

**Item:**

2

Date:

September 24, 2020

Applicant:

Rick Maingot

Location:

Approximately 100 North
1750 West

Prepared By:

Brian Tucker, Planner

Public Hearing:

Yes

Zone:

A-2/GC-1

Attachments

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

REQUEST

Consideration of a request to rezone 1.34 acres located at approximately 100 North 1750 West from General Commercial (GC-1) to Residential-Minor Agricultural (RA-2) and the approval of a 4-lot subdivision.

BACKGROUND & DESCRIPTION

The applicant owns 3 parcels adjacent to the Holley Subdivision that have access to 1750 West, Maple Street or both. Portions of the property are zoned GC-1 and A-2. The applicant is proposing the following:

- Rezone 1.34 acres to RA-2,
- Reconfigure the 2 existing parcels with homes to accommodate the proposed additional lots, and
- Create 2 additional lots.

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.*

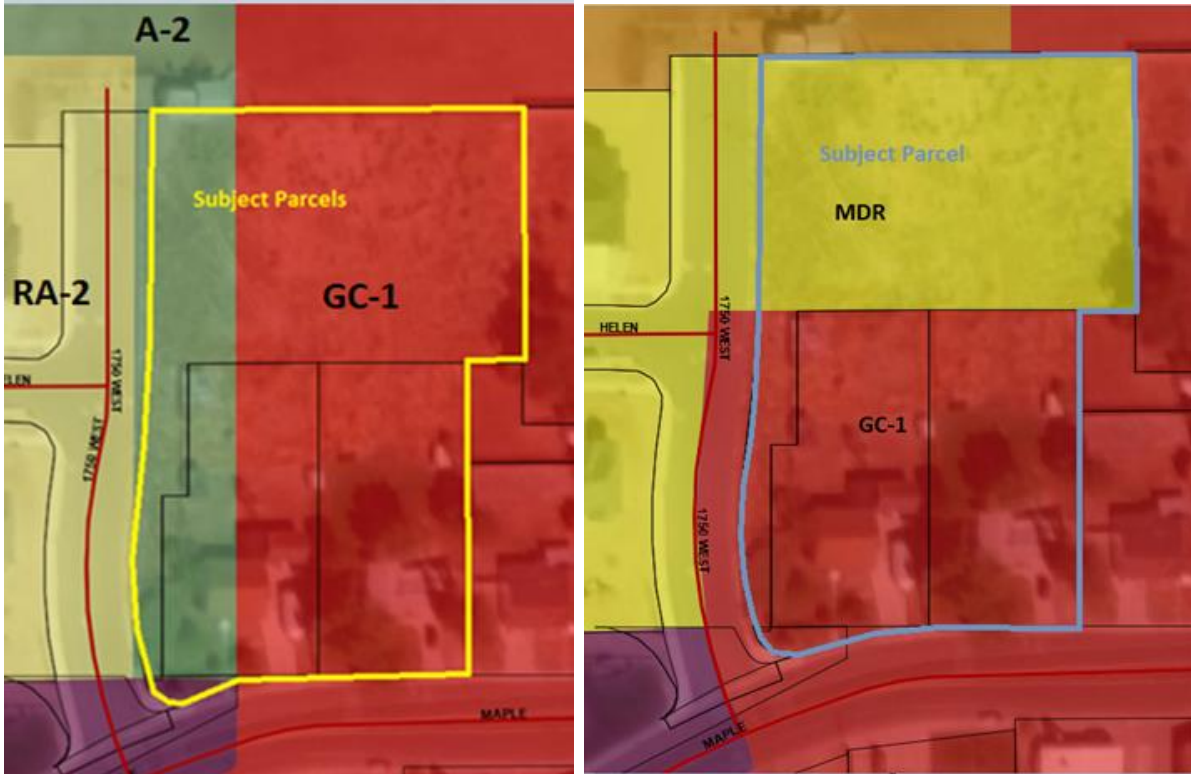
General Plan:

This area of the City is characterized by medium density residential lots to the west and older, existing homes to the south and east.

The area near the corner of 1600 West and Maple Street was General Planned for Shopping Center Commercial in 2009 and was rezoned GC-1 as a result. The existing lots tend to be small and the lack of unified ownership make this a difficult area to develop. The 2020 General Plan designates the area that would include the two additional lots as "Medium Density Residential", an acknowledgement that the existing development patterns did not lend themselves to a "Shopping Center" type development. The applicant is asking for the zoning to be changed to RA-2 to match the General Plan.

Current Zoning

General Plan



The Future Land Use Map of the Land Use Element of the General Plan designates this site as Medium Density Residential (MDR).

The General Plan states the following regarding the MDR designation:

"The Medium Density land use category is maintained in established locations, permitting single-family residential development on lots between one-third to one acre in extent. Smaller lots may be proposed as part of a conservation subdivision provided the overall densities are not increased."

The General Plan Land Use Map indicates that this area is appropriate for lots that contain at least 1/3 acre (14,500 sf).

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 and that this is an area where single family homes accessing the residential street (1750 West) would be more compatible than office or retail uses.

Zoning: The project area is zoned primarily General Commercial (GC-1) with a strip between the street and the GC-1 that is a remnant from when the entire area was zoned A-2. The applicant is requesting that the zoning be changed to RA-2 to facilitate the creation of 2 additional residential

lots. The two new lots would need the RA-2 zone to be used residentially, while the two existing homes are non-conforming residential uses in a commercial zone.

The two existing homes could continue to be zoned GC-1, where they would retain the legal non-conforming status, or they could be rezoned to RA-2 to reflect the current uses. The non-conforming status does come with limitations, including the prohibition against expanding the structure with additions. The GC-1 zone has no minimum area requirement. Lot 4 is currently proposed to include 12,556 sf, less than the 14,500-sf required in the RA-2 Zone. This lot would need to be enlarged by 2,000 sf if the lot was rezoned to RA-2.

Review Criteria: 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 Rezone from GC-1 and A-2 to RA-2 and approval of the Maingot Subdivision with parcels with the existing homes being zoned GC-1.

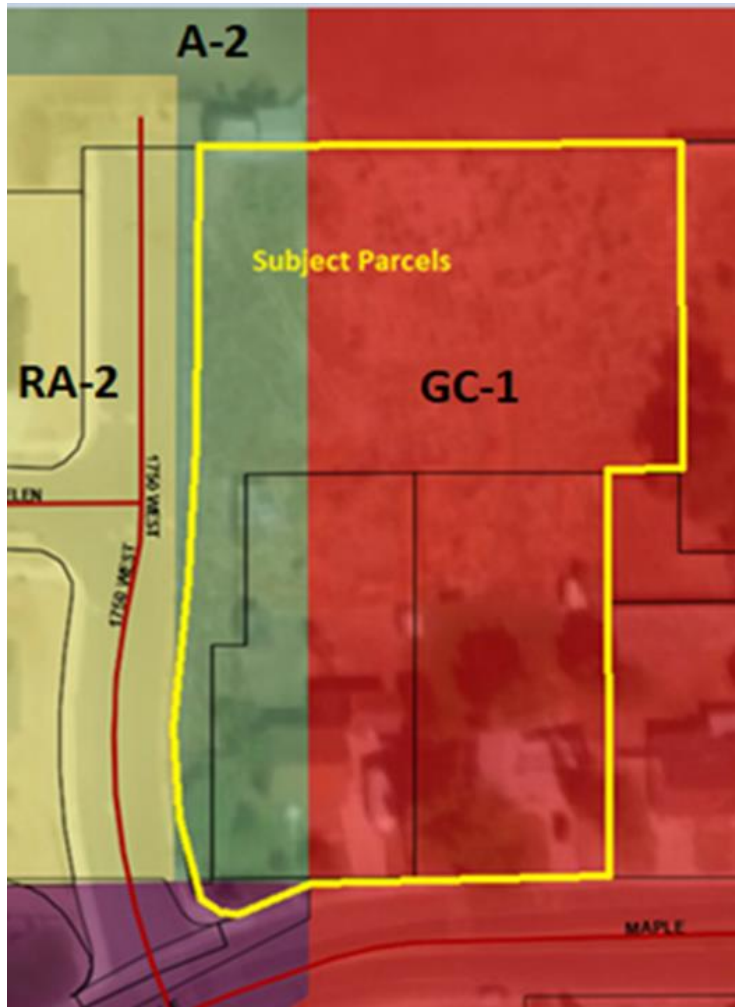
Alternative action: Recommend Approval of the Rezone from GC-1 and A-2 to RA-2 and approval of the Maingot Subdivision with parcels with the existing homes being zoned RA-2 and Lot 4 being sized appropriately.

SPECIAL CONDITION

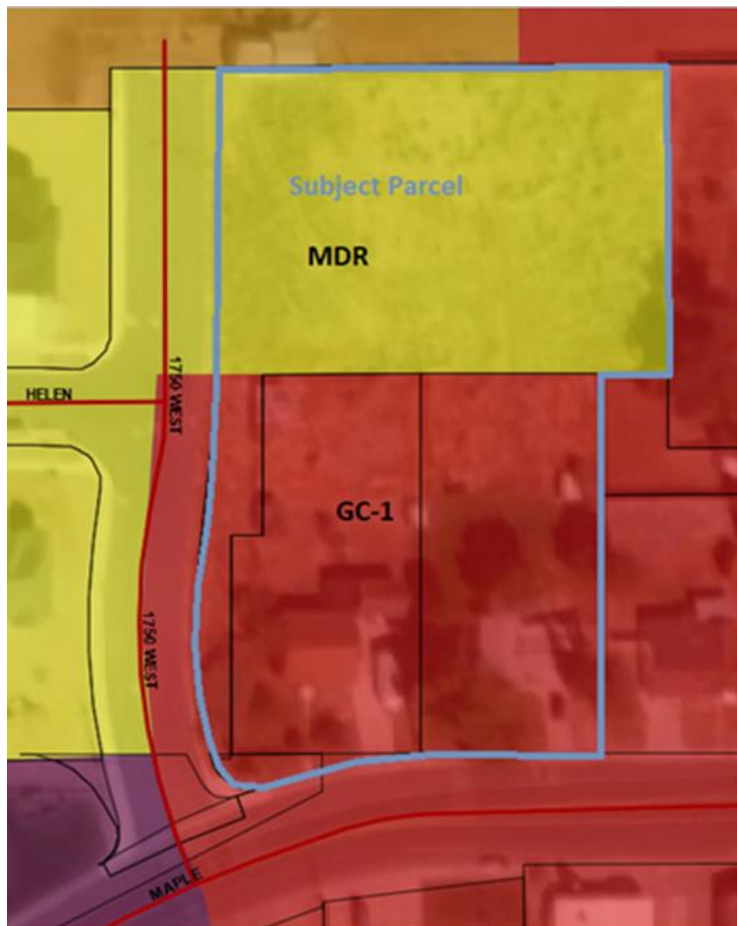
1. Any outstanding issues raised in the DRC minutes shall be addressed prior to plat recording.

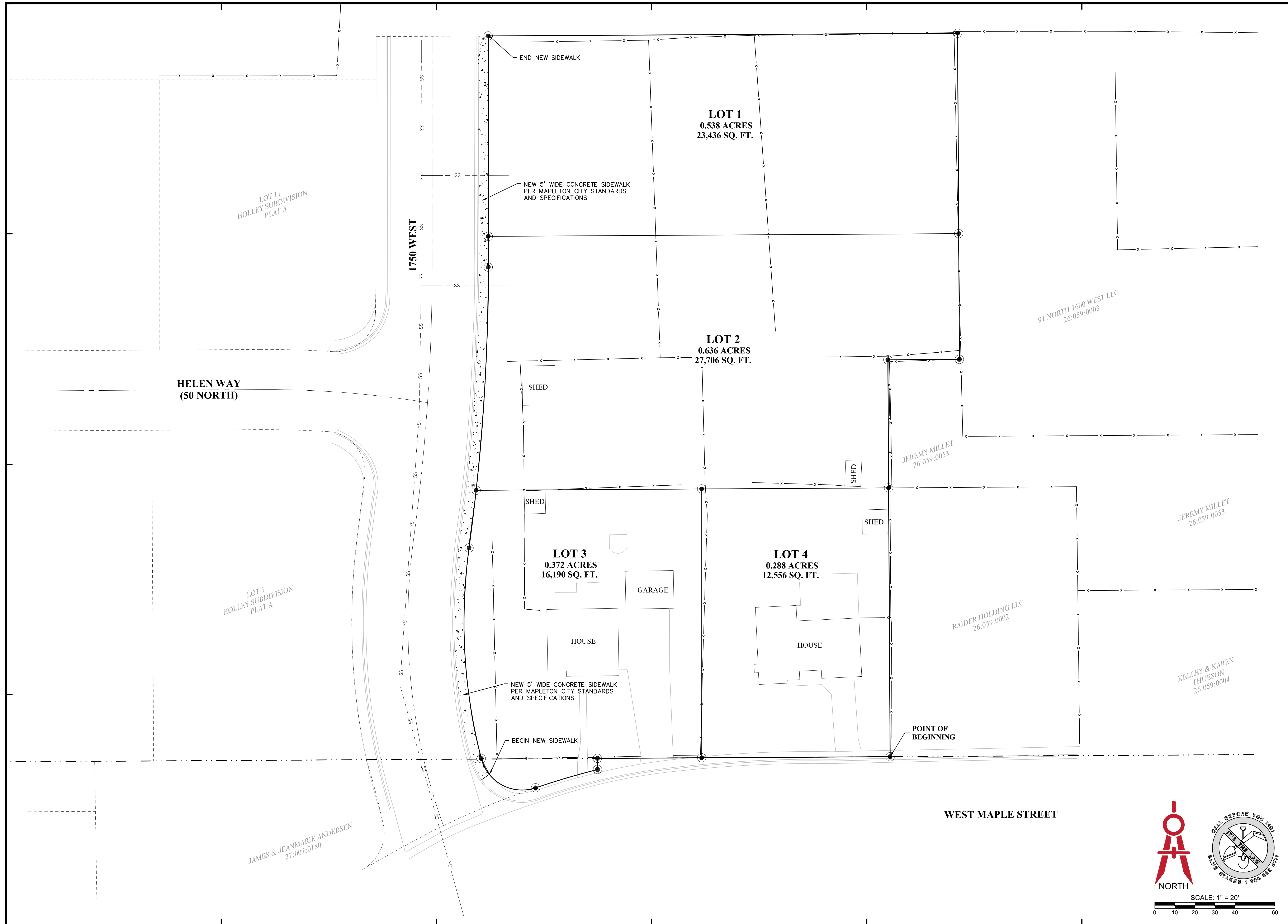
Attachment "1" Findings for Decision		
No.	Findings	
1.	The plans, documents and other submission materials (including technical reports where required) are sufficiently detailed for proper consideration.	✓
2.	The submitted plans, documents and submission materials conform to applicable city standards.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

Current Zoning



General Plan





NO.	REVISIONS	BY	DATE

ELEVATE ENGINEERING
 492 WEST 1200 NORTH
 SPRINGVILLE, UT 84663
 PHONE: (801) 716-6983
 larvin@elevateeng.com

**MAINGOT SUBDIVISION
 PUBLIC IMPROVEMENT PLAN**

1750 W MAPLE ST

PROFESSIONAL ENGINEER
 /22/2020
 10864737
 LARVIN POLLOCK
 STATE OF UTAH

SHEET:
C-1

DATE:
 Jul 22, 2020

MAPLETON CITY DEVELOPMENT REVIEW COMMITTEE MINUTES

September 2, 2020 at 8:30am

125 West Community Center Way (400 North), Mapleton, Utah 84664

On August 8, 2020, Rick Maingot submitted plans for the Maingot Subdivision in the A-2/GC-1 zone and located at approximately 1750 West Maple Street. 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) 806-9108

Email: btucker@mapleton.org

Please submit revised drawings and the following corrections:

Comments for plans submitted August 12, 2020:

1. A final plat must be submitted in accordance with state, county and Mapleton City standards. The final plat must include, among other requirements, the following:
 - a. A final plat stamped and signed by the Surveyor of Record.
 - b. 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.
 - c. The owners dedication must be accompanied by a line for the notary sign the plat, a line for the notary to print their full name, their commission number and the words “A notary public commissioned in Utah” in the signature block.
 - d. A signature block for the Mayor to approve and the City Recorder to Attest.
 - e. A signature block for the Planning Commission Chair to approve the plat.
 - f. A signature block for the Community Development Director to approve the plat.
 - g. A signature block for the City Engineer to approve the plat.
 - h. Addresses must be shown on the final plat.
 - i. In accordance with the standards of the Utah County Recorder, a space must be reserved near the bottom right hand corner for the recording certificate to be printed on the plat. The current plat doesn’t make space for this certificate. Please communicate with the Utah County Recorder’s Office for the specifics for this requirement.
 - j. 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. The assigned addresses for lots 1 is 94 North 1750 West and for lot 2 is 56 North 1750 West are as follows: Please label the lots accordingly.

3. As directed by the Mapleton City Engineer, the applicant must submit preliminary storm water drainage plans and calculations designed for a 100 year storm event.
4. As directed by the Mapleton City Engineer, the applicant must submit a Geotech Report addressing soil conditions and ground water.
5. The applicant must submit plans to RB&G Engineering (801-374-5771) to be inputted into the City's water model. The applicant shall be responsible for the cost of this review.
6. The applicant must submit a statement indicating the type of performance guarantee proposed to be offered as security for the construction of the required public improvements. The statement should include an indication of your intent to either install the required improvements prior to recording the subdivision plat (thereby necessitating only a 10% durability bond) or submit a performance guarantee and durability bond prior to recording the plat (thereby allowing for the plat to be recorded prior to the installation of improvements).

Engineering and Public Works Division

Steven Lord, City Engineer, Email: slord@mapleton.org
Phone (801) 489-6253, Fax (801) 489-5179

Please submit engineering drawings for laterals and sidewalk.

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.
- 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 (\$4,528 per lot). An additional impact fee of \$6,968 per lot will be required at the time of building permit issuance.
- Submit 2.8 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.
- 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).