

**Item:**

3

Date:

September 24, 2020

Applicant:

Wade Payne

Location:

Approximately 300 West
350 South

Prepared By:

Brian Tucker, Planner

Public Hearing:

Yes

Zone:

A-2

Attachments

1. Concept Plan
2. General Plan and Zoning Maps
3. Neighbor Letters

REQUEST

Consideration of a request to rezone 27.19 acres located at approximately 300 West and 350 South from Agricultural-Residential (A-2) to Residential Agricultural (RA-1) with the TDR-R Overlay.

BACKGROUND & DESCRIPTION

The subject parcels, totaling approximately 27.19 acres, have historically been used agriculturally and are almost completely undeveloped.

This area of the City is characterized by low density residential projects surrounding this agriculture area. The land north of the project area consists of residential structures on Maple Street attached to deep but narrow lots, primarily in the range of 2-3 acres. The property south of the project consists of developed subdivision with primarily ½ acre lots. The Silver Leaf subdivision, located south and west of the subject parcels, is a planned residential community, consisting of a park surrounded by homes. The Silverleaf development has .40-.50 acre lots near the center of the project and .43-.80 acre lots on the periphery adjacent to the subject parcel.

The project area is currently zoned Agricultural-Residential (A-2), a two-acre zone that requires 200' of frontage/width. The applicant is requesting a rezone to the Residential Agricultural (RA-1) zone with the TDR-Receiving Overlay. The applicant intends to build a 44-lot subdivision with lots ranging from .50 to .57 acres. The subdivision would have direct access to Main Street and 600 South.

EVALUATION

Rezone requests are considered legislative actions. The Planning Commission and City Council generally have broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community, and is supported by city ordinances and policies.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing amendment requests:

1. *Public purpose for the amendment in question.*
2. *Confirmation that the public purpose is best served by the amendment in question.*
3. *Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
4. *Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
5. *Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*

6. *Adverse impacts on adjacent landowners.*

7. *Verification of correctness in the original zoning or general plan for the area in question.*

8. *In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

General Plan: The Future Land Use Map designates this site as Low Density Residential. This designation typically allows for one acre lots or ½ acre lots with the use of TDRs. The site is also designated as a candidate for a Conservation Subdivision. The General Plan states the following regarding Conservation Subdivisions:

Conservation Subdivisions "can be used to preserve agricultural land, wildlife habitat, and open spaces while allowing an equal or higher level of development on a smaller area of land. They may establish and dictate sites to be preserved such as sensitive lands, farmlands, stream corridors, rural road buffers, view corridors, and other open space features that have been identified by the community as important." Conservation Subdivisions "generally require the "clustering" of development in order to preserve open space and protect property rights."

Some of the Goals and Policies of the General Plan that are also applicable include:

Goal 1: Preserve and enhance Mapleton's rural atmosphere and agricultural history through careful planning and the preservation of open space.

Policy 1.1: Encourage Conservation Subdivisions on vacant and undeveloped residential parcels identified in the Future Land Use Map.

Goal 3: Ensure that land uses are compatible and/or utilize adequate buffers to enhance compatibility.

Goal 8: Protect and conserve critical agricultural land, sensitive lands and sensitive features in the community.

Goal 9: Continue to implement the TDR program.

As the Commission reviews the rezone request and the proposed concept plan, it should determine whether the application is consistent with the goals and policies cited above. The City Council, with guidance from the Planning Commission, must choose the means by which they apply General Plan guidelines that in many cases suggest multiple courses of action may be appropriate for individual parcels.

Zoning: The applicant is requesting approval of the RA-1 Zone with a TDR-Receiving site. The request is consistent with the LDR designation and the goal to continue to implement the TDR program. However, the applicant is not proposing any open space, which is not consistent with the Conservation Subdivision dedication or the goals of protecting open space.

Staff recommends that the applicant provide an alternative design that would include at least 15 to 20% of the site as open space open space as recommended in the General Plan. Staff notes that if an alternative conservation design is more acceptable, the Planned Residential Community (PRC) zone would be more appropriate for the site. If the Commission determines that a Conservation Subdivision is not necessary at this location, staff has included some comments regarding the proposed concept plan in the "Concept Plan" section of the staff report below.

Concept Plan: If the Commission is not interested in reviewing a Conservation Subdivision alternative, staff recommends at least the following revisions to the proposed concept plan:

- Straighten out the alignment of 300 West through the property and include a stub to the properties to the north so that 300 West can eventually connect with Maple Street. With the

continuation of the 300 West alignment and the stub to the north, the properties to the north are the last impediment to a through street from 2000 North to 800 South. This through street can then be continued to 1600 South when the undeveloped properties in that area are developed.

- Lot 6 is a difficult lot to develop because the frontage is primarily east facing but the lot is much wider north to south than east to west. This will be a challenging lot to develop as proposed.
- Lots 29 and 30 are very wide but only 84' deep. With a 30' front setback and a 25' rear setback, this leaves room for a home that is only 29' deep front to back. These lots also present challenges with fencing, the 6' privacy fence can't be closer to the street than the house, meaning that more of the lot than is typical cannot be privacy fenced.
- Lot 38 has an irregular border that should be squared off for ease of fencing. This irregular border is likely due to the hard and fast requirement that each lot have no less than ½ acre.
- Lots 28 and 32 also have portions that are elongated. These lots are on the border of the subdivision, however a subdivision that made use of a clustering concept could help to mitigate these kinds of issues.

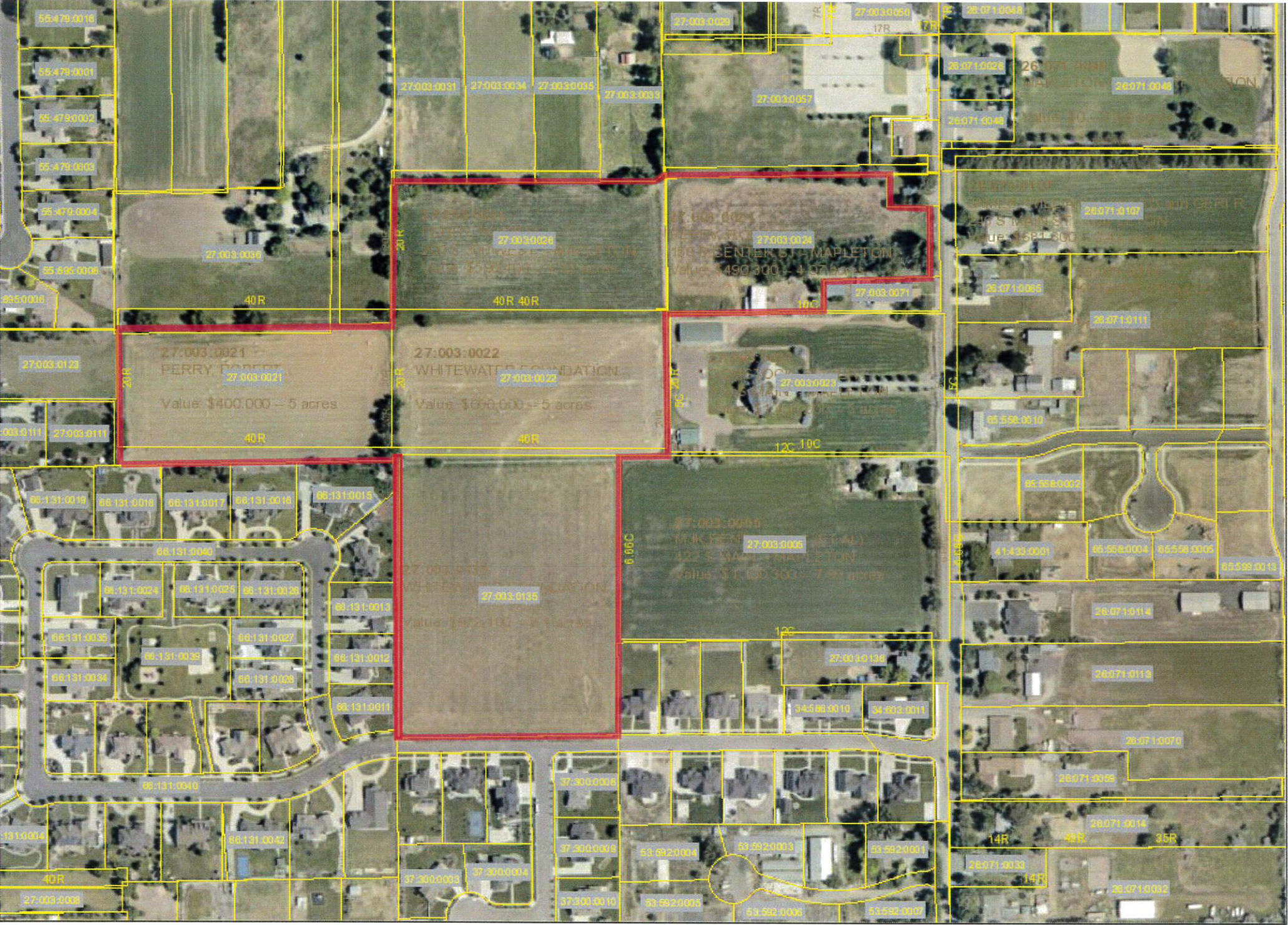
Neighbor Comments: At the time of this writing, a few neighbors have contacted the City to express concerns about various aspects of the project, such as the size of the lots, the lack of open space within the project area, the incompatibility of smaller lots next to larger, the orientation of a future home on Lot 6 and traffic.

One neighbor has suggested that a small grove of trees near Silver Leaf Cove, Lot 15, is a bird habitat that this neighbor would like to see preserved.

Other concerns have been expressed such as school capacity or the location of utilities. School capacity is not within the City's purview. The engineering aspects of the project will be considered in full if the developer decides to proceed when a zoning decision is made. Full Engineering review is not necessary for a rezone when no subdivision has been applied for.

RECOMMENDATION

Staff Recommends that the application be continued, and the Planning Commission direct the applicant to provide an alternative concept that would include 15-20% of the site as open space.

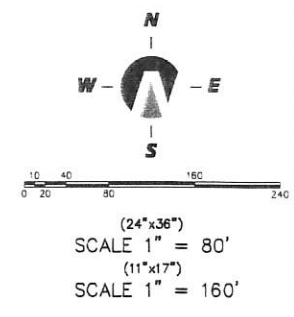
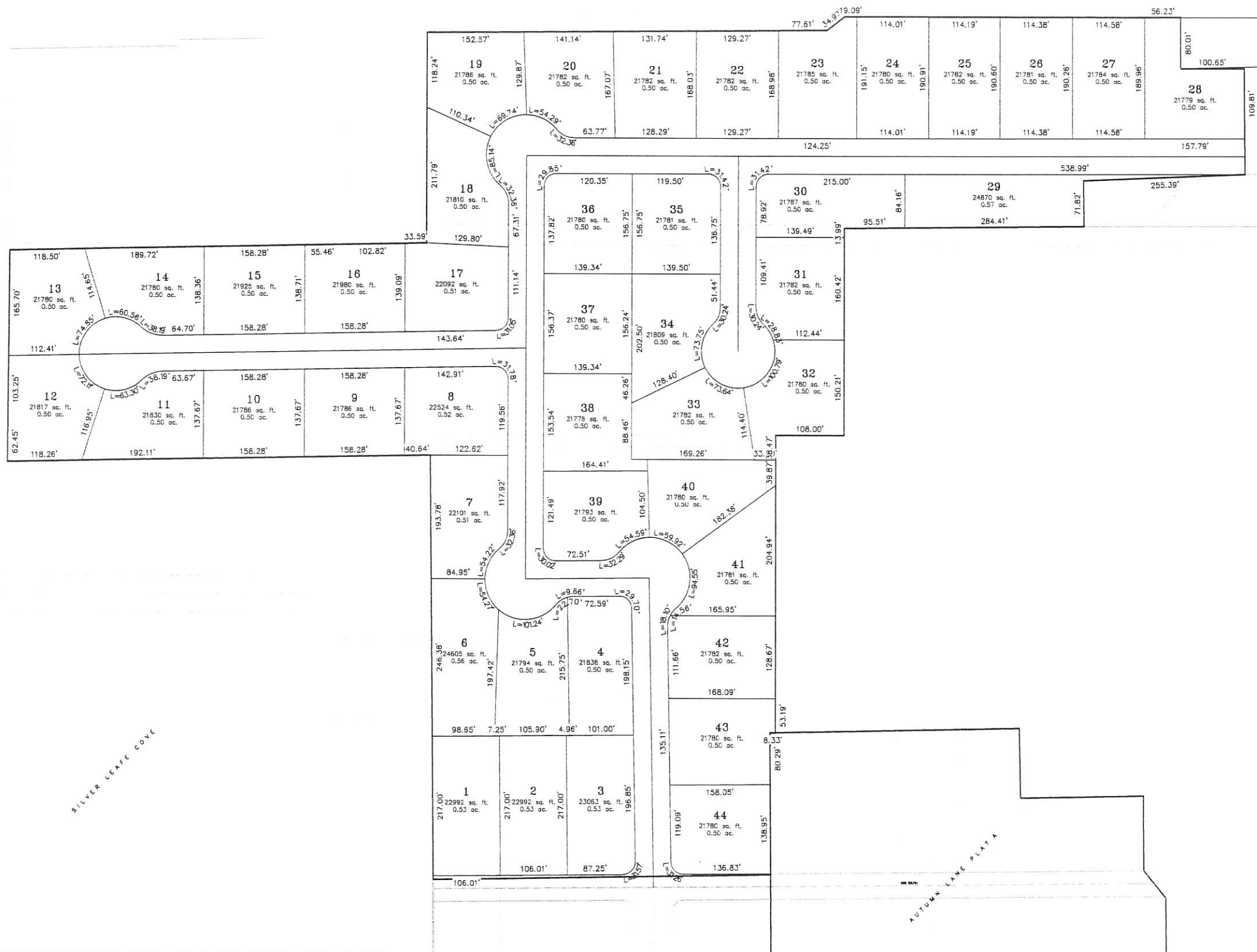


Utah County Parcel Map
270030021

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey

Date: 8/27/2020





5		DESIGNED BY:	DATE:
4		DRAWN BY:	DATE:
3		CHECKED BY:	DATE:
2		APPROVED:	DATE:
1		COGO FILE:	DATE:
		REV. COGO FILE:	DATE:

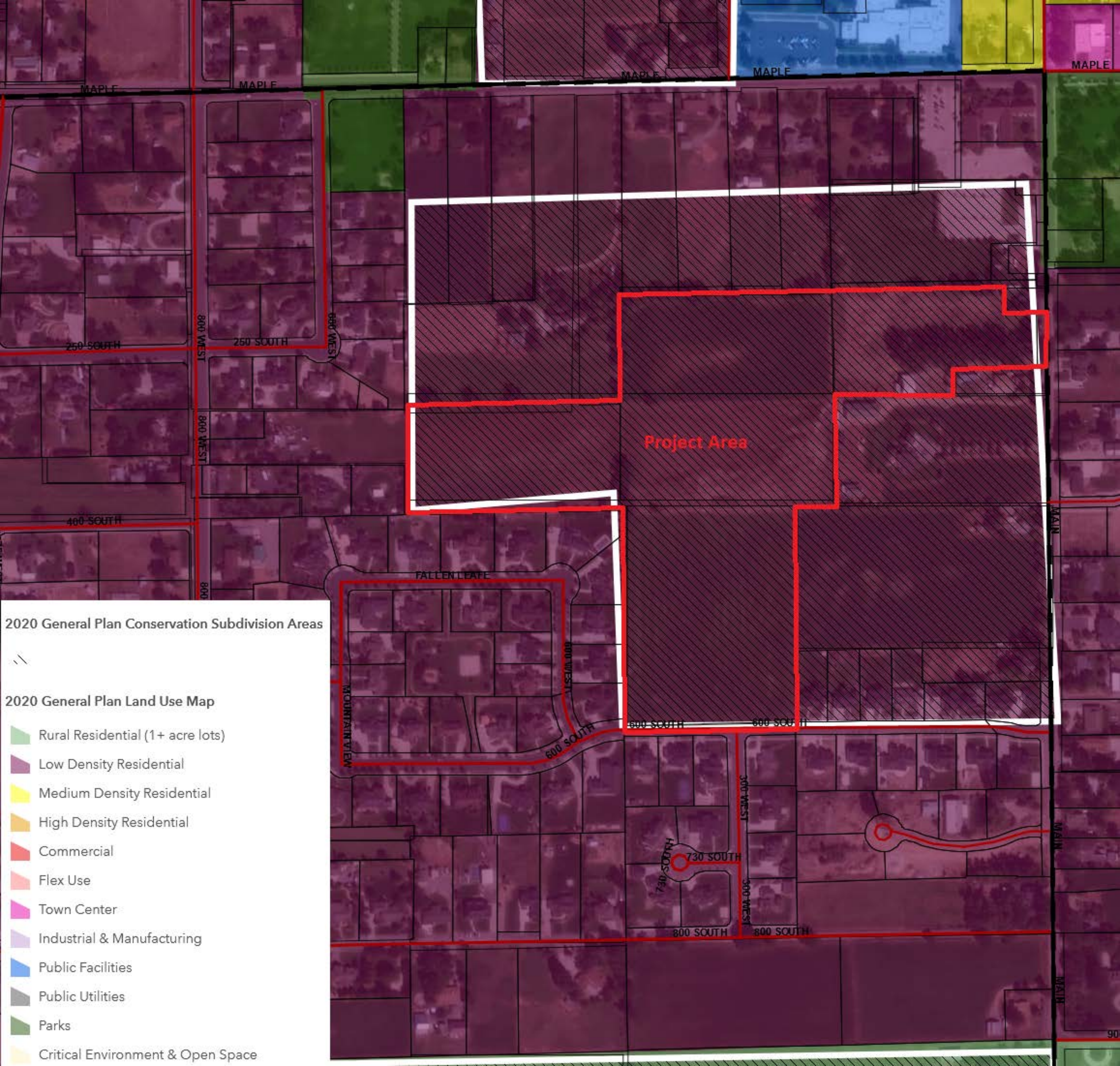


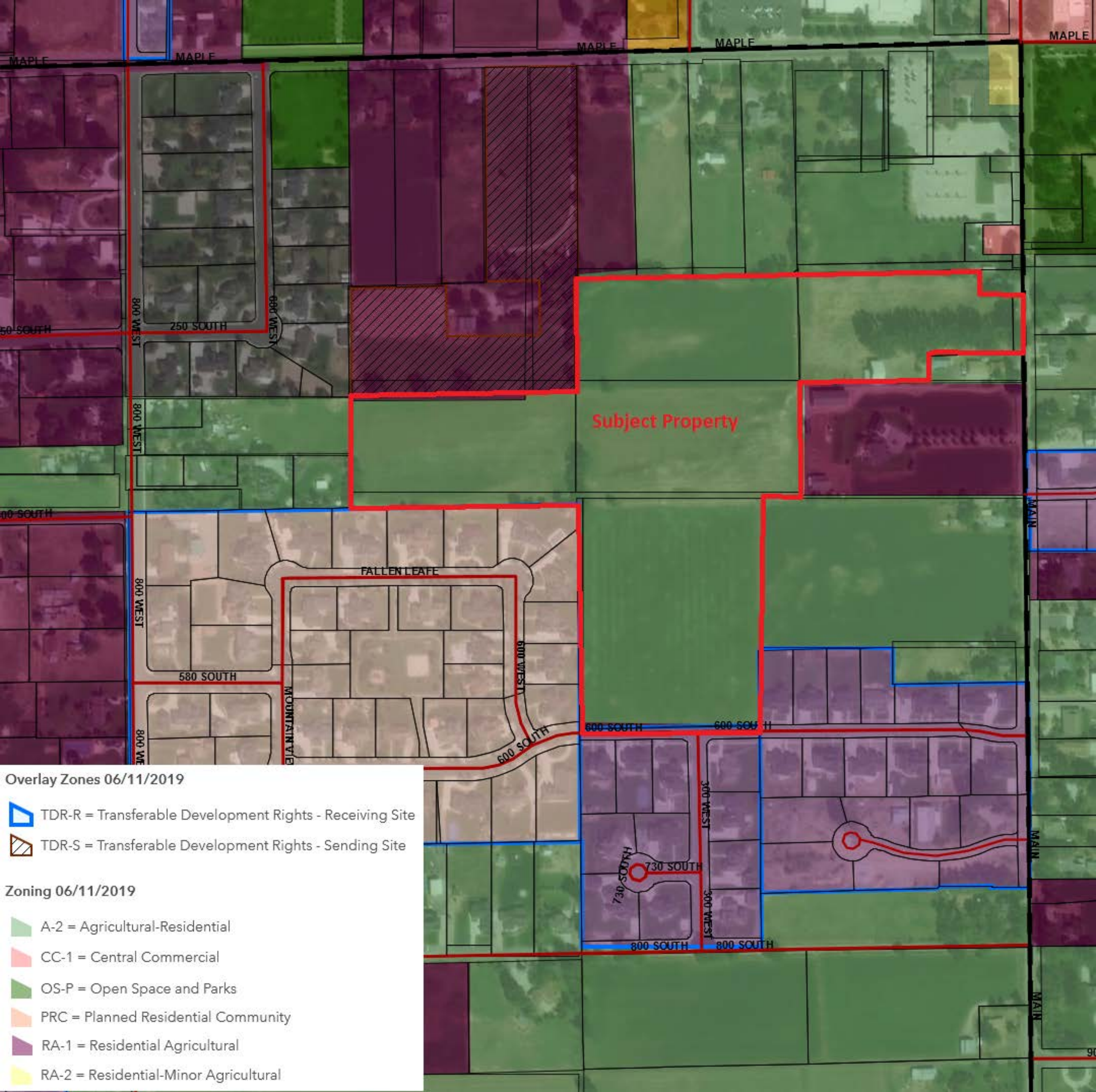
**Northern
ENGINEERING INC**
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

PAYNE PROPERTY	CONCEPT LAYOUT 1	JOB NO. 3-20-066
	MAPLETON, UTAH	SHEET NO. 1

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.





Overlay Zones 06/11/2019

-  TDR-R = Transferable Development Rights - Receiving Site
-  TDR-S = Transferable Development Rights - Sending Site

Zoning 06/11/2019

-  A-2 = Agricultural-Residential
-  CC-1 = Central Commercial
-  OS-P = Open Space and Parks
-  PRC = Planned Residential Community
-  RA-1 = Residential Agricultural
-  RA-2 = Residential-Minor Agricultural

Brian Tucker

From: Sean Conroy
Sent: Thursday, September 17, 2020 5:41 PM
To: Brian Tucker
Subject: FW: New development concerns near Silver Leaf

Follow Up Flag: Follow up
Flag Status: Flagged

From: J Hammer <dochammer@gmail.com>
Sent: Sunday, September 13, 2020 9:39 PM
To: Sean Conroy <sconroy@mapleton.org>
Subject: New development concerns near Silver Leaf

Sean,

We have discussed the new development that is being proposed near the Silver Leaf neighborhood between 600 South and Main Street. We heard that you would prefer having our thoughts presented to you before the meeting later this month. Here are a few questions and concerns that we have put together in regards to the new development being proposed behind our properties:

1- We understand that the land was originally zoned for 2 Acres. It is currently unimproved land. How can it be brought down to 0.5 acre lots? Will you please let us know how this occurred and what TDR purchases were made. We would like a list of all of the people who sold TDRs to the developer.

2- The current proposal appears to have no green space but to have over 40 Lots packed in pretty tight. Our neighborhood has a large amount of Green Space. We are concerned that there are so many Lots with no planned green space. Will the city please consider adding Green Space that is available to all in the current plans?

3- For the homes that border the purchased land, we feel that smaller Lots with the potential of lower quality homes could depreciate the value of our current homes. It would also affect our view of the mountains and the home country feel of our area (as the mayor has proposed he would like to keep). Also, since many of the existing homes do not have deep backyards and the proposed lots would also not have deep backyards or even a side yard, it would feel like the houses are really close to each other. We would like to propose that the lots which border our homes be increased in size, preferably to at least 2/3 or 3/4 acres.

4- 600 S coming from our neighborhood and heading toward Main Street was elevated significantly before those current homes were built. Now 600 South is quite higher in regards to the current elevation of the Lots in question. What is the proposal for the grade going to all of the homes that will be coming off 600 South? We do not want them elevated and higher than our neighborhood.

5- There is a water canal running behind many of our homes on the north side of Silver Leaf running from east to west. It is our understanding that this canal is on our properties. There is also an underground water pipe that runs under many of our properties. What is the proposal in regards to what would happen with the water canal and the large water pipe?

6- There are many large trees that run along the water canal, as well as a very large tree which houses hawks and a great horned owl. We are very concerned that these trees would be removed if any construction or interruption of the water canal would take place. We are also concerned that this would interrupt a vital habitat for these wonderful animals.

What is the plan for the trees? Are they considered on our properties? We would not like any of them removed if possible.

7- Also, in regards to that stretch of 600 South, a large new development would significantly increase traffic on that road. Since that road has been put in, many people use that road as a cut through, even though they do not live in our neighborhoods. There are many kids on this road and it is used as a place for them to travel to school as well. We are concerned that increasing at least 20 more homes accessing 600 S could overburden the initial purpose for that road. Would the city consider speed bumps or a 4-way stop or at least increasing patrolling speed on this section of Road. There are many people who do not live in our neighborhoods that go pretty fast on this strip. We are hugely concerned because of all of the young people who live in these neighborhoods and use this road to go to and from school, Etc.

8- Is the city considering putting a sidewalk along Main Street? With the significant increase in homes proposed, there are going to be a lot more children using Main to go to and from the elementary school. Currently, it is not very safe with all of the increased traffic and no real sidewalk. By putting in over 40 new homes, this would significantly increase the risk of a child getting hurt on Main Street.

9- How will Power, Water, and Sewer be accessed to this new development? Will it require any disruption of our current utilities? Also, how will the city get good pressurized irrigation to all of these new homes if they can't even get good pressure to our neighborhood at this time?

If you can answer any of these questions or concerns before the meeting, please respond to this email. Also please let us know any other information you would like from us.

Thank you, Jarrett and Rachel Hammer