

Mapleton City Planning Commission Staff Report

Meeting Date: November 13, 2014

Applicant: Mike Klauck

Location: 2005 East 400 North

Prepared by: Brian Tucker, Planner

Public Hearing Item: No

Zone: A-2

Item: 3

REQUEST

Consideration of a request to waive the requirement that improvements be installed as part of the platting of a metes and bounds lot located in the Agricultural-Residential (A-2) Zone.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is 1.03 acres in size and is located in the A-2 Zone at 2005 East 400 North. This portion of 400 South has not been developed with curb, gutter and sidewalk or even a full street width. 2000 East is in the same shape except that it has an even narrower pavement width. This parcel was recently combined into a 1 acre parcel from two ½ acre illegal parcels. Extensive research conducted by Staff concluded that even though the lot does not contain the 2 acres on land area required by the zoning ordinance it has legal non-conforming status as a 1 acre parcel. In order to build on the property the applicant must plat the lot in accordance with the platting requirements of Mapleton City Code Chapter 18.84.390.

The Master Street Plan identifies 2000 East as a minor local street. 2000 East is a narrow paved road that is not heavily traveled due to the relative lack of homes on the street. Future development to the north may necessitate the widening of the street and the installation of water, sewer and pressurized irrigation lines but the City Engineer is not requesting those improvements for this existing parcel. The parcel located directly north of this property was granted a waiver for curb, gutter and sidewalk on June 26, 2014.

The Master Street Plan identifies 400 North as a major local street. While there is not a great deal of residential traffic in this area it is the only paved access to Maple Canyon. Given the proximity to the mouth of the canyon and public land it is unlikely that this area will see significant residential growth. Pressurized irrigation is not planned for 400 North beyond 2000 East and water and sewer lines are already in the road.

The applicant is formally requesting that the Commission waive the requirement for the installation of curb, gutter and sidewalk at this location.

EVALUATION

Required Improvements: MCC Chapter 18.84.390 indicates that no building permit for construction of a dwelling shall be issued unless the lot is serviced by a culinary water line, a pressurized irrigation line, a sewer line and a hard surfaced road with curb, gutter and sidewalk. With regards to the curb, gutter and sidewalk requirement, MCC Chapter 18.84.390.F.1 states the following:

“An applicant may petition the planning commission to waive the requirement for curb, gutter, and/or sidewalks. However, the planning commission may only waive or modify the requirements if it is determined to more effectively achieve the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety.”

General Plan: The Mapleton City Vision Statement begins with the comment: *“We are a unique community retaining a peaceful, country atmosphere through rural master planning.”* The General Plan includes several references to maintaining a country, rural atmosphere. Street design can play a significant role in the character of a community. Requiring excessively wide streets with a formal curb and gutter,

particularly for larger lot developments (1 acre or more), can detract from the rural atmosphere and create a more suburban appearance.

Policy E of the General Plan states, “*Retain rural features by way of open area, **alternatives to curb, gutter, and sidewalk**, planting strips, rail or log fences, trees, shrubs, etc.*” (emphasis added). Staff could support not requiring curb, gutter and sidewalk for this property for the following reasons:

- Property is over an acre in size and located on a rural country road.
- There are several homes already constructed on this road and installing curb, gutter and sidewalk along the entire street is unlikely in the future.
- Allowing the road to be maintained in its current design contributes to a rural, country feel as encouraged in the General Plan.

Given the general lack of traffic, lack of curb, gutter and sidewalk within ¼ mile of the parcel and the rural nature of this area, it would seem to be appropriate to waive the curb, gutter and sidewalk requirement for this parcel. It should be noted that the only improvements the Commission has the power to waive are the curb, gutter and sidewalk requirements.

STAFF RECOMMENDATION

Staff recommends approval of the sidewalk, curb and gutter waiver.

ATTACHMENTS

1. Application Materials.
2. MCC Chapter 18.84.390.



18.84.390: MINIMUM LEVEL OF IMPROVEMENTS TO BE INSTALLED BEFORE BUILDING PERMITS MAY BE ISSUED:  

No building permit for the construction of a dwelling or other structure intended for human occupancy shall be issued unless and until the lot is served by the following minimum level of improvements:

A. A culinary water main and pressurized irrigation, which conform to city standards and extends to and across the lot. (See [title 13, chapter 13.20](#) of this code for requirements regarding the extension of water lines to unserved lots.)

B. A water service line and a pressurized irrigation line including the service tap, pipe and meter housing and assembly, constructed in accordance with city standards.

C. A hard surfaced access road (city street) having a right of way width which conforms to the minimum city standard and extends to and across the lot (see [title 13, chapter 13.20](#) of this code for requirements regarding the extension of city streets to unserved lots). In the case of a road which is part of an approved subdivision plat or road extension, a building permit may be issued with only the subbase and gravel base installed, provided that the city holds a performance guarantee for the completion of the road improvements. Paving will be required from the existing edge of pavement to any required or existing curb and gutter.

D. A sewer main, which conforms to city standards and extends to and across the lot. (See [title 13, chapter 13.20](#) of this code for requirements regarding the extension of sewer lines to unserved lots.)

E. A permanent sewer service line constructed according to city standards.

F. Curb, gutter and sidewalk as determined necessary by the city engineer.

1. An applicant may petition the planning commission to waive the requirement for curb, gutter, and/or sidewalks. However, the planning commission may only waive or modify the requirements if it is determined to more effectively achieve the policies, goals, and objectives of Mapleton City. The modifications shall be consistent with appropriate engineering measures to protect public safety.

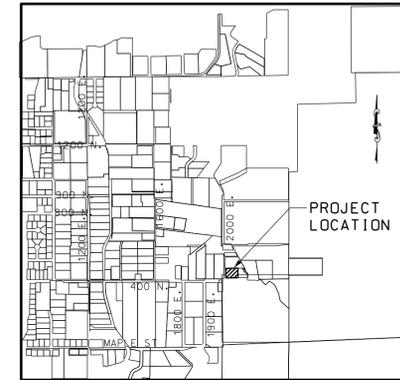
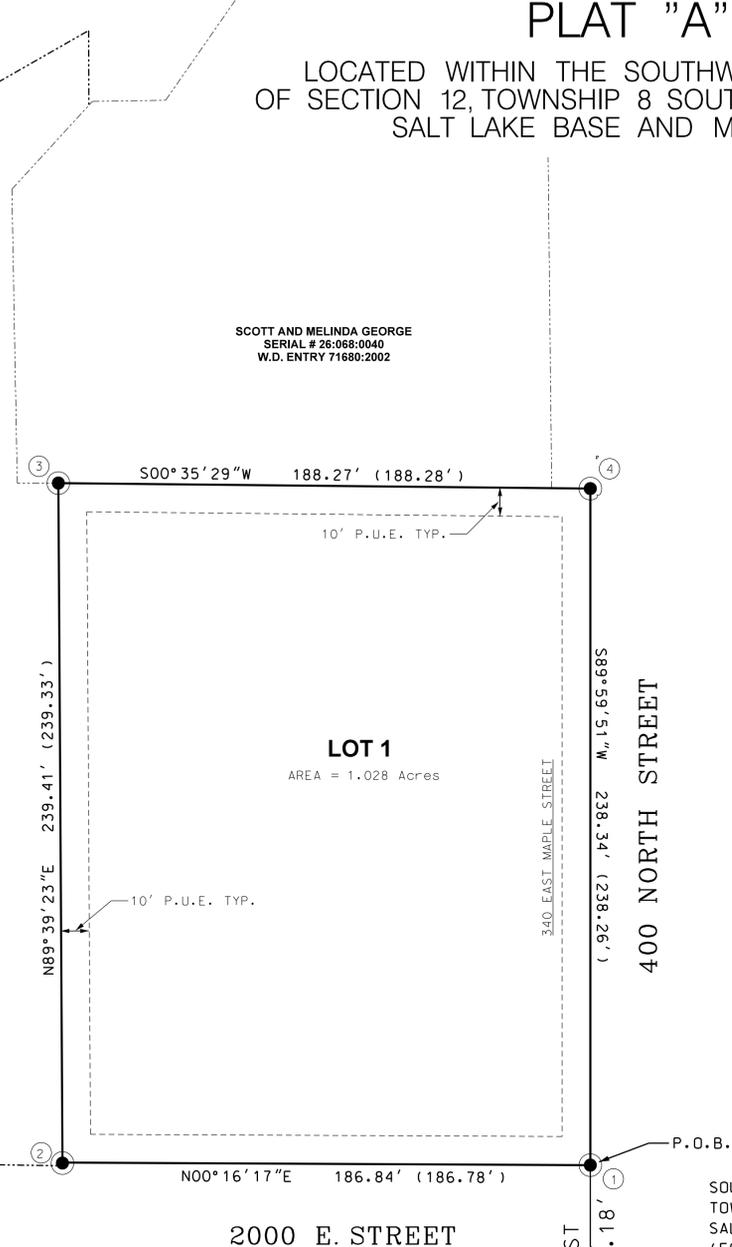
G. A plat map has been recorded with the Utah County recorder in accordance with section [17.04.120](#) of this code. (Ord. 2014-04, 3-19-2014, eff. 4-13-2014)

EDMUNDS ONE ACRE ESTATE PLAT "A"

LOCATED WITHIN THE SOUTHWEST QUARTER
OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 3 EAST
SALT LAKE BASE AND MERIDIAN

SCOTT AND MELINDA GEORGE
SERIAL # 26:068:0040
W.D. ENTRY 71680:2002

LARRY AND JENNIFER STALLINGS
SERIAL # 26:068:0100
ENTRY 70910:2007



VICINITY MAP

SURVEYOR'S CERTIFICATE
I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 166572 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
Beginning at a point in a fence line on the Northeasterly intersection of 2000 East Street and 400 North Street, Mapleton, Utah, which point is South 00°32'14" East along the Section line 1284.36 feet and East 1382.18 feet from the West Quarter Corner of Section 12, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°16'17" East 186.84 feet along the East line of 2000 East Street and along said fence line to a fence corner; thence North 89°39'23" East 239.41 feet along said fence line to a fence corner; thence South 00°35'29" West along said fence line 188.27 feet to a fence corner and to the North line of said 400 North Street; thence South 89°59'51" West 238.34 feet along said fence line and along said north line to the point of beginning.

Area = 1.028 Acres

DATE _____ BARRY ANDREASON
(SEE SEAL BELOW)

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS 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 _____ DAY OF _____, 20__

ACKNOWLEDGEMENT
STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. _____
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
(SEE SEAL BELOW)

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL
APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE MAPLETON CITY COMMUNITY DEVELOPMENT DIRECTOR.

ACCEPTANCE BY LEGISLATIVE BODY
THE CITY COUNCIL OF MAPLETON CITY, 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 _____ DAY OF _____, A.D. 20__
MAYOR _____ PLANNING COMMISSION CHAIRMAN _____

APPROVED BY ENGINEER (SEE SEAL BELOW) ATTEST CLERK-RECORDER (SEE SEAL BELOW)

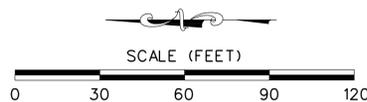
ACCEPTANCE BY UTILITIES
APPROVED _____ APPROVED _____
ROCKY MOUNTAIN POWER CENTURYLINK
APPROVED _____ APPROVED _____
COMCAST MAPLETON IRRIGATION

NAD 27 STATE PLANE COORDINATES	
①	655954.036 1984862.099
②	656140.814 1984862.983
③	656142.250 1985102.309
④	655954.050 1985100.366

NOTE: DISTANCES IN PARENTHESIS ARE GRID DISTANCES

QUESTAR GAS COMPANY
QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR 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 PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY 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 QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.
APPROVED THIS _____ DAY OF _____, 20__
QUESTAR GAS COMPANY
BY- _____
TITLE- _____

WEST QUARTER CORNER SECTION 12
TOWNSHIP 8 SOUTH, RANGE 3 EAST
SALT LAKE BASE AND MERIDIAN
(FOUND 3" COUNTY MONUMENT IN
CONCRETE 2" BELOW SURFACE)
NAD 27 STATE PLANE COORDINATES:
N=657,237.93
E=1,983,468.32



ENGINEER/SURVEYOR:
M.W. BROWN ENGINEERING
BARRY ANDREASON, P.L.S.
578 EAST 770 NORTH
OREM, UT. 84097
OWNER/DEVELOPER:
PAUL AND LISBETH EDMUNDS
630 NORTH 1600 EAST
MAPLETON, UT. 84664



PLAT "A"
EDMUNDS ONE ACRE ESTATE
SUBDIVISION
MAPLETON CITY UTAH COUNTY, UTAH
SCALE: 1" = 30 FEET

SURVEYOR'S SEAL REGISTERED LAND SURVEYOR NO. 166572 BARRY ANDREASON State of Utah	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL
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