSONS ENTITLED; TRANSMISSION OF RECORDS.

If you have any questions about this determination, please call me at (801) 806-9108 or e-mail me at [mbrady@mapleton.org](mailto:mbrady@mapleton.org).

Sincerely,



Matt Brady  
Planner I



Cory Branch  
Community Development Director