

Mapleton City Planning Commission Staff Report

Meeting Date: September 10, 2009

Item: 6

Applicant: Ed Mellor

Zone: RA-2

Prepared by: Matt Brady

Public Hearing Item: Yes

Council Action Required: Yes

REQUEST

E. Mellor, agent for Mellor Estates Subdivision, Plat "B", requests approval of a Delay Agreement for bonded roadway improvements on property located generally at 1833 North 500 West. The subject property is located in the RA-2 Zone.

FINDINGS OF FACT:

1. Mellor Estates Subdivision, Plat "B" was approved by the Mapleton City Planning Commission on April 8, 2004. See attachments #1 and #2 for the recorded subdivision plat and construction drawing.
2. Most of the right-of-way (ROW) for 500 West Street was dedicated by means of a Warranty Deed (Entry # 21976 – 1975), recorded in 1975. The street does not currently connect. The plans for the subdivision called for connecting the street, which would enable traffic to travel from 1800 North to 2000 North.
3. The construction drawing (attachment #2) calls for 1/2 + 5' width improvements along 500 West Street to the north end of Lot 1. A small portion of the 500 West improvements were completed in 2005, but since then no additional improvements have been installed by the Applicant. The City is retaining \$27,815 in remaining cash bond funds for the completion of the road. Gary Calder, the City Engineer, has estimated the cost of completing the required improvements based on current prices to be \$52,380. See attachment # 4 (DRC Minutes) for more details on the bonding.
4. The Applicant is requesting approval of a delay agreement on installing the remainder of the improvements bonded for. See attachment # 3 for a letter submitted by the Applicant.

STAFF ANALYSIS:

1. The Development Review Committee (DRC) has reviewed the proposal. See attachment #4 for the DRC Minutes.
2. It is the opinion of Staff that the delay agreement should not be approved, based on the reasons stated in the DRC Minutes.

RECOMMENDED ACTION:

Staff recommends Denial of the proposed delay agreement, based on the reasons listed in DRC Minutes of 7-22-09, with the recommendation that the developer install the improvements.

ALTERNATIVE ACTIONS:

1. The Planning Commission may recommend Approval of the delay agreement. Reasons for approval should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

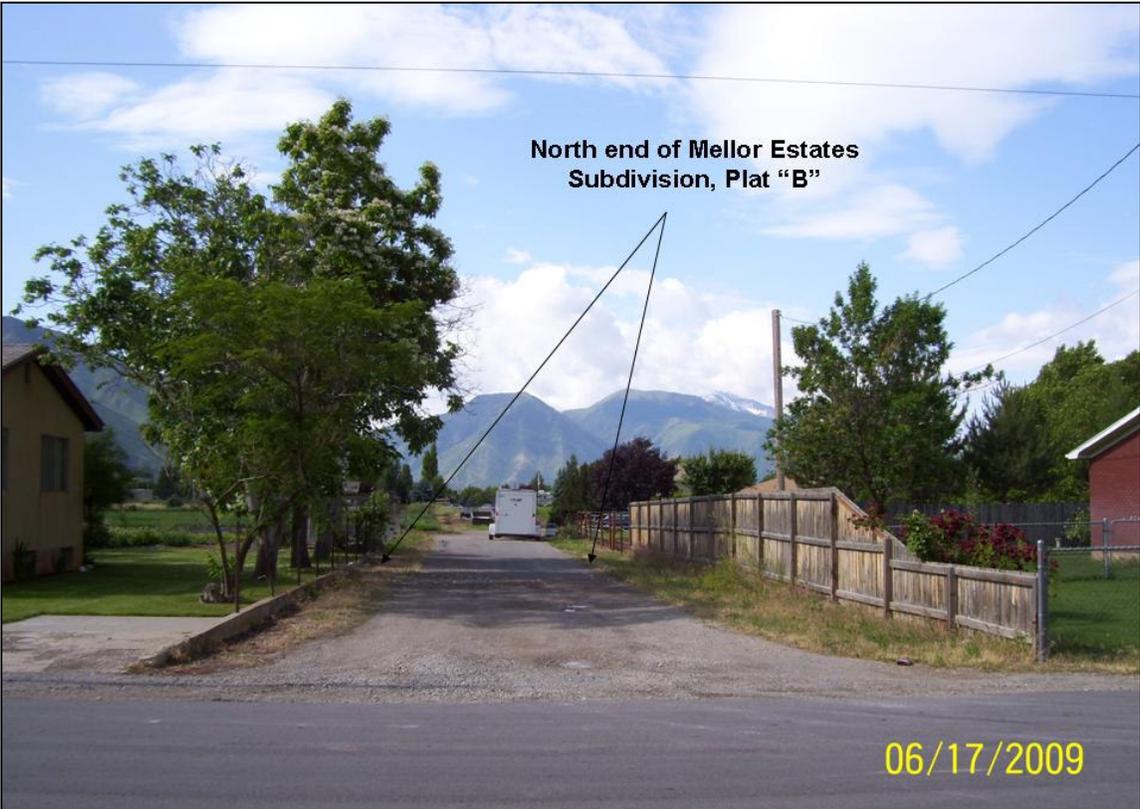
ATTACHMENTS:

1. Recorded Plat – Mellor Estates Subdivision, Plat “B”
2. Construction Drawing – Mellor Estates Subdivision, Plat “B”
3. Letter submitted by Applicant – July 14, 2009
4. DRC Minutes – Mellor Estates Subdivision, Plat “B” Delay Agreement - July 22, 2009

VICINITY MAP:



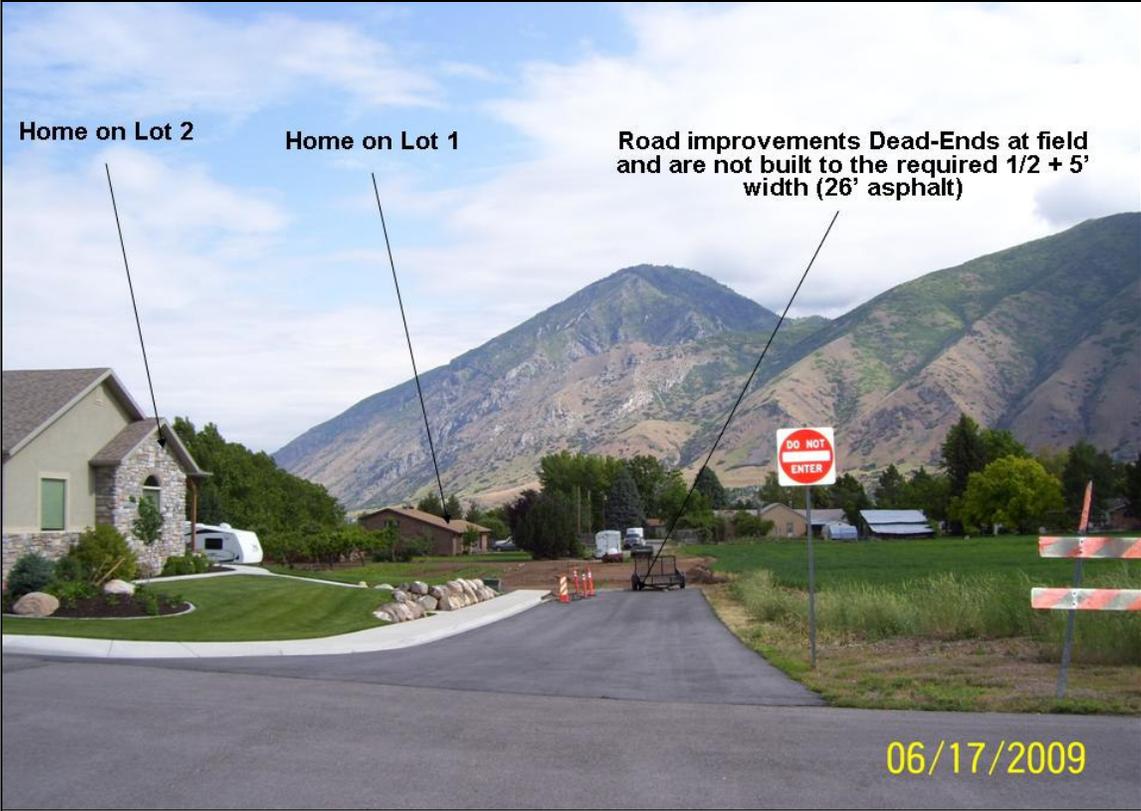
SITE PHOTOS:



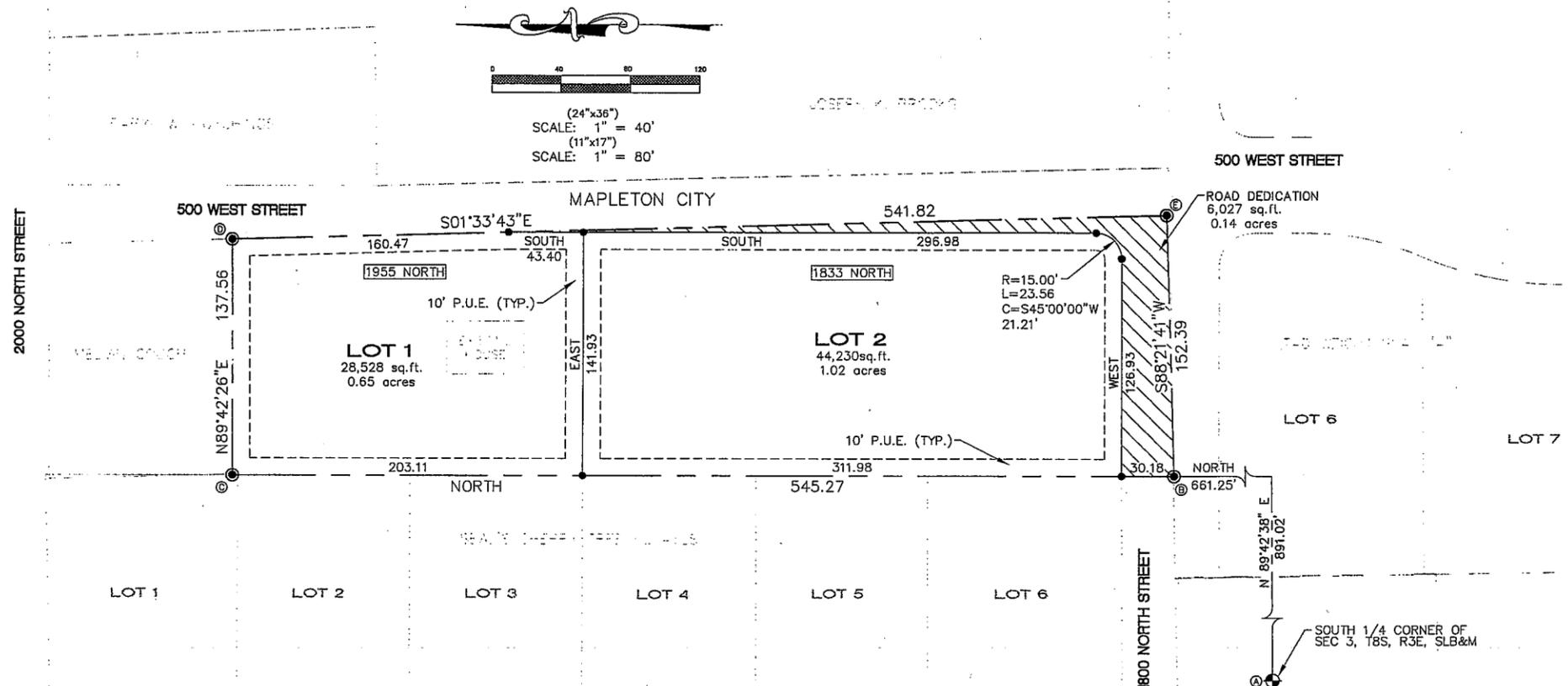
Looking south down 500 West Street from 2000 North



Looking south down 500 West Street

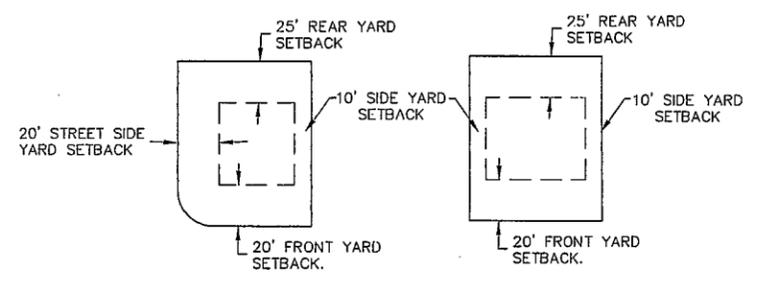
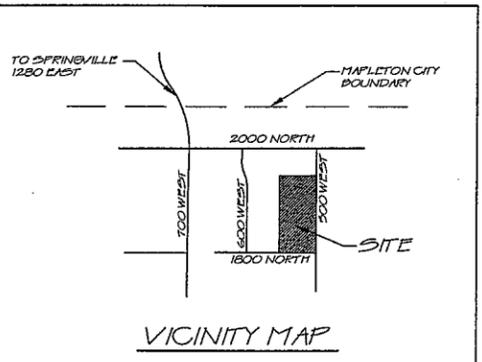


Looking north at the home from 1800 North Street



LAND USE	
TOTAL SITE ACREAGE:	1.81 acres
ACREAGE IN LOTS:	1.67 acres
ROAD ACREAGE:	0.14 acres
TOTAL LOTS:	2
NO. LOTS / ACRE:	1.1

OWNER/DEVELOPER
LOUIS MELLOR
1955 NORTH 500 WEST
MAPLETON, UT 84664



- NOTES:
- 1.) ALL LOT CORNERS SHALL BE MARKED WITH 5/8" DIAMETER REBAR W/SURVEYOR'S CAP.
 - 2.) ALL UTILITIES ARE INSTALLED. THE CURB & GUTTER WILL BE COMPLETED ALONG LOT 2.

STATE PLANE COORDINATES	
NORTHING	EASTING
A 659,842.00	1,975,500.62
B 660,507.54	1,976,391.35
C 661,052.65	1,976,391.35
D 661,053.35	1,976,528.87
E 660,511.90	1,976,543.63

GRID FACTOR: .99969

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 20__

CITY ATTORNEY

RECORDING INFORMATION BLOCK

Recorded in the Official Records of Utah County, State of Utah, on _____, 20__, at _____ M., as Entry No. _____ and Map Filing No. _____ At the request of _____ Fee _____ Utah County Recorder

SURVEYOR'S CERTIFICATE

TRAVIS TRANE DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152741 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 NORTH 89°42'38" EAST 891.02 FEET ALONG THE SECTION LINE AND NORTH 861.25 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN; THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
NORTH	545.27	
N89°42'28"E	137.56	
S01°33'43"E	541.82	
S86°21'41"W	152.39	TO THE POINT OF BEGINNING

PARCEL CONTAINS 1.81 ACRES

DATE: April 12, 2004

SURVEYOR: Travis Trane

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 15th DAY OF April, A.D. 2004.

Louis E Mellor, Margo W Mellor, David Mellor, Margo W Mellor

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF UTAH) S.S.

ON THE 15th DAY OF April, A.D. 2004 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES 4-1-06

DIANNE B. WITTMER, Notary Public

ACCEPTANCE BY LEGISLATIVE BODY

THE City Council of Mapleton, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 27th DAY OF April, A.D. 2004.

APPROVED: Robert D. Danvers, Engineer

ATTEST: Darrin Watson, Clerk-Recorder

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

CITY-COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION APPROVAL

APPROVED THIS 8th DAY OF April, A.D. 2004, BY THE PLANNING COMMISSION

Mellor, Director-Secretary; L.A. Thorne, Chairman, Planning Commission

PLAT "B"

MELLOR ESTATES

A RESIDENTIAL SUBDIVISION

SCALE: 1" = 40 FEET

MAPLETON, UTAH COUNTY, UTAH

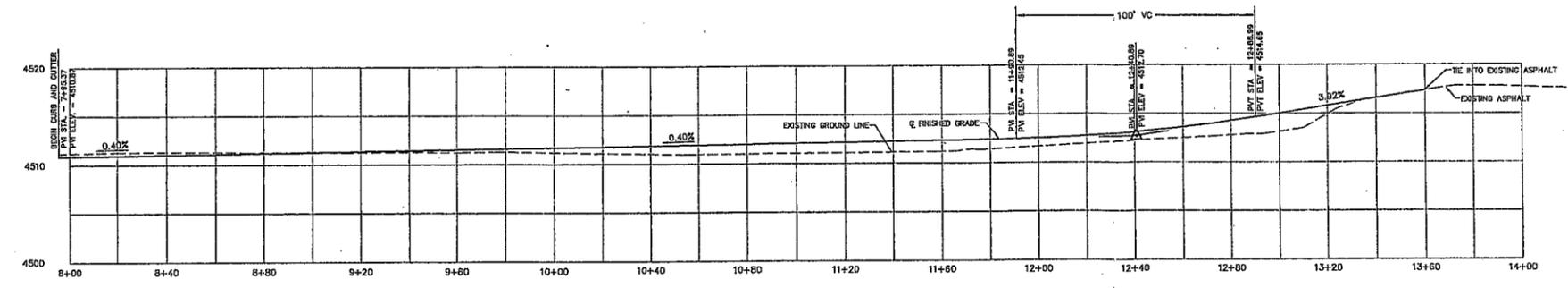
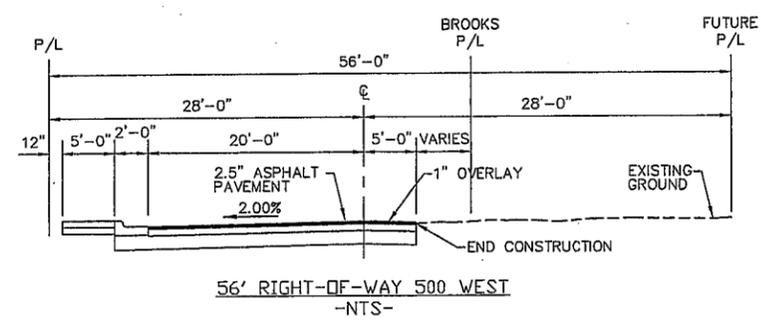
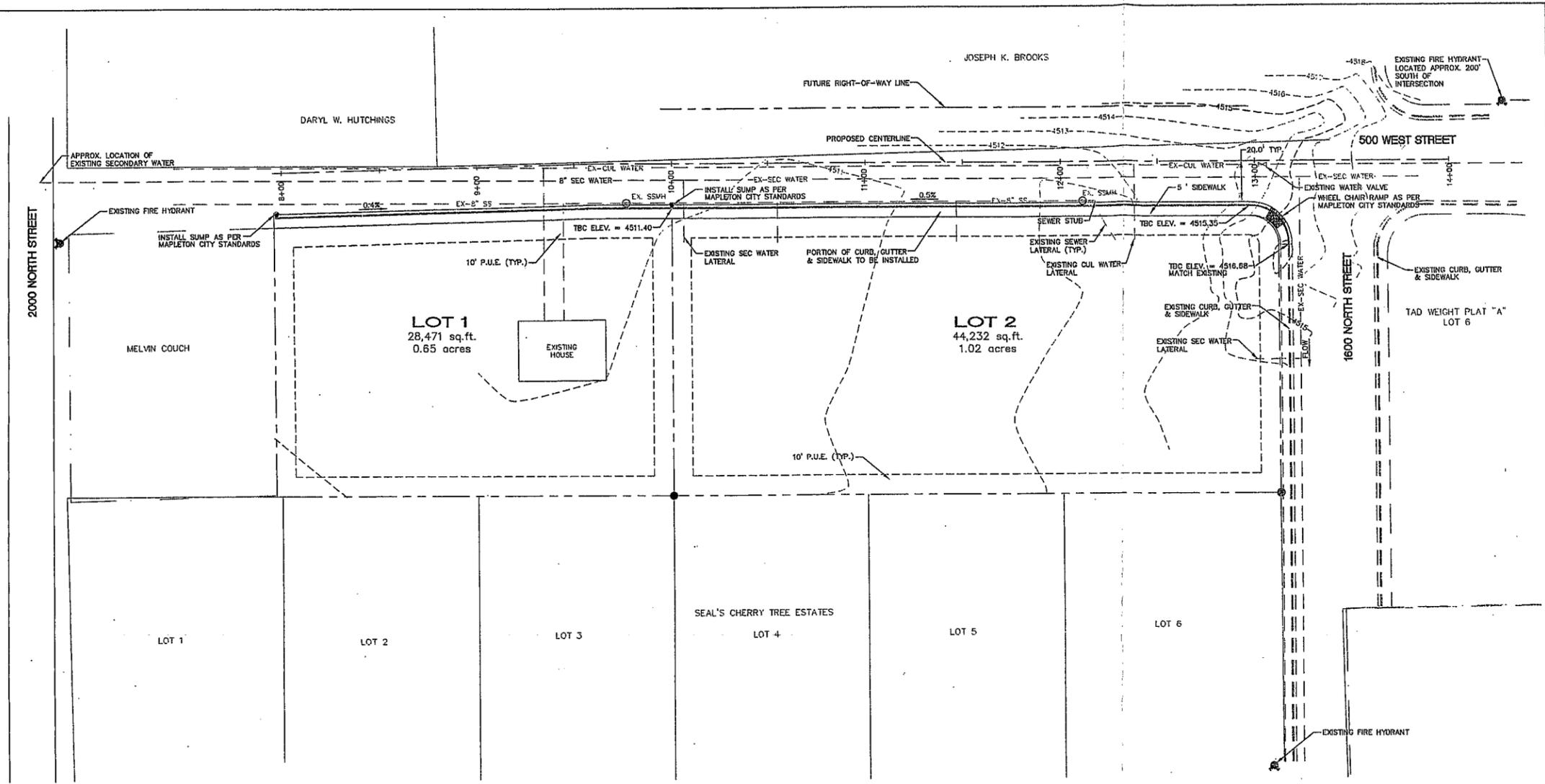
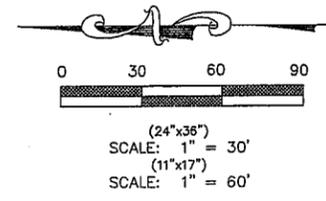
NOTARY PUBLIC SEAL: TRAVIS TRANE, No. 5152741

CITY-COUNTY ENGINEER SEAL: ROBERT D. DANVERS, No. 142870

CLERK-RECORDED SEAL: DARRIN WATSON, No. 142870

10451

Sec. 3 T8S R3E TA 140



REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			THT
2			TGT
3			11/18/03
4			

TRANE ENGINEERING, P.C.
 CONSULTING ENGINEERS AND LAND SURVEYORS
 27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

MAPLETON, UTAH

MELLOR ESTATES
 A RESIDENTIAL SUBDIVISION

UTILITY PLAN/STREET PROFILE

JOB MELLOR
 SHEET NO. 1 OF 1

X:\old_j-drive\mellor\mapleton\dwg\utility.dwg

Attachment # 3

RECEIVED

JUL 14 2009

MAPLETON CITY

14 July 2009

Mapleton City
125 West 400 North
Mapleton, Utah

Re: Delayed agreement proposal

Dear Mapleton City

We would like to propose a delayed agreement for the bond held for the road in front of our home. We have the following reasons why it should be delayed:

1. The neighbors with property connecting to our property enjoy the open space.
2. We flood irrigate from the Brooks property to the east of our property. They flood irrigate, which overflows to our property.
3. The road would be too narrow. It could only be a one way road.
4. We would like to delay until the Brooks develop or at such time that we would like to develop our two remaining lots.
5. We would like to propose that we deposit the bond held by Mapleton City in an account with the specific purpose of development of roadway.

Chris and Kim Orndorff our neighbors, have already approached the City Council with their concerns. Please let us know the decision of the city or if any further actions need to be taken by us.

Sincerely



Louis E Mellor

1833 N 500 W

Mapleton, Utah

MAPLETON CITY DEVELOPMENT REVIEW COMMITTEE MINUTES

Wednesday, July 22, 2009 at 8:30am

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

Louis E. Mellor, agent for Mellor Estates Subdivision, Plat "B", requests approval of a delay agreement for bonded roadway improvements. The subdivision is located generally at 1833 North 500 West, in the RA-2 Zone.

Applicant Phone Number: (801) 361-7418

Applicant E-mail: louise51@q.com

Application Submitted: July 14, 2009

Community Development Department

Cory Branch, Planning Director, Phone: (801) 806-9101, Fax: (801) 489-5657

Email: cbranch@mapleton.org

Matt Brady, Planner I, Phone: (801) 806-9108, Fax: (801) 489-5657

Email: mbrady@mapleton.org

1. The Applicant has stated that Mat Evans and Diane Wittusen were preparing a delay agreement for Mellor Estates Subdivision, Plat "B". Neither Mat nor Diane currently work for Mapleton City. Staff has reviewed the subdivision files and cannot find any written documentation showing that a delay agreement was being prepared. However, the City Engineer at the time, Carl Cook, did express concerns in a letter to Mat Evans saying that the improvements shown on the plan and bonded for were not being completely installed as per the approved plans (see Attachment #1).
2. Mapleton City Code 17.16.010(D) states: "*Notwithstanding the other provisions of this section, for subdivisions containing one lot, the city council, subject to the prior recommendation of the planning commission, may authorize an indefinite delay of the construction of improvements. However, a cash bond equal to the estimate of cost for the required improvements must be posted with the city prior to final plat recording. (Ord. 2002-04, 3-20-2002)*" (bolding added). Based on this section of code, it is the opinion of Staff that Mellor Estates Subdivision, Plat "B" would not qualify for a delay agreement, due to the fact that it is a 2-lot subdivision, and not a subdivision "*containing one lot.*"
3. According to Mapleton City records, Mapleton City originally received a \$35,185.00 cash construction bond from the Applicant with his building permit application (Building Permit # 3845, for the home at 1833 North 500 West) on May 18, 2005 (the City Engineer's bond estimate actually called for a \$37,442.50 bond – the reason for this discrepancy is unknown). A first bond release was approved for the Applicant in the amount of \$2,721.50 on March 29, 2005. A second bond release was approved for the Applicant in the amount of \$4,648.50 on June 22, 2005 (see Attachment #2). The remaining balance of the cash bond that Mapleton City is currently holding is \$27,815.00.
4. Please review the Engineering and Public Works comments below and let us know which of the three options you wish to pursue. If you choose to proceed with the proposal of the delay agreement, rather than completing the work or the City completing the work, you will need to go to Planning Commission for recommendation and City Council for a final decision.

Engineering and Public Works Division

Gary Calder, City Engineer, Phone (801) 489-6253, Fax (801) 489-5179

E-mail: gcalder@mapleton.org

Scott Bird, Public Works Operations Director, Phone: (801) 489-6253, Fax: (801) 489-5179

Email: sbird@mapleton.org

1. In a prior discussion with Eddie Mellor three options were discussed:
 1. Install the improvements as was approved.
 2. Mapleton City forecloses on the bond and hires contractor to complete development. Any surplus monies will be refunded, and any shortage of funds will be liened on the property.
 3. Developer obtains a delay agreement with the City Council.

Engineering and Public Works recommends that the improvements be installed by the developer, with no delay agreement.

2. Attached is a revised bond report (see Attachment #3) showing the increase of labor and materials. Any delay agreement as requested should have a time element involved, and a clause regarding increase of cost.

ATTACHMENTS:

1. Last Bond Inspection Letter from Carl Cook – 6/22/05
2. Last Bond Estimate (Release No. 2) – 6/22/05
3. Revised Bond Estimate with Current Labor & Materials Costs

Attachment #1



RB&G
ENGINEERING
INC.

June 22, 2005

Mat Evans
Mapleton City Corporation
35 East Maple Street
Mapleton, Utah 84664

Re: Mellor Estates Two Lot Subdivision
Inspection of Work Completed to Date

Dear Mat:

I have completed an inspection of the Mellor Estates Subdivision as requested. Based upon my inspection, there are a couple of issues of concern that were identified that I wanted to communicate to you.

Only a portion of the work that was intended to be completed has been done. It is my understanding that the pavement was to be constructed at a width of one-half plus 5 feet (a total of 26 feet) to connect from 1800 North to 2000 North, across Lots 1 and 2. The portion of the pavement that has been constructed has a width of only 21.5 feet. The pavement has been constructed in front of the new house at 1833 North (Lot 2), but only extends about 40% across the frontage of the Lot. Since no work is being done on the remaining portions of the frontage, there does not appear to be any intent to extend the street the full distance that was anticipated to connect to 2000 North.

If there are any questions, please call me.

Sincerely,

RB&G Engineering, Inc.

A handwritten signature in black ink, appearing to read 'Carl L. Cook'.

Carl L. Cook, P.E.
City Engineer

1435 WEST 820 NORTH
PROVO, UTAH 84601-1343

PROVO 801-374-5771
SALT LAKE CITY 801-521-5771

MELLOR ESTATES TWO-LOT SUBDIVISION
Bond Release No. 2
 June 22, 2005

Item	Description	Quantity	Unit	Unit Price	Total Cost	Total Completed
1. Roadway						
	Excavation and Fill	560	cu. yds.	\$9.00	\$5,040.00	\$1,210.00
	Base Gravel	604	tons	\$8.50	\$5,134.00	\$1,450.00
	Asphalt (510)(26)(.29)(146)+2000	281	tons	\$36.00	\$10,116.00	\$2,400.00
	Curb and Gutter	520	feet	\$8.00	\$4,160.00	\$1,120.00
	Sidewalk	510	feet	\$8.50	\$4,335.00	\$1,190.00
	Sump	2	each	\$3,200.00	\$6,400.00	\$0.00
2.	Sewer - Already Installed				\$0.00	\$0.00
3.	Water - Already Installed				\$0.00	\$0.00
4.	6" Secondary Water Line	210	feet	\$10.75	\$2,257.50	\$0.00
		TOTAL ESTIMATE			\$37,442.50	\$7,370.00
					Less Amount of Release No. 1	\$2,721.50
					Total Amount of Release No. 2	\$4,648.50



June 22, 2005

Carl L. Cook, P.E.
 City Engineer

Bonding Report from Mapleton City Engineering
Bond Mellor Estates 7-28-09

SUBDIVISION - Mellor Estates Subdivision						Bonding Release Summary			
Plat "B"									
Address - 1833 North 500 West									
Improvement Totals									
Item #	Description	Unit	Quantity	Unit Cost	Total Bond Amount	#1 Bond Release 1/2/2009	#2 Bond Release 1/2/2009	#3 Bond Release 1/2/2009	Remaining Bond Amount
Site Grading									
1	Clearing and Grubbing	LS	1	\$2,000.00	\$2,000.00				2,000.00
2	Rough Grading	LS	0	\$2,500.00	\$0.00				0.00
3	Other	EA	0	\$0.00	\$0.00				0.00
4	Other	EA	0	\$0.00	\$0.00				0.00
Total Site Grading =					\$2,000.00				
Sewer System									
5	Mainline Sewer 8"	LF	0	\$25.00	\$0.00				0.00
6	Manholes 4'	EA	0	\$2,200.00	\$0.00				0.00
7	Manholes 5'	EA	0	\$2,500.00	\$0.00				0.00
8	Sewer Laterals 4"	EA	0	\$1,200.00	\$0.00				0.00
9	Concrete Collar	EA	0	\$350.00	\$0.00				0.00
10	Other	EA	0	\$0.00	\$0.00				0.00
Total Sewer System =					\$0.00				
Water System									
11	Mainline 8" DIP 52	LF	0	\$25.00	\$0.00				0.00
12	1" Service Laterals	EA	0	\$1,000.00	\$0.00				0.00
13	Fire Hydrant	EA	0	\$3,500.00	\$0.00				0.00
14	Concret Collar	EA	0	\$250.00	\$0.00				0.00
15	Other	EA	0	\$0.00	\$0.00				0.00
Total Water System =					\$0.00				
Secondary Water									
16	Mainline 8" PVC C-900 Purple	LF	210	\$20.00	\$4,200.00				4,200.00
17	Single Service Laterals	EA	0	\$1,000.00	\$0.00				0.00
18	Double Service Laterals	EA	0	\$1,400.00	\$0.00				0.00
19	Other	EA	0	\$0.00	\$0.00				0.00
20	Other	EA	0	\$0.00	\$0.00				0.00
Total Secondary Water =					\$4,200.00				
Roadway									
21	Asphalt 2.5" w/ 8" Roadbase	SF	9,880	\$2.00	\$19,760.00				19,760.00
22	Asphalt 1" Overlay	SF	0	\$0.75	\$0.00				0.00
23	24" Curb & Gutter w/ base	LF	380	\$18.00	\$6,840.00				6,840.00
24	5' Sidewalk w/ base	LF	380	\$21.00	\$7,980.00				7,980.00
25	Handicap Ramp	EA	0	\$1,000.00	\$0.00				0.00
26	Temporary Turnaround	LS	0	\$5,000.00	\$0.00				0.00
27	Other	EA	0	\$0.00	\$0.00				0.00
28	Other	EA	0	\$0.00	\$0.00				0.00
Total Roadway =					\$34,580.00				
Storm Drain									
29	Inlet Box	EA	0	\$1,800.00	\$0.00				0.00
30	Sump	EA	2	\$5,800.00	\$11,600.00				11,600.00
31	15" Storm Drain RCP	LF	0	\$20.00	\$0.00				0.00
32	18" Storm Drain RCP	LF	0	\$35.00	\$0.00				0.00
33	24" Storm Drain RCP	LF	0	\$40.00	\$0.00				0.00
34	4' Diameter Manhole	EA	0	\$1,500.00	\$0.00				0.00
35	5' Diameter Manhole	EA	0	\$2,000.00	\$0.00				0.00
36	Storm Water Detention Pond	EA	0	\$10,000.00	\$0.00				0.00
37	Storm Water Prevention	EA	0	\$5,000.00	\$0.00				0.00
38	Concrete Collar	EA	0	\$350.00	\$0.00				0.00
39	Other	EA	0	\$0.00	\$0.00				0.00
40	Other	EA	0	\$0.00	\$0.00				0.00
Total Storm Drain =					\$11,600.00				
Miscellaneous Items									
41	Stop Signs	EA	0	\$300.00	\$0.00				0.00
42	Street Signs	EA	0	\$300.00	\$0.00				0.00
43	Roadway Patching	LS	0	\$0.00	\$0.00				0.00
44	Power Pole Relocation	EA	0	\$10,000.00	\$0.00				0.00
45	Mailbox	LS	0	\$1,000.00	\$0.00				0.00
46	Other	EA	0	\$0.00	\$0.00				0.00
Total Miscellaneous Items =					\$0.00				
TOTAL IMPROVEMENT COST =					\$62,380.00				
Note All concret to meet current minimum sandands prior to Final Release.						#1 \$0.00	#2 \$0.00	#3 \$0.00	Total Release \$0.00
						Bond Amount to Retain =			\$52,380.00
Note: Mapleton City Code 17.20.020 After the third partial release a service charge of \$100.00 shall be added to each requested bond release.									
Inspectors Notes									
1	Revised bond amount used the quantities used in the original bond.								
2	Revised bond amount has removed 140' of improvements								
3									