Planning Commission Staff Report

MAPLETON UTAH

Item:
3

Date:
October 8, 2020

Applicant:
Jason Butterfield

Location:
Approximately 660 North Vineyard Way

Prepared By:
Brian Tucker, Planner

Public Hearing:
Yes

Zone:
A-2

Attachments
1. Standard Findings
2. General Plan and Zoning Maps
3. Subdivision Plans

REQUEST

Consideration of a request to rezone 5.01 acres located at approximately 650 North Vineyard Way to include the TDR-Receiving Overlay and approval of the 3-lot Vineyard at Maple Canyon Plat D Subdivision.

BACKGROUND & DESCRIPTION

The applicant has purchased 5.01 acres at the north end of Vineyard Way. The property is currently zoned A-2 and is located north of the Vineyard at Maple Canyon Subdivision, Plat "C". Each of the 12 lots in the three phases of the Vineyard at Maple Canyon Subdivision is zoned A-2 with the TDR-Receiving Overlay and each contain approximately 1 acre.

The applicant is proposing the following:

- That the property be rezoned to include the TDR-Receiving Overlay zone,
- That the Transportation Plan be modified to allow Vineyard Way to dead end on his property with an appropriate turn-around.
- That 3 lots be approved, each containing 1 or more acres, with each lot fronting on the new cul-de-sac.

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: This area of the City is characterized by low density residential development. The area west of the Mapleton Lateral Canal is general planned "Low Density Residential, while the area east of the canal is general planned "Rural Residential". The Future Land Use Map of the Land Use Element of the General Plan designates this site as Rural Residential (RR).
The General Plan states the following regarding the RR designation:

> *"The Rural Residential land use category is maintained along the east and south edges of the City, permitting single-family residential development on lots that are a minimum of two-acres in extent. One acre lots are allowed with the use of TDRs. Smaller lots may also be proposed as part of a conservation subdivision provided the overall densities are not increased. Larger vacant and undeveloped properties are encouraged to develop as Conservation Subdivisions, helping to preserve the rural, open feel of the City."*

The General Plan Land Use Map indicates that this area is appropriate for lots that contain 1 acre when TDR's are used. Goal 3 of the Land Use Element of the General Plan and the General Plan Map are the most applicable portions of the plan, indicating that compatible uses should be near each other. The typical developed in this part of the city has 1+ acres. The proposed lots, ranging from 1 to 2.5 acres, are of the norm in this area.

Zoning: The project area is currently zoned A-2. The applicant is not requesting a change to the base zoning, only that the project area be rezoned to include the TDR-Receiving Overlay that is typical of this area. The Future Land Use Map and the Land Use Element of the General Plan support this request. With TDR's the minimum area is 1 acre, the minimum width is 125' as measured at the building line, and the minimum frontage is 50' on a cul-de-sac or knuckle.

Transportation Plan: Vineyard Way currently dead ends into the subject property and is approximately 775 feet in length. The Transportation Master Plan envisions Vineyard Way extending north through the subject property and connecting with a future extension of 900 North. In 2017 a previous owner was requesting to build one home on the subject property and was requesting to construct a cul-de-sac at the end of Vineyard Way, rather than extending the street further north through the property.

Since the subdivision ordinance limits the length of cul-de-sac to a maximum of 500', staff scheduled the request for a discussion item with the City Council. The Council was comfortable with allowing an exception to the maximum cul-de-sac length request because the applicant was only proposing one home on the property, and to require the road extension would have required the applicant to subdivide the property.

The new property owner is now requesting the create three building lots with a cul-de-sac, rather than just the single lot as previously proposed. MCC Section 17.12.040 does allow the City Council to modify street requirements if the modifications are consistent with appropriate engineering measures to protect public safety. The only property that would gain development potential by requiring the road to extend through the property, would be the property directly to the north. Staff has spoken to the neighbor and he was ambivalent to whether the road stubbed to his property or not.

Typically, staff would recommend that a road be extended consistent with the Transportation Master Plan. However, in this case, if the road were to be extended as shown on the Master Plan, it would not allow the properties to the north to develop on the west side of the proposed alignment without the use of TDRs. While TDRs can be allowed in the A-2 zone, requiring a property owner to use them seems inappropriate.

Subdivision: The proposed subdivision includes 3 lots, with 1.00, 1.25 and 2.57 acres. If the City Council authorizes the permanent dead end with a standard cul-de-sac and the TDR-Receiving Overlay, each lot contains the minimum area, frontage and width. Sewer and water will be provided by extending the existing mains in Vineyard Way.

MCC Chapter 17.04.050.B outlines the subdivision review standards that shall be used by the Planning Commission. These standards are shown in attachment "1". The proposed project complies with these standards.

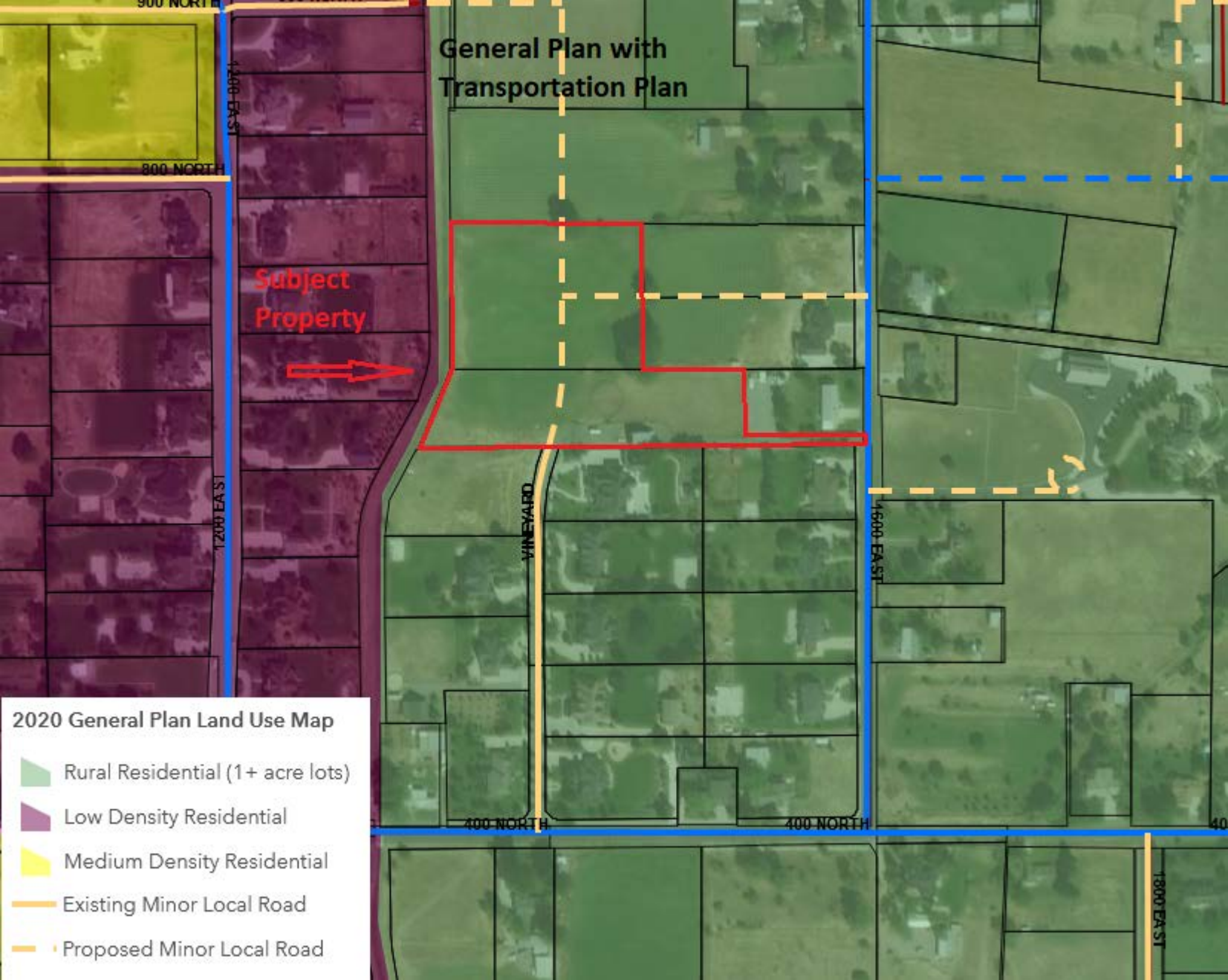
RECOMMENDATION

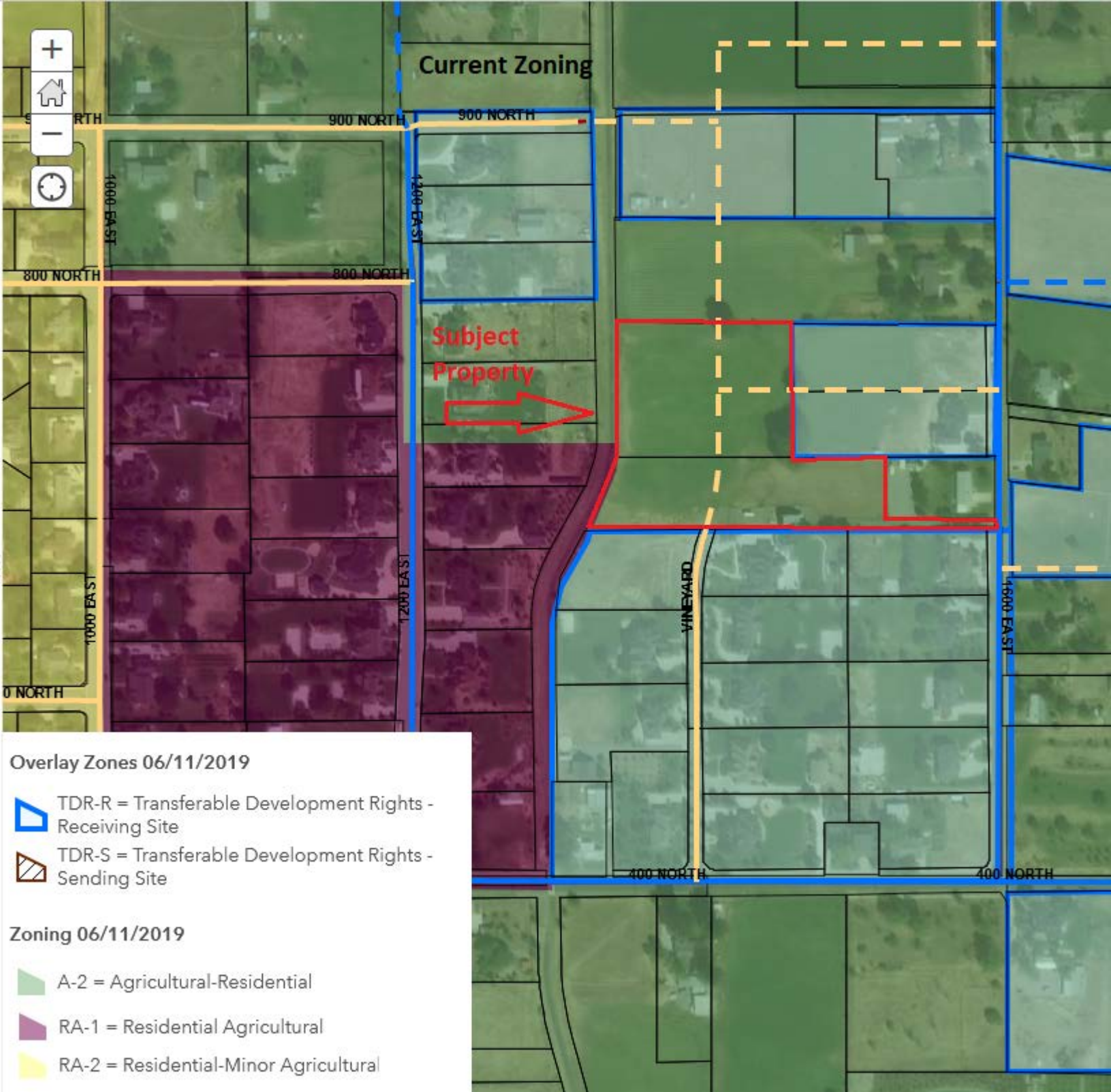
Recommend Approval of the Vineyard at Maple Canyon Subdivision, Plat "D", and a rezone to include the TDR-Receiving Overlay Zone.

SPECIAL CONDITION

1. Any outstanding issues raised in the DRC minutes shall be addressed prior to plat recording.

Attachment "1" Findings for Decision		
No.	**Findings**	
1.	The plans, documents and other submission materials (including technical reports where required) are sufficiently detailed for proper consideration.	✔
2.	The submitted plans, documents and submission materials conform to applicable city standards.	✔
3.	The proposed development conforms to city zoning ordinances and subdivision design standards.	✔
4.	There are not natural or manmade conditions existing on the site or in the vicinity of the site defined in the preliminary plan that, without remediation, would render part or all of the property unsuitable for development.	✔
5.	The project provides for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions.	✔
6.	The project does not impose an undue financial burden on the City.	✔
7.	The location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the project are consistent with the city's general street map and other applicable elements of the general plan.	✔
8.	The project plan recognizes and accommodates the existing natural conditions.	✔
9.	The public facilities, including public utility systems serving the area are adequate to serve the proposed development.	✔
10.	The project conforms to the intent of the Subdivision Ordinance as described MCC Chapter 17.01.	✔

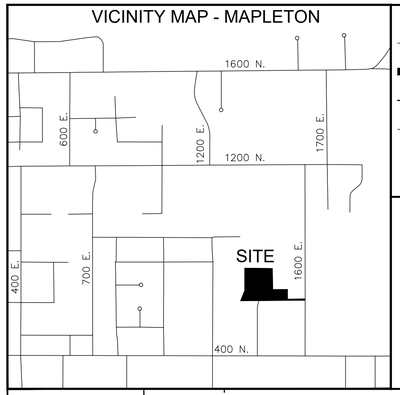

General Plan with
Transportation Plan
Subject
Property
900 NORTH
800 NORTH
1400 EA ST
1200 EA ST
VINEYARD
1600 EA ST
400 NORTH
400 NORTH
1800 EA ST
2020 General Plan Land Use Map
Rural Residential (1+ acre lots)
Low Density Residential
Medium Density Residential
Existing Minor Local Road
Proposed Minor Local Road


Current Zoning
900 NORTH
900 NORTH
1000 EA ST
1200 EA ST
800 NORTH
800 NORTH
Subject Property
1000 EA ST
1200 EA ST
VINEYARD
1600 EA ST
400 NORTH
400 NORTH
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
RA-1 = Residential Agricultural
RA-2 = Residential-Minor Agricultural

THE VINEYARD AT MAPLE CANYON PLAT "D"

Located in the Southeast Quarter of Section 11,
Township 8 South, Range 3 East, S.L.B. & M.
Mapleton, Utah County, Utah

VICINITY MAP - MAPLETON



SYMBOL LEGEND:

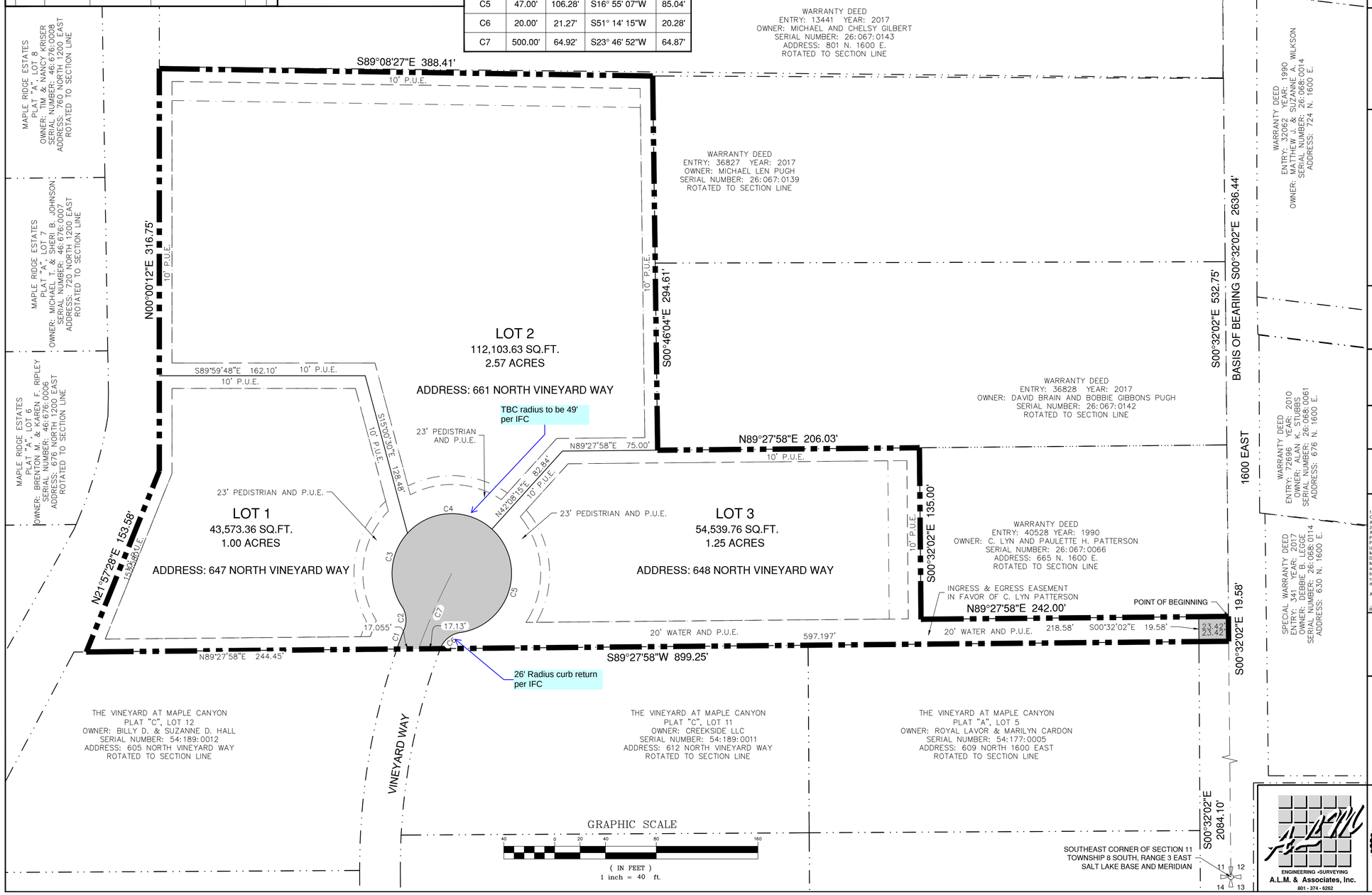
- SECTION LINE
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- EASEMENT
- SET REBAR WITH CAP

PLAT NOTES:

1. All streets dedicated to Mapleton City for Public Use.
2. All Public Utility Easements are 10', unless noted otherwise on the drawing.
3. Mapleton Setback requirements: 30' Front & 30' on a corner lot, 25' rear, 10' side.
4. Area of Vineyard Way and 1600 East street dedicated to Mapleton City: 8,047.53 sq.ft.

Curve Table

Curve #	Radius	Length	Chord Direction	Chord
C1	516.00'	16.64'	N20° 19' 10"E	16.64'
C2	20.00'	19.00'	N5° 58' 08"W	18.29'
C3	47.00'	61.78'	N4° 28' 41"E	57.43'
C4	47.00'	73.83'	N87° 08' 15"E	66.47'
C5	47.00'	106.28'	S16° 55' 07"W	85.04'
C6	20.00'	21.27'	S51° 14' 15"W	20.28'
C7	500.00'	64.92'	S23° 46' 52"W	64.87'



SURVEYOR'S CERTIFICATE

I, **SEAN A. FERNANDEZ** , DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE **NO. 312775** AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. 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, 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

COMMENCING AT A POINT LOCATED SOUTH 00°32'02" EAST ALONG THE SECTION LINE 532.75 FEET FROM THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°32'02" EAST ALONG THE SECTION LINE 19.58 FEET; THENCE SOUTH 89°27'58" WEST ALONG THE NORTHERLY BOUNDARY OF THE VINEYARD AT MAPLE CANYON PLAT A AND C AND AN EXISTING FENCE LINE 899.25 FEET; THENCE NORTH 21°57'28" EAST 153.58 FEET; THENCE NORTH 00°00'12" EAST 316.75 FEET TO AN EXISTING FENCE LINE AND A BOUNDARY LINE AGREEMENT RECORDED AT THE UTAH COUNTY OFFICE (ENTRY: YEAR:); THENCE SOUTH 89°08'27" EAST ALONG SAID EXISTING FENCE LINE AND BOUNDARY LINE AGREEMENT 388.41 FEET; THENCE SOUTH 00°46'04" EAST 294.61 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 89°27'58" EAST ALONG AN EXISTING FENCE LINE 206.03 FEET TO AN EXISTING FENCE CORNER; THENCE SOUTH 00°32'02" EAST ALONG AN EXISTING FENCE LINE 135.00 FEET TO AN EXISTING FENCE CORNER; THENCE NORTH 89°27'58" EAST ALONG AN EXISTING FENCE LINE 242.00 FEET TO THE POINT OF BEGINNING.

AREA = 218,264.29 SQUARE FEET / 5.01 ACRES

BASIS OF BEARING BEING SOUTH 00°11'19" EAST ALONG THE QUARTER SECTION LINE FROM THE NORTHEAST CORNER TO THE EAST QUARTER CORNER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN.

SURVEYOR - SEAN A. FERNANDEZ DATE

OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW BY ALL MEN BY THESE PRESENT THAT WE, ALL THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HERON AND SHOWN ON THIS MAP, AND SUBJECT TO ANY CONDITIONS AND RESTRICTIONS STATED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCK, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC AND FOR THE INSTALLATION, MAINTENANCE, LOCATION & CONSTRUCTION OF ANY AND ALL UTILITIES.

IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HANDS THIS ___ DAY OF _____ , A.D. 2020

ROBERT A. AND RACHEL LEBARON

ACKNOWLEDGMENT

COUNTY OF UTAH
STATE OF UTAH } S.S.

ON THIS ____DAY OF_____, A.D. 2020, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED,_____, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY FULL NAME _____
A NOTARY PUBLIC COMMISSIONED IN UTAH_____
MY COMMISSION EXPIRES _____
COMMISSION NUMBER _____

MAPLETON ENGINEER APPROVAL

I, _____ OF THE CITY OF MAPLETON HAS REVIEWED TO FORGOING PLAT AND LEGAL DESCRIPTION AND FOUND THEM TO BE CORRECT AND DO HEREBY GIVE APPROVAL OF SAID PLAT ON THIS___DAY OF_____, A.D. 2020.

MAPLETON ENGINEER: _____

PLANNING DIRECTOR APPROVAL

APPROVED THIS____DAY OF_____, A.D. 2020, BY PLANNING DIRECTOR.

PLANNING DIRECTOR: _____

COMCAST

APPROVED THIS____DAY OF_____, A.D. 2020, BY COMCAST.

COMCAST REPRESENTATIVE: _____

CENTURYLINK

APPROVED THIS____DAY OF_____, A.D. 2020, BY CENTURY LINK.

CENTURYLINK REPRESENTATIVE: _____

ROCKY MOUNTAIN POWER

1. 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.
2. PURSUANT TO UTAH CODE ANN. 17-27a-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. AS DESCRIBED I 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:
   a. A RECORDED EASEMENT OR RIGHT-OF-WAY
   b. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
   c. TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR,
   d. ANY OTHER PROVISION OF LAW

APPROVED THIS ___ DAY OF _____, AD. 2020

ROCKY MOUNTAIN POWER

DOMINION ENERGY

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY 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 PROVIDE BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, 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 DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532.

APPROVED THIS ___ DAY OF _____AD. 2020

TITLE: _____
DOMINION ENERGY

UTAH COUNTY RECORDER SPACE

PLAT "D"

THE VINEYARD AT MAPLE CANYON

MAPLETON, UTAH COUNTY, UTAH SCALE: 1" = 40 FEET

ENGINEERING -SURVEYING
A.L.M. & Associates, Inc.
801 - 374 - 6202

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL
PROFESSIONAL LAND SURVEYOR SEAN A. FERNANDEZ No. 312775 STATE OF UTAH			

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SYMBOL LEGEND:

- SECTION LINE
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- RIGHT OF WAY LINE
- SETBACK LINE
- PUBLIC UTILITY EASEMENT
- TELEPHONE LINE
- FENCE
- OVERHEAD POWER LINE
- SEWER PIPE
- WATER PIPE
- PRES. IRR. PIPE
- FIRE HYDRANT (FH)
- PRES. IRR. CONTROL BOX
- POWER POLE (PP)
- SEWER MANHOLE
- WATER VALVE (WV)
- WATER METER (WM)
- SET REBAR WITH CAP

CALL BEFORE YOU DIG.
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BLUE STAKES OF UTAH
Utility Notification Center, Inc
1-800-662-4111
www.bluestakes.org

Dig Safely. Know what's below Call before you dig.

SHEET INDEX

C1.0 PRELIMINARY PLAT
C2.0 SURVEY
C3.0 UTILITY PLAN
C4.0 GRADING & DRAINAGE PLAN
C5.0 SWPPP
C5.1 SWPPP DETAILS
C6.0 CITY DETAILS
C6.1 CITY DETAILS

VICINITY MAP - MAPLETON

SITE INFORMATION:
Parcel Number: 26:067:0140 & 26:067:0141
661 North Vineyard Way, Mapleton, UT
ZONE: A-2

OWNER / DEVELOPER:
Robert & Rachel Lebaron
1336 South 2650 East, Springville, UT 84663

SURVEYOR, ENGINEER, PLANNER:
A.L.M. & Associates, Inc
2230 North University Parkway, Suite 6D, Provo, UT 84604
(801) 374-6262 (801) 374-0085 FAX
MGreenwood@ALMonline.com

SITE NOTES:

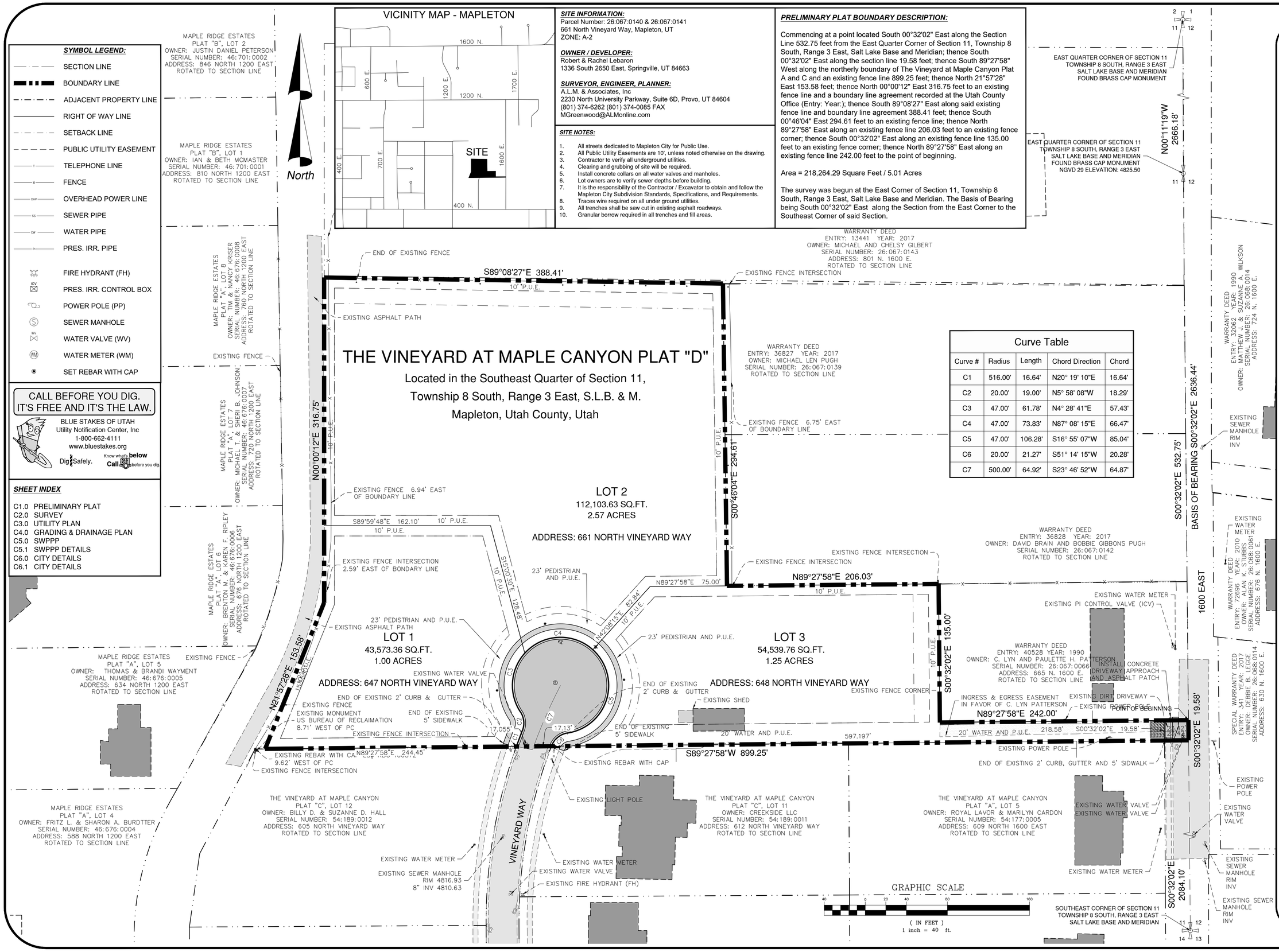
1. All streets dedicated to Mapleton City for Public Use.
2. All Public Utility Easements are 10', unless noted otherwise on the drawing.
3. Contractor to verify all underground utilities.
4. Clearing and grubbing of site will be required.
5. Install concrete collars on all water valves and manholes.
6. Lot owners are to verify sewer depths before building.
7. It is the responsibility of the Contractor / Excavator to obtain and follow the Mapleton City Subdivision Standards, Specifications, and Requirements.
8. Traces wire required on all under ground utilities.
9. All trenches shall be saw cut in existing asphalt roadways.
10. Granular borrow required in all trenches and fill areas.

PRELIMINARY PLAT BOUNDARY DESCRIPTION:

Commencing at a point located South 00°32'02" East along the Section Line 532.75 feet from the East Quarter Corner of Section 11, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence South 00°32'02" East along the section line 19.58 feet; thence South 89°27'58" West along the northerly boundary of The Vineyard at Maple Canyon Plat A and C and an existing fence line 899.25 feet; thence North 21°57'28" East 153.58 feet; thence North 00°00'12" East 316.75 feet to an existing fence line and a boundary line agreement recorded at the Utah County Office (Entry: Year:); thence South 89°08'27" East along said existing fence line and boundary line agreement 388.41 feet; thence South 00°46'04" East 294.61 feet to an existing fence line; thence North 89°27'58" East along an existing fence line 206.03 feet to an existing fence corner; thence South 00°32'02" East along an existing fence line 135.00 feet to an existing fence corner; thence North 89°27'58" East along an existing fence line 242.00 feet to the point of beginning.

Area = 218,264.29 Square Feet / 5.01 Acres

The survey was begun at the East Corner of Section 11, Township 8 South, Range 3 East, Salt Lake Base and Meridian. The Basis of Bearing being South 00°32'02" East along the Section from the East Corner to the Southeast Corner of said Section.



Curve Table

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C6	20.00'	21.27'	S51° 14' 15"W	20.28'
C7	500.00'	64.92'	S23° 46' 52"W	64.87'

LICENSED PROFESSIONAL ENGINEER # 189744 Mark S. Greenwood STATE OF UTAH SEAL

A.L.M. & Associates, Inc.
Engineering · Surveying · Development · Planning
2230 North University Parkway, Building 6D, Provo, Utah 84604 ph:(801) 374 - 6262

The Vineyard at Maple Canyon Plat "D"

ROBERT & RACHEL LEBARON

PRELIMINARY PLAT

No.	Revision	Date

C1.0
OF SHEETS

Proj # 998 -- 1956

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