

City Council Staff Report



Date:
7/7/2021

Applicant:
Brad Garfield

Location:
Approximately 250 East
1600 South

Prepared By:
Brian Tucker, Planner

Public Hearing:
Yes

Zone:
A-2

Attachments:
1. Standard Findings
2. Subdivision Plans
3. June 2, 2021 DRC
Minutes

REQUEST

Consideration of an ordinance applying a Transferable Development Right Receiving Site (TDR-R) Overlay to 7.76 acres located at approximately 250 East 1600 South and granting Preliminary Plat approval for the Garfield Estates Plat "A" subdivision consisting of four lots.

BACKGROUND & DESCRIPTION

The subject property is 7.76 acres in size in the A-2 zone and has frontage on 1600 South as well as Magnolia Place. There is one existing dwelling on the property. The lots to the east are located in the Preserve subdivision and are approximately one acre in size. The lots to the south are in the Magnolia Lane subdivision and are approximately $\frac{3}{4}$ of an acre in size. The lots to the west range in size from 2 acres to 5.3 acres in size.

The applicant is requesting approval of the following:

- A TDR-Receiving Site Overlay zone for the property; and
- Preliminary plat approval for a four-lot subdivision. Two lots are proposed on 1600 South (2.3 and 1.35 acres in size) and two lots are proposed on Magnolia Place (2.19 and 1.92 acres in size).

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 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 encourages land uses to be compatible or utilize adequate buffers. The proposed lots are consistent with other developed lots within the area and with the General Plan land use designation.

Zoning: The project area is currently zoned A-2. The applicant is not requesting a change of the base zoning, only that the project area include the TDR-Receiving Overlay. The Future Land Use Map and the Land Use Element of the General Plan support this request. With TDR's the minimum lot size is one acre, and the minimum width is 125 feet.

The City Council recently adopted changes to the density limitations with the use of TDRs. MCC Section 18.76.090 indicates that for projects that are less than 15 acres in size and are not providing dedicated open space, that TDRs can be used to increase density by no more than 50%. The proposal for four lots on this site is consistent with the density requirements of the TDR ordinance.

Transportation Plan and Roads: When the Maple Vale Subdivision was approved in 2018, a stub road was planned along the west property line of the subject parcel. This roadway was intended to provide access to the Skinner property that was part of the Maple Vale project, the subject parcel and other larger parcels that could potentially develop. The proposed preliminary plat does not include the construction and extension of this stub road as it is not needed to service this property, however the stub road does need to be extended to its full width to the end of the current stub street. Staff is supportive of not requiring the stub road to be extended beyond the current length at this time as the road alignment falls primarily on the properties to the west and it is still unclear whether those properties north of the Skinner property will develop in the future. To ensure that the Skinner parcel is not precluded from developing as approved, staff recommends that the applicant be required to dedicate right of way on the plat to ensure that the adjacent parcels are not precluded from building that road if/when needed in the future.

The sidewalk and planter strip on the south frontage of lots 3 and 4 must be installed in accordance with the approved Magnolia Place cross section. A portion of the required planter strip is already dedicated to the City. The applicant only needs to widen the park strip to its required 8'.

Subdivision: 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.

Planning Commission: The Planning Commission recommended approval of the Garfield Estates Subdivision and a rezone to include the TDR-Receiving Overlay Zone. The recommended approval also included a recommendation that a right of way easement be required along the entirety of the west side of lot 3 as directed by the Development Review Committee.

RECOMMENDATION

Adopt the ordinance approving the Garfield Estates Subdivision 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.
2. Magnolia Lane must be completed to the existing end of asphalt.
3. A 5' sidewalk and 8' planter strip must be installed along the south frontage of lots 3 and 4.
4. A right of way dedication will be required along the entirety of the west side of lot 3 as directed by the Development Review Committee.

ORDINANCE NO. 2021-

AN ORDINANCE APPLYING A TRANSFER OF DEVELOPMENT RIGHT RECEIVING SITE (TDR-R) OVERLAY TO 7.76 ACRES LOCATED AT APPROXIMATELY 250 EAST 1600 SOUTH AND GRANTING PRELIMINARY PLAT APPROVAL FOR THE GARFIELD ESTATES PLAT "A" SUBDIVISION CONSISTING OF FOUR LOTS.

WHEREAS, the project site is currently zoned A-2; and

WHEREAS, the Land Use Element of the General Plan designates the project site as "Rural Residential"; and

WHEREAS, the goals and policies of the Land Use Element encourage large lot developments and the implementation of the TDR program; and

WHEREAS, the proposed rezone is consistent with the General Plan; and

WHEREAS, the Planning Commission recommended approval to the City Council on June 10, 2021.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to rezone 7.76 acres located at approximately 250 East 1600 South to include the Transferable Development Right Receiving Site Overlay Zone (TDR-R) and grant Preliminary Plan Approval for the four lot Garfield Estates Plat "A" Subdivision.

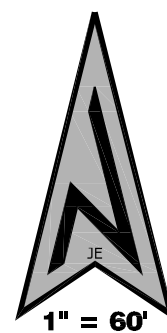
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH, this 7th Day of July 2021.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

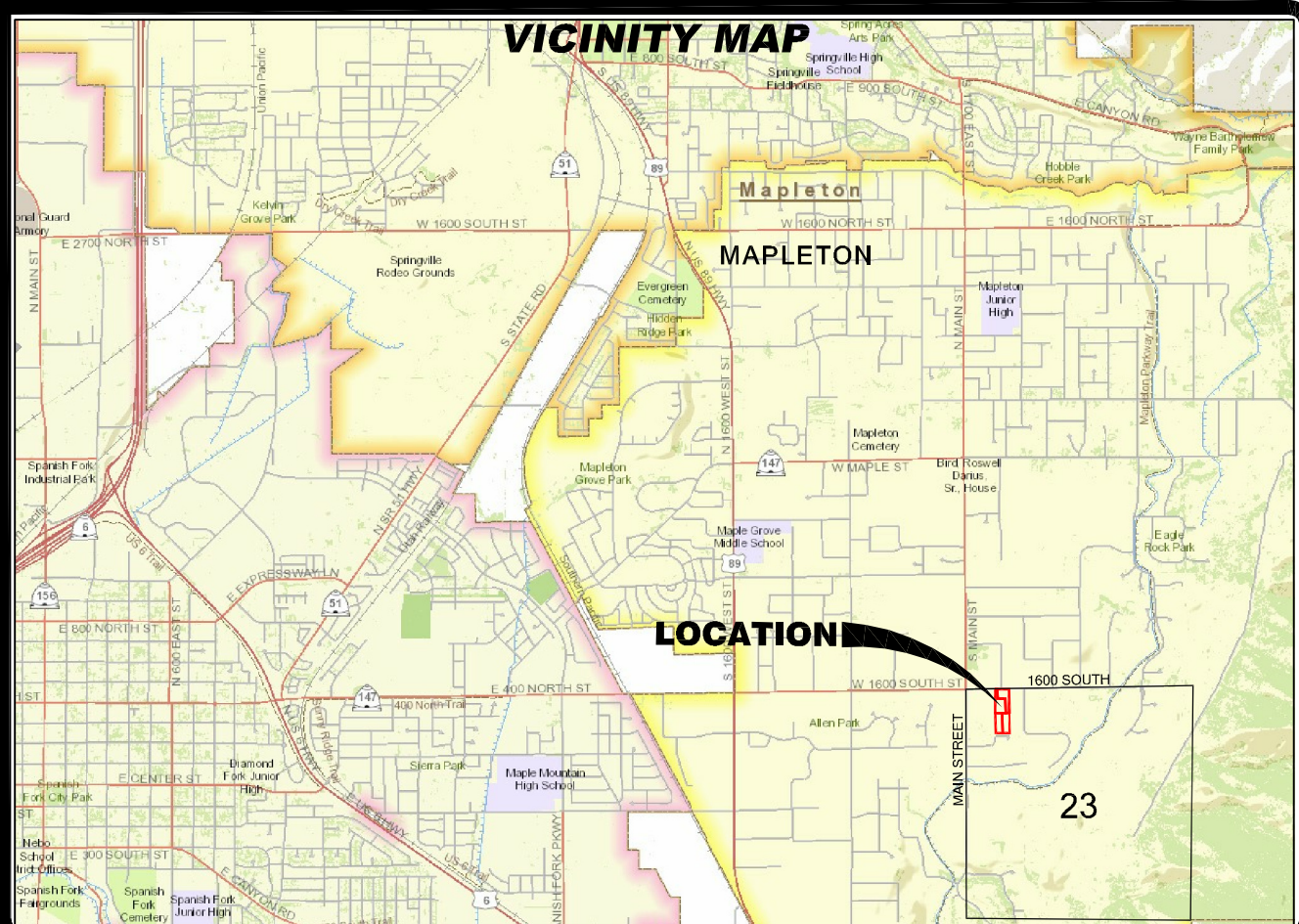
Attachment “1” Findings for Decision		
No.	Findings	
1.	The plans, documents and other submission materials (including technical reports where required) are sufficiently detailed for proper consideration.	✓
2.	The submitted plans, documents and submission materials conform to applicable city standards.	✓
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.	✓



LEGEND

- Utah County Section Corner Monument Of Record
- Utah County Quarter Section Monument of Record
- Rebar & Cap, "PLS 334398" for Property Corner
- Boundary Line
- Power Pole (PP)
- Existing Ditch Line (Irrigation or Drainage)
- Existing Fence Line
- Edge of paved road
- Dedicated to Mapleton City for Street Right-of-Way
- Boundary Line of Record
- Street / Canal / Railroad Right-of-Way Line

W Sec 23, T 8 S, R 3 E 22 23
3" Bass Cap (Set 2021)



SHEET
1
SHEETS
JOB NUMBER
21UT110



JOHNSTON
ENGINEERING P.C.
CIVIL • SURVEYING • STRUCTURAL

844 EAST MAIN | TREMONTON, UT 84337 | 435.257.1156 | 435.257.1166

MAGNOLIA LANE PLAT "A"
(Recorded 2020)

MAGNOLIA LANE PLAT "B"
(Recorded 2020)

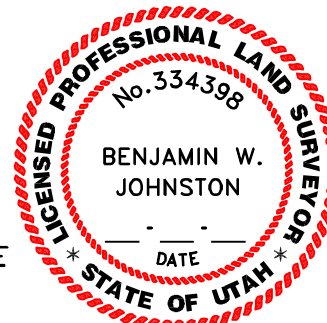
MAPLETON IRRIGATION APPROVAL

APPROVED THIS _____ DAY OF _____, 20__

MAPLETON IRRIGATION REPRESENTATIVE _____ DATE _____

SURVEYOR'S CERTIFICATE

I, BENJAMIN W. JOHNSTON, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR AND HOLD CERTIFICATE NO. 334398 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT; AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH STATE CODE, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT.



BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 23, T 8 S, R 3 E, S.L.B.&M.

Beginning at a point 660.00 feet N 89°22'35" E along the Section Line (Basis of Bearing) and 7.18 feet S 01°19'09" E from the Northwest Corner of Section 23, T 8 S, R 3 E, S.L.B.&M. said point being 660.00 feet EAST 660.00' of said Northwest Corner; thence EAST 330.00 feet; thence SOUTH 1056.00 feet along the west line of feet The Preserve at Mapleton Plat "G" to the North line of Magnolia Lane Plat "B" subdivision; thence WEST 330.00 feet along the north line of said Plat "B" to a found PK Nail in asphalt; thence NORTH 92.47 feet to a found Knowlden rebar and cap at an angle point in the north boundary of said Plat "B" thence; thence N 89°08'29" E 5.36 feet to an existing fence line 660.00 feet east of the West Line of said Section 23; thence N 00°19'09" W 937.65 feet along existing fence lines running parallel with and 660.00 feet perpendicularly distant from the West Line of said Section 23 to the point of beginning. Containing 7.76 acres more or less and 4 Lots.

The BASIS OF BEARING is the North Line of the Northwest Quarter of Section 23, T 8 S, R 2 E, S.L.B.&M. bearing N 89°22'35" E between the Northwest Corner (Bras Cap Mon) and the N/4 Corner (Brass Cap Mon).

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS GARFIELD ESTATES AND DO HEREBY DEDICATE, GRANT AND CONVEY TO MAPLETON CITY, UTAH: (1) ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER; (2) THOSE CERTAIN PUBLIC UTILITY AND DRAINAGE EASEMENTS AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF THE PUBLIC UTILITY SERVICE LINES AND DRAINAGE; AND (3) THOSE PARCELS DESIGNATED AS PUBLIC OPEN SPACE, PARKS, TRAIL OR EASEMENTS, OR OF SIMILAR DESIGNATION. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS. THIS _____ DAY OF _____ 20__.

SIGNATURE (ABOVE) _____ DATE _____
PRINTED (BELOW)

SIGNATURE (ABOVE) _____ DATE _____
PRINTED (BELOW)

ACKNOWLEDGEMENT

ON THIS _____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING OWNERS DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC (PRINTED NAME) _____

A NOTARY PUBLIC COMMISSIONED IN UTAH _____

NOTARY SEAL

ACCEPTANCE BY LEGISLATIVE BODY

ON THIS _____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING OWNERS DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

APPROVED:

MAYOR'S SIGNATURE _____ DATE _____

COMMUNITY DEVELOPMENT DIRECTOR SIGNATURE _____ DATE _____

CITY ENGINEER'S SIGNATURE (SEAL BELOW) _____ DATE _____

ATTEST:

CITY CLERK (SEAL BELOW) _____ DATE _____

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20__, A.D. BY THE MAPLETON CITY PLANNING COMMISSION.

PLANNING COMMISSION CHAIR SIGNATURE _____ DATE _____

GARFIELD ESTATES

SITUATE IN
THE NORTHWEST QUARTER OF SEC 23, T 8 S, R 3 E, S.L.B.&M.
MAPLETON CITY, UTAH COUNTY

CITY ENGINEER SEAL CITY RECORDER SEAL COUNTY RECORDER STAMP



Development Review Committee Minutes

June 2, 2021

On or about May 25, 2021, Brad Garfield re-submitted plans for the Garfield Estates Subdivision in the A-2 zone and located at 210 East 1600 South. The items below include 1) requested changes to the submitted plans, 2) other items required as part of the application and/or 3) informational items regarding city standards. **All items that include an * and are bolded are required prior to any public hearings.**

Community Development Division

Sean Conroy, Community Development Director
Phone: (801) 806-9101 Email: sconroy@mapleton.org
Brian Tucker, Planner, Phone: (801) 806-9101
E-Mail: btucker@mapleton.org

Please submit revised drawings and the following corrections:

Comments for plans submitted May 25, 2021:

1. The final plat must include, among other requirements, the following:
 - a. A dedication block and signature lines for all property owners. The owners will need to sign the plat exactly as they signed the deed to the property and must print their names underneath their signatures to match the signatures. In addition, properties in trusts must include the title of the signer, the full name of the trust and the date of the trust.
 - b. In accordance with the standards of the Utah County Recorder, **the names of the Owners must be printed in the Acknowledgement as the persons who appeared before the notary**. It is useful for the plat to contain a space within the acknowledgment text for the names to be written. Other standards may apply for trusts and corporations. Please communicate with the Utah County Recorder's Office for the specifics for this requirement.
2. Magnolia Lane (200 East) was expected to continue northward to 1600 South. Part of that construction was expected to occur on this property. Co-ordinate with Mapleton Public Works on how to accommodate this road extension. Preliminary discussions between the Planning and Engineering Staff's have considered the possibility of requiring only a right of way or easement to accommodate the future construction by others. Your point of contact is Steven Lord, Mapleton's City Engineer, at 801-489-6253 or slord@mapleton.org.*

Engineering and Public Works Division

Steven Lord, P.E. Public Works Director/City Engineer
Phone (801) 489-6253 Email: slord@mapleton.org

Please submit Geotech report, water analysis, and drainage report



Streets

1. Please use Mapleton City standard cross section (Collector)
2. Magnolia Lane must be completed to the existing end of asphalt
3. ROW needs to be dedicated or placed in an easement along west side of lot 3 to accommodate future curb, gutter, and road. Alignment should match curb line of Magnolia Lane.
4. Sidewalk and planter strip is required along the south frontage of lots 3 & 4

1. Show locations of utility services to each lot

General

(These items are intended for reference purposes only. Notice to proceed with construction will not be given until these items are either noted on the plans or discussed in a pre-construction meeting). Items *highlighted* must be submitted prior to final approval.

An excavation permit, available online at www.mapleton.org will be required for all work performed in the city right-of-way.

All utility crossings will be marked with etchings in the back of curb.

Please follow APWA standards and specifications unless otherwise identified in the Mapleton City Supplement to APWA Standards and Specifications available online at www.mapleton.org.

A Storm Water Pollution Prevention Plan (SWPPP) permit will be required. Please contact JD Shepherd at Mapleton City Public Works with questions.

Electronic As-Built drawings of any and all utility connections and appurtenances will be required prior to the approval of final inspection.

Any work on Mapleton Irrigation Company ditches will be approved by the Irrigation Company.

Any work on dry utilities including but not limited to power, gas, and communications will be coordinated and approved by the relevant utility company and must be installed within the public utility easement.

Concrete Collars will be required on all valves and manholes in the roadway.

The applicant must submit plans to RB&G Engineering (801-374-5771) to be added into the City's water model. The applicant shall be responsible for the cost of this review.

The applicant must submit a Storm Drain report certifying that the proposed Storm Drain design will accommodate the 100-year storm.

The applicant must submit a geotechnical report per Mapleton City standards.



Any work in UDOT Right-of-Way will require a separate UDOT access and encroachment permit.

Please ensure 10' separation between culinary water and sanitary sewer lines.

A maintenance plan and agreement will be required and recorded for all storm drain retention basins.

A note must be placed on the plans to identify any existing fences and/or improvements on adjacent properties. If construction requires the removal of or results in damage to these items, they must be replaced before the final development inspection can be completed.

A stamped and signed plan set will be delivered electronically to the City Engineer prior to commencement of any construction.

Upon final plat approval from the final decision making body (Planning Commission or City Council), the following items will be required:

- ☐ Revise drawings to address any outstanding issues raised in the DRC comments and/or project conditions.
- ☐ The applicant must submit a preliminary title report or policy of title insurance.
- ☐ The applicant must submit proof that the taxes are current for the subject property.
- ☐ Applicant may choose to either 1) establish a performance bond and durability bond agreement prior to plat recording (amount to be determined by City Engineer) or 2) to install any required improvements (i.e. utilities, roads, curb, gutter, sidewalk, etc.) without a performance bond (durability bond still required). If option 2 is selected, the plat will not be recorded until the City has accepted the improvements.
- ☐ Payment of impact fees (\$4,573.91 per lot). An additional impact fee of \$10,089.52 per lot will be required at the time of building permit issuance.
- ☐ Submit 10 water shares or converted water rights in the name of Mapleton City (Calculated as of .45 acre feet per building lot/residence and 2.5 acre feet per irrigable acre for outdoor use). The indoor portion must consist of irrigation shares from the Mapleton or Hobble Creek Irrigation Company or converted water rights and cannot consist of less than 1.35 acre feet/shares.
- ☐ Submit 1 TDR certificate.
- ☐ Payment of engineering inspection fees (\$200 per lot).
- ☐ Payment of street light fee (\$450 per lot).
- ☐ Payment of slurry seal fee (\$.18 a square foot of asphalt).
- ☐ Submit a SWPPP and Land Disturbance application and fee (\$500). Contact JD Shepherd at Public Works (489-6253) to review this requirement.
- ☐ Submit final mylar with all required signatures.
- ☐ Submit a check made out to Utah County Recorder (\$50 per page and \$2 per



lot).

- Coordinate with the Postal Service regarding location of cluster mailbox (CBU). The purchase and placement of the CBU is the responsibility of the developer (see attached letter).