Mapleton City

City Council Staff Report

August 5, 2015

Applicant: Central Bank

Location: Approx. 3050 S 800 West

Prepared by: Sean Conroy, Community Development Director

Public Hearing: Yes

Zone: N/A

Attachments:

1. Application Materials.
2. DRC Comments.
3. Annexation Policy Map.
4. General Plan Map.
5. Previous Proposal.
6. PC Minutes.

REQUEST

Consideration of an ordinance to annex approximately 41 acres of property located at approximately 3050 South and 800 West, and to adopt the zoning designations for each property within the annexation boundary.

BACKGROUND AND PROJECT DESCRIPTION

On August 24, 2007 an annexation petition was submitted for two parcels totaling 41.47 acres located at approximately 3050 South and 800 West. The applicants were also requesting approval of a development agreement and a concept plan for a development project that included 78 lots and included the dedication of a one acre lot to the City. On January 23, 2008 the City Council conditionally approved the development agreement. However, the applicants ultimately withdrew their request and did not finalize the annexation petition or the development agreement.

On May 14, 2013 an applicant approached the City Council about reinstating the annexation petition. The applicant presented a concept plan similar to the concept plan reviewed by the Council in 2008. The Council was generally supportive of the application moving forward.

On August 20, 2013 the City received a new annexation petition for the 41.47 acres. The northern parcel is owned by the Meyer Family Limited Partnership and is approximately 21.3 acres in size. The southern parcel is owned by Central Bank and is approximately 20.2 acres in size. Both property owners have signed the petition.

On December 11, 2014 the Planning Commission reviewed a proposal that included a zoning designation of Residential-Minor Agricultural (RA-2), a Development Agreement and a Concept Plan. The development agreement and concept plan included the following (see attachment "5"):

- A base density of 63 lots with the ability to increase to a maximum of 70 lots with the use of 7 TDRs.
- The northern parcel would include a maximum of 28 lots. The northern parcel would include one acre lots along the north and east boarders with a mix of 1/3 to 1/2 acre lots on the interior.
- The southern parcel would include a maximum of 42 lots, primarily 1/3 acre in size.
- Two access points off of 800 West were proposed as well as two stub streets to the adjacent properties to the west.

Several members of the public appeared before the Commission. Concerns expressed by the public and the Planning Commission included:

- Desire to have one acre lots as a buffer between neighboring properties on the east as well as the north.
- Concerns regarding the proposed connection to 2800 South near the northwest corner of the site.
- Concerns regarding the location of a stub street near the southwest corner of the site.
- A desire to have an access road off of 800 West that aligned with the existing 3050 South.
- Concerns about traffic on 800 West.

The Planning Commission continued the application with a request for changes (see attachment "6"). The Central Bank Parcel is now under contract with Mapleton Heights, LLC, the same entity that owns the property south of the project site that is also on this agenda for annexation. Since neither the Meyers family nor Mapleton Heights, LLC have plans to develop the property immediately, they are now requesting the following:

- Annex the property into Mapleton City.
- Zone the entire site RA-1.
- No concept plan or development agreement is proposed at this time.

EVALUATION

Annexation Process: State law requires the following steps for annexation approval:

1) Submittal of an annexation petition with signatures from the owners of a majority of private real property **(completed)**.
2) City Council accepts or rejects the petition **(completed)**.
3) If accepted, within 30 days City reviews petition to determine if it meets the state code requirements. If rejected, the City informs the applicant within five days **(completed)**.
4) If the City determines that an accepted petition meets applicable standards, the petition is certified by the City Recorder. If it is determined that the petition does not meet applicable standards the petition is rejected **(completed)**.
5) If the petition is certified, a public notification process takes place **(completed).**
6) A protest period occurs **(completed)**.
7) Planning Commission holds a public hearing (**completed, see attachment "6"**).
8) City Council holds a public hearing or hearings **(purpose of this meeting)**.
9) City Council takes final action to grant the petition and by ordinance annexing the area, or to deny the petition **(purpose of this meeting)**.
10) Within 30 days of adopting an ordinance annexing an area, the City provides the necessary documents to the lieutenant governor's office **(pending Council final action)**.
11) Upon approval from the lieutenant governor's office, City files appropriate documents with Utah County Recorder and the Department of Health and sends out notices to each affected entity **(pending Council final action)**.

Mapleton City Code Chapter 20.04.030 outlines the following annexation process in addition to the state standards:

1) Development Review Committee evaluates nine specific topics related to an annexation application **(see attachment "2")**.
2) Planning Commission Review: The Planning Commission shall consider the DRC comments, together with testimony from the petitioner and other interested parties, and make a recommendation on the annexation and zoning districts to the city council **(completed, see attachment "6").**
3) City Council Review: A public hearing shall be scheduled before the city council to act upon the petition **(purpose of this meeting)**.
4) City Council takes final action **(purpose of this meeting).**

Annexation Policy: State law requires the City to adopt an annexation plan that includes a map of potential annexation properties and a statement of the criteria that will be used to guide annexation decisions. In accordance with state law, the City adopted an Annexation Policy in 2002. The policy identifies two primary annexation areas, Mapleton West (Big Hollow) and Mapleton South (see attachment "3"). The proposed annexation area is located in the Mapleton South area and is identified as a potential annexation candidate.

General Plan & Zoning: The Land Use Element of the General Plan is designed as a guide to promote sound land use decisions. The Land Use Element includes a Land Use Designation Map that outlines the development potential of property throughout the City and within the annexation boundaries. The proposed annexation area has a General Plan designation of Low-Density Residential, which equates to one unit per acre or two units per acre with TDR's. (see attachment "4").

The applicant had proposed to keep the Low Density designation and RA-1 zoning (1 unit per acre) for approximately 13 acres and apply the Medium Density Residential and RA-2 zoning (3 units per acre) to the remaining 28 acres (see attachment "1"). However, the Planning Commission recommended that the entire site be zoned RA-1 to be consistent with the General Plan and to avoid up-zoning the property without the use of TDR's. The Commission also recommended that any lots that abut the north or east property boundaries not be eligible for TDR's. This is to protect a one-acre lot size buffer for the neighboring large lot developments. The applicants are comfortable with this recommendation. Each owner would then approach the City with a subdivision plan at the time he/she was ready to move forward with a development.

Staff is supportive of allowing the annexation to move forward without a development agreement and concept plan for the following reasons:

- It appears neither property owner is ready to move forward with developing the property in the near term.
- It allows more flexibility to address various development proposals. For example, if a concept plan were approved that included 40 lots on the northern 20 acres and someone wanted to create only 2 large 10 acre lots instead, they would have to go through a process to amend the development agreement and concept plan.

- Many of the issues related to street location, traffic, utility services, etc. do not need to be resolved until a formal development application has been filed.

OPTIONS

The City Council should discuss the following options:

1) Approve the annexation with and RA-1 zoning designation for the property.
2) Approve the annexation with alternative zoning designations.
3) Require a concept plan and development agreement.
4) Continue the application with a request for changes or additional information.
5) Deny the application.

STAFF RECOMMENDATION

Option #1.

ORDINANCE NO. 2015-

AN ORDINANCE ANNEXING APPROXIMATELY 41 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3050 SOUTH AND 800 WEST INTO MAPLETON CITY AND PLACING THE PROPERTY INTO THE RESIDENTIAL-AGRICULTURAL (RA-1) ZONE.

WHEREAS, Utah Code Title 10-2-401.5 thru 408 outlines the procedure for annexation petitions; and

WHEREAS, In addition to Utah Code, Mapleton City Code Chapter 20.04.030 outlines the City's procedures for annexations; and

WHEREAS, an annexation petition was certified by the City Recorder on September 17th, 2013 for the subject property; and

WHEREAS, the subject property is included in the City's Annexation Policy Plan; and

WHEREAS, the application complies with applicable state and city regulations; and

WHEREAS, the Planning Commission held a public hearing on July 9, 2015 and recommended approval of the annexation to the City Council with the condition that the property be zoned RA-1.

WHEARAS, the City Council held a public hearing on the annexation on August 5, 2015.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to annex the subject property described in exhibit "A" into Mapleton City with the following special conditions:

1. The property shall be zoned Residential-Agricultural (RA-1).
2. Any future lots abutting the north and/or east boundaries shall be at least one-acre in size and not eligible for TDR's.
3. Until developed, the property shall remain in agricultural use or other uses allowed in the RA-1 zone. Any portion of the property for which a plat has not been recorded shall be allowed to be maintained in greenbelt status in accordance with Utah County requirements. There is no required timetable by which any portion of the property in agricultural use must be subject of a recorded plat or otherwise developed.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH, this 5th Day of August, 2015.

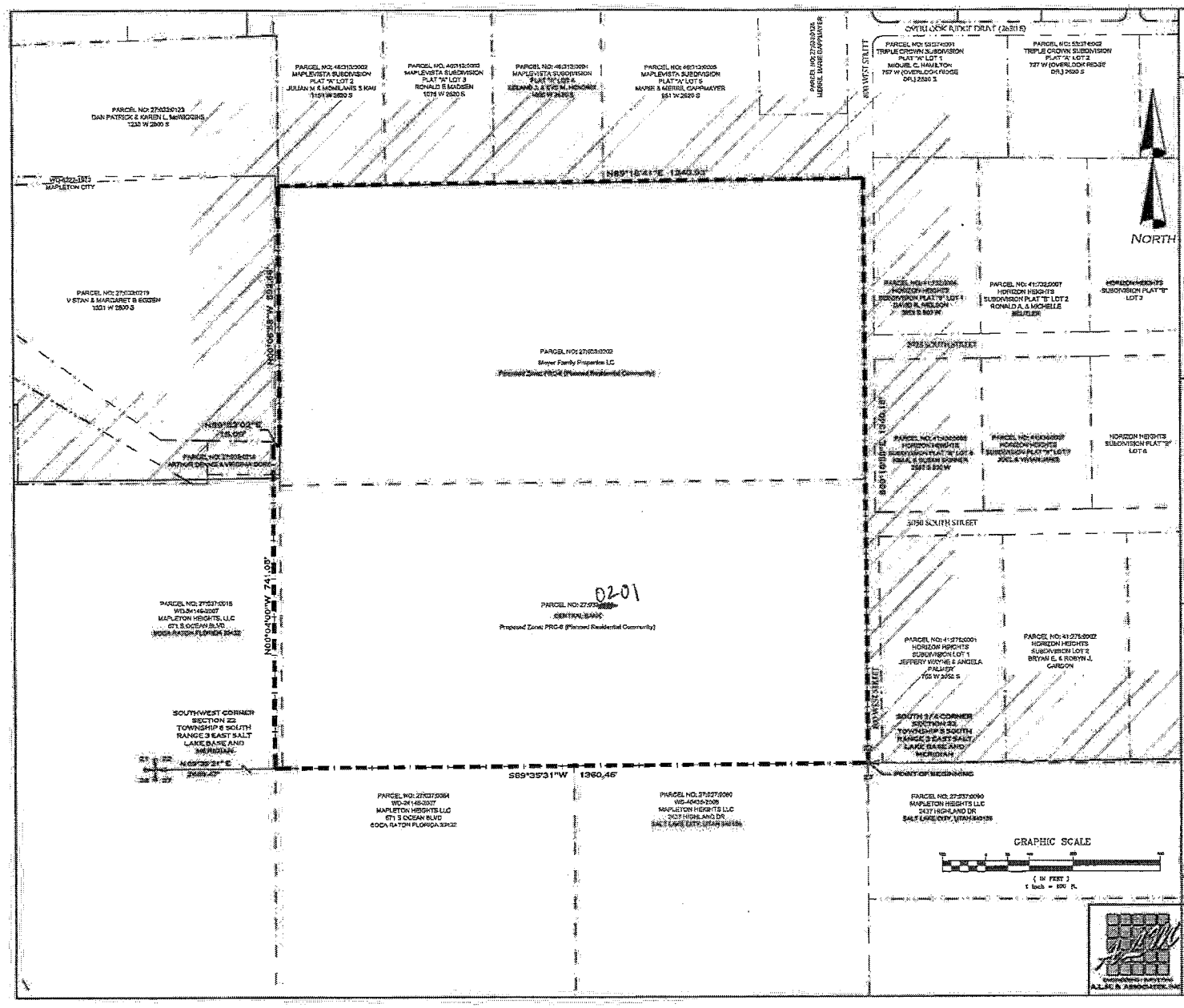
_____
Brian Wall
Mayor

ATTEST:

_____
Camille Brown
City Recorder

Publication Date:
Effective Date:

Exhibit "A"



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO MAPLETON, CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION

Beginning at the Utah County brass cap marking the South 1/4 Corner of Section 22, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence South 89°35'31" West 1360.46 feet along the section line and fence and a fence line extended; thence North 00°04'00" West 741.05 feet along a fence line; thence North 89°39'31" East 15.09 feet along a fence line; thence North 00°05'58" West 592.66 feet along the 1/16th line of the Southeast quarter of said Section 22 and along a fence line; thence North 89°18'41" East 1340.93 feet along the 1/16th line of said Southeast quarter, and along a fence line, and the South boundary line of the Meadowlark Subdivision Plat "A"; thence South 00°04'00" East 1340.18 feet along the 1/4 Section line of said Section 22 to the point of beginning.

Area = 41.47 Acres

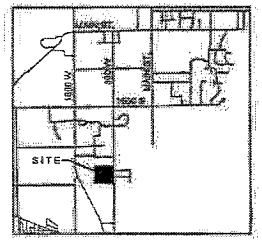
Basis of Bearing along Section Line from the South Quarter Corner to the Southeast Corner, bearing being South 89°35'31" West.

(Seal) Professional Land Surveyor

Registration No.: 312775

Date: _____

VICINITY MAP



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED MAPLETON CITY COUNCIL, HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO MAPLETON CITY, UTAH AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH UTAH CODE SECTION 10-2-414 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE POINTE AT MAPLE MOUNTAIN ANNEXATION.

DATED THIS ___ DAY OF _____, A.D. _____

ATTEST: _____ RECORDER

ANNEXATION PLAT

THE POINTE AT MAPLE MOUNTAIN

MAPLETON CITY, ANNEXATION UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

ENGINEERING / SURVEYING
ALSC & ASSOCIATES, INC.

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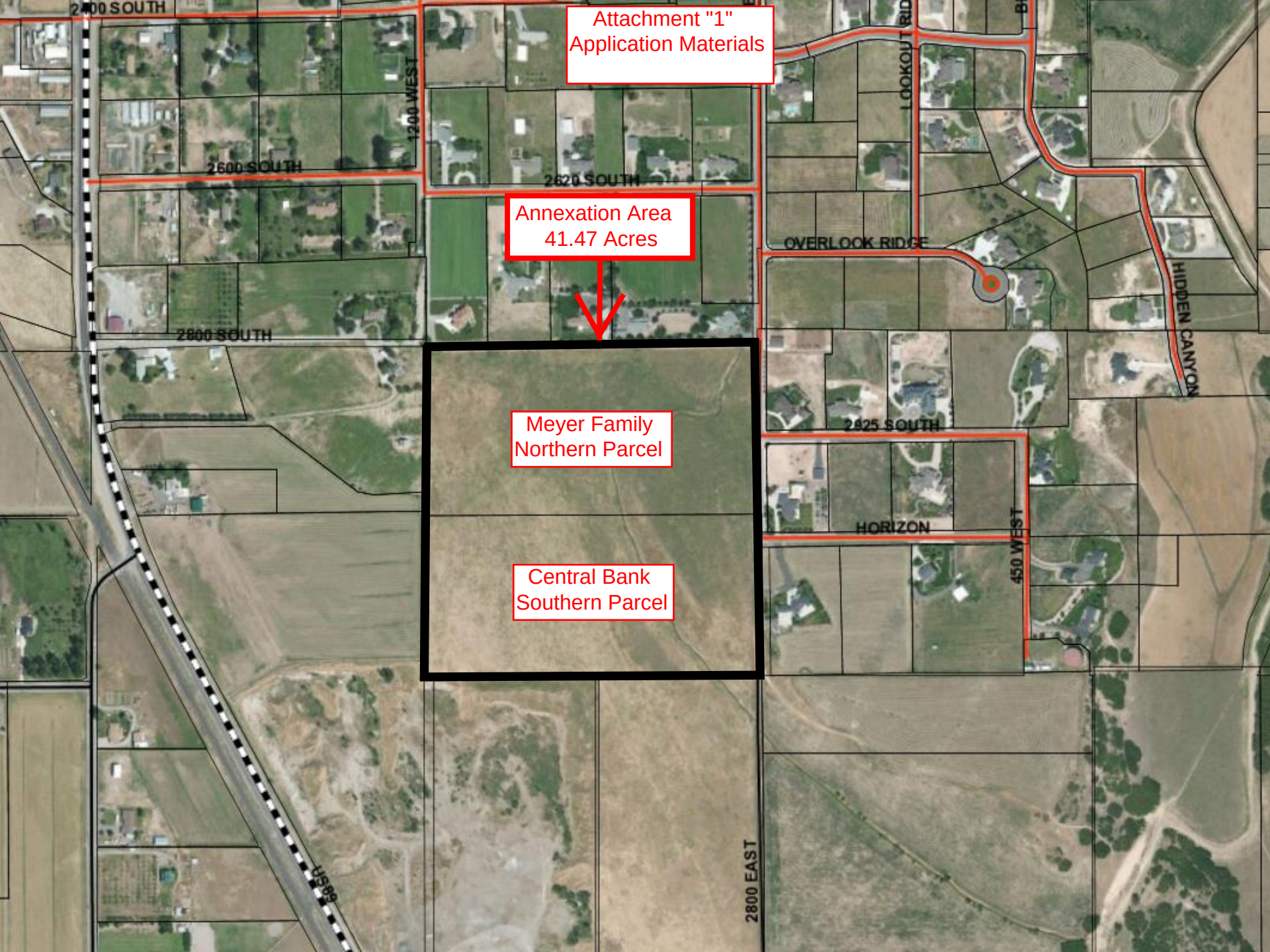
Attachment "1"
Application Materials
2400 SOUTH
1200 WEST
2600 SOUTH
2620 SOUTH
LOOKOUT RID
Annexation Area
41.47 Acres
OVERLOOK RIDGE
HIDDEN CANYON
2800 SOUTH
Meyer Family
Northern Parcel
2825 SOUTH
HORIZON
450 WEST
Central Bank
Southern Parcel
2800 EAST

Sean Conroy

From: Dan Ford
Sent: Monday, June 22, 2015 11:39 AM
To: Sean Conroy
Subject: Fwd: Fwd: map
Attachments: central bank.pdf

Dear Mr. Conroy,

We are currently working with Central Bank to complete the annexation of the Central Bank and Meyers properties. Would you please consider this as formal notice to finalize the annexation process and put it on the agenda with the following terms.

1. Please bring in under the zoning shown on the attached map.
2. Please designate the area to be a TDR receiving site.
3. The annexation area will be for 63 home sites which can be increased with 15 TDRs to 78 home sites.

Please let me know if you need any additional information or have any questions.

Thank you,
Dan Ford

Dan | Ford
KW Commercial
Mobile (801) 420-0137
Fax (801) 850-5701
danfordre@gmail.com
http://dford.yourkwagent.com/

Keller Williams Westfield | 841 North 900 West | Orem, UT 84057

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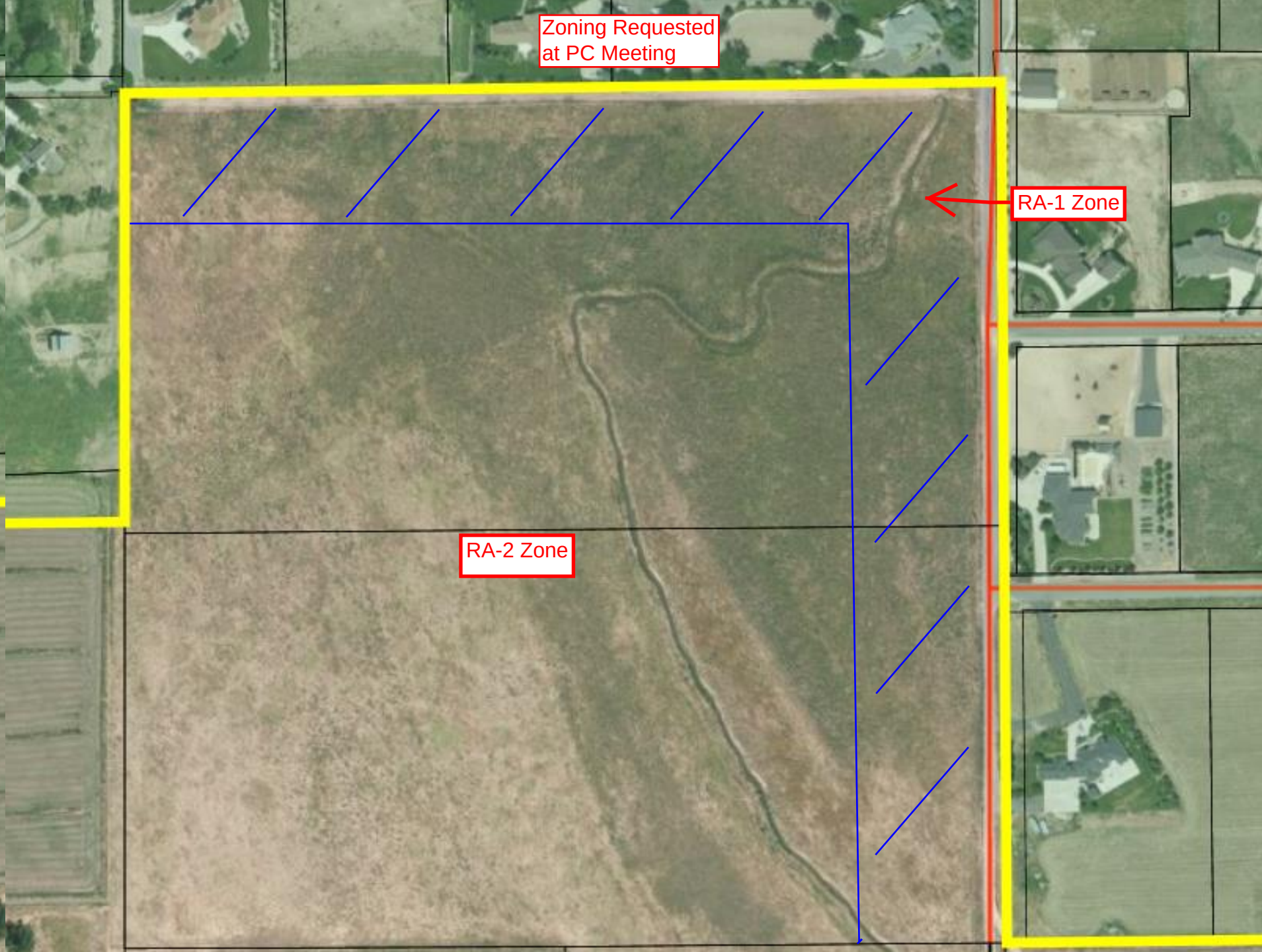

Zoning Requested
at PC Meeting
RA-1 Zone
RA-2 Zone

Attachment "2"
DRC Comments

MAPLETON CITY DEVELOPMENT REVIEW COMMITTEE MINUTES

June 30, 2015

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

Central Bank has submitted an annexation petition to annex approximately 41 acres of property located at approximately 3050 South and 800 West. The property is currently located in unincorporated Utah County. The applicant is also requesting a combination of RA-1 and RA-2 zoning.

According to Mapleton City Code (MCC) Chapter 20.04.030 the Development Review Committee is required to review nine topics associated with the project. These items are listed below followed by a brief response to each item.

1. Whether the proposed property is within the growth management boundary of the general plan;

Response: State law requires the City to adopt an annexation plan that includes a map of potential annexation properties and a statement of the criteria that will be used to guide annexation decisions. In accordance with state law, the City adopted an Annexation Policy in 2002. The policy identifies two primary annexation areas, Mapleton West (Big Hollow) and Mapleton South. The proposed annexation area is located in the Mapleton South area and is identified as a potential annexation candidate.

2. Present and proposed land use and zoning;

Response: None of the land in the proposed annexation boundary has been developed with structures. The use of land has been primarily agricultural in nature. The primary proposed land use would be single-family residential with undeveloped properties continuing to be used for agricultural purposes until developed. The General Plan land use designation for this property is Low Density Residential.

3. Present and potential demand for various municipal services;

Response: The proposed annexation area will create a demand for City services including the provision of culinary and secondary water, sanitary sewer, police and fire protection and general parks and recreational services. Annexation fees and/or impact fees will be required in order for the proposed development to pay its fair share for the provision of public services. Per the subdivision code and the proposed development agreement, the developer will be responsible for installing all required on and off-site utilities to service the project site.

4. Distances from existing utility lines, public schools, parks, and shopping areas;

Response: The closest water line is located in 800 West, however, there may be some challenges with obtaining sufficient water pressure without some offsite improvements. The closest usable sewer line is located at approximately 2600 South. There is no pressurized irrigation currently

available in the area. As mentioned in item #3, the applicant will be required to install all necessary on and off-site utilities to service the project site.

The development will be part of the Nebo School District, which includes four elementary schools, one junior high school and one high school in the area. Mapleton City has several parks that can be used and enjoyed by the residents of the proposed development. In addition, the proposed development agreement includes requirements for some recreational amenities in the project area including a bike/pedestrian trail system and a trail head park. Mapleton has limited shopping opportunities but several neighborhood, community and regional shopping areas are located in the vicinity.

5. Specific time tables for extension of services to the area and how these services would be financed;

Response: There is a possibility that water and sewer extensions will be installed by an adjacent developer to the south in the near future. However, if the adjacent developer does not extend the utilities prior to development of the subject property, the developer of the subject property would be responsible for installing all necessary utilities.

6. Potential impact on existing and proposed streets;

Response: 800 West is likely to experience the largest increase in traffic as a result of development of the subject property. However, as adjacent development occurs, development on the subject property will gain access to Highway 89, which will reduce trips on 800 West. Traffic impacts will be reviewed in more detail upon submittal of a subdivision application after annexation occurs.

7. The effect that the annexation will have upon city boundaries and whether the annexation will create potential for islands, or difficult service areas;

Response: The subject parcel is currently surrounded on three sides by Mapleton City. The annexation of the subject property will eliminate this unincorporated peninsula, and with the annexation to the south will eliminate all unincorporated property east of Highway 89.

8. An estimate of potential revenue versus potential service costs.

Response: The primary revenue sources that will come to the City as a result of the proposed development include property taxes and annexation/impact fees. Annexation/impact fees are imposed when property is developed to pay for all or a portion of the costs of providing public services to and for the new development. These fees are implemented to help reduce the economic burden on the City that result from population growth.

Providing additional rooftops in the City has a secondary benefit of increasing the potential for commercial opportunities, and therefore the potential for increased sales tax revenues in the City.

9. Any agreements or requirements upon which the annexation is conditioned.

Response: No development agreement or concept plan is currently being proposed. The Planning Commission and City Council may attached conditions to the approval provided the conditions are roughly proportionate to the impacts created by the annexation and future development of the property.

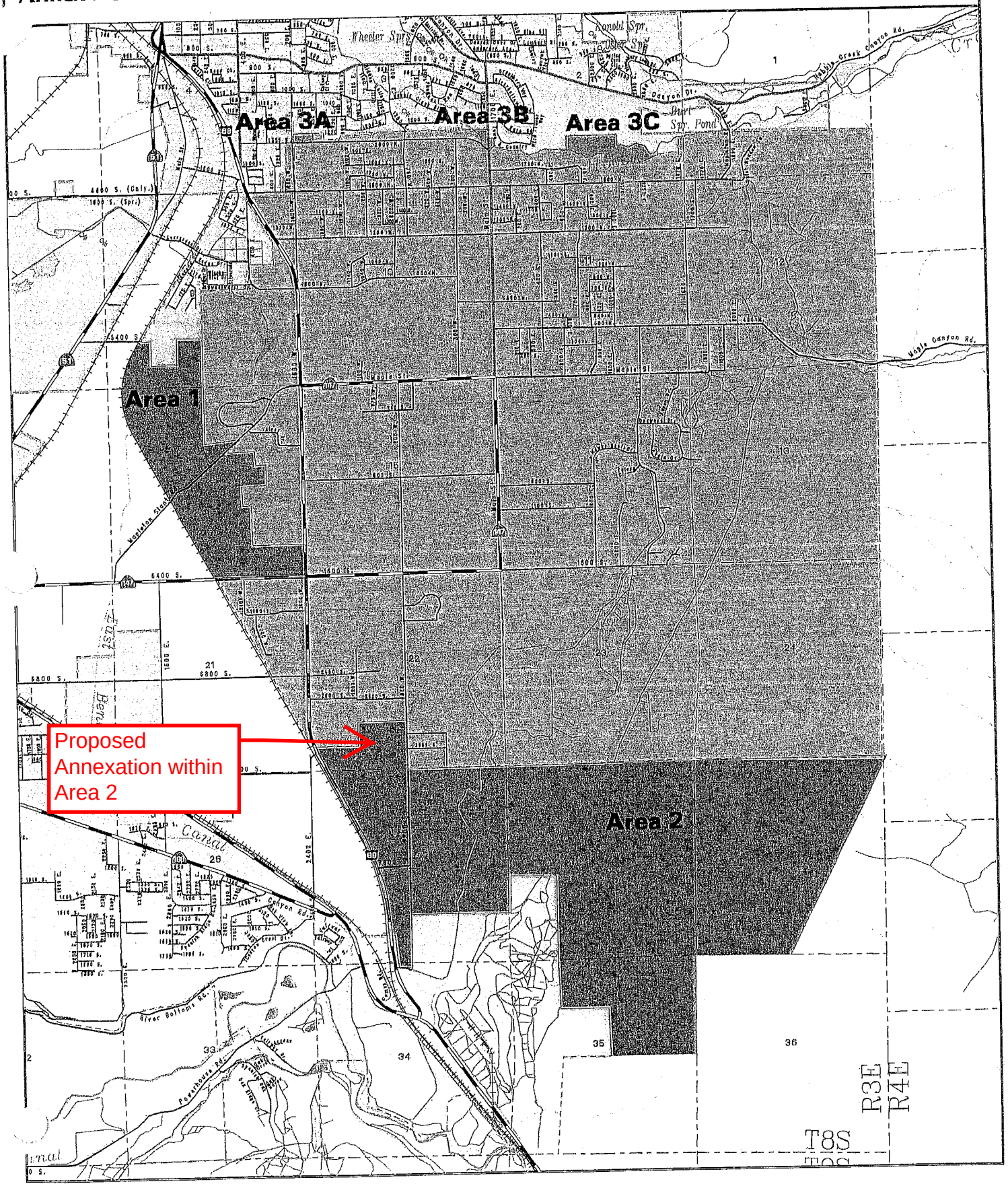
Mapleton

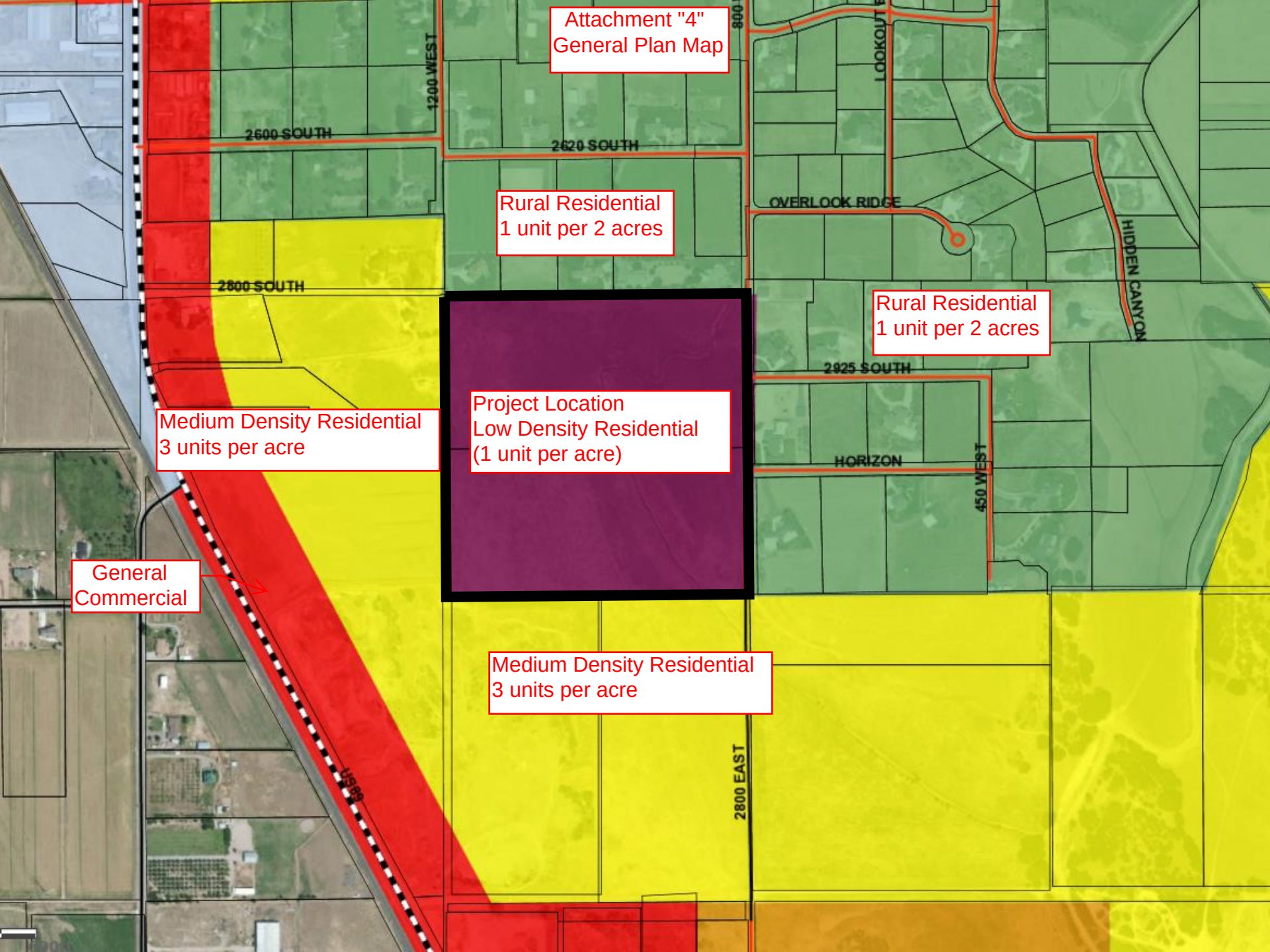
Annex Declaration

Attachment "3"
Annexation Policy Map

Annexation Declaration
De-annexation Declaration
Incorporated Cities

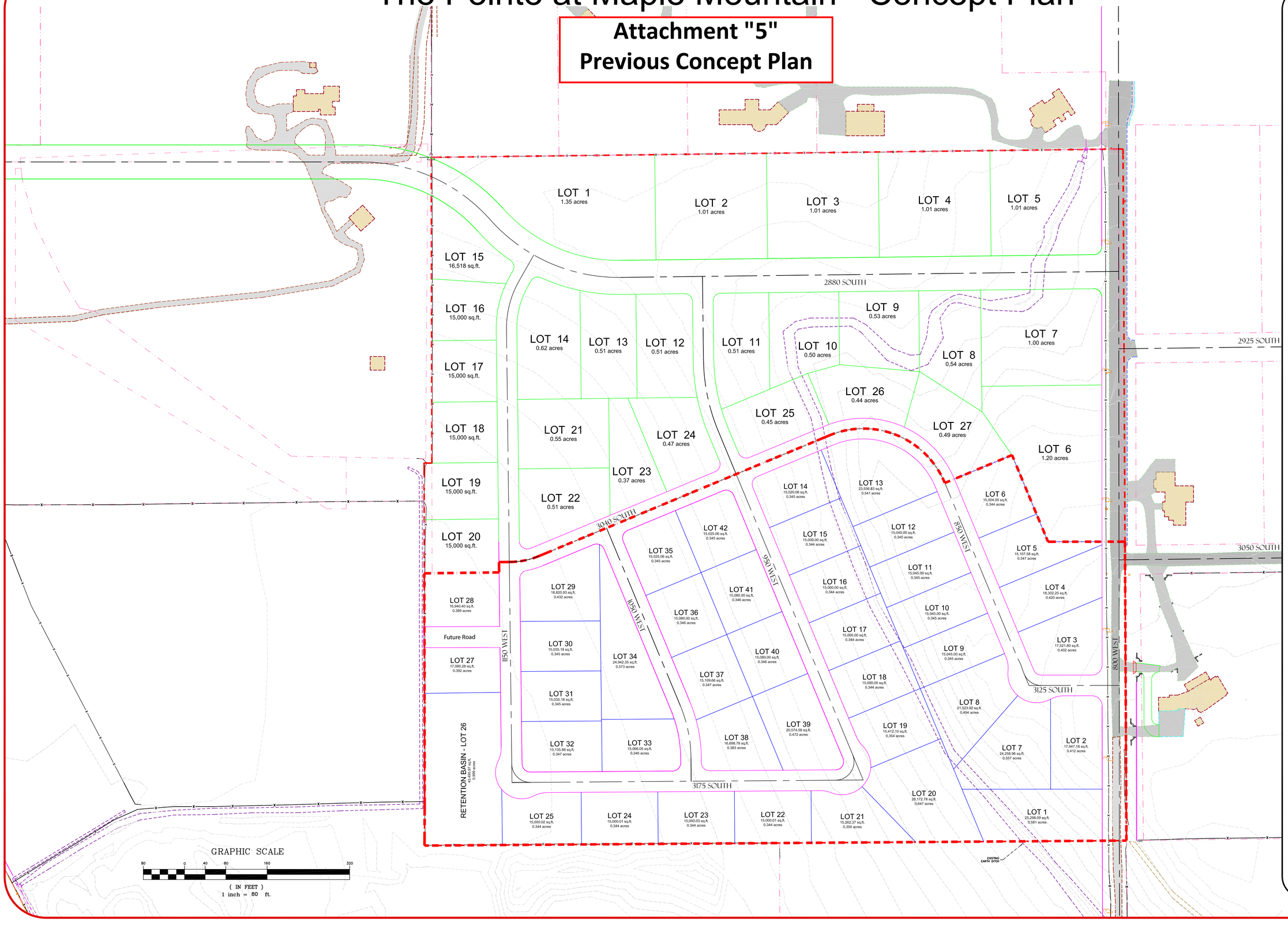
Scale 1:40000




Attachment "4"
General Plan Map
1200 WEST
2600 SOUTH
2620 SOUTH
LOOKOUT
OVERLOOK RIDGE
HIDDEN CANYON
Rural Residential
1 unit per 2 acres
2800 SOUTH
Rural Residential
1 unit per 2 acres
2925 SOUTH
Project Location
Low Density Residential
(1 unit per acre)
Medium Density Residential
3 units per acre
HORIZON
450 WEST
General
Commercial
Medium Density Residential
3 units per acre
2800 EAST
US89

The Pointe at Maple Mountain - Concept Plan

Attachment "5"
Previous Concept Plan



SEAL

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2230 NORTH UNIVERSITY PARKWAY, BUILDING 6D, PROVO, UTAH 84604 PH:(801) 374-6262

THE POINTE AT MAPLE MOUNTAIN
MAPLETON, UTAH
CONCEPT PLAN

No.	Revision	Date
1	Prel. Sub.	04/15/08

1 OF 1 SHEETS

PROJ # 720-1423

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Attachment "6"
PC Minutes

MAPLETON CITY

PLANNING COMMISSION MINUTES

July 9, 2015

PRESIDING AND CONDUCTING:	Chairman Rich Lewis
Commissioners in Attendance:	Golden Murray Thomas Quist (Alternate) Keith Stirling
Staff in Attendance:	Sean Conroy, Community Development Director Brian Tucker, Planner
Minutes Taken by:	April Houser, Executive Secretary

Chairman Lewis called the meeting to order at 6:30pm. Golden Murray gave the invocation and Thomas Quist led the Pledge of Allegiance.

Alternate Commissioner Thomas Quist was seated as a voting member this evening.

Items are not necessarily heard in the order listed below.

Item 3. Consideration of recommendations to the City Council regarding the annexation of approximately 41 acres of property located at approximately 3050 South and 800 West and the zoning designations for each property within the annexation boundary.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This property has been discussed before. There is some sloping in different areas of the proposed annexation. Some history of the previous requests for the property was discussed. The applicants are asking for the property to be annexed in under both the RA-1 and RA-2 Zone Designations. Part of the main concern was that there was a 1-acre buffering with the lots to the north and east of the property. This would allow the same densities as were discussed previously, but no development plan would be adopted at this time. Sean went over the proposed recommendations that the Planning Commission could make on this request. The City Council would be the deciding body on this request. The allowance of the use of Transferable Development Rights (TDR's) could be put in as part of the recommendation to the City Council, as well as asking that they not be allowed to utilize them on this property. The land is currently owned by both the Meyer Family and Central Bank. The Central Bank property is under contract for purchasing by the Boggus Group, which are the applicants requesting annexation in Item 4 this evening. **Commissioner Murray** mentioned that it may be more fitting to allow for

the RA-1 Zoning on all of the property, then allowing for portions of the property to apply TDR's if they wanted to get additional density.

Chairman Lewis opened the Public Hearing. **Jeff Palmer** owns the home to the east of the property. His only concern would be allowing TDR's in the RA-1 area. He would prefer not to have headlights pointing in to his home when the property is developed. **Gayelynn Jensen** echoed the same concerns as Mr. Palmer stated. She would like the 1 acre buffering kept in place, without the possibility of lowering the density in these areas. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Murray moved recommend approval to the City Council for the annexation of approximately 41 acres of property located at approximately 3050 South and 800 West and the zoning designations for each property with the below condition:

1. That the zoning designation for the entire property be RA-1, and that the 1-acre buffering along the south and east of the subject property shown in the Staff Report this evening not be allowed to utilize Transferrable Development Rights (TDR's) in order to lower their density in this area.

Second: Commissioner Quist
Vote: Unanimous