

City Council Staff Report



Date:

11/18/20

Applicant:

Scott Abbott

Location:

1600 S Preserve Dr

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

PRC-4

Attachments:

1. Application information.
2. 2006 Concept Plan.
3. PRC-4 Zoning Text.

REQUEST

Consideration of a preliminary concept for potential revisions to the Preserve at Mapleton master planned development.

BACKGROUND & DESCRIPTION

In 2006 the City approved a project known as The Preserve at Mapleton consisting of 92 lots divided into 7 phases (see attachment "2"). The approval included a Planned Residential Community (PRC-4) zone for the property. Plats "A" and "D" consisting of 23 lots have been platted and the infrastructure installed, but no homes have been built. Plats "F" and "G" (Perry Hollow Dr) consisting of 32 lots have been platted and homes have been built on almost all of the lots.

In 2017 the City Council approved the application of a Transferable Development Right (TDR-R) Receiving Site Overlay to the undeveloped portion of the project and a concept plan that would expand the density to 176 lots. However, a referendum was successfully filed and the approval was placed on a ballot. The residents of Mapleton then subsequently overturned the Council's decision.

The applicant has the property under contract and is contemplating some changes to the overall plan, although they are not proposing any additional lots at this time. The applicants are proposing the following for their first phase:

- Amend plat "A" to expand the number of lots from 11 to 23.
- Plat "E" would be built similar to what was previously shown with 10 lots.

Phase 2 would include the remaining 15 lots. The applicant has provided a general concept for how these 15 lots may be built, but wants to emphasize that the plan for this phase is very preliminary in nature and will likely change.

The purpose of this meeting is to provide an opportunity for the applicant to present his proposal to the Council and for the Council to provide feedback. No formal action will be taken. If the applicant decides to move forward with the project, future meetings would be scheduled for a more formal review.

EVALUATION

General Plan: The General Plan designates the property as "Rural Residential". This designation encourages average densities of two

acres per lot. Some goals and policies of the General Plan that are also important to keep in mind as the Council discusses this item include:

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

Goal 2: Continue the established focus on large lot, single-family residential uses as the primary means for preserving Mapleton's rural character.

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

Goal 7: Improve Mapleton View corridors and viewsheds.

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

Concept Plan: The existing Plat "A" consists of lot sizes ranging in size from 2.4 acres to 5.3 acres with only three lots smaller than three acres. The proposed plat "A" would include lots ranging in size from 1.2 acre to 5.3 acres but would include 18 lots smaller than two acres. Even with the reduction of the average lot size, the proposed lots would still be consistent with the other residential lots in the vicinity. The Council should discuss whether it could support the proposed changes to plat "A".

The area that was originally shown as Plat "E" consists of 10 one-acre lots. The only concern that staff has with the revised concept is that it shifts the road so that it is now adjacent to lot 32 of Plat "F", which is already developed with a dwelling. This would make lot 32 a corner lot, which was not anticipated with the previous plan. Staff recommends that Plat "E" be proposed as it previously was, which would avoid creating a corner lot out of lot 32.

The area on the proposed concept plan shown as "Phase 2" consists of 15 lots on approximately 125 acre. As mentioned previously, the concept plan is very preliminary in nature and will likely change. The applicant wants to spend more time developing this concept. However, it should be noted that if the rest of the project gets built as proposed, that no more than 15 lots could be built in this area in the future under the density restrictions of the PRC-4 zone.

Trail Easement: The previous plans included a trail easement to the Bonneville Shoreline Trail in the area listed as phase "2". Staff would expect that a trail easement be provided to the City. It is not critical to know the exact location of an easement at this time as long as the expectation exists that one will be provided with this project.

Zoning: The PRC-4 zone was adopted specifically for this site (see attachment "3"). The zone establishes the maximum density at 92 lots. Because the PRC-4 zone was written specifically for the concept plan that was approved in 2006, many of the standards would need to be amended if the applicant's proposal was to move forward. For example, there is a minimum lot size requirement of 2.4 acres for Plat "A", which would need to be amended if the applicant's proposal to add more lots in plat "A" was to be approved.

RECOMMENDATION

Provide direction to the applicant.

Attachment "1"

Application Information

Scott Abbott
Mapleton Preserve llc.
761 west, 1200 North suite 100
Springville, Utah
84663

City of Mapleton

11 November 2020

Dear Mayor and City Council,

The Mapleton Preserve LLC has recently put under contract "the Preserve". The owners of the Mapleton Preserve LLC, bios attached, are successful businessmen from Spanish Fork with a desire to move their families to the area. For this unique reason, we view development through the lens of first a resident of the neighborhood and second as developers. Our goal is to make The Preserve the most beautiful property possible by optimizing the amazing views, peace and tranquility of the area.

The attached plat layout represents our best option under the current constraints. We are very aware of the history of this particular piece of property, and therefore the concern that residents and council will have around the final plans. The purpose of this layout has been to demonstrate one way the development could achieve its goals, remain viable and take advantage of the unique qualities it possesses.

We are certain that phase 2 will change, and given it is the area that we expect to build our own homes in, we are very careful to not make commitments to this exact version. Our vision for phase 2 is to create an exclusive, very high end estate homes neighborhood that will take advantage of the views, the green space, and rolling hills. We will be taking our time on these plans and look forward to bringing to the city plans that will create a lot of energy and excitement as we finalize the project.

Thank you for your consideration.

Yours Sincerely,

The Mapleton Preserve llc.

Scott Abbott

Executive Bio

D. Scott Abbott, MBA

<https://www.linkedin.com/in/dscottabbott/>
dscottabbott@gmail.com

CEO – ProNexis '12-Present

CoFounder – Five Star Franchising – '05-Present

Managing Partner – Canuck Ventures – '15-Present

CEO & CoFounder – Five Star Painting –'04-'15

CoFounder – Franchise Foundry – '08-'09



Scott is a long time resident of Spanish Fork Utah and MBA graduate of BYU. Scott has been married to his childhood sweetheart for 22 years and is a father to 5, uncle to 25 and great uncle to 1. Having had several business exits over the last five years, Mr. Abbott has turned his attention to developing the Preserve as a place to reside and leave a legacy to the community.

Scott built Five Star Painting to become one of the world's largest painting companies in franchising culminating in the successful sale of Five Star Painting to The Dwyer Group, one of the world's largest home service brands, owned by the Riverside Company.

Today, Scott operates businesses named to the Inc 5000 fastest growing companies in the USA. Scott's tenacity and commitment to creating shareholder value has been evident through several business exits, and acquisitions in franchising.

Presently Scott has interests as an investor in several Venture capital funds, Private equity funds and direct investments in several early stage ventures. In several investments, at management's request Scott provides advisory services leveraging years of experience in home services, franchising and Software as a service.

Executive Bio

Matthew C. Peterson

<https://www.linkedin.com/in/matt-peterson/>
mchadp@gmail.com



Matthew C. Peterson is a Utah-based technology entrepreneur and investor. Matt was a founder at Jive Communications, a cloud telecommunications SaaS (Software-as-a-Service) company with over 700 employees and offices across the U.S. and abroad. Jive sold to LogMeIn (NASDAQ: LOGM) in 2018. Matt is currently working on an AI technology startup, and serves as board chairman at a new private ski resort and mountain club in Eden, Utah.

Matt was a Hinckley Scholar at Brigham Young University, and graduated summa cum laude in Information Systems. Matt also has an MBA from BYU with an emphasis in Finance. Matt currently teaches a Venture Capital course at Utah Valley University, and is also an advisor for their student-run venture fund.

Matt is a published blockchain author and cryptocurrency advocate, and was an early Bitcoin miner starting in 2011. Matt has invested in over 50 blockchain startups and participates at blockchain conferences across the globe.

A Utah native, Matt is an avid outdoorsman and enjoys bowhunting, long-range rifle shooting, fishing, and off-roading in his beloved JLU. Matt also plays tennis, golf, chess, and occasionally paints in traditional Chinese calligraphy.

Matt is married to Andrea Nickels (also a Utah-native) and have four children: Jacob (18), Alexander (16), Miles (13), and Sophie (12).

Executive Bio

Joe Shenk, MBA



Joe Shenk has called Utah his home for over 41 years. He met his wife while attending Dixie High School, married his wife while attending Dixie College and has raised their five children in Utah County, all of them attending Spanish Fork High School. He is now actively engaged in seeing his 21 grandchildren following in their parent's footsteps. He can often be seen attending basketball, baseball, football or soccer games or dance competitions of his posterity.

Joe has spent his career managing sales teams for organizations in the healthcare and software industry. Joe graduated from Dixie College with his Associates Degree, Southern Utah University with his Bachelor's Degree and Brigham Young University with his Masters in Business Administration.

Joe is excited to develop the most beautiful property in all of Utah County, The Preserve at Mapleton, as the future home for him and his family to live side-by-side.

Proposed Concept P_{Plan}

PROJECT ENGINEER:
LARVIN POLLOCK
ELEVATE ENGINEERING
2208 WEST 700 SOUTH
SPRINGVILLE, UT 84663
(801) 718-5993
LARVIN@ELEVATENG.COM

LEGEND

LOT LINES (PROPERTY) _____

PROPOSED CURB AND GUTTER _____

ROAD CENTERLINE _____

Plat "A"

SETBACKS;
FRONT: 30 FEET
SIDE: 10 FEET
CORNER SIDE: 30 FEET
REAR: 25 FEET

MINIMUM FRONTAGE: 100 FT

ZONING: PRC (PLANNED RESIDENTIAL COMMUNITY)

Plats "F" & "G"

Plat "E"

Plat "D"

Lot 32 would
become a corner
with this proposal

PHASE 2

Please note, the layout shown in phase 2 is very preliminary in nature and the lot sizes, configurations and road locations are subject to change. However, based on the existing PRC zoning, if the rest of the project was built out as shown, no more than 15 lots could be built in this area.



SCALE: 1" = 80'



HEET:
C-1

DATE: Nov 05, 2020



THE PRESERVE AT MAPLETON
MAPLETON, UTAH

[illegible]

McBROWN
INCORPORATED

31 SOUTH 400 WEST
OREM, UTAH 84058
OFFICE # (801) 577-1799
FAX # (801) 577-1789

DESIGNED BY: J. BURNS
 DRAWN BY: B. ANDREASON
 CHECKED BY: 1" = 250'
 SCALE: HORIZ. 1" =
 DATE: JUNE 12, 2006

2005-124
 JOB NO.

SHEET PHASE

PLAT "A"	
PLAT "B"	
PLAT "C"	
PLAT "D"	
PLAT "E"	
PLAT "F"	
PLAT "G"	

Attachment “3” PRC-4 Zoning Text

SECTION:

[18.82D.005](#): Theme

[18.82D.010](#): Name And Purpose

[18.82D.020](#): Permitted Uses

[18.82D.030](#): Permitted Accessory Uses

[18.82D.040](#): Land Use Standards

[18.82D.050](#): Building Setbacks For Ranch Lots (56 Through 92)

[18.82D.060](#): Building Setbacks For Lots 1 Through 55

[18.82D.070](#): Building Height Standards

[18.82D.080](#): Garage And Parking Standards

[18.82D.090](#): Design Review Committee Approval And Stamp

[18.82D.100](#): Common Areas And Buildings

[18.82D.110](#): Density

[18.82D.120](#): Emergency Access

[18.82D.130](#): Transfer Of Common Areas To Mapleton City In The Event Of Default By The Homeowners' Association

18.82D.005: THEME:

The Preserve at Mapleton planned residential community carries with it the theme of luxurious country living. Residents of the Preserve at Mapleton will enjoy walking trails, water features, welcome houses, horse riding trails, access to the Bonneville Shoreline Trail and Maple Mountain, large ranch and estate lots, and acres of landscaped open space. This two hundred forty (240) acre drop of country elegance will carry with it a feeling of greatness that will influence all of the great city of Mapleton City. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.010: NAME AND PURPOSE:

The name of this zone shall be the Preserve at Mapleton PRC-4 zone. The purpose of this zone is to protect the integrity of the Preserve at Mapleton and keep the theme consistent throughout the entire planned residential community. Compliance with the set forth zone will ensure a more attractive and desirable environment within this residential community in Mapleton City. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.020: PERMITTED USES:

One single-family dwelling unit per legally created lot and subject to section [18.82D.090](#) of this chapter.

Public utility facilities.

Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, at the expiration of which time the use shall be discontinued. This use is subject to subsection [18.84.200B](#) of this title (temporary building construction).

Water reservoirs and water facilities. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.030: PERMITTED ACCESSORY USES:

Accessory uses are permitted in the Preserve at Mapleton residential community zone, provided that they are incidental to the main residential dwelling unit, they do not alter the character of the permitted principal use, and are subject to any required approvals or requirements. Such permitted accessory uses and structures include the following:

Animal rights; estate lots (lots 1 through 7 and 17 through 48): The raising, care and keeping of livestock and fowl will be limited to one animal unit and their seasonal offspring for each twenty thousand (20,000) square feet; and barns, corrals, pens, coops and other structures associated with animals as approved by section [18.82D.090](#) of this chapter.

Animal rights; ranch lots (lots 56 through 92): The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures associated with animals approved by section [18.82D.090](#) of this chapter. One animal unit and their seasonal offspring for each thirty thousand (30,000) square feet shall be allowed.

Customary residential household pets as defined in section [18.08.010](#) of this title.

Fences, walls subject to section [18.82D.090](#) of this chapter.

Home occupations are subject to section [18.84.380](#) of this title.

Noncommercial plant nurseries and private greenhouses subject to section [18.82D.090](#) of this chapter.

Owner occupied accessory apartments, subject to approvals outlined in section [18.82D.090](#) of this chapter and section [18.84.410](#) of this title.

Pools, tennis courts and other recreational site amenities shall be permitted subject to section [18.82D.090](#) of this chapter.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as a ranch lot (Lots 56 through 92) described herein and in accordance with section [18.82D.090](#) of this chapter.

Uses permitted for the clubhouse/common facility may include the following:

Accessory structures.

Dressing and locker rooms.

Exercise and entertainment facilities.

Food and retail sales limited to the support of the facility and its users.

Meeting and gathering areas.

Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.

Service structures and yards for maintenance of the common facilities of the PRC-4 Zone.

Any structures allowed as accessory uses shall be approved by section [18.82D.090](#) of this chapter whether a building permit is required or not. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.040: LAND USE STANDARDS:

There shall be no land use standards except as set forth in section [18.82D.090](#) of this chapter.

The minimum lot size for the ranch lots (Lots 56 through 92) shall be 2.4 acres (104,544 square feet).

The minimum lot size for the estate lots (Lots 1 through 55) shall be 0.7 acres (30,492 square feet). (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.050: BUILDING SETBACKS FOR RANCH LOTS (56 THROUGH 92):

A. Main Buildings: Building setbacks are governed by established building envelopes that far exceed requirements for PRC Zones. These envelopes are set forth by the homeowners' association and are approved under section [18.82D.090](#) of this chapter. In the case of conflict with setback requirements for a PRC Zone, the greater setback will govern.

B. Accessory Buildings: Accessory building setbacks are governed by established accessory building envelopes that far exceed requirements for PRC Zones. These envelopes are set forth by the homeowners' association and are approved under section [18.82D.090](#) of this chapter. In the case of conflict with setback requirements for a PRC Zone, the greater setback will govern. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.060: BUILDING SETBACKS FOR LOTS 1 THROUGH 55:

A. Main Buildings: Main buildings shall have the following setback requirements. In the case of conflict with setback requirements for a PRC Zone, the greater setback will govern. All setbacks are measured from property line. These setback requirements may be reduced under section [18.82D.090](#) of this chapter, provided no setbacks are reduced to less than requirements for a PRC Zone.

Front yard setback: Thirty feet (30').

Side yard setback: Ten feet (10') on one side and twenty feet (20') on the other. A twenty foot (20') side yard is required at an existing adjacent ten foot (10') side yard resulting in a minimum of thirty feet (30') from adjacent structure, unless the lots on either side of the subject lot have begun construction and used their ten foot (10') setback on the subject lot's sides. In this case the subject lot shall choose which side they shall use their ten foot (10') setback and which side they shall use their twenty foot (20') setback. In this case a lot must still meet the requirement of a ten foot (10') setback on one side and a twenty foot (20') setback on the other side totaling a minimum of twenty feet (20') between structures on one side and thirty feet (30') on the other side. However, lots 50 through 53 may have a ten foot (10') side yard setback on both sides.

Corner side yard setback: Thirty feet (30').

Rear yard setback: Forty feet (40'). However, lots 8 through 16 and 49 through 55 have a twenty five foot (25') rear yard setback.

B. Accessory Buildings: See section [18.82D.070](#) of this chapter for setback increases for accessory buildings over twelve feet (12') in height.

Accessory buildings shall be located thirty feet (30') behind the nearest front portion of a main building.

Accessory building side yard setback: Three feet (3') but no less than thirteen feet (13') from an existing accessory building on the adjacent property and forty feet (40') from an existing residence on the adjacent property.

Accessory building rear yard setback: Three feet (3') but no less than thirteen feet (13') from an existing accessory building on the adjacent property and forty feet (40') from an existing residence on the adjacent property. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.070: BUILDING HEIGHT STANDARDS:

A. Main Buildings: Building height of residences shall not exceed two (2) stories above the basement level with a maximum of thirty five feet (35') measured from finished grade of the lot to the midpoint of the main roof pitch, excluding dormers, chimneys, mechanical and other equipment. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10') away from the structure based on average elevation of each measured side. Dormers shall not be allowed above thirty five feet (35') measured from the finished grade to the bottom of the windowsill.

B. Accessory Buildings: Accessory buildings shall be limited to a maximum of thirty five feet (35') with no increases in height for setbacks, provided structures over twelve feet (12') have a ten foot (10') minimum setback. Building height for an accessory building shall be measured from finished grade of the lot to the highest point of the roof. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10') away from the structure based on average elevation of each measured side. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.080: GARAGE AND PARKING STANDARDS:

Shall be calculated as follows:

Square Foot Area Of Residence (Based On Applicable CC&Rs)	Number Of Garage Spaces	Total Off Street Spaces (Including Garage)
Under 4,500	2	4
4,500 - 7,999	3	4
8,000 - 14,990	4	6
Over 15,999	5	8

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.090: DESIGN REVIEW COMMITTEE APPROVAL AND STAMP:

A design review committee (DRC) has been established for the applicable CC&Rs to verify and enforce design. No building permit or fence application will be accepted by the city without the applicable DRC approval and stamp. All building guidelines will meet applicable Mapleton City

and building code standards as well as the standards in the CC&Rs and design guidelines. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.100: COMMON AREAS AND BUILDINGS:

Up to two (2) welcome houses may be constructed on common right of way areas. One located at the intersection of 1600 S and Preserve Drive and one located at the intersection of Maple Canyon Drive and Preserve Drive. Such structures shall be limited to four hundred (400) square feet of area (excluding basements) and one story/sixteen feet (16') in height measured from finished grade of the lot to the highest point of the roof. The welcome house structures shall not be located closer than six feet (6') from a roadway curb and eighteen feet (18') from the boundary of the PRC-4 zone.

Bridge structures and water features may be constructed in a common right of way area or other easement. Such structures shall allow for minimum road widths and construction requirements and shall not exceed eight feet (8') in height.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as a ranch lot (lots 56 through 92) described herein and in accordance with section [18.82D.090](#) of this chapter.

Uses permitted for the clubhouse/common facility may include the following:

Accessory structures.

Dressing and locker rooms.

Exercise and entertainment facilities.

Food and retail sales limited to the support of the facility and its users.

Meeting and gathering areas.

Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.

Service structures and yards for maintenance of the common facilities of the PRC-4 zone.

Open space and trails shall be used for the enjoyment of the community. The trails shall be used for walking, jogging, bicycling, horseback riding and other nonmotorized activities. With the exception of service vehicles owned and operated by the homeowners' association, no motorized vehicles shall be allowed in the common areas. All trails and open space will be maintained and improved by the homeowners' association. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.110: DENSITY:

The total density allowed in the Preserve at Mapleton PRC-4 zone is ninety two (92) individual building lots and common area buildings. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.120: EMERGENCY ACCESS:

In the event of a natural disaster or other emergency, the residents of the Preserve at Mapleton must provide reasonable emergency access to areas of concern or danger for the proper

authorities. An example of this would be the need to have access to the debris basin, or an injury on one of the common trails. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.130: TRANSFER OF COMMON AREAS TO MAPLETON CITY IN THE EVENT OF DEFAULT BY THE HOMEOWNERS' ASSOCIATION:

In the event of a default by the homeowners' association, all of the homeowners' association's right, title and interest in and to the common areas, including, but not limited to, the debris basin, shall pass to Mapleton City. Upon default by the homeowners' association and transfer of ownership of common areas to the city, the residents within the development shall pay all costs of maintenance of common areas to the city. In the event of default, Mapleton City may assess a monthly maintenance fee to all residents in order to maintain the common areas as they were previously maintained. For purposes of this section, the occurrence of any of the following shall constitute a default by the homeowners' association:

A. The dissolution or liquidation of the homeowners' association;

B. The homeowners' association shall become insolvent, or shall suffer or consent to or apply for the appointment of a receiver, trustee, custodian or liquidator of itself or any of its property, or shall generally fail to pay its debts as they become due, or shall make a general assignment for the benefit of creditors; the homeowners' association shall file a voluntary petition in bankruptcy, or seeking reorganization, in order to effect a plan or other arrangement with creditors or any other relief under the bankruptcy code (meaning the bankruptcy reform act of 1978 [11 USC section 101-1330] as hereafter amended or recodified), or under any state or federal law granting relief to debtors, whether now or hereafter in effect; or any involuntary petition or proceeding pursuant to the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors is filed or commenced against the homeowners' association or the homeowners' association shall file an answer admitting the jurisdiction of the court and the material allegations of any involuntary petition; or the homeowners' association shall be adjudicated as bankrupt, or an order for relief shall be entered against the homeowners' association by any court of competent jurisdiction under the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)