

# Planning Commission Staff Report

February 12, 2015

## Item 3

**Applicant:** Ben Peay

**Location:** 580 W Maple

**Prepared by:** Sean Conroy,  
Community Development  
Director

**Public Hearing:** Yes

**Zone:** RA-1

**Attachments:**

1. Application information.
2. OS-P Zoning Text Excerpt.

### REQUEST

Consideration of a request for a General Plan amendment from Low Density Residential (LDR) to Public Facilities (PF) and a Rezone from Residential Agricultural (RA-1) to Open Space-Parks (OS-P) for an 8 acre property located at 580 West Maple Street.

### BACKGROUND AND PROJECT DESCRIPTION

The applicant owns three parcels totaling approximately 8 acres located at 580 West Maple Street in the RA-1 zone. The property has been used for agricultural purposes and the only structure on the property is a barn.

Several months ago the applicant approached staff and the City Council about the possibility of a joint venture to create a cemetery on the subject property. The applicant and the Council had several meetings to discuss the topic. While the Council was supportive of the idea of a cemetery, the two parties did not come to terms on a partnership.

The applicant is now requesting a General Plan Land Use Designation amendment from Low Density Residential (LDR) to Public Facilities (PF) and a rezone amendment from Residential Agricultural (RA-1) to Open Space-Parks (OS-P) with the intent of developing a private cemetery on the property. The applicant anticipates that the cemetery will permit approximately 6,200 burial plots and will include a memorial plaza, on-site parking, landscaping, wrought iron fencing and other features. While some of the details of the proposed cemetery may be discussed, the Commission's review is limited to the requested General Plan amendment and Rezone request at this meeting.

### EVALUATION

**Rezone:** The LDR Land Use Designation and the RA-1 zone are intended primarily for low density single family development and agricultural uses. A private cemetery is not allowed in the RA-1 zone. The General Plan designation of PF and zoning designation of OS-P, as requested by the applicant, are intended for public and quasi-public uses such as parks, open space, public buildings and facilities and cemeteries. A private cemetery is designated as a conditional use in the OS-P zone.

Mapleton City Code (MCC) Chapter 18.12.010 states the following regarding zoning amendments:

*“For the purpose of establishing and maintaining sound, stable, and desirable development within the city, it is declared to be the public policy that amendments shall not be made to the planning and zoning title and map except to promote more fully the intent of this title and the Mapleton City general plan or to correct manifest errors.”*

MCC Chapter 18.12.010.B outlines the guidelines that shall be used to determine whether or not a rezone request is in the interest of the public and is consistent with the general plan. The guidelines are as follows:

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.*

It is staff's position that the requested General Plan amendment and Rezone is in the public interest and should be supported for at least the following reasons:

- General Plan Goal #16 states, "Mapleton will encourage the acquisition and development of a cemetery." There is a clear need for a cemetery within the City and the proposed rezone will help facilitate fulfilling that need.
- The subject property is centrally located within the City and has access on a major collector road. This will limit traffic impacts on residential neighborhoods.
- Most of the surrounding property is also in agricultural use which acts as a buffer between the proposed cemetery and adjacent residential neighborhoods.
- The proposed use would allow for the development of a cemetery without the expenditure of public funds.
- A cemetery would potentially serve the public needs better than a single family residential development, which most likely would be the alternative development proposal.

**Process:** Prior to development of the cemetery, the following steps are required:

- 1) Planning Commission recommendation to the City Council regarding General Plan and Rezone amendments (purpose of this meeting).
- 2) Approval of General Plan and Rezone amendments by the City Council.
- 3) Issuance of a Conditional Use Permit by the Planning Commission. This will occur at a future meeting and is where a more detailed discussion will take place regarding how the cemetery will operate and function.
- 4) Applicant will submit a plat map for the subject property that includes public rights-of-way dedications and improvements (this could be done simultaneously with step 3).

- 5) Applicant pays impact fees and submits required water shares.
- 6) Plat is recorded with the County Recorder.
- 7) Applicant obtains business license and permits for construction and signage.
- 8) Cemetery may open for business.

### **STAFF RECOMMENDATION**

Recommend approval of the General Plan and Rezone amendment request to the City Council.

Proposed Cemetery Location  
580 W Maple  
Tax ID #'s 26:063:0171, 0173 & 0178



Maple St

680 WEST

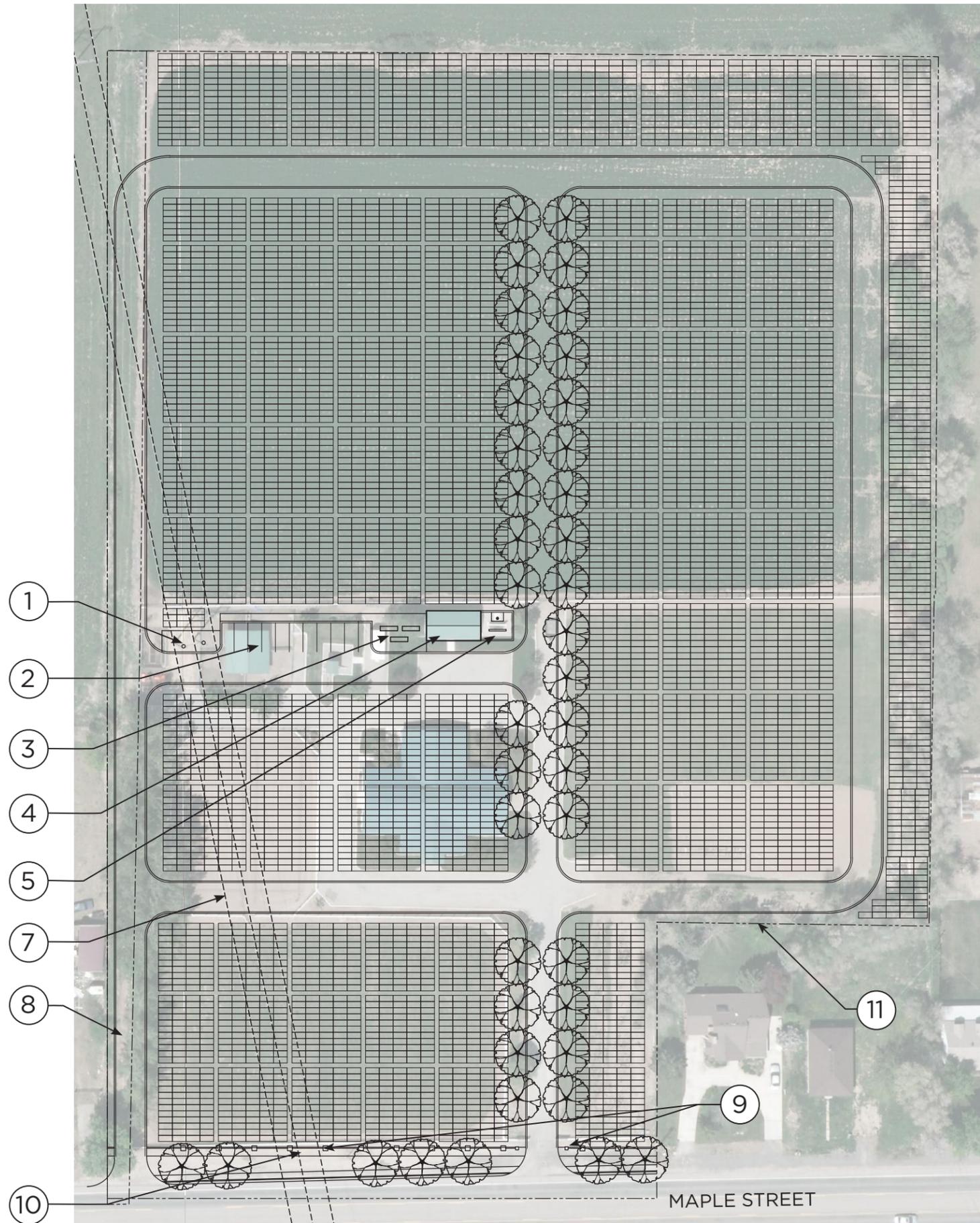
WEST

# MAPLETON CEMETERY

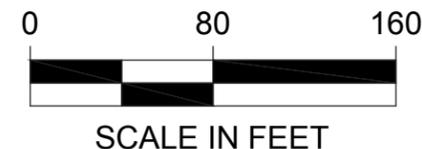
## CONCEPTUAL MASTER PLAN

Grave Size: 4'x9'

Total number of graves: 6,200



- ① POWER LINE POLE BUFFER AREA
- ② PARKING LOT (11 SPACES)
- ③ COLUMBARIUM WALLS
- ④ EXISTING PAVILION
- ⑤ MEMORIAL PLAZA
- ⑥ CEMETERY ROAD (TYP.) (21' WIDE)
- ⑦ POWER LINES
- ⑧ EASEMENT
- ⑨ WROUGHT IRON FENCE
- ⑩ PLANT BED ALONG OUTSIDE FENCE FOUNDATION
- ⑪ PROPERTY LINE



\*Plan is based on county parcel data and is intended to be conceptual. Survey data is not included as part of this plan. Plan is subject to change based on final survey data.



OTHER J-U-B COMPANIES

Lawrence A Haines

1000 South 800 East Mapleton, Utah 84664 USA  
Telephone 1-801-489-6600 Cell Phone 1-801-376-8281  
Email lhaines@digis.net

Dear Mapleton Citizen

For many years there has been a feeling by a number of residents that we should have a cemetery here in Mapleton. I know this has been my desire as well. The city officers have been working toward that end for some time now. I would appreciate your signing the attached document indicating, if you agree, that it would be desirable to have a cemetery in our own town. I am suggesting this, since a plan will be presented to the Planning Commission on February 12<sup>th</sup> for the construction of such a facility.

Two of our residents, will be presenting a plan for the Mapleton Cemetery to be located at 620 West Maple Street. In order to get things going it will be privately owned, similar to Provo's large East Lawn Cemetery. It will allow everyone who desires such a place, to have a beautiful and well cared for facility right here in town for many, many years.

I hope you have the same enthusiasm that I feel about this dream becoming a reality. I would appreciate your helping this along with your signature. I am sure the city will take care to insure that the project is well done.

Sincerely,

A handwritten signature in cursive script that reads "Larry".

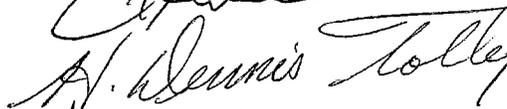
# Mapleton Cemetery

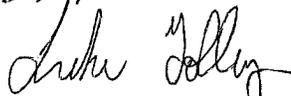
The following few signatures are from citizens in Mapleton who would like to see a cemetery located in Mapleton.

 MARVIN ALLEN

 LORI ALLEN

 CURTIS FLAKE

 DENNIS TOLLEY

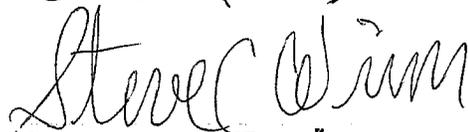
 LUKE TOLLEY

 BILL HAINES

 COLLIN ALLAN

 RICHARD YOUNG

 RICHARD NIXON

 STEVE WINN

 MARCI DICKERSON



 INGRID NEMELKA

 MARIANNE STEVENS

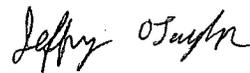
 Brent Haines

 Dianna Black

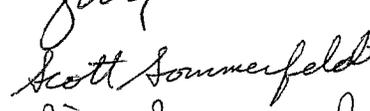
 KAY MANGUM

 Paul Langrock

 Ryan Swanson

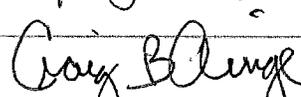
 Jeffrey O Taylor

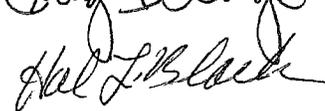
 Scott Card

 Scott Sommerfeldt

 Lisa Sommerfeldt

 Kathy Ainge

 Craig B. Ainge

 Hal L. Black

# Chapter 18.80

## OS-P OPEN SPACE AND PARKS ZONE

### 18.80.010: PURPOSE AND INTENT:

### 18.80.015: DEFINITIONS:

### 18.80.020: PERMITTED USES:

### 18.80.030: CONDITIONAL USES:

### 18.80.040: AREA REQUIREMENTS:

### 18.80.045: BUILDING HEIGHT, SIZE AND SETBACK REQUIREMENTS:

### 18.80.050: LANDSCAPING:

### 18.80.060: MAINTENANCE OF FACILITIES:

### 18.80.070: SIGNS:

### 18.80.080: PARKING:

### 18.80.090: PROJECT PLAN APPROVALS:

### **18.80.010: PURPOSE AND INTENT:**

The purpose and intent of the OS-P open space and parks zone is to establish areas anywhere in Mapleton City where only open space and generally undeveloped lands are to be encouraged. Development of a comprehensive network of permanent, multifunctional, and publicly owned open spaces shall be encouraged. All parks owned by the city may be given the OS-P zone designation. Land that has been legally deeded to the city or land that has had a conservation easement recorded on it as part of a transferable development right sending site, may be rezoned to the OS-P zone. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

### **18.80.015: DEFINITIONS:**

**OPEN SPACE:** Any area or parcel of property dedicated to the city, within a recorded conservation easement, either public or private, or United States forest service land, that would be kept in its natural state for perpetuity, due to its inability to be used for typical recreational or residential uses.

**PARKS:** Any area or parcel of property dedicated to the city or within a conservation easement that is to be used for, or is currently developed for, recreational uses, such as, but not limited to, playgrounds, athletic fields, picnicking, or group gatherings. These areas would be landscaped and maintained in the same manner as other parks within the city. All park areas may be deeded to or dedicated to the city with the exception of a private cemetery or private park, as approved by Mapleton City and maintained by a private homeowners' association. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

### **18.80.020: PERMITTED USES:**

The following uses are permitted in the OS-P zone:

City initiated parks, open spaces, trails, museums, cemeteries or other city related activities.

City owned accessory structures for storage of equipment.

City owned buildings and structures for recreation.

City owned or city initiated water detention and/or debris basins.

City owned water well, water storage tank and all related equipment.

Conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges and wetlands.

Forests and urban forests. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

### **18.80.030: CONDITIONAL USES:**

The following uses are conditional in the OS-P zone:

Horse stable or horse arena and related structures and equipment.

**Private cemetery.**

Private golf courses (except clubhouse, concessions and other commercial uses that will require a commercial zone, and project plan approval).

Private water detention and/or debris basin.

Private water well or at grade storage tank and related equipment