REQUEST
Consideration of a Resolution applying a Transferable Development Rights Receiving Site (TDR-R) Overlay to a 190-acre property known as the Preserve located at approximately 1600 South and 1300 East, and the review of a revised concept plan for the development increasing the total density from 92 lots to 176 lots.

BACKGROUND AND PROJECT DESCRIPTION
The Preserve project has a long history with the City. Development discussions originally began between the City and the Suburban Land Reserve in the early 2000’s, which resulted in the approval of the following:

- A Memorandum of Understanding (MOU);
- A TDR-Sending Site for approximately 75 acres;
- A TDR-Receiving Site for approximately 175 acres (did not include what is now plats “D”, “F” and “G”); and
- A concept plan for a 136-lot development on 175 acres.

(2003 Concept)
The property was later sold to the Preserve LLC and a new project MOU was approved in 2006. The 2006 approvals included the following (see attachment “2”):

- Application of a Planned Residential Community (PRC) zone to approximately 240 acres of property previously zoned A-2 (see attachment “3”);
- A maximum of 92 lots divided into 7 phases (now including plats “D”, “F” and “G”);
- Provision of parking on 1600 South for the Bonneville Shoreline Trail and Mapleton Parkway Trail; and
- Dedication of 10 acres of land to the City for a future cemetery, or an acceptable alternative.

Plats “A”, “D”, “F” and “G” have been recorded. Plats “F” and “G” are accessed from 1600 South on Perry Hollow Drive and most of the lots are developed with new homes. Plats “A” and “D” have most of the infrastructure installed but have been held up for several years due to some final infrastructure items and other legal issues. Recently the City obtained the remaining bond money from the bank to complete the outstanding infrastructure items for plats “A” and “D”. Plats “A”, “D”, “F” & “G” account for 55 lots. The remaining 38 lots have not yet been platted.

(2006 Concept)
The applicant currently has the property under contract and is proposing the following (see concept below as well as attachment “1”):

- An increase in density with the use of TDRs (rezone to TDR-R Overlay for 190 of the 240 acres) from 92 lots to approximately 176;
- The re-platting of some of Plat “A” to reduce many of the existing lots in size;
- A clubhouse; and
- As an alternative to a public cemetery property dedication, the applicant is proposing a combination of cash donations and public amenities.

(Current Proposed Concept)
The Planning Commission reviewed this application on April 13, 2017. After receiving public comment and after its deliberation, the Commission recommended that the Council approve a TDR-Receiving Site overlay, but with the following conditions:

- The Council should hold a joint work session with the Planning Commission and applicant to determine what the density should be and to refine the concept plan;
- No Transferable Development Rights (TDR’s) should be applied to the current Plat “A”;
- Allow a mix of lot sizes, with larger lots providing a buffer for adjacent properties;
- A minimum lot size of ¾ acre; and
- Public amenities must be installed or bonded within a specific time frame to ensure completion.

**EVALUATION**

**Zoning and Density:** The original zoning for the property was A-2, which required a minimum of two acres per lot. The adopted PRC zone did not change the allowed density, but it did allow for flexibility in lot sizes (see attachment “3”). Therefore, rather than having every lot measure two acres in size, the 2006 approvals included lot sizes ranging from as small as ¼ of an acre to over five acres. No TDRs were used as part of this project.

When a PRC zone is adopted, the zoning text is written specifically for the development. If the TDR-R Overlay is approved, then the PRC-4 zoning text will also need to be amended to address the project changes, including amending the maximum density standards.

The TDR program was designed to preserve the Mapleton bench and critical environmental areas from development (sending sites) while allowing increased density in other areas in the City that were more suitable for development (receiving sites). Mapleton City Code (MCC) Chapter 18.76.040.B states the following regarding what properties could qualify as a receiving site:

> “Receiving areas shall be located exclusively within the A-2, RA-1, planned residential community (PRC), planned development (PD), planned residential development (PRD) and specific development plan (SDP) zones unless otherwise authorized by the city council as part of an annexation agreement.”

MCC Chapter 18.76.080.C outlines the approval standards for the use of TDRs. These standards are listed below in italics and should be used by the Council as the basis for its determination on this request. Staff has also included a brief response to each standard.

> The city council, after receiving a recommendation from the planning commission, shall approve a request to utilize development rights on a receiving site if the request:

1. Does not exceed the density limitations permitted by subsection 18.76.070B of this chapter;

**Response:** Section 18.76.070.B states that in no case shall the overall density exceed double of what the underlying zone designation would allow. Since the adopted PRC-4 zone allowed a maximum of
92 lots, with the use of TDRs the project could not exceed 184 lots. The applicant is proposing a maximum of 176 lots (including the 32 already built in plats “F” and “G”) and would comply with this standard.

The Planning Commission was supportive of the use of TDRs, but was not supportive of allowing up to 176 lots.

2. Is in accordance with the provisions of this chapter;

Response: The applicant is requesting a TDR-R Overlay consistent with the TDR ordinance. In order to obtain a density of 176 units, the applicant would be required to surrender approximately 84 TDR certificates. Section 18.76.070.B states that in no case shall TDRs be used in any previously platted subdivision. This requirement is meant, at least in part, to protect property owners within a plat from having a subdivision change after they’ve purchased and or developed their property. The applicant is proposing to use TDRs in Plat “A”, which is platted, to add approximately 13 lots.

The applicant argues that while Plat “A” has been platted, no homes have been built. The applicant’s intent is to vacate Plat “A” and replat it with 13 more lots. The code does not address whether a vacation and replatting may be allowed. The Planning Commission determined that based on a strict reading of the ordinance, that TDRs should not be used on Plat “A”. If TDRs were not used on Plat “A”, the total lots in the project would be reduced from 177 to 164 based on the current concept. The Council should discuss this issue.

3. Is in accordance with the subdivision and site plan regulations contained in title 17 of this code and this title;

Response: If the TDR-R Overlay is approved, the applicant will be required to go through the typical subdivision process as outlined in Title 17.

4. Is consistent with other recommendations of the Mapleton City general plan; and

Response: The subject property is designated Rural Residential (RR) in the General Plan. The General Plan states the following regarding this designation:

“Single family residential development is allowed in the RR Category at a minimum of 2 acres per dwelling (exclusive of roads). Densities higher than 2 acres/unit, but not higher than 1 unit/acre may be allowed pursuant to a development agreement or with the use of Transferable Development Rights (TDRs) and a zone overlay of TDR-R. PRC zones are also permitted, with or without the use of TDRs.”

The General Plan also includes goals to promote and support the TDR program as well as to encourage the clustering concept of subdivision design. The proposed project appears to be consistent with the RR category and the general plan goals regarding the use of TDRs and clustering.

5. Achieves a desirable development compatible with both site conditions and surrounding existing and proposed future development.
Response: The proposed project seeks to protect prominent natural features through the designation of a 10-acre open space park and an additional 15 acres of protected open space. Attachment “5” includes a table comparing the proposed subdivision with other subdivisions in the vicinity as far as density and open space protection. The project is generally consistent with the density of other similarly zoned projects in the area and would average less than one lot per acre.

Concept Plan and Lot Layout: The proposed lot sizes would range from just approximately ¾ of an acre to approximately 5.26 acres, with the majority being approximately one acre in size. There is a concentration of lots under one acre located at the southeast corner of the site. The concept plan contains the same three access points into the development as currently exist. These include 1600 South and 1300 East, 1600 South Perry Hollow Drive and 2100 South Main Street. Two stub roads are also proposed to adjacent properties to the south and southwest.

Traffic: Prior to the review of any plat applications, the applicant will be required to submit a traffic study. Traffic studies typically evaluate existing and proposed traffic conditions based on Level of Service (LOS). Level of Service (LOS) is a term used to describe traffic at an intersection based on congestion and delay. LOS ranges from A (almost no congestion or delay) to F (traffic exceeds capacity with long delays). LOS A-D are generally considered acceptable.

Based on the International Traffic Engineer’s Trip Generation Manual, each residential household produces approximately 10 trips per day. This would equate to approximately 1,450 trips a day at buildout spread over three intersections. If it is assumed that each household would have one trip during the peak evening hour, that would equate to 145 trips spread out over an hour and at the three entrance intersections. In other words, each intersection could see approximately 48 additional trips spread out over an hour, or less than one extra trip per minute. However, this would be analyzed in much more detail in a traffic study.

Public Amenities: The project site includes a prominent oak covered knoll near the southeast corner of the site that is approximately 8 acres in size. Directly to the east of the knoll is a small pond, about a ½ an acre in size at the foot of the bench. The applicant is proposing to designate this area as protected open space and create a public trail around the knoll and pond. An additional two-acre area to the south of the knoll would also be designated as protected open space. Staff is supportive of the proposed open space as it would provide both visual and recreational benefits to the public.

The Mapleton Parkway Trail abuts the project site on the west, and the Bonneville Shoreline Trail is located above the site on the east. The applicant is proposing to create a trail connection from the Mapleton Parkway Trail to the open space park and then up to the Bonneville Shoreline Trail. An open space trail corridor is also proposed running north and south through the site as well as a second access point (a dirt road already exists) up to the Bonneville Shoreline Trail.

In 2015 the City conducted the My Mapleton survey that solicited public input on a wide variety of topics. One of the results of the survey was that the top preference among residents for new facilities/amenities was for additional hiking and biking trails. Staff believes the proposed trail system with connections from the Parkway Trail to the proposed park and to the Bonneville Shoreline
Trail could be a significant public asset.

**Cemetery:** The 2006 MOU stipulated that the developer would provide a 10-acre parcel for a future cemetery, or provide an acceptable alternative. At that time, the City was very interested in developing a cemetery. However, a private cemetery has recently opened in the City, addressing, at least in part, the need for a cemetery. The MOU allows for an acceptable alternative to a 10-acre parcel dedication to the City. The applicant is proposing the following to satisfy the requirement of the MOU:

- The open space park of approximately 10 acres in size described above, along with approximately 15 acres more of protected open space throughout the development accessible to the public;
- The trail system described above;
- A one-time payment of $100,000; and
- A payment of $2,500 per lot to be paid at building permit (total payments of approximately $350,000).

The Council should determine whether this proposal would satisfy the MOU.

**Additional Steps:** If the City Council approves the TDR-R Overlay zone, the following steps would be required of the applicant:

- Submit an application to amend the text of the PRC-4 zone to reflect the revised proposal; and
- Submit preliminary and final plat subdivision applications for each phase. These would be reviewed and approved by the Planning Commission, City Council and DRC.

**Options:** The Council may consider the following options:

1) Approve the request as proposed;
2) Approve the request with modifications and/or conditions;
3) Continue the application with a request for additional information; or
4) Deny the request.

If the Council votes for options 1, 2 or 4, its decision should be based largely on whether the application complies with the standards of 18.76.080.C discussed above.

**STAFF RECOMMENDATION**
Determine whether the site qualifies as a TDR-R. If the Council votes to approve the project, the attached special conditions could be included.

**SPECIAL CONDITIONS**
1) The project shall include a maximum of 176 lots (or whatever total is recommended by the Council), including the lots already developed in plats “A”, “D”, “F” & “G”. One TDR certificate shall be surrendered for every lot over 92 lots.
2) The applicant shall provide a trail system through the development connecting the Mapleton Parkway Trail with the Bonneville Shoreline Trail. There shall be at least two connections to the Bonneville Shoreline Trail and the applicant shall be responsible for the on and off-site costs associated with these connections. The trail system should be generally consistent with the concept plan presented to the Council.

3) The applicant shall provide approximately 2X acres of dedicated open space as part of the development generally consistent with the concept plan presented to the Council. The open space shall be privately owned but made available to the general public. A minimum of eight off-street parking spaces shall be provided near the pond. These spaces may be shared with the proposed clubhouse.

4) As an acceptable alternative to the requirement for 10 acres for a cemetery, the applicant shall provide the amenities described in 2 and 3 above in addition to the following monetary contributions:
   • $100,000 payment due upon recording of the first plat or amended plat associated with the project; and
   • A development fee of $2,500 shall be added to the building permit cost for every lot with the exception of lots 67 and 73 in Plat “A” and any lot in plats “F” and “G”.

5) The applicant shall apply for a zoning text amendment for the PRC-4 zone and preliminary and final plats for each phase.

6) A traffic study prepared by a qualified traffic engineer shall be prepared to evaluate the impact of the proposed development on the surrounding intersections in conjunction with the PRC-4 amendment and preliminary and final plat applications.
PROJECT NOTES:
OPEN SPACE = 25 ACRES
TOTAL NUMBER OF LOTS = 144
DESIGNATED PARK AREA = 15 ACRES
POND
CONNECTED TRAIL SYSTEM = 2+ MILES

PROPOSED AMENITIES
CLUBHOUSE
OUTDOOR POOL
PROJECT NOTES:

OPEN SPACE = 25 ACRES
TOTAL NUMBER OF LOTS = 144
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POND
CONNECTED TRAIL SYSTEM = 2+ MILES

PROPOSED AMENITIES

CLUBHOUSE
OUTDOOR POOL
Memorandum of Understanding

This Memorandum sets forth the understanding of The Preserve at Mapleton Development Company, LLC (hereinafter "Developer") and Mapleton City with regard to the final approval of Plats "A", "D", "F", "G", of the subdivision known as The Preserve at Mapleton located in Mapleton City, Utah County, Utah. Everything in this Memorandum shall be in harmony with the development agreement.

This approval is granted based upon the following conditions, agreements and understandings:

1. **Parking:** Developer shall provide parking accessible to the public, for the public’s use in accessing the Bonneville Shoreline Trail, as follows:

   a. Developer shall provide a minimum of 6 parking spaces along 1600 South Street that shall be made available for use by the public for parking, together with access from said parking to the Bonneville Shoreline Trail.

   b. The subdivision includes, in Plat "B", a location for a common area upon which Developer may construct a clubhouse. In the event that a clubhouse is built, Developer shall make the clubhouse parking area available for public parking for access to the Bonneville Shoreline Trail. In the event that a clubhouse is not constructed, Developer shall make the common area space available for construction of a parking area.

2. **Provision of Water.** Notwithstanding any argument Developer may have asserted that Mapleton City is obligated to pay the cost of delivering municipal water to The Preserve at Mapleton subdivision pursuant to the terms of that certain Development Agreement dated May 7, 2003 between Mapleton City and Suburban Land Reserve, Inc., of which Developer is the authorized assignee, as consideration for the immediate approvals contemplated by this Memorandum of Understanding Developer agrees that it will, in addition to paying the costs and expenses incurred for the construction of the culinary water system within the subdivision, pay its pro-rata share of the construction of off-site improvements necessary to deliver culinary water to the subdivision. The Developer is already engaged in the process of engineering and designing a water tank that is capable of use not only to provide for the culinary water pressure needs of The Preserve at Mapleton, but also to meet many other culinary water needs within Mapleton City. The Developer will continue these efforts. Mapleton City and the Developer have engaged in very productive discussions regarding the construction of such a water tank and the water lines necessary to deliver water from the tank to The Preserve at Mapleton subdivision. Mapleton City has had discussions with Zion's Bank to discuss financing Mapleton City’s portion of the cost of constructing the water tank and related improvements.

3. **Cemetery.** On, or before, December 31st, 2007, Developer shall dedicate a 10 acre parcel of land acceptable for use by Mapleton City for a cemetery. Before any
other phase is approved by the City, developer shall provide adequate assurance of their ability to dedicate the 10 acres within the specified time frame, or an acceptable alternative. Mapleton City shall instruct their Cemetery Committee to assist in finding suitable property to be dedicated.

4. **HOA, CC&R’s.** HOA documents and CC&R’s must include items 1, 7, and 10 of Mapleton City Resolution 2006-49.

5. **Zoning Text for PRC-4 Zone.** Developer shall submit the Zoning Text for the PRC-4 zone to Mapleton City Staff no later than January 2, 2007.

6. **Plat Recording, Clearing and Grubbing.** Upon execution of this agreement, Developer may record the final plat for Plats “A” and “D”. Developer shall be allowed to begin Clearing and Grubbing as of December 11, 2006. Developer shall not be allowed to install any infrastructure until the final plat has been recorded at the Utah County Recorder’s Office.

DATED this \_\_\_ day of January, 2007.

MAPLETON CITY

By: [Signature]
Its: [Title]

THE PRESERVE AT MAPELTON DEVELOPMENT COMPANY, LLC

By: [Signature]
Its: [Title]

By: [Signature]
Its: [Title]
Chapter 18.82D
PRESERVE AT MAPLETON SUBDIVISION, PLANNED RESIDENTIAL COMMUNITY (PRC-4) ZONE

18.82D.005: THEME:

The Preserve at Mapleton planned residential community carries with it the theme of luxurious country living. Residents of the Preserve at Mapleton will enjoy walking trails, water features, welcome houses, horse riding trails, access to the Bonneville Shoreline Trail and Maple Mountain, large ranch and estate lots, and acres of landscaped open space. This two hundred forty (240) acre drop of country elegance will carry with it a feeling of greatness that will influence all of the great city of Mapleton City. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.010: NAME AND PURPOSE:

The name of this zone shall be the Preserve at Mapleton PRC-4 zone. The purpose of this zone is to protect the integrity of the Preserve at Mapleton and keep the theme consistent throughout the entire planned residential community. Compliance with the set forth zone will ensure a more attractive and desirable environment within this residential community in Mapleton City. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.020: PERMITTED USES:

One single-family dwelling unit per legally created lot and subject to section 18.82D.090 of this chapter.

Public utility facilities.

Temporary office building used as an office in connection with the sale of property within a subdivision under construction, provided that the temporary office is located on the same tract of land as the subdivision. A permit therefor shall be valid for not more than one year, at the expiration of which time the use shall be discontinued. This use is subject to subsection 18.84.200B of this title (temporary building construction).

Water reservoirs and water facilities. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.030: PERMITTED ACCESSORY USES:

Accessory uses are permitted in the Preserve at Mapleton residential community zone, provided that they are incidental to the main residential dwelling unit, they do not alter the character of the permitted principal use, and are subject to any required approvals or requirements. Such permitted accessory uses and structures include the following:

Animal rights; estate lots (lots 1 through 7 and 17 through 48): The raising, care and keeping of livestock and fowl will be limited to one animal unit and their seasonal offspring for each twenty thousand (20,000) square feet; and barns, corrals, pens, coops and other structures associated with animals as approved by section 18.82D.090 of this chapter.
Animal rights; ranch lots (lots 56 through 92): The raising, care and keeping of livestock, fowl, feed and produce, barns, corrals, pens, coops and other structures associated with animals approved by section 18.82D.090 of this chapter. One animal unit and their seasonal offspring for each thirty thousand (30,000) square feet shall be allowed.

Customary residential household pets as defined in section 18.08.345 of this title.

Fences, walls subject to section 18.82D.090 of this chapter.

Home occupations are subject to section 18.84.380 of this title.

Noncommercial plant nurseries and private greenhouses subject to section 18.82D.090 of this chapter.

Owner occupied accessory apartments, subject to approvals outlined in sections 18.82D.090 of this chapter and 18.84.410 of this title.

Pools, tennis courts and other recreational site amenities shall be permitted subject to section 18.82D.090 of this chapter.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as a ranch lot (lots 56 through 92) described herein and in accordance with section 18.82D.090 of this chapter.

Uses permitted for the clubhouse/common facility may include the following:

Accessory structures.

Dressing and locker rooms.

Exercise and entertainment facilities.

Food and retail sales limited to the support of the facility and its users.

Meeting and gathering areas.

Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.

Service structures and yards for maintenance of the common facilities of the PRC-4 zone.

Any structures allowed as accessory uses shall be approved by section 18.82D.090 of this chapter whether a building permit is required or not. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.040: LAND USE STANDARDS:

There shall be no land use standards except as set forth in section 18.82D.090 of this chapter.

The minimum lot size for the ranch lots (lots 56 through 92) shall be 2.4 acres (104,544 square feet).

The minimum lot size for the estate lots (lots 1 through 55) shall be 0.7 acres (30,492 square feet).

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)
18.82D.050: BUILDING SETBACKS FOR RANCH LOTS (56 THROUGH 92):

A. Main Buildings: Building setbacks are governed by established building envelopes that far exceed requirements for PRC zones. These envelopes are set forth by the homeowners' association and are approved under section 18.82D.090 of this chapter. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern.

B. Accessory Buildings: Accessory building setbacks are governed by established accessory building envelopes that far exceed requirements for PRC zones. These envelopes are set forth by the homeowners' association and are approved under section 18.82D.090 of this chapter. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern.

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.060: BUILDING SETBACKS FOR LOTS 1 THROUGH 55:

A. Main Buildings: Main buildings shall have the following setback requirements. In the case of conflict with setback requirements for a PRC zone, the greater setback will govern. All setbacks are measured from property line. These setback requirements may be reduced under section 18.82D.090 of this chapter, provided no setbacks are reduced to less than requirements for a PRC zone.

Front yard setback: Thirty feet (30').

Side yard setback: Ten feet (10') on one side and twenty feet (20') on the other. A twenty foot (20') side yard is required at an existing adjacent ten foot (10') side yard resulting in a minimum of thirty feet (30') from adjacent structure, unless the lots on either side of the subject lot have begun construction and used their ten foot (10') setback on the subject lot's sides. In this case the subject lot shall choose which side they shall use their ten foot (10') setback and which side they shall use their twenty foot (20') setback. In this case a lot must still meet the requirement of a ten foot (10') setback on one side and a twenty foot (20') setback on the other side totaling a minimum of twenty feet (20') between structures on one side and thirty feet (30') on the other side. However, lots 50 through 53 may have a ten foot (10') side yard setback on both sides.

Corner side yard setback: Thirty feet (30').

Rear yard setback: Forty feet (40'). However, lots 8 through 16 and 49 through 55 have a twenty five foot (25') rear yard setback.

B. Accessory Buildings: See section 18.82D.070 of this chapter for setback increases for accessory buildings over twelve feet (12') in height.

Accessory buildings shall be located thirty feet (30') behind the nearest front portion of a main building.

Accessory building side yard setback: Three feet (3') but no less than thirteen feet (13') from an existing accessory building on the adjacent property and forty feet (40') from an existing residence on the adjacent property.

Accessory building rear yard setback: Three feet (3') but no less than thirteen feet (13') from an
18.82D.070: BUILDING HEIGHT STANDARDS:

A. Main Buildings: Building height of residences shall not exceed two (2) stories above the basement level with a maximum of thirty five feet (35’) measured from finished grade of the lot to the midpoint of the main roof pitch, excluding dormers, chimneys, mechanical and other equipment. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10’) away from the structure based on average elevation of each measured side. Dormers shall not be allowed above thirty five feet (35’) measured from the finished grade to the bottom of the windowsill.

B. Accessory Buildings: Accessory buildings shall be limited to a maximum of thirty five feet (35’) with no increases in height for setbacks, provided structures over twelve feet (12’) have a ten foot (10’) minimum setback. Building height for an accessory building shall be measured from finished grade of the lot to the highest point of the roof. Measurement shall be taken on any three (3) sides of the structure (not necessarily from a walk-out basement). Finished grade shall be established ten feet (10’) away from the structure based on average elevation of each measured side. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.080: GARAGE AND PARKING STANDARDS:

shall be calculated as follows:

<table>
<thead>
<tr>
<th>Square Foot Area Of Residence (Based On Applicable CC&amp;Rs)</th>
<th>Number Of Garage Spaces</th>
<th>Total Off Street Spaces (Including Garage)</th>
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<tbody>
<tr>
<td>Under 4,500</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>4,500 - 7,999</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>8,000 - 14,990</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Over 15,999</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.090: DESIGN REVIEW COMMITTEE APPROVAL AND STAMP:

A design review committee (DRC) has been established for the applicable CC&Rs to verify and enforce design. No building permit or fence application will be accepted by the city without the applicable DRC approval and stamp. All building guidelines will meet applicable Mapleton City and building code standards as well as the standards in the CC&Rs and design guidelines. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.100: COMMON AREAS AND BUILDINGS:
Up to two (2) welcome houses may be constructed on common right of way areas. One located at the intersection of 1600 S and Preserve Drive and one located at the intersection of Maple Canyon Drive and Preserve Drive. Such structures shall be limited to four hundred (400) square feet of area (excluding basements) and one story/sixteen feet (16') in height measured from finished grade of the lot to the highest point of the roof. The welcome house structures shall not be located closer than six feet (6') from a roadway curb and eighteen feet (18') from the boundary of the PRC-4 zone.

Bridge structures and water features may be constructed in a common right of way area or other easement. Such structures shall allow for minimum road widths and construction requirements and shall not exceed eight feet (8') in height.

Up to one common clubhouse/community facility may be constructed on a private, commonly held parcel. Such facility shall be limited to the same restrictions and standards as a ranch lot (lots 56 through 92) described herein and in accordance with section 18.82D.090 of this chapter.

Uses permitted for the clubhouse/common facility may include the following:

- Accessory structures.
- Dressing and locker rooms.
- Exercise and entertainment facilities.
- Food and retail sales limited to the support of the facility and its users.
- Meeting and gathering areas.
- Outdoor amenities such as tennis, pool, play areas, gardens and other landscape features.
- Service structures and yards for maintenance of the common facilities of the PRC-4 zone.

Open space and trails shall be used for the enjoyment of the community. The trails shall be used for walking, jogging, bicycling, horseback riding and other nonmotorized activities. With the exception of service vehicles owned and operated by the homeowners' association, no motorized vehicles shall be allowed in the common areas. All trails and open space will be maintained and improved by the homeowners' association. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.110: DENSITY:

The total density allowed in the Preserve at Mapleton PRC-4 zone is ninety two (92) individual building lots and common area buildings. No new subdivision lots shall be permitted beyond those originally approved for the purpose of increasing this density. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)

18.82D.120: EMERGENCY ACCESS:

In the event of a natural disaster or other emergency, the residents of the Preserve at Mapleton must provide reasonable emergency access to areas of concern or danger for the proper authorities. An example of this would be the need to have access to the debris basin, or an injury on one of the common trails. (Ord. 2007-18, 8-7-2007, eff. 12-11-2007)
18.82D.130: TRANSFER OF COMMON AREAS TO MAPLETON CITY IN THE EVENT OF DEFAULT BY THE HOMEOWNERS' ASSOCIATION:

In the event of a default by the homeowners' association, all of the homeowners' association's right, title and interest in and to the common areas, including, but not limited to, the debris basin, shall pass to Mapleton City. Upon default by the homeowners' association and transfer of ownership of common areas to the city, the residents within the development shall pay all costs of maintenance of common areas to the city. In the event of default, Mapleton City may assess a monthly maintenance fee to all residents in order to maintain the common areas as they were previously maintained. For purposes of this section, the occurrence of any of the following shall constitute a default by the homeowners' association:

A. The dissolution or liquidation of the homeowners' association;

B. The homeowners' association shall become insolvent, or shall suffer or consent to or apply for the appointment of a receiver, trustee, custodian or liquidator of itself or any of its property, or shall generally fail to pay its debts as they become due, or shall make a general assignment for the benefit of creditors; the homeowners' association shall file a voluntary petition in bankruptcy, or seeking reorganization, in order to effect a plan or other arrangement with creditors or any other relief under the bankruptcy code (meaning the bankruptcy reform act of 1978 [11 USC section 101-1330] as hereafter amended or recodified), or under any state or federal law granting relief to debtors, whether now or hereafter in effect; or any involuntary petition or proceeding pursuant to the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors is filed or commenced against the homeowners' association or the homeowners' association shall file an answer admitting the jurisdiction of the court and the material allegations of any involuntary petition; or the homeowners' association shall be adjudicated as bankrupt, or an order for relief shall be entered against the homeowners' association by any court of competent jurisdiction under the bankruptcy code or any other applicable state or federal law relating to bankruptcy, reorganization or other relief for debtors.

(Ord. 2007-18, 8-7-2007, eff. 12-11-2007)
Chapter 18.76
TDR TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

18.76.010: CREATED:
18.76.020: PURPOSE:
18.76.030: APPLICABILITY:
18.76.040: DESIGNATION OF SENDING AND RECEIVING AREAS:
18.76.045: DESIGNATION OF SENDING AND RECEIVING SITES ON ZONING MAP:
18.76.050: APPLICATION REQUIREMENTS FOR A TRANSFER OF DEVELOPMENT RIGHTS CERTIFICATE:
18.76.060: TRANSFERABLE DEVELOPMENT RIGHTS; CREATION; SENDING SITES:
18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:
18.76.080: DEVELOPMENT APPROVAL PROCEDURES:
18.76.090: DEVELOPMENT STANDARDS:
18.76.100: CONSERVATION EASEMENT REQUIRED:
18.76.105: NOTIFICATION:
18.76.110: COORDINATION WITH OTHER PROVISIONS AND PROCESSES:
18.76.115: SAVINGS CLAUSE:
18.76.120: EXPIRATION AND APPLICABLE ACTION:
18.76.125: DEFINITIONS:

18.76.010: CREATED: 

There is hereby created a transferable development rights (TDR) overlay zone which may be applied to parcels of land in accordance with the provisions of this chapter. When applied to specific property, the TDR overlay zones shall be denominated as a sending site (TDR-S) or a receiving site (TDR-R) as set forth in section 18.76.045 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.020: PURPOSE:

The purposes of the TDR overlay zone are to:

A. Promote the preservation of agricultural lands, rural open space, scenic vistas, critical and sensitive lands, natural hazard areas, and natural features which are designated by the Mapleton City general plan as important to preserve, and for the benefit of the citizens of Mapleton City;

B. Discourage development in areas deemed hazardous and in areas where delivery of city services may be difficult to provide; or have extraordinary costs in servicing an area, such as hillsides and mountainsides;
C. Provide compensation to the owners of property from which development rights are transferred;

D. Provide a method whereby development rights may be transferred from sending sites to receiving sites in order to accomplish the purposes set forth in subsections A, B, and C of this section. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

**18.76.030: APPLICABILITY:**

The procedures and requirements of this chapter shall apply to the creation and transfer of development rights from sending sites to receiving sites. However, no property lying outside of the current corporate boundaries of Mapleton City shall be eligible for consideration of a transferable development sending site. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

**18.76.040: DESIGNATION OF SENDING AND RECEIVING AREAS:**

A. The parcels of real property which may be preserved and protected by the transfer of development rights from such parcels are those located within a sending area designated by the Mapleton City general plan, or as described in this section. Those parcels of real property which are suitable for using development rights transferred from sending sites are those parcels located within a receiving area designated by the Mapleton City general plan. In no case shall an area be designated as a receiving area within any previously platted subdivision or land that has previously received a change in the zone designation to a higher density zoning level. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

B. Receiving areas shall be located exclusively within the A-2, RA-1, planned residential community (PRC), planned development (PD), planned residential development (PRD) and specific development plan (SDP) zones unless otherwise authorized by the city council as part of an annexation agreement.

C. The city council may authorize the use of transferable development rights (TDRs) in conjunction with a rezone request to A-2, RA-1, PRC, PRD, PD and SDP zones if the request is consistent with the general plan land use map. (Ord. 2013-06, 7-16-2013, eff. 8-28-2013)

**18.76.045: DESIGNATION OF SENDING AND RECEIVING SITES ON ZONING MAP:**

Each sending site from which a development right is transferred shall be denominated on the official zoning map by using the suffix "TDR-S" in combination with the underlying zoning designation of the property. However, if sending site is property that is proposed to be deeded to the city, the land will be given the open space and parks (OS-P) zone designation. Each receiving site to which a development right is transferred shall be denominated on the official zoning map by using the suffix "TDR-R" in combination with the underlying zoning designation of the property. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

**18.76.050: APPLICATION REQUIREMENTS FOR A TRANSFER OF DEVELOPMENT RIGHTS CERTIFICATE:**
A. An eligible landowner or authorized representative must provide the following:

1. Name, address and telephone number of applicant and applicant's agent, if any;

2. Proof of ownership of the sending property;

3. Metes and bounds written legal description and plat prepared within ninety (90) days of the date of application by a licensed surveyor;

4. Written description of the physical characteristics of the property;

5. Site plan which illustrates existing or proposed dwellings, historic structures, easements or other encumbrances; and

6. The administrative fee relative to a transfer of development rights as established by the department of planning and zoning ("the department"). (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.060: TRANSFERABLE DEVELOPMENT RIGHTS; CREATION; SENDING SITES:

A. Development rights shall be created and transferred only by means of documents, including a conservation easement, and a severance of TDR credit certificate ("certificate of sending credits"), which meet the requirements of this chapter.

B. In order to be eligible to transfer one or more development rights from a parcel of property, such property shall be located within a sending area. If such property is located within the CE-1 zone, all property lying within this zone and owned by the same person or related persons, as defined in section 1031 of the internal revenue service code, shall be designated a sending site at the same time, whether the entire parcel is one parcel, contiguous parcels, or noncontiguous parcels. The owner of such property shall apply for and receive approval to have the property placed in the TDR overlay zone, pursuant to rezoning procedures set forth in this title.

1. Upon rezoning approval:

a. The property shall be shown on the official zoning map as a sending site by denominating it as a TDR-S overlay zone;

b. A certificate of sending credits shall be issued to the property owner by the city recorder, pursuant to subsection B2 of this section, indicating the total number of development rights which may be transferred from the property; and

c. The property owner shall be eligible, after complying with subsection B2 of this section, to transfer development rights from the property in accordance with the requirements of this chapter.

2. No transferable development right certificate of sending credits shall be issued, until payment of an administrative fee determined by the planning department, and no development right shall be transferred, unless and until a conservation easement is recorded among the land records of Utah County, Utah, as required by section 18.76.100 of this chapter on the property from which such development right originates.
3. After recordation of the easement, a landowner shall request that the city recorder issue the record owner of the property a certificate of sending credits. Such certificate shall only be assigned in the name of the record owner and only for the total number of credits assigned to the property.

C. Development rights attached to a particular sending site shall be determined and transferred by applying the following rules:

1. Any sending site density bonus created by the application of this chapter shall be utilized only on a receiving site.

2. Within all zones except the critical environment (CE-1) zone:
   a. The total number of development rights which may be created for a sending site shall be equal to the site's base zone density.
   b. The number of development rights to be transferred at any one time may be determined by the sending site owner so long as the total number of rights transferred does not exceed the total number of development rights associated with the sending site. For example, if a property owner has ten (10) development rights in the zone designation where the property is located, no more than ten (10) development rights can be transferred. There shall be no additional density bonus except as allowed in this section.

3. Within the critical environment (CE-1) zone:
   a. The total number of development rights which may be created for a sending site shall be equal to the site's base zone density plus a density bonus granted pursuant to either subsection C3a(1) or C3a(2) of this section (but not both):
      
      (1) If a sending site owner transfers only the development rights associated with the site, the density bonus shall be equal to three (3) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers only the development rights from a sending site having a base zone density of ten (10) dwelling units would obtain a total of thirty (30) TDRs, illustrated as follows:


<table>
<thead>
<tr>
<th>Base zone density:</th>
<th>10</th>
<th>TDRs (1 dwelling unit equals 1 TDR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density bonus:</td>
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<td>TDRs</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>TDRs</td>
</tr>
</tbody>
</table>

      (2) If a sending site owner transfers fee title of the site to Mapleton City Corporation or the sending site owner is Mapleton City Corporation, the density bonus shall be equal to five (5) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers development rights only from a sending site having a base zone density of ten (10) dwelling units would obtain a total of fifty (50) TDRs, illustrated as follows:


<table>
<thead>
<tr>
<th>Base zone density:</th>
<th>10</th>
<th>TDRs (1 dwelling unit equals 1 TDR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density bonus:</td>
<td>40 TDRs</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>50 TDRs</td>
<td></td>
</tr>
</tbody>
</table>

b. All development rights associated with property zoned CE-1 in a sending site shall be transferred at one time.

c. A parcel of land within the CE-1 zone may qualify as a sending site with the incentive bonuses established in subsection C3a(1) or C3a(2) of this section only if the sending site parcel is the same parcel as it existed as of December 15, 1998. Any parcel which has been subdivided, developed, or on which a structure has been built after December 15, 1998, shall not qualify for the incentive bonuses established in subsection C3a(1) or C3a(2) of this section. It is the intent of this chapter to cause owners of potential sending sites within the CE-1 zone to decide either to develop all or some portion of the potential sending sites, or to receive the incentive bonus by transferring all development rights off of the land, but not to allow for both, or some degree of both.

D. The transfer of any development rights from a sending site shall be evidenced by a notice recorded among the land records of Utah County, Utah, in a form approved by the city council, after receiving a recommendation from the planning commission. Such notice shall indicate:

1. The total number of development rights which may be transferred from the sending site;
2. The number of development rights actually transferred at the time the notice is recorded;
3. The number of development rights remaining; and
4. Notice to any potential buyer of the sending site that:
   a. Any remaining development rights may have been transferred from the property; and
   b. The buyer should contact Mapleton City officials to determine the number of development rights, if any, remaining on the sending site. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

### 18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

**A.** Transferable development right receiving sites shall be limited to the A-2, RA-1, PRC, PRD, PD and SDP zone designations exclusively unless otherwise authorized by the city council as part of an annexation agreement. (Ord. 2013-06, 7-16-2013, eff. 8-28-2013)

1. All areas shall be eligible to increase the density with the use of TDRs by no more than doubling what the underlying zone designation allows.

**B.** In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The owner of such parcel shall apply for and receive approval to have the property placed in the TDR overlay zone pursuant to rezoning procedures set forth in this title. In no case shall a receiving site rezone be approved in any previously platted subdivision. Upon rezoning approval:
1. The property shall be shown on the official zoning map as a receiving site by denominated it as a TDR-R overlay zone,

2. The property owner shall be eligible to transfer development rights to the property in accordance with the requirements of this chapter, and

3. A certificate of receiving credits shall be issued upon payment of an administrative fee determined by the planning department, to the property owner by the city recorder indicating the total number of development rights which may be transferred to the property in accordance to subsection A of this section.

The city council, after receiving a recommendation from the planning commission, may approve a subdivision or a concept plan for a receiving site at a density which equals the base zone density plus the number of development rights which will be transferred to such site. Notwithstanding the foregoing, the development density of a receiving site shall not be increased above the maximum density recommended for such site by the Mapleton City general plan. Any density bonus applicable to a receiving site shall not exceed density limitations established by the general plan. In no case shall the overall density exceed double of what the underlying zone designation would allow.

C. No site shall be designated as a receiving site unless the planning department commission finds that the site has or will have adequate public facilities and other resources to accommodate the increased development authorized by the transfer of development rights from the sending district. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.080: DEVELOPMENT APPROVAL PROCEDURES:

The following development approval procedures shall apply to new developments within the A-2 and RA-1 zone designations:

A. A request to utilize development rights on a receiving site shall be in the form of a preliminary subdivision plan submitted in accordance with regulations contained in title 17 of this code or a site plan submitted in accordance with regulations contained in this title.

B. In the event a receiving site is proposed to be subdivided, a site plan shall be submitted and approved in accordance with the provisions of this chapter at the same time a preliminary subdivision plan is submitted.

C. The city council, after receiving a recommendation from the planning commission, shall approve a request to utilize development rights on a receiving site if the request:

1. Does not exceed the density limitations permitted by subsection 18.76.070B of this chapter;
2. Is in accordance with the provisions of this chapter;
3. Is in accordance with the subdivision and site plan regulations contained in title 17 of this code and this title;
4. Is consistent with other recommendations of the Mapleton City general plan; and
5. Achieves a desirable development compatible with both site conditions and surrounding existing and proposed future development.

D. A final plan for a subdivision or a site plan which uses transferred development rights shall contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance required by section 18.76.100 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.090: DEVELOPMENT STANDARDS:

A. The following development standards shall be applicable to receiving sites in the A-2 and RA-1 zones:

1. Each development in a TDR-R overlay zone shall conform to the development standards and permitted uses as required by the underlying zone, except as may be modified by the provisions of this chapter. In such case, the standards of this chapter shall apply.

2. If density proposed on a receiving site exceeds the density permitted by the underlying zone as per subsection 18.76.070A of this chapter, density, lot sizes, and other development standards shall be determined by the city council, after receiving a recommendation from the planning commission, as part of the subdivision and/or site plan review process. In making a determination of final density, the city council shall:

a. Consider the subdivision and site plan provisions of title 17 of this code and this title,

b. Consider whether a proposed plan has a design which:

(1) Provides a range of housing types;

(2) Takes advantage of existing topography and other natural features;

(3) Achieves a mutually compatible relationship between the proposed development and adjoining land uses; and

(4) Implements the policies set forth in the Mapleton City general plan, and

c. Make findings regarding the matters set forth in subsections A2a and A2b of this section.

B. The following development standards shall be applicable to sending sites:

1. The uses permitted on a sending site shall be those uses allowed by the base zone applicable to the site, except as diminished by the transfer therefrom the development rights and by the terms of any conservation easement applicable to the site.

2. Any development request which is made for a sending site shall conform to the subdivision and site plan provisions of title 17 of this code and this title and the following additional requirements of this subsection B.
3. The total number of dwelling units which may be constructed on a sending site shall be the number of units allowed by the base zone density existing on the property when the property is designated as a sending site minus all development rights transferred therefrom, excluding any density bonus that may be applicable to the site.

a. Any sending site density bonus created by the application of this chapter shall be utilized only on a receiving site.

b. No dwelling units may be constructed on a sending site located in a CE-1 zone where all development rights have been transferred from the property.

4. Maximum lot size within any developable area shall be not greater than the minimum lot size of the underlying zone.

5. The impact on existing uses and the rural character of the area shall be included in the consideration of the number of units allowed. Any new lots adjacent to an existing subdivision, or subdivision lot(s), shall be required to have the same lot size to that which is adjacent to the proposed lot(s) within the TDR receiving site development.

6. Residential lots shall be located adjacent to existing utilities and roads to minimize the amount of construction and loss of agricultural land, unless such location directly conflicts with the preservation goals set forth in the Mapleton City general plan or this chapter.

7. Where technically feasible, joint or common water and/or sanitation systems shall be used. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

**18.76.100: CONSERVATION EASEMENT REQUIRED:**

This section shall apply only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

A. A conservation easement shall be established on each sending site from which development rights are transferred.

1. In CE-1 zones and in situations where all development rights attached to a sending site are transferred, the easement shall cover the entire sending site.

2. If only a portion of the development rights attached to a sending site are transferred, the area of the easement shall be the same as the total area of all the lots which could otherwise be established on the site but for the transfer of development rights.

B. The conservation easement required by this chapter shall be in a recordable form approved by the city attorney and shall meet the requirements of section 57-18-1 et seq., of the Utah code. The conservation easement shall also include the following terms:

1. The holder of the easement shall be Mapleton City, another governmental entity, or a charitable organization which:

   a. Qualifies as being tax exempt under section 501(c)(3) of the internal revenue code; and
b. Is organized in whole or in part for the purpose of accepting and managing conservation easements.

2. The easement shall require that the easement area shall be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources. Notwithstanding the foregoing, the city council, after receiving a recommendation from the planning commission, may approve the construction of improvements upon finding such improvements will be in harmony with the purposes of the easement and intent of this chapter.

3. The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter.

4. All parties who have a declared interest in the property, recorded on the books of the Utah County recorder, must consent to the granting of a conservation easement.

C. If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section.

D. Any instrument purporting to convey a conservation easement pursuant to this section, but that the city has not indicated its approval on the instrument is void, and shall not be recorded or accepted by the city recorder for recording at the county recorder’s office. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.105: NOTIFICATION:

A. The city shall notify the county tax assessor of a transfer of development rights within thirty (30) days of:

1. The approval of a transfer of development rights pursuant to subsection 18.76.100B4 of this chapter;

2. The issuance of a certificate pursuant to subsection 18.76.070B3 of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.110: COORDINATION WITH OTHER PROVISIONS AND PROCESSES:

A. If subdivision review and approval is necessary, review of an application under this chapter shall be carried out simultaneously, and under the same application, referral, notice, and public hearing procedural requirements as is provided for a site plan review as set forth in this title.

B. In cases where a conditional use permit is required for a proposed use, review of an application under this chapter shall be carried out simultaneously with the conditional use permit review as set forth in this title. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)
18.76.115: SAVINGS CLAUSE:

This section, or any provision thereof, shall not invalidate any completed transfer of development rights pursuant to any earlier statute, ordinance, or regulation if said transfer was valid at that time.
(Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.120: EXPIRATION AND APPLICABLE ACTION:

A. Section 18.76.060, "Transferable Development Rights; Creation; Sending Sites", of this chapter will expire on December 31, 2010, after which time no application for the sending site (rezone application) will be accepted by Mapleton City.

B. Once an application is made for a TDR sending site (TDR-S) overlay zone, and the city council has taken action to rezone the property, the applicant/property owner has six (6) months to transfer title of the property to Mapleton City, or if applicable, file the required conservation easement necessary to gain the TDR certificates. If no attempt by the property owner/applicant to convey title or have the conservation easement recorded, then the city council shall consider the application "expired" and shall have the authority to rezone the property back to its original zone designation, and minus the TDR-S overlay zone. The property owner/applicant may receive an additional six (6) month extension if such an extension is found by the city council to be warranted. It shall be the property owner/applicant's responsibility to apply for said extension.
(Ord. 2005-16, 11-16-2005, eff. 11-16-2005)

18.76.125: DEFINITIONS:

BASE ZONE DENSITY: The maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase resulting from an overlay zone.

COMPATIBLE: Once the city council has granted a TDR-R overlay rezone on a parcel, and the rezoned parcel meets all other requirements under the city's ordinances, "compatible" includes among other planning and design issues, street size, street alignment and design, curb, gutter and sidewalk design, traffic flow issues, delivery of service issues such as size and location of pipes for culinary water, pressurized irrigation and sewer, surface water drainage and trail system. "Compatible" does not refer to lot size beyond the requirements identified separately under this chapter.

DEVELOPMENT RIGHTS: The potential for the improvement of a legally established parcel of real property, measured in dwelling units, existing as a result of the zoning classification of the parcel. One development right shall be equal to the authority to establish and maintain one dwelling unit.

RECEIVING AREA: A geographic area designated by the approved and adopted Mapleton City general plan within which one or more receiving sites may be located.

RECEIVING SITE: A legally created parcel of real property which has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

RECEIVING ZONE: A zone designation wherein transferable development rights can be applied.
SENDING AREA: A geographic area designated by the approved and adopted Mapleton City general plan within which one or more sending sites may be located.

SENDING SITE: A legally created parcel of real property which has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

SEVERANCE OF TRANSFER OF DEVELOPMENT RIGHTS (TDR) CREDIT CERTIFICATE ("CERTIFICATE OF SENDING CREDITS"): The certificate issued by the city recorder that represents the total number of development credits recognized for and derived from the sending site that may be transferred.

TRANSFER OF DEVELOPMENT RIGHTS: The conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter. (Ord. 2005-16, 11-16-2005, eff. 11-16-2005)
Comparison of Subdivisions in the Vicinity of the Preserve

<table>
<thead>
<tr>
<th>SUBDIVISION</th>
<th>ACRES</th>
<th>LOTS</th>
<th>UNITS PER ACRE</th>
<th>OPEN SPACE ACRES</th>
<th>% OPEN SPACE</th>
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<tbody>
<tr>
<td>Maple Farm</td>
<td>79</td>
<td>31</td>
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<tr>
<td>Mapleton Pond</td>
<td>21</td>
<td>9</td>
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<td>33%</td>
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<tr>
<td>Sierra Vista</td>
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<td>0%</td>
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<td>Eagle Rock</td>
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<tr>
<td>Triple Crown</td>
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<td>*Preserve (less plats “F” and “G”)</td>
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<td>145</td>
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<td>*Preserve (including plats “F” and “G”)</td>
<td>240</td>
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<td>1</td>
<td>.55</td>
<td>3%</td>
</tr>
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</table>
Dear City Planners & Council,

As current residents in The Preserve Development, we are very concerned about the proposed plan to rezone and substantially increase the density in the upper portion of the development. When we purchased our land in 2013, we purchased with the expectation that the upper portion would eventually be developed with an additional 60 homes. In fact, we have been anticipating and even looking forward to seeing its completion.

A couple weeks ago we learned about a new developer, Andy Ball, who is in the process of purchasing and rezoning the upper portion of our development. We felt sick when we learned that the new plan calls for an additional 140 homes rather than the currently planned 60. Everything that we had envisioned and anticipated for the place we live is now in question.

Our first concern was what kind of impact this will have on traffic through this part of town. Our 5 young kids ride their bikes, walk, and play on and near these roads. Our good friend and neighbor who resides on 1600 south is a traffic engineer. He gave us a little perspective on what we can expect with traffic for 140 new homes. He said that it is widely accepted that each home in a neighborhood accounts for an average of 10 trips per day on the local streets. Based on this estimation, we can expect an additional 1,400 cars daily up and down the roads in and around our neighborhood if the current proposal is approved. I realize from a “city infrastructure” perspective that the increase in traffic may be a non-issue. However, to the families that will be impacted by the increase in traffic, it is a very big concern.

Another big concern is how this will impact home values in the area. We can’t imagine that home values will not be negatively impacted by this proposed change. The addition of 60 estate style homes in the upper Preserve would have undoubtedly resulted in an increase in our home value. On the contrary, an additional 140 homes on similar or smaller lot sizes will almost certainly result in a decrease in home values for the surrounding area.

Our biggest question is why the upper Preserve couldn’t be developed as it is currently planned? The city of Mapleton and its residents should not have to change what was planned to increase the profit of developers and investors. The current plan that was approved by previous city leadership would be a beautiful addition to our city. It allows for development of the property while preserving the wide open spaces and beauty of one of the most visible benches of our city. No developer has attempted to proceed with the current plan for the upper Preserve since the crash of the housing market and the prolonged litigation associated with the upper Preserve. It would be impossible to say that the current plan for the upper Preserve is not feasible. Certainly smaller lots would sell quicker and the developer will see a return on his investment sooner, but it will be at the peril of the east bench and surrounding community.

Allowing the rezone of the upper Preserve would go contrary to everything that Mapleton has tried to do to this point to remain a unique city in Utah County. “The Mapleton TDR program aims to promote the preservation of agricultural land, rural open space, scenic vistas, sensitive lands, natural hazard areas and places where delivery of public services would be difficult and/or expensive, such as
hillsides and mountainside.” “Mapleton uses TDR to preserve critical environmental areas, particularly the foothill areas that lie just east of the City.” (TDR code section 18.76). The entire purpose of the TDR program was to prevent areas like the Preserve from being developed in a way that is currently being proposed. I think that it is ironic that the development named “The Preserve” it at risk of not being preserved in the way that the TDR program was designed to accomplish.

We ask the current city council to stand with previous city leadership and preserve one of the most beautiful visible sites of Mapleton. We are asking the current city council to reject the proposal to rezone the upper Preserve. In the least, the current request of an additional 140 building lots should be significantly reduced.

We will be in attendance at the planning meeting scheduled for April 13th. The following are some questions that we would like to ask the city council and city planners:

- Is the upper Preserve currently a TDR receiving site? If not, under what obligation is the city to change that designation?

- Were TDRs removed from the upper Preserve in order to be used for density in other developments in the city? If so, how can TDRs be put back on that land for the purpose of increasing density?

- What are the potential tax liabilities of changing the current plan as it pertains to city infrastructure (roads, sewer, pressurized irrigation, water, schools, etc.)?

- Does the proposed rezone contradict the purpose of the TDR program?

- The city of Mapleton waged a years-long battle with Wendell Gibby to prevent him from developing his 47-lot mountainside development. Why would the city consider ever consider approving a 140-lot mountainside development?

We appreciate you taking the time to read our letter and to consider our concerns. We look forward to the next planning meeting.

Respectfully,

Brad & Lillie Ash
Mr. Conroy,

My wife and I wanted to send you a letter in regards to the ensuing development of the upper preserve in Mapleton. We appreciate your willingness to hear out many members of our community that are struggling to understand why the high-density housing would be a solid consideration.

My wife and I built our dream home this past year at 1985 S. Perry Hollow Drive. We moved from Spanish Fork, in hopes to escape the smaller lots and have a little more space. We also moved because of a very busy road that surfaced within our small neighborhood. We have 5 kids 10 and under, so being located on a busy street due to a neighboring development project was disheartening.

We fear this is exactly what will happen if the high-density housing passes. We believe if the plan continues as outlined, our street would become a main artery...positioning our family exactly where we found ourselves when living in Spanish Fork. Before building we were aware of the Upper Preserve, and hoped that the sizes of the lots would remain in place.

We would like to formally request that the council consider very seriously the nature of what makes Mapleton such a beautiful place to live. We feel that Maple Mountain specifically should not be populated with so much housing, as it is the staple of our community.
Hello Mr. Conroy --

My name is Melissa Smith and I live on Perry Hollow Drive in Mapleton. We moved from Virginia over 3 years and love it here! I saw the proposed plan for the rezoning of the Preserve above our house and am very concerned. We love the feel of Mapleton -- the openness, the country feel, the kind and loving people here and we want more people to have the opportunity to move here and enjoy it as we have. But 140 lots on the beautiful foothills that make Mapleton so unique and absolutely beautiful? To just think about the traffic that will bring on 1600 South, Main Street, through our neighborhoods -- these streets weren't built for traffic like that. And I saw no plan for churches and a school? Perry Hollow Drive averages 4.5 children per house. Even if you average 3 per household that is 420 children! Our churches are full and poor Mapleton West Stake doesn't even have a building. I always hear of the lack of water in Mapleton, that is a concern as well not to mention the deer and snakes. I think the original proposition for the preserve would better fit the feeling of Mapleton, especially on the foothills, there are plenty of opportunities in subdivisions popping up everywhere with smaller lots. Please don't do this to the foothills. Help keep Mapleton keep its charm with responsible and thoughtful planning. Thank you for your time!

Sincerely,
Melissa Smith
With that many homes it seems that there should be land set aside for a chapel?? Do we have enough water resources to support all those homes with decent water pressure? What about our water pressure just below the Preserve.... Humm.... What is the preserve preserving?

Beverly Arbon

Editor, Mentor-Teacher, Foot Zoner

liberateyourtruth.net, liberateyourtruth@gmail.com
To: Sean Conroy, Cory Branch, Mapleton City Planning Commission, & Mapleton City Council

As citizens of Mapleton we have been involved in many discussions, planning meetings and city councils with former owners of the property currently known as The Preserve. The conclusion that came from all previous meetings is that owners have the right to develop there land but development must stay within zoning and be in harmony with the city's master plan. In each instance smaller lots were considered to be inappropriate for this location. Agreements were reached on that property and anyone acquiring this property should be required to abide by those same agreements.

Following are a few reasons not to increase the density of this land

1. The proposed 177 lots are not at all in keeping with the harmony of the master plan.
2. We (and the neighbors around us) purchased land here with the expectation that we would be in a neighborhood with like requirements, namely larger lots with much open space.
3. 1600 S. road conditions are horrific. The road is narrow, it has been cut up and patched together, there are settling issues and it is clearly not intended as a major artery for so many homes. Additionally there are some homes not set back very far from the road and there is almost no allowance for parking on the street.
4. There are almost no sidewalks anywhere on the east end of 1600 S making it very difficult for citizens, particularly children going to and coming from school, this is a HUGE safety problem. Putting the life of even one child at risk is certainly not worth the change.
5. Phase 1 in particular of The Preserve has been recorded, physically developed, improved and some lots even sold. This is clearly a completed subdivision and therefore we feel that it is not legal to overlay TDR's or redevelop in consideration of all the city ordinances concerning this property.

We do applaud the design of the new developer in providing additional public open space with trail access, however we could not support more than the previously proposed 92 lots. We strongly urge those that make decisions in behalf of us as Mapleton citizens to deny the development of such high density in such a critical zone.

Sincerely,
Rick & Sherie Bluth
April 5, 2017

Ken & Pattie Thompson
560 E 1600 S
Mapleton, UT 84664

Sean Conroy, AICP
Community Development Director
Mapleton City
125 W Community Center Way
Mapleton, UT 84664

sconroy@mapleton.org

Re: “The Preserve”

I wish to voice my concerns for the proposed changes to the Preserve project.

We moved here 4 ½ years ago. I don’t know the proper legal terms but I thought the smaller lots on Perry Hollow were allowed due to the offset of larger lots in the Preserve. Why would that now be allowed to change? I believe in the rights of property owners but I also believe in following rules.

Perhaps my biggest concern is traffic. We have endured so much construction traffic with just a few homes being built to the North and East of us that I just can’t imagine having 177 homes built in the Preserve. It’s bad enough that local residents don’t follow the speed limits on this section of 1600 S, but construction trucks don’t care at all. They have no regard for the citizens of Mapleton. This street is not in the greatest of shape with pot holes and dips and cracks, so that every loaded truck going up and down the street shakes our house. I know what will come next….the city will want to widen 1600 S to handle the construction traffic. There goes our property value.

We have horses and had hopes of being able to ride them on the proposed trail through Perry Hollow. That is non-existent. We had hopes of being able to ride on the Lateral Canal Trail – that didn’t work out either.

Mapleton is a beautiful city and was highly recommended as a wonderful place to live. Larger, equine friendly lots would be highly sought after. Developers seem to be the only benefactors of a large development like this (existing residents are the big losers). I hope the city will collect enough fees to repave all the roads leading into the Preserve because it’s going to be a mess.

Regards,

Ken and Pattie Thompson
To Whom It May Concern: April 4, 2017

Mapleton City Council.

125 W 400 N

Mapleton, UT 84664

We have lived on 1600 South in Mapleton for 11 years, and have seen a lot of building going on in this city. The traffic on 1600 S has tripled from when we came here. We feel that Mapleton is such a friendly town, with the most wonderful of population, who wouldn’t want to live here.

That being said, in reference to the Preserve and building going on there, may we offer what may be a solution to the increased traffic problem on 1600 S. Wouldn’t it be practical to make it mandatory that a new road be built by the developer as part of the agreement? Perhaps the road could be built at the south end of the Preserve going down to South Main, and then extending down to Hwy 89, thus bypassing 1600 S.

Thank you for your service to our wonderful community.

Sincerely,

Mary and Ervin Denna

625 W 1600 S

Mapleton

Mary L Denna

Ervin L Denna
Mr. Conroy and Commission Members, 4/3/2017

In regard to the proposed TDR Receiving Site Overlay for the Preserve being considered by the commission on April 13th, I request that this be shared with commission members prior to the site visit planned at 5:30 PM that day so that they can consider what this proposal would mean to our city as they look over Mapleton. While there are many issues involved in the proposal, I will primarily focus the attention of the commission, and the city council, on the natural esthetics of the land and what the new proposal would mean to the visual appearance of the city and the clear message it would send to future developers.

The portion of the Preserve being considered in the proposal is one of the most beautiful areas of Utah County and a prominent visual feature of Mapleton. Our community leaders and any future developer has an opportunity to maintain the rural feel of our community while creating one of the most beautiful neighborhoods in our region with views that are truly amazing. There are issues to be considered strongly as one looks up to, or down from, that land. The current zoning allows for growth while considering the beauty and feel of the area not only for Mapleton citizens, but also for future residents of the undeveloped neighborhood. The new proposal claims to have the beauty of the community as its primary focus, but the proposed amenities do not adequately compensate for how very clearly the land has been broken up for the clear financial benefit of the development group. The new proposal is a drastic change, which will nearly double the density of the area and change the rural feeling desired in our community while simultaneously disrupting the esthetics which could have been better provided for future residents of the Preserve.

The upper Preserve can very clearly be seen from most areas of Mapleton, areas of south Springville and from areas west of Maple Mountain High School. Upon completion this area will be the prominent visual feature of our town not only because of its elevation but also because it is open field with few trees so the homes constructed will be highly visible, near and far. The existing open fields and rolling foothills carry a beauty which is enhanced in the current zoning by the large and naturally spaced lots intended for rural residential use (primarily equestrian in original zoning). The currently zoned property lines of Plat “A” and “C” and the eastern portion of Plat “B” consider the rolling natural landscape of the bench, while the western portion of Plat...
"B" and Plats "D" and "E" provide a reasonable transition to the bench from the lower Preserve (Perry Hollow Dr. and from Main St.). In the new proposal, Plats "B", "C" and "E" disregard the natural landscape and the property lines are designed in these areas to maximize the number of lots for sale, increasing the number of lots from 38 existing to 105 proposed. Existing Plats "B" and "C" are the most visible area of the development from a distance and this 2.7 times increase in the center of the development will significantly change the skyline of Mapleton. In the most visible area - Plat "B" - the current proposal aims to triple the currently zoned density by increasing the numbers of lots from 16 to 47. Unlike other areas of new development along the bench, the open fields will make this a very prominent visual feature for miles.

In addition to the increased density, the currently property lines in highly visible plat "B" are essentially parallel east to west. Instead of enhancing the natural beauty of the area, it will appear upon completion to be linear rows of homes extending from the lateral canal to the Bonneville shoreline trail. The current zoning is consistent with the feel of Mapleton, as should be any new proposal, but the current proposal in the most visible parts of the development will have the visual appearance of a tract subdivision. This is not only undesirable to the residents of Mapleton, but also misses a major opportunity for any new residents of the Preserve. With lots basically in a straight line from east to west, the new residents on the hill will not maximize the truly magnificent views which could be had from that land and instead will have up to five homes directly in front of their view. The proposal, beyond increasing density, lacks in creativity resulting in significantly decreased esthetics from the existing zoning for the general community, but additionally lost opportunity for new home owners, particularly in Plat "B", for the best views in not only the city, but the entire county.

This proposal very clearly aims to maximize the lots for sale and seeks to alter existing platted portions of the development ("A" and "E"), and drastically change unplatted, but zoned, portions ("B" and "C"). While the hopeful developer seeks to almost double the density it does so by almost tripling the non-platted density. The developer highlights that the average lot size will be 1.08 acres, but this average includes the four lots near 1600 South that range from 2.98 to 5.26 acres. Removing those four lots the average lot size for the development is just under one acre (0.99 acres). The developer does not highlight the 51/140 lots which are under one acre, but the 0.65 acre average lot size on those parcels will represent more than one third of the proposed development's households.

There are two questions the city elected and appointed officials must consider regarding the continued planned growth of our community. First, the city must ask how it wants future development to utilize the limited TDR resources that remain in our community and if this proposal aligns with the intent of the TDR program. Approving this as a recipient site will remove a significant percentage of the TDRs remaining in the market that could be used for future growth in our community. The TDR program was designed to preserve the Mapleton bench. Anybody standing on that land will clearly observe that it is as about as close to the bench as one can be, if not indeed part of the bench itself. Do our city officials want, or need, to approve the utilization of this large amount of TDRs for such a beautiful part of our city, when so much development remains throughout our community in the future? Tremendous
amounts of development lay ahead throughout Mapleton which one day will more than double our population - do we need to dramatically change currently approved zoning in one of our most visible and beautiful areas at the risk of limiting flexibility in future areas which may be more congruent with the original intent of the TDR program? Second, the city must ask itself what is the feel of our community and what is their responsibility to preserve it. There are numerous communities throughout our state that place row upon row of homes up and down the benches and slopes of the Wasatch mountains, but those who chose to stay here from original settling families and those who move here now do so largely for the open and rural beauty of Mapleton. They seek out this place and willingly pay higher taxes and live further from commercial enterprise so they can have the rural residential feel that Mapleton provides. By increasing the density of such a highly visible and beautiful area, the city would not only change the feel but would also be sending a message to future developments that we are open to dramatic changes in our planning simply because somebody wants to purchase the land.

The current proposal does have benefits in terms of trails, park space, and open space. These are welcome amenities from which residents would certainly benefit and I appreciate their inclusion. I believe they are offered as enticements to the planning commission and the city council, but do show the proposed development group has some desire to make the neighborhood beautiful. If somehow any similar proposal is passed by our city officials, I urge the city to adopt standard principles of development which exist in many similar neighborhoods in the country. It is common in many areas of the nation with planned communities to require not simply a bond enforcement of common areas, but a complete buildout of infrastructure, including roads, trails, parks, landscaping, clubhouses, water features, and access points before residential construction begins. Whereas the existing zoning would be more agricultural in feel and open, this new proposal is more of a pre-planned country club approach and if approved the communal landscaping should be held to a high standard and common areas along the lateral canal and intra-development trail system and in parks should be landscaped and maintained to reflect that. I feel the original zoning, or something like it, will be more in line with what residents of our town desire, but if the city officials disagree then it should be held to a much different standard in line with the increased density desired.

The objective listed by the development group to preserve green space for the visual portion of the mountain is easy to meet because the mountain is so large, but the proposal will significantly change the most visual portion of the foothills and lower bench close to our community. The proposal is radically different and I support the city maintaining current zoning. If the city ever chooses to revise the zoning I request that the city consider more modest changes to the zoning that are remotely comparable to the original zoning and that any development be carefully planned to beautify the skyline and mountainside of Mapleton. We place our trust in you to preserve the beauty of our wonderful town.

Sincerely,

Ryan Edmunds
Sean Conroy

From: Kim Kehrer <kimkehrer@gmail.com>
Sent: Tuesday, April 04, 2017 10:31 AM
To: Sean Conroy; Brian Tucker
Subject: Preserves and Perry Hollow

Sean, this is my letter according to our neighbors in regards to the new preserves development. Things I do like. I would prefer that the lots sizes be no less than what we already have here already developed area. I understand the difficulty of selling and economically staying afloat with such large lots as they are. Maintaining equal size at least will help us maintain our property value and create an equal tax burden on all of us.

I am very concerned about the CCR’s. I would like to make sure that our CCR’s are not attached to their CCR’s. This means that in no way can their HOA fees for their “common space” be forced upon us or enable them to attach anything to our properties. I would think they would want to make sure our CCR’s were separate for currently in no way can they be enforced according to law. In most instances, the CCR’s were not enforced in our area and thus there will be a multitude of exceptions. Animals, roof heights, square footage of homes, landscaping, number of cars, boats, etc outside garage area, porch lighting, fencing, mailboxes and more....

I would also suggest to have a speed bump added to the entrance of our subdivision at the Mapleton Canyon circle and Perry Hollow junction. Thus inhibiting the careless traffic flow with the number of children on our streets and the development vehicles stay on the Preserve Drive or Mapleton Canyon Circle.

I am aslo concerned we do not have a park or play area with swings, slides, basketball courts or tennis for the many many children to hang out.

People usually get along really well. Changes without the listed assurances of detrachment to the new proposed plan will only bring anger and animosity. Our neighborhood is a delightful area. I would love to keep it that way.

Kim Kehrer
1871 South Perry Hollow
Mapleton, Utah
801-376-8860
I wanted to express a few of my concerns on the proposal of rezoning the Upper Preserve in south Mapleton.
I do live in the lower Preserve and I believe most of us are very concerned on the impact, the rezoning will have not only on our neighborhood but the surrounding neighborhoods and areas.

First, I know that the property values with be directly affected if the rezoning goes through, I believe that anyone living in this area would agree that we bought our lots based on the idea that we were purchasing property, at a cost, to be in a quieter and more peaceful area with larger lots. I don't really understand or see the reasoning behind any rezoning? The zoning was made and that is how it should stay. I really don't see any benefit to any citizens of Mapleton by rezoning it. Most people come to Mapleton for the small town feel and quieter nature of the community, I grew up in Springville and so I am well acquainted with the area. This end of Mapleton, especially has always been known for the larger lots and higher property values. If this rezoning does go through it will adversely affect all of Southern Mapleton to some degree, not just our neighborhood. I know that change will come and development will happen, but I feel strongly that keeping the current zoning is really in the best interest of the citizens of this area. This is a very beautiful area and it will be significantly changed by lining the hillside with several homes on smaller lots, especially the proposed gated community, I really don't see any benefit to this new rezoning other than to the developers.

Also, the traffic is a huge concern! 1600 S is already too small with little to no sidewalks and the traffic would be too much for that road to handle. It is already unsafe for bikers and joggers, and our children. Our road, Perry Hollow Dr. would also be adversely affected, with over 75 children living in our neighborhood the traffic flow with greatly increase. Main street will be the other road that will be affected by this rezoning and it also won't be able to handle the traffic.

My hope is, the city will do what is in the best interest of the citizens, not the developers or the sellers of the land. We may benefit a little from extra money for taxes and fees, but it definitely will not out way the harm that is brought to the South end of Mapleton. I really hope you take all the factors into consideration. Thank you for taking the time to read my email. I know that there are a lot of people affected by this decision and I hope for the best outcome for our community.

Anna Stewart

Sent from Outlook
Mr Conroy,

We are writing in regards to the proposed changes to the development in what's referred to as the upper Preserve. We live on Perry Hollow Drive. Please understand we are not opposed to development in general, but we are perplexed and concerned by the dramatic 92 percent increase in density. We have a number of questions and concerns. Simply, we do not support the proposal as currently outlined.

1: When we bought our property and built our home, we relied on existing city plans for what would eventually be developed above our street. This reliance gave us confidence in the sustained property values and street traffic. Also, we understood that higher density housing was deferred to areas close to the highway. This proposed change to the development is in contrast to the previous plan and past decisions by the city. We will attend the upcoming city meeting to calmly express our opposition to the proposal.

2: Shortly after moving here we took one family walk/bike ride along Main Street. We will never do so again due to the traffic, lack of sidewalks and speeds of motorists. Likewise, our kids are not allowed to walk or ride bikes along 1600 south. Seeing a proposal that will dramatically increase traffic on both main and 1600 S is concerning to say the least. If the city determines this increase is safe and acceptable with the current infrastructure, this determination should be a matter of public record for future reference. Proposed changes by the developer should include improvements to sidewalks or even change the route or layout of 1600 S to encourage slower speeds.

3: The letter we received dated April 3, 2017 references "other cash donations." This phrase is unclear. Can it be clearly reported what these cash donations are? Who will financially benefit from a higher density development or are promises being brokered now with residents to garner support for this proposed project?

4: We do like the idea of not having a cemetery in the project and do like trail access to the Binneville Shoreline Trail.

Ultimately, we appreciate the process and opportunity to voice our opposition to the project. It is counter to all previous plans and will exacerbate existing issues related to roadway infrastructure and will likely decrease property values for adjacent properties to this development. We would like the original number of lots to be sustained.

Thanks for your review and consideration of our concerns.

Sincerely,
Kendall and Erlynne Simpson
Sean Conroy,

I am writing in regards to the proposed re-zoning of the upper preserve. My husband Douglas and I have lived at 1951 S Perry Hollow Dr for the past four years. When we bought our lot five years ago, we bought it under the assumption (detrimental reliance) that the lots behind us would be between two and five acre lots. We are disappointed to hear that with the proposed rezoning some of these lots could now be as small as .55 acres. Part of the appeal for us to move to Mapleton from nearby Spanish Fork was its green space and small town feel. Allowing for 100+ homes to be built on the side of the mountain for all to see as they drive into Mapleton will definitely deter from that feeling.

I would like to see the preserve lots remain as they were originally planned. If this is not possible, then I would like the developer be more realistic with the rezoning of the density of this property to help maintain the small community feel of Mapleton that appeals to so many. I suggest that the lots be closer to 2 to 2.5 acres in accordance with the original master plan for the area which requires a minimum of 2 acres per lot.

Furthermore, the proposed development shows lots in Plat A being subdivided. It is my understanding that TDRs cannot be used on existing platted areas. How then will the developer able to subdivide this space?

Another point of concern I have is with the traffic that will be created by this new development and how this will affect Perry Hollow. As it is the south end of Main St is far too narrow to accommodate the higher amount of traffic this subdivision will create. Thus it is my feeling that traffic will be redirected onto Perry Hollow creating a safety hazard. We have 70+ kids on our street and two blind corners.

Also, the developer has proposed 28 acres in open space including a 15 acre park area and 2+ miles in walking trails. Will there be a bond put into place to insure that these improvements are finished?

My final point of concern is that those of us who live on Perry Hollow may now be connected to the Upper Preserve’s HOA which will have to support a clubhouse, pond, and walking trails. This was not part of the original plan when we bought our property and we want no part in this HOA. Is there an agreement that can be made with the developer to separate those of us on Perry Hollow from the Upper Preserve HOA?

It is our hope that a fair compromise can be made between the developer and the citizens of Mapleton on this matter.

Sincerely,

Erica and Douglas Lai

Majestic Enterprise Series G
1961 Perry Hollow Drive,  
Mapleton.

Mr. Conroy,

I’m writing as a resident of Mapleton city to express my serious concerns regarding the proposed changes to the density and lot sizes of the current plan of the Preserve area of Mapleton. I would be very unhappy about the proposed changes for the following reasons:

1- TDR’s I understand were taken from the bench area and assigned to areas closer to the highway to preserve the open look of the bench area. Re-assigning those TDR’s back to close proximity to the bench makes no sense. Mapleton residents still want the bench to be open, nothing changed.

2- Yes, the roads may be able to handle many more times the traffic load, I get that. However, nobody wants that much more traffic. In a town like Mapleton, the maximum capacity is completely irrelevant, nobody would want to live here if it was busy, I can move to Lehi if I want busy.

3- As a current resident of the Preserve I paid a premium for a lot that was approved to be surrounded by lots of a given size. Usually when one purchases a lot there is no guarantee of what one’s neighbors will do with their land. In this case I was sold land with adjoining lots that were approved in size and layout approved and voted in favor of by my City planners. The lots were subject to the same CC&R’s as me. Those plans were good enough for the city to approve then, and they should be good enough now. Especially since many residents bought with an expectation of an approved plan, not next to unplanned farmland.

4- I understand that a city ordinance needs to be changed to accommodate the proposed re-assignment of TDR’s. I feel this changing of an ordinance would be a direct affront to Mapleton residents and would appear to be an act of abuse of power for the sole reason of increasing tax revenue.

I appreciate the hard work you do and the balancing act you perform in you job. I urge the leaders of Mapleton City to put the interests of the majority of Mapleton residents above the interests of the deep pocketed developers.

Sincerely,

Michael Dibble
Sean Conroy

From: Golden Murray <golden.murray@gmail.com>
Sent: Tuesday, April 11, 2017 9:08 AM
To: Sean Conroy
Subject: Planning commission letter regarding The Preserve development

Sean:

As I will not be able to attend the Planning Commission meeting I would like, as a Mapleton resident, to express some concerns I have with the proposed development of The Preserve. First, I am not supportive of gated communities or exclusive developments within our community. I feel that the residents of Mapleton have cultivated an inclusive community, pulling together to help each other and work together. A good example is how we pull together to put on the 24th of July celebration every year. I feel that gated or exclusive communities attempt to impose artificial barriers that only have the effect of dividing the community. The idea of a gated community usually results from one of two pretenses: 1) it is an attempt to artificially elevate the status of the residents of such a community. 2) It promotes a safer environment than the rest of the community. This, however, has been proven to be untrue (see Blakely, E. (1995). Fortress communities: The walling and gating of American suburbs. Land Lines, 7, 1,3.). The truth is that gated communities seem to be safer for the first year after gating, then revert to the crime rate of the surrounding area. But since Mapleton has a very low crime rate, I’m not sure this is a valid reason to have a gated community.

My second concern is that of traffic. The general plan intends to keep higher density areas closer to Highway 89 for a reason - it keeps the car miles travelled on Mapleton’s roads to a minimum. For example, let’s say you have a subdivision that generates 1000 trips per day and is 1/2 mile from Highway 89. This results in 500 car miles per day. If that same community is located 4 miles from Highway 89 (as is the Preserve) it now generates 4000 car miles per day of traffic. I also think that The Preserve in its proposed configuration would generate more traffic than is accounted for in the staff report. With 177 households, let’s assume that there are 150 breadwinners that are going to leave for work in the morning, 50 high school students leaving for school, and another 50 mothers taking their children to school (though there will be buses, there will undoubtedly be those who take their children to other schools or drive them anyway). That’s 250 vehicles leaving the subdivision between the hours of 7 and 9am. The exits from the subdivision converge on 1600 S Main Street. That results (assuming perfectly even time distribution - the best case) results in a car arriving at that intersection every 30 seconds.

I think that a development of this density is not appropriate for the East bench of Mapleton, and would urge the commission to vote against the current proposal. I would be supportive of a lower density that does not cause a "double dip" situation (changing zoning and applying TDRs).

Thank you for your consideration,

Golden Murray
Scott,

I am the daughter of the late Marilyn Petersen, who helped develop the Vision Statement for Mapleton about 15 years ago. Most of what has happened with development in Mapleton is contrary to the spirit of that statement and would just break her heart.

Having said that, the Preserve project, if changes are approved, would show that the counsel is more concerned with money than the community. The plan looks nice, but it should not be rezoned to accommodate that many homes. Divide the property by 2 acres and that is how many lots they should get (i.e., 100 acres could have 50 lots). At that point, the sizes of the lots could vary. I believe that is what was done in Perry Hollow.

Plus, 1600 South cannot accommodate that much traffic. Our street is very busy as it is, plus I have a blind driveway. Perhaps this could be reconsidered if we had another main road further South. Please consider lowering the total number of lots.

Sincerely,

Ann Gomez
85 West 1600 South

Sent from my iPhone
Sean Conroy and city council
Mapleton City Corporation

April 5th 2017

Dear Planning Commission,

Mapleton City has for many years in planning protected Maple Mountain and the bench from the damaging impact of having development on the mountain and it's foothills. This is why the city gave TDR's to land owners just above this zone to prevent development on the mountain and allow greater density building elsewhere in the city. I'm writing in response to the letter received on 4/4/17 proposing the change of the city ordinance making the Preserve subdivision a TDR receivable zone.

The Preserve land at the base of Maple Mountain should not be a receiving site. It is shocking and surprising to hear that this is even a proposal considering the current and past zoning of this property and the purpose of the TDR's, as well as the already finished approval of the current subdivision which was heavily debated in previous city councils. As one of the compromising proposals in the current plat to appeal to the city council and planning at the time the subdivision was approved was to shift the density from the base of the mountain to the lower preserve lots which is the reason for the larger 2 to 5+ acre lots being at the base of the mountain and smaller lots (.75 acres and bigger) were allowed in the lower preserve. 'Shifting this density from the upper preserve to the lower preserve maintained the city requirement for density of 2 acres per housing unit which is now being challenged. If you add up the already present acreage of completed lots you will find the density to be overall one house per 2 acres. This was also done to ease the flow of traffic congestion, keeping higher density closer to the main roads of travel, and to maintain the low density on the foothills of the mountain.
Some major concerns for the new proposal of rezoning the Preserve to a TDR-R overlay are:

First, doing this would give legal argument to change other adjacent undeveloped property to the same TDR overlay density.

Second, this might also give legal claim to other subdivisions that had to abide by the 2 acre per one building lot zone around the specified area, especially the finished lots in the lower preserve of which density was purchased from the developers of the Upper Preserve, to maintain the low impact, low density from the foothills or Upper Preserve.

Third, the current infrastructure and impact studies were originally done over 10 years ago, much has changed since then and the new proposal of adding 85 more home permits to an area where 92 lots are presently approved almost doubling the current condition. This impacts safe road travel conditions by adding over 200 additional vehicles traveling on the present roads where there currently is no place for children and joggers to safely travel being there are no sidewalks, curb, gutter, and no road shoulder. Currently 1600 South is a tight fit for two passing vehicles, as well as main street.

Fourth, this change would be damaging to the property values already present in the currently approved plats, homeowners who purchased lots with the understanding and good faith of the future development of the Preserve would remain as platted, and not change so drastically. Some of these homeowners may not have purchased their current lots had they known a TDR receiving overlay would be proposed in an area that was very highly unlikely, and that the subdivision would change to almost double the density of housing.

It is also concerning to hear that the major reason this is being considered is to ensure major financial profits to the owner(s) of the development, which in it's current condition claims have been made that proceeding as planned is not financially appealing. I believe it is not the city's role to make sure a development is profitable! Real estate investing and development has it's own risks and should have been considered before starting. By adding the additional lots proposed at the current lot prices would add an additional 17 to 21 million dollar value to the current property, nearly doubling the value of the property in changing from the current zoning. How it would be great to buy property knowing it's current uses then get the city to switch long
standing zoning ordinances to double the value of it. This property was purchased originally under the circumstances and understanding that development would be done under the city’s longstanding current zoning. Adding this value comes at the expense of All Mapleton Residents who live in Mapleton for the appeal of it's spacious community. I believe there is a market for large estate lots as originally planned, some large lots are already sold, in fact they are the only ones that have sold. The remaining lots will also sell once they are marketed which really no effort to sell the current platted lots has been made.

I would encourage and hope that the Planning Commission and City Council will continue to support the current Mapleton zoning and leave the already planned and platted subdivision as it exists on city and county records originally approved.

Justin Perry
Current Mapleton resident
Dear Planning Commission,

I ask those on the Mapleton City Planning commission to carefully consider the views and opinions of those living close to the upper preserve area. Those in city office positions are responsible to represent the residents of Mapleton. I currently live on 1600 south and I feel that increasing the density of housing for the upper preserve area would not harmonize with statements expressed in the city vision statement which expresses a community retaining a peaceful, country atmosphere through rural master planning. I do not agree with the proposed TDR density overlay increasing the total lots to 172. I feel this change would impact safe road travel on 1600 South, especially with no current place for children to safely walk or joggers to safely run on this road.

Thank you for your considerations on this matter,

- Mrs. Mendenhall, Mapleton Resident
I was unable to attend the City Planning Commission meeting last night due to previous commitments. I was given this email address to respond to regarding my concerns. I hope that it is correct.
I live in Monta Vista which is west of the Preserve. We moved to Mapleton eight years ago mostly because of the larger lot requirements and the openness of the community. We have enjoyed the semi rural atmosphere, which is rapidly disappearing in Spanish Fork to the West.
We are, with most of our neighbors, opposed to the rezoning of the Preserve to allow for higher density. It is my understanding that the proposal will increase the number of lots from 92 to 172 and set a precedent for future development in the area. We really don't want that. It will dramatically increase traffic congestion and pressure on City infrastructure.
I spent 35 years in a banking career and worked with many developers. Clearly, this will increase their profitability, but the City and the adjoining property owners will be left with the resulting impact for years to come after the developer has taken their profit and left with a smile. Please maintain the quality of our community and don't submit to the self serving pressure of the developers even if they are locals and "nice guys"
Mapleton has been served well by zoning large lots along their East side. That shouldn't change. We lived in East Pleasant Grove for a number of years in a nice neighborhood. The City allowed high density and smaller homes in developments surrounding our home. It had a very negative impact on the neighborhood and our property values. Please don't let it happen here.
Thank you very much for your consideration.
Bob Friel
680 Monta Vista Drive
Mapleton
Sean Conroy

From: Jesse Brimhall <jessebrim@msn.com>
Sent: Friday, March 31, 2017 9:02 AM
To: Sean Conroy
Subject: The Preserve

Sean,

I wanted to take a moment and write to you and the other council members of Mapleton city. My name is Jesse Brimhall, my wife Melissa and our four children have lived in Mapleton for 12 years and consider it home. We love Mapleton and wouldn’t want to be anywhere else. Years ago when The Preserve was first approved and improvements began we were impressed and excited to see a neighborhood and community of such quality coming to Mapleton. We had hopes back then of relocating to this subdivision at some point. We were saddened over the past several years to see The Preserve sit and to see the improvements made deteriorate to the point they have. I'm a real estate developer by profession and had looked at The Preserve several times over the past 4 or 5 years, trying to figure out a way to make that project work. I commend the Ball’s for expressing the interest that they have in this project and I feel that the direction they've taken it is the way to go. It maintains large sized lots and provides open space and common areas that will be an asset to the city and community. I truly feel the The Preserve will be one of the premiere communities in Utah County. My family plans to build our next home within The Preserve pending its approval. Please feel free to contact me with any questions you may have.

Sincerely,

Jesse Brimhall
801-368-7576
Sean Conroy

From: David Nemelka <dnemelka@yahoo.com>
Sent: Tuesday, April 04, 2017 9:23 AM
To: Sean Conroy
Subject: The Preserve

Sean,

We are landowners in the Preserve. We were the first purchasers of a large lot in the Preserve. We have met with the Ball's who are proposing a replatting of the Preserve and increasing the density and lowering the average lot size to 1 acre.

We are supportive of the Ball's proposal and believe that the large amount of open spaces and parks that they are proposing would be a very positive addition to the Preserve and to the city of Mapleton.

We will be attending the Planning Commission and City Council meetings to voice our support for the proposed revisions to the Preserve if the Ball's are able to purchase the property.

Sincerely,

David and Arianne Nemelka
Hi Mr Conroy,

I just wanted to write you a quick email letting you know how much we REALLY REALLY hope the new Preserve Development is approved! We think it will be a great community. The park, the trails, the pond, we love everything about it. We have been waiting for years for something to happen with The Preserve. It has been our ideal location for so long! We are super excited to purchase lot 101.
Unfortunately, We will not be able to make it to the city planning commission meeting on the 13th because we will be out of town, but Please count this as our vote:)! We fully support the new development, and hope it is approved.

Thanks for your time,
Stephanie and Mo Haretuku

Sent from my iPhone
Hi Sean, this is Mike Aviano. I own a lot in the preserve. I will not be able to make the public hearing on Thursday, April 13. I support this development and give Dave Nemelka the authority to speak for me at the meeting. Thank you.

Sent from my iPhone
Sean Conroy

From: vcook <vcook@rockwellinc.com>
Sent: Thursday, April 06, 2017 10:16 PM
To: Sean Conroy
Cc: vcook
Subject: Reasons I’m in favor of the new proposed Preserve Development

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Sean,

I would like to share my thoughts and the reason why I am in favor of the new Preserve Development as proposed by Andy Ball of Balton Development. My name is Vaughn Cook, I have mainly lived in Mapleton since 1973, nearly 45 years.

The land is going to eventually be developed, sooner than later. I would much prefer a local developer who cares about Mapleton and plans to live in the development be the one to develop this land. I don’t want a mass home developer to come in and carve the place up, without care of maintaining the current Mapleton feel and environment that we all love. I would rather have custom homes than the cookie cutter properties that these types of home developers build.

I have a contract with David Nemelka to purchase one of his lots if he is able to develop it with the Preserve. Obviously 3-5 acres lots at first thought sound nice, but the realities are that few people can afford lots of that size in this location, then build $5M homes on them. These large lots have proven to sell very slowly and the developer would have a difficult time selling them quick enough to financially be successful in developing the land. It would likely fail and we would end up back where we are today with a failed development. Even though I would prefer larger lots sizes, the realistic best option for the city, citizens and developer is to have smaller lots that will actually sell at a reasonable price and rate, with homes of reasonable price and not mansion (preserving the feel of Mapleton). This will provide the developer sufficient sales to keep the project going and not go financially upside down. This proposed development meets my family’s desires for lot sizes and cost to build.

Decades ago someone allowed the development in which my father built on in 1973, the farmers probably were not very happy at first about it. Then 10 years ago when the Preserve started up I was not in favor of smaller lots next to my newly purchased childhood home on 2.5 acres. We tried to negotiate with Jack Perry for 2 acres lots that touched our current subdivision. He agreed to the 2 acres, but then somehow got by with 1.7 acres lots and some even 1.2 or less. Did not keep his commitment. I realized that the land owner has the right to develop their land long as they follow city ordinances and laws. So, the individuals who have built on the old lower preserve hindered my view out my back yard, I wasn’t happy at first, but now all of the people in that subdivision I consider my close friends, they are great people. I would like them to remember that someone 10 years ago also did not want their development done, but in the end, is happy because it has brought great people to our neighborhood. I would recommend that they too argue for their desires and encourage the developer to give them like lot sizes and provide a very professional, well thought out development with park and open spaces.

I have known Andy Ball for nearly 20 years, I believe he will do a fine job in completing and fulfilling this new proposed development.

Have a great day!

Vaughn Cook
To whom it may Concern,

My Name is Lisa K. Cook. I have been a resident of Mapleton since 1991. My family resides at 570 E 1600 S.

This letter is in response to the Ballon Development plans for The Preserve.

For the past 27 years I have lived, on and off in Mapleton and have enjoyed the beauty of the green pastures that were my backyard. I loved how green it was in the early spring and would take my young children for walks along the canal road. We felt like we were in Ireland, it was so green and beautiful. In the summer the grasses turned golden, becoming another kind of paradise. We bought the home on 1600 S. where my husband grew up and has lived since he was 6 years old. His parents bought it in 1973. As you know, things are different now in Mapleton than they were in 1973. Time’s change, and things progress.

When the Preserve was first developed in early 2000 my husband and I fought it. We did not like the fact that they were trying to put smaller lots besides our 2 1/2 acre lots. We had neighborhood meetings with the Developers and without them, hoping to convince them that what they were doing, was ruining our Mapleton. We negotiated what we though was fair, (having like lots against our lots, and smaller lots behind them. When all was said and done we ended up with lots that were not the same size 1.7 acres and most lots were 1 acre or less. We were mad until the homes started to go up and the people started to move in. After all it is People that make a community, not land.

It is my opinion that the Ballon Development group has done a great job in planning this new Development. I never did like the huge lots going up there, because it felt too grand for the Mapleton that I was use to. The friendly family neighborhoods, where you could walk down the street and you knew everyone. The Mapleton where and you could run next door and borrow an egg or a cup of sugar.

I have seen the homes on large lots with mega houses sit on the market for years because there are no buyers, homes that now rent out as VRBO’s, Or as Retreats, which has caused more controversy among the neighborhood.

I love the access to the foothills and the green space that the Ballon Development provides. If the Preserve stays as it is, we will not have this access. Although it would be ideal in a perfect world to leave it as it has always been, it isn’t today’s reality. The reality is, this piece of property is going to be sold and developed. I can sleep at night knowing that this piece of Mapleton is being developed by a Mapleton Resident, not a mega home builder like Arrive, Ivory, or Edge homes, builders who don’t care about the community. I believe that this is a good thing for our neighborhood and for the city of Mapleton.

These are the reasons I am in favor of the current Development at The Preserve.
Mr. Conroy,

I am writing in favor of the proposed development of the "Upper Preserve", by Andy and Dovie Ball. My wife, children and I live at 458 E Perry Hollow Dr.
In general the proposal looks ok to us, but I wish that the lots were just a bit larger, maybe 1.5 acres on average, not including the green spaces. Also, since the development will be connecting to Perry Hollow Dr., causing more traffic down our street, I would like to see some pretty aggressive speed bump(s) installed at the Southeast end of Perry Hollow Dr. to discourage traffic flow through our neighborhood.
Andy and Dovie would be a good choice as developers as well. They are fiscally sound, would not cave on CCRs, or their commitments to the city if the economy were to take a turn for the worse for a few years, like happened to our neighborhood during the 2008 recession.
Also the Ball's have integrity, and can be trusted at their word.
They plan on living in the development and have a strong interest in its becoming a beautiful addition to wonderful Mapleton.

Sincerely, Mark Braby Lonnie Braby
Hello,

I have been a resident of Mapleton for pretty much my entire life, and I love this city dearly. As I understand it there are plans to resume development of the Preserve. I think that it would be a great asset to our community. Another issue with the Preserve not being finished is that immature people use the Preserve as their own personal dumping ground, Not to mention as it sits it is a good place for adolescent mischief. My car has been hit with eggs multiple times while driving up there with my wife. I guess all that I want to say is that I would like it to be finished so it is not such an eyesore and hopefully reduce some mischief in the process. Even with the proposed increased density, I fully support finishing the Preserve development.

Thank you for your time,

Sincerely,
Kaleb Cook
Hi Sean,

I hope this email finds you well.

I wanted to write to you and voice my opinion about the proposed Preserve development in Mapleton. I grew up in Mapleton. I lived on almost 3 acres of land on 1700 North. I attended Mapleton Elementary. Down below our property we had 3 horses, Hobble Creek, and an amazing childhood. I loved hiking, fishing, and riding my horse. I now have 5, almost 6 kids of my own. I want them to have a similar childhood. We want to buy 1.5 acres in the Preserve, where we can raise a couple of horses, and enjoy the peaceful serenity that quiet Mapleton brings. I believe that the Preserve has brought together a great plan that provides for growth in a well managed plan. I don't view the lots as too small (unlike the orchards below my house that Springville over developed). I hope the city council will approve the plan so we can begin building this year.

Only the Best,

Dainon Haggard

801-403-0405
Mr. Conroy,

I'm writing to let you know we would be very interested in settling down in the Preserve. When we first came to Mapleton my wife was very interested in buying a lot there but soon found out there were issues with the land and planning. When we found out there may be a resolution to that we were again excited with the possibility. We lived in a similar planned neighborhood in Texas and were looking for something like that here. We've grown to love Mapleton and would like to make this our home and put down roots. We've been renting a home near the Preserve and love the area. We are trying to find the right location but my wife keeps going back to the Preserve so we are patiently waiting to see the results.

Thanks for your time,

Ty Detmer

Sent from my iPhone
Sean Conroy

From: Rhett Robison <crstoneinc@gmail.com>
Sent: Wednesday, April 12, 2017 12:12 AM
To: Sean Conroy; Rhett Robison
Subject: The Preserve

Sean,

My name is Rhett Robison. I am writing you and other Mapleton city council members in regards to the Preserve. As you are aware, there is a potential investor, Andy Ball, that is interested in purchasing the Preserve. I am in favor of this. Here are a few reasons why. I have lived in Mapleton for over five years, but have operated my business in Mapleton for over 20 years. I have seen a lot of changes over the years. I remember when the Preserve first started getting developed. I always thought that the area of the Preserve was some of the most beautiful land. However, I have been saddened as I have watched the Preserve development become an eyesore and deteriorate over the years. For this reason alone, I feel that the development of the Preserve will help create a pristine community rather than a wasted, unfinished development. Another reason that I am in favor of the Preserve is that it will provide an open space and common areas that will be a great asset to the city of Mapleton.

Please consider these reasons and many others as we try to help make Mapleton better.

Thanks,

Rhett Robison
801-860-7625
-----Original Message-----
From: Rachael Cochran [mailto:relicsbyrachael@gmail.com]
Sent: Thursday, April 13, 2017 8:22 PM
To: April Houser <ahouser@mapleton.org>
Subject: The Preserve subdivision

I love that the current plan has open space. I love the trails. If this open space is to benefit all of Mapleton city (as proposed by the developer) there needs to be parking to the huge park. Otherwise it's really only a park for this neighborhood. Thanks for your time and service.
Rachael Cochran

Sent from my iPhone
Hi Sean!

I come from a long line of Mapleton residents. I have lived in mapleton my entire life (nearly 40 years.) My mom was born and raised here (she is 60 years old and bought the house from my grandparents that she was raised in.) It has been my dream for at least a decade to buy a lot in the Preserve! The views are spectacular!! When I heard they were reserving lots I had tears in my eyes with excitement!! I immediately put my name on my dream lot that I have driven up to for so long!! I am saddened that there are people fighting against this so hard. I feel the Ball family are good people and want to see this property stay beautiful. The lot I want needs to be split from 3 acres down to 1.6 acres. Quite honestly, I couldn't take care of 3 acres. That's just too much land!! Reducing the size would be perfect for me and my family! 1.6 acres is still large enough that it keeps the mountain beautiful!

Thank you so much for your time! We will be there on May 3rd to support the Preserve 😊

Tiffany Tuttle

Sent from my iPhone
MAPLETON CITY
PLANNING COMMISSION MINUTES
April 13, 2017

PRESIDING AND CONDUCTING: Chairman Golden Murray

Commissioners in Attendance: Therin Garrett
Sharee Killpack
Thomas Quist
Christy Nemelka - Left at 7:35pm
Justin Schellenberg
Keith Stirling

Staff in Attendance: Sean Conroy, Community Development Director

Minutes Taken by: April Houser, Executive Secretary

Vice-Chairman Stirling called the meeting to order at 6:30pm. An invocation and Pledge of Allegiance was given. Chairman Golden Murray then took over as Chairman for the meeting.

Items are not necessarily heard in the order listed below.


Motion: Commissioner Garrett moved to approve the March 23, 2017 Planning Commission Meeting Minutes.

Second: Commissioner Schellenberg

Vote: Unanimous

Item 2. Consideration of an amendment to the Emerald Estates Plat “D” subdivision adding three lots for a total of 12 lots located at approximately 800 West and 1200 South. The applicant is also requesting a rezone of approximately four acres from the Agricultural Residential (A-2) Zone to the Residential Agricultural (RA-1) Zone.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Plat “A” and “B” have already been constructed. The applicant has started to move forward with Plat “C”, and would like to include the Templeman’s property as part of Plat “D”.

Planning Commission Meeting – April 13, 2017
The proposal is to extend the existing 980 West, with connections to 1000 South and 1200 South. This request would meet the General Plan requirements.

**Chairman Murray** opened the Public Hearing. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Schellenberg moved to recommend approval to the City Council for an amendment to the Emerald Estates Plat “D” subdivision adding three lots for a total of 12 lots located at approximately 800 West and 1200 South. The applicant is also requesting a rezone of approximately four acres from the Agricultural Residential (A-2) Zone to the Residential Agricultural (RA-1) Zone, with the condition that all outstanding Development Review Committee (DRC) comments dated 3/14/17 be addressed prior to plat recording.

**Second:** Commissioner Quist

**Vote:** Unanimous

**Item 3.** Consideration of recommendations to the City Council regarding a request to apply a Transferable Development Rights Receiving Site (TDR-R) Overlay to a 190-acre property known as the Preserve located at approximately 1600 South and 1300 East and the review of a revised concept plan for the development increasing the total density from 92 lots to 172 lots.

**Sean Conroy,** Community Development Director, went over the Staff Report for those in attendance. The property was initially owned by the Suburban Land Reserve. A history of the property and the previous proposals was given to those in attendance. Property was deeded to the City in exchange for Transferable Development Right (TDR’s) Certificates that were approved to be utilized on the remaining lower portions of the property. This initial request was back in 2002. In 2005 the property changed hands and a second Memorandum of Understanding (MOU) came forth in 2006. The Concept Plans for the previous proposals were shown as part of the staff presentation this evening. The applicant has the property under contract. They are looking to increase the density on the site with the use of TDR’s. The increase in density would go from 92 lots to 177 lots, which include the currently built homes in the recorded plats of development. A Club House is being proposed, with cash donations and some public amenities in place of a Cemetery. A trail system is being proposed that would connect the Mapleton Canal Parkway Trail to the Bonneville Shoreline Trail. There are approximately 12 acres that will remain open space. The basic standards of review before the Planning Commission were addressed. The Planning Commission’s role is to evaluate the proposal, and determine what they feel is the best recommendation to move forward to the City Council. The Transferable Development Right (TDR) standards were part of the Staff Report and Presentation addressed by staff. There are currently three property owners in Plat A. Two of the property owners have
submitted letters stating their approval of the proposed development, and the third is the property owner with the property for sale in this area. A traffic study would be required as part of the review of the subdivision ordinance. The build-out time for a development this size would take place over the course of several years. As this happens City infrastructure around it could change. The streets throughout the project would be installed by the developer as the subdivision moves forward. The applicant is proposing a cash donation of $100,000 to the City, with additional fees that will be paid as the homes are being built. There would also be a public trail and open space amenities. Staff would recommend that these topics be left to the City Council to address, unless they feel they need to address them. Plats “F” and “G” should likely be excluded from any HOA fees that may come forth as they were not part of this development. If the proposal is moved forward to the City Council, it would go before them on May 3, 2017 at 7pm. Staff would recommend the Planning Commission hear from the public as well as the applicant.

Andy Ball, the applicant, wanted to thank Sean and the City Council for working with him on this project. They have been working on this since last June. They have had professional land designers working on a plan that is within the guidelines of the City. His family moved to Mapleton 14 years ago, and love what Mapleton has to offer. For the past 10 years, they have watched the Preserve sit there and as a family wanted to see what they could do with it. Andy stated that they planned to live in this development, so they will make sure it is done right. They have the capital to make sure it is developed correctly, and feel they will create something that everyone in Mapleton will love. As far as trails, the City currently lacks a connection to the Bonneville Shoreline Trail. Their proposal will have two trail accesses, which will give the public access to all the trails the City has available. They will have 3 parks that are included as part of this development. Mr. Ball feels this will be great for the public. Discussions with the City Council led the applicant to move forward with more open space and amenities than there would be if the property were split strictly into individual lots. The average lot size is 1.08-acres, and if you include the open space areas they have 1.4 acres per home. In conclusion, Andy Ball would like to ask the Commission to recommend approval of this development this evening.

Commissioner Schellenberg asked what areas would be open to the public. The large 8-10-acre park would be opened the public, as well as the trail system that will run through the property. The Club House, with a pool, would be part of the Home Owners Association (HOA). The open space areas would be part of a conservation easement, which would be maintained by the HOA. The rear portion of the development would have optional maintenance of the property, as well as a gated feel community. The City would not allow an actual gated community, so the subdivision would only be designed to feel like one, without an actual gated entrance. The park and the pond would be installed this year, with the Club House coming within the next couple years.

Chairman Murray opened the Public Hearing. Attorney Robert Fillera, was asked by a group of landowners in the neighborhood, to address some issues. This property was already
designated with a TDR-R overlay. All the area east of the canal has been through this process before. Mr. Fillera does not see anything that would require the City to rezone the property to a TDR-R site. Jack Perry paid $500,000 for TDR’s to David Simpson that he utilized on his portion of the development. The HOA Declaration prohibits any more than 92 lots. These are some legal issues that need to be addressed before moving the project forward, and should require the City to deny this request this evening. Lisa Cook lives on 2.5 acres on 1600 South. Her husband grew up in Mapleton. She loves Mapleton, and knows that everyone in attendance has their own views on this proposal. What goes on here affects the whole City. Of the last 20 subdivisions approved, only 2 have open space. This development would keep with the Mapleton Vision, preserving the mountain and hillside areas. She feels there is a precedence to approve these types of development to beautify the City. Jack Perry developed plats “F” and “G” through negotiations between himself, the Planning Commission and City Council. Mr. Perry purchased TDR’s from the upper lots for $500,000 to get the smaller lots in his section of the development. He feels allowing this development to utilize these TDR’s would warrant him some type of reimbursement. Sean Conroy, asked Jack Perry if he purchased TDR Certificates, of which Jack stated that he did not but that he purchased development rights from David Simpson to get smaller lots on his property. No TDR’s were given to the City as part of his development. Once the property changed hands from Suburban Land Reserve to David Simpson there were no additional TDR’s issued. The money was contractual between the property owners, not the City. Matt Stewart asked if all the MOU’s met within the Harvest Park Development were completed. Sean stated that they were. Mr. Stewart felt it was important for the City to follow through with requirements in the Preserve MOU, and asked whose job it was to make sure the MOU’s are met and completed. Matt would ask that the current MOU be completed before moving on with a new one. Micka Perry stated that the mountainside has been protected, which is why the City gave TDR’s on the property in this area. She does not feel this request harmonizes with a rural atmosphere, and discourages high density housing on the mountainside. This property should not be a TDR receiving site. The smaller lots on the bottom end of the development were given with the understanding that the upper properties would remain larger in size. Mrs. Perry feels this is not right, and the current development should stand as is. Ryan Keisel owns property on Perry Hollow Drive. He did a lot of research before his family moved here. He does not feel that there would be any issues if the property was being proposed to move forward as previously approved. He is frustrated with the City in allowing this discussion to happen. He believes the property could be marketable as approved. Mr. Keisel does not know if a first-time developer should be allowed to take on a development like this in such a beautiful area of the City. Ryan stated that this would be the first development allowed to apply TDR’s to an already platted subdivision. David Simpson stated that the overall density was 2.37 acres per lot on the property. There are a lot of untruths being spoken tonight. Jack Perry purchased private TDR’s that the Preserve owned. This was a private deal not associated with the property. When the economy took a downturn, there were things that could not be followed through with. Mr. Simpson would council the Planning Commission to be aware that

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not everything being spoken is truthful. He feels that 1 acre lots are good, and he likes this development with a few changes to it. David feels there should be a compromise. He feels if people want to dictate what happens with the property they should purchase it. **Ryan Edmunds** stated that this is not a typical tract of land. Mr. Edmunds feels a more modest proposal may be better fit. You can dress up something and call it one thing, when it can essentially be another. He feels this is too much, and that it is not remotely close to what the city previously approved. The Planning Commission and City Council need to look at what the true intent of the TDR program is, and wondered if the Master Plan something we stick to, or modify as needed. He would recommend denial of this proposal, and feels if the economy turns again this may never actually get developed with the amenities proposed. **Glen Gabler** is in the development industry, and is pro-development. All the surrounding areas where farmland at one point. Mr. Gabler felt if TDR’s were utilized on the development already, it should not be able to further utilize them. There is a concern with financial backing if the economy were to take a downward turn. **Kerry Oman** grew up in Mapleton. He was in real estate when the Preserve was originally approved. He does not feel that individuals want to buy larger lots, or maintain them. Mr. Oman stated that the applicant is a very strong buyer, and has the personal financial backing to support the project. **Dee Mower**, the current property owner, did not feel that her selling her property would cause such a stir. The property was always going to be a subdivision. It is a beautiful place, and she has always tried to keep the property maintained. It is time for her to move on, and she feels these buyers will treat the land as she hopes anyone would. Dee thanked everyone for their time. **Lance Freeman** has thought about building on the south side of Mapleton. The land is being sold for about 20 million dollars, and he does not feel this project is being pushed forward to beautify, but to make a profit. The development would destroy what the area currently is. There are reasons that other developers have not come forth to develop this property. This is a great plan from a developer’s side, but is destroying what is there. **Leslie Joyner** owns the property to the south of this development. She loves horses, and enjoys seeing all the animals that roam around this property. Mapleton is the most amazing and beautiful place. Mrs. Joyner loves the large open areas. Her worry is this density could destroy what Mapleton wants to be. Smaller lots would not allow the kids to grow, and she loves the larger lots and the feel they bring to the community. **Grace Huffaker** stated that this property is the jewel of Mapleton. The $100,000 that was part of the agreement to provide in place of the cemetery, would not be an even trade for a 10-acre cemetery that was previously approved. Mrs. Huffaker said that the City has approximately 9,500 residents currently, without the Emergency Service backing to protect it. **Jody Rookstool** wanted a larger piece of property so he could have animals. Before buying his property, he came into the City to see what the potential Preserve property would be developed as, and was told it would be larger lots. He would like that property to be what he expected it to be when he purchased his lot. Mr. Rookstool asked the Commission to please preserve the larger lots. **Michelle Wildruff** lives in the Hillcrest Subdivision and this larger density is a concern to her. She would ask that the property maintain its current layout, with the larger lot sizes. **Park Roney** borders this development, and is also
pro-development. He loved the approved proposal and the preservation of the bench. He is not
to changing the rules, and feels the City should be obligated to maintain the current zoning. Mr.
Roney feels we need to maintain the rule so it is fair. Park feels it does affect the general welfare
of the City. He is for keeping the zoning the way it is. Wally Joyner thanked Dee Mower for
the upkeep of the property. He understands the property needs to change, and hopes she makes
the most she can on the property. Mr. Joyner wishes the Ball’s the best with developing as well.
He feels the Planning Commission makes the decision, and if the property is not developed this
way, it may be developed in a more negative one. However, Mr. Joyner was not sure what the
best plan would be for the property. Collin Allan is amazed at the number of TDR’s that were
created from the ordinance he helped to pass when he was on the City Council. He was shocked
at the problems that we are having from this ordinance. Mr. Allan does not feel that a traffic
study can justify what this subdivision could bring on 1600 South. He lives there and can barely
cross the street now. Collin feels the City should stick to the current approved plan. William
Jennings, Dee Mower’s Attorney, stated that the purchase amount being thrown around is not
what is being paid for this property. Mrs. Mower obtained this property through a foreclosure.
She ended up with the property because she was not paid. It is not fair to Dee to suffer due to
other appraisals that were given on this property in the past. The two property owners who own
property in this area were purchased at a loss. There has been stuff stolen off the property, and
dumped on the property, which Dee Mower has tried to clean up. The old plan does not make
financial sense. No one should be expected to developed this property at a loss. Mary Denna,
lives on 1600 South. The traffic now is horrendous. She fears that the density proposed would
require another access road down to Highway 89 to alleviate the already dangerous traffic
concerns in the area. She fears for the safety of the children in this area. Jason Crandall
wondered why a recommendation would be given to the City Council without a traffic study
being done. He thinks it would be responsible to figure this out before this item moves forward,
feeling this would add significant traffic to the area. He loves the concept of the 28 acres of
parks and open space. He does not think that homeowners will want to pay into an HOA to
maintain areas that are open to all the public. Peggy Allan cried when we had the fire go across
the mountain and wondered what was going to be done to protect these people if that were to
happen again. Scott Liggett has lived in Mapleton for about 4 years in the Monta Vista
Subdivision. He felt that TDR’s were more limited, and wondered if they are recyclable because
there seems to be a never-ending abundance of them. The City’s Vision was to maintain the
rural feel of the community. He moved from Orem for a rural feeling place to live. Scott
wonders at what point the City is going to wake up and maintain is rule and feel. We cannot
keep developing all the open space and call ourselves a rural community. Fallon Hansen is new
to Mapleton, and came here because everyone seemed to have a lot of land. They were very
interested in the upper Preserve lots, but purchased a lot in the lower portion of the development.
They would like the area to stay small and feel like it is not a dangerous place to live. They feel
the current trail is enough, and that we do not need this development just to gain additional trail
connections. Kendall Simpson lives on Perry Hollow Drive. He shares the same sentiments
that have been addressed. He respects the right to own land and develop it. All of them understood that the land would be developed in this area. Mr. Simpson asked if the Commission felt comfortable letting individuals walk down Main Street and 1600 South as currently developed. Kendall feels this is a slippery slope. Kari Dawn Edmunds opposes this development, and feels that the way it is proposed could be changed to be more appealing to the people who live there and those who look at the property from their homes. The amenities should go in first, if this plan goes forward. She worries about the property values, and that developments like this may cause this area to be more comparable to Springville and Spanish Fork instead of Alpine and other more prestigious areas. Vaughan Cook stated that from his understanding it is legal to vacate a plat and re-plat a development. A lot of what is being said is that there are a lot of developments going in throughout the City. It feels ingenuous to him that the clear majority of the properties where complaints are coming from are on lots 1 acre or smaller in size, yet they are opposing lots the same size. The “not in my backyard” mentality is not an argument he agrees with. Someone is going to develop this property. Does the citizens not want it developed with a great plan like what is being proposed or a potential lesser plan that may come forward in the future. John Woodward has developed ground before. He thinks it all boils down to the food chain. He thinks people would buy the lots if it were developed as approved, and thinks there is a good shot you could make some money. David Nemelka owns property in the Preserve. He grew up with 2.5-acre lot, but things change and the City has the right to follow the laws and make changes. There are many points of view. People have the right to follow the rules as the City sets them. As a land owner, here he has spent a lot of time with the Ball’s. Mr. Nemelka is speaking for Mike Aviano as well. They are for this project, because he thinks the City will be hard pressed to find a developer who has the financial situation as the current developers have, who also have an interest in maintaining the atmosphere of Mapleton. David’s opinion is that the City is very fortunate to have developers as vested as the Ball’s. Currently no one has a right to access the hillside trails from the Preserve property. A public access is a great benefit to the City and its residents. Daynon Haggard loved growing up in Mapleton. He is asking that the Commission open this land so his family can move back here. Mapleton does not know the word “dense”. This proposed development is not dense. He has great memories of land here, and this is home to him. Other cities have destroyed their mountainside with monopoly homes. These will be custom homes. This area could add 140 good families that can add value to the city. He does not think it is fair to say that any promises have been made as to when these lots will become available, and he hopes the Commission will pass this request. Tresa Heaton does not feel the City needs to approve a proposal so it can be financially beneficial to the developer. She has a great concern for the increase in traffic, which will greatly affect the property owners in this community. If approved there could be an increase in water table issues to the lowering properties. Approvals must advance the general welfare of the community. Tresa feels that those who can afford larger lots can typically afford to maintain them. It is speculative to say the developer would put in a superior development. She would like the item tabled. Lyle Haycock has lived in Mapleton for about 3 years on Main Street. He
recommends we keep the property to current development. The traffic is concern to him. Ralph Walpole has lived in Mapleton for 47 years. There used to be 3 roads on the southern end of Mapleton, with hardly any people. There are the same 3 roads today with all the increased population. He developed Park Meadows Estates. He believes people should be able to do what they need to with their property. He built the Ira Allan Sports Park to get the density he needed for his development. This was done under a Development Agreement. Mr. Walpole wondered where the City’s TDR’s came from, and felt this needed to be audited. The property needs to be developed within its zoning. Dovie Ball stated that their purpose of doing this as a family was not to make big money. Her passion is what a lot of people want. She fell in love with the mountain, and feels there are so many people who want a piece of the pie that we all have. This is not a huge money making proposal. This is something they want to give back to the community. She read a letter from Ty Detmer that states that they would be very interested in settling down in the Preserve. They were excited with the possibility of the property now being developed. The Detmer’s would like to settle down a build a home in this development. There are hidden gems behind these lots. This proposed density is going to be beautiful. It is a rolling hill, but it will not be as visual as everyone thinks. It will give back to the beautiful town of Mapleton. Jim Jurgens is friends with Ralph Walpole. He lives in the area and thinks this area needs to be developed. This proposal does not make a lot of sense to him, but he is not sure what does. Lydia Petersen wonders if the change promotes the general welfare of the City. The open space area will contain a Club House, pavilion, etc., which in turn would not actually be open space. She questions how accessible these areas will be. She feels that there are things that should be done before this item even comes before the Commission. For people who want to come to Mapleton looking for land, they would come here under its current zoning. In staying with conjunction of the City goal, this is not in line with the vision set in place. Kelly Skinner has a concern with the pond in the proposed area. Mike Dibbles would like to echo what others have said. The whole TDR thing is interesting to him. He feels that the bench should be preserved, and he does not feel that the TDR’s are being portrayed as such. Chris Salisbury wanted to thank Dee Mower for maintaining this property. This property could have ended up in the bank’s hands. He is pro development. He knows what the applicants are going through. Mr. Salisbury thinks the experience does matter. He would like to see something go through here, but does not think this is it. Robert Baird lives in the Preserve. He feels the General Plan tells us to use TDR’s, but not for lots less than 1 acre in size. Mr. Baird loves the trails, but does not know if the parks are necessary. He encourages the Commission to be proactive. No further comments were given and the Public Hearing was closed.

Chairman Murray asked what the current zone is. Sean stated that it is PRC-4. The zoning text was written unique to this site. 92 lots were approved for this zone. This zone allowed both David Simpson and Jack Perry to average their development. 32 lots are developed in plats “F” and “G”. The General Plan is eligible for a TDR Receiving Site. There were some TDR Sending Sites that are not part of this development. These areas are owned by the City. The
MOU would still apply, and the agreement would move with the land. The City has a Master Transportation Plan, but staff is not prepared to talk to the timeline as to when they would affect this area. Street widening occurs when development occurs. Typically, there will be an underlined owner of HOA area, with some type of easement being recorded. If the HOA was to fail, the Commission felt the property should default back to the City. Common space is typically owned by all residents of the development. The vision for the park, is a more passive area that you can walk and enjoy, but that does not have a significant financial maintenance impact. Commissioner Killpack asked if the point of the TDR’s was to maintain open space with larger estate lots creating lower density along the mountain and bench areas, utilizing the TDR’s in the lower areas of the City near Highway 89. She felt this project conflicted with that plan. She also felt a traffic study should have been done before this item came before the Planning Commission. There was concern about the additional traffic onto 1600 South, feeling there would need to be another main artery to help with the traffic to Highway 89. The water table problems in this area were discussed, with mention to the additional drainage problems this development could cause for the properties below it such as the Monta Vista Subdivision. The property now is not zoned as a TDR Receiving Site, but a PRC-4 Zone. The proposed plan would be like the 2004 plan. Commissioner Stirling stated that he did not believe the TDR Sending Sites were to be adjacent to TDR Receiving Site. He is also concerned about water, sewage, and traffic issues. All 3 entrance/exits for the Preserve impact 1600 South, which was a huge concern. If the rezone was approved, the applicant would have to provide a plat with engineering, along with a traffic study. Commissioner Schellenberg stated that a traffic study is a study that relates to traffic delays. What that means is a vehicle can travel down 1600 South, with a vehicle behind it, maintaining a continuous flow at peak hours. This study would create the assigned level of service. Most scenarios will show that a traffic study meets the proposed development. Commissioner Killpack feels it needs more time. Commissioner Schellenberg would be open to changing it from the PRC-4 Zone. This does not mean allowing the use of TDR’s. Commissioner Stirling feels we need to maintain larger lot sizes on the south end of Mapleton in harmony with the initial Master Plan. Plat “A” in the proposed development is most visible from 1600 South and should not be permitted to have TDR’s. Commissioner Quist was uncomfortable with anything smaller than an acre along the bench. The open space areas, with a variety of lot sizes, seemed to be a positive aspect that should be allowed. There is a lot of value in the variety of lot sizes. Commissioner Stirling stated that the fault line runs through the middle of this development, which underscores the need to maintain less dense housing in the Preserve. Soils Reports have been done already on the property with the previous proposals. If there are increased lot numbers from the existing zone, then TDR’s would need to be required. Commissioner Garrett is open to applying some TDR’s to the development. Commissioner Quist agreed with this. Commissioner Schellenberg was more concerned with the lot number, and what the key to that was, and the logic behind it. Commissioner Killpack feels it could cause issues if it is not applied to the overall development. The Commission felt the current proposal is not acceptable. Andy Ball stated that all the discussions with the City Council led them to this
proposed layout. He felt the item needed to move forward to the City Council with a recommendation of denial or approval. They felt that they have explored every option, and this was the best plan they could come up with. Commissioner Schellenberg does like the parks, but wanted some type of guarantee that it would happen. A potential bond could be collected to ensure these were completed. A limit of TDR’s could be specified. The Commission felt that TDR’s should not be able to be applied to the Plat “A” portion of the property. Commissioner Killpack felt there should be a buffer around the current larger lots of 1.5 to 2 acre lots around the perimeter of the development where it adjoins the mountain and the Joyner and Roney properties. She felt the middle peak area of the property was the most visible part of the property, and that it was close to the TDR Sending Zone and bench area, so it should be treated as such. She was in favor of the varied lot sizes to prevent the cookie cutter type subdivision layout.

Motion: Commissioner Garrett moved that this item go forward to the City Council regarding a request to apply a Transferable Development Rights Receiving Site (TDR-R) Overlay to a 190-acre property known as the Preserve located at approximately 1600 South and 1300 East and the review of a revised concept plan for the development increasing the total density from 92 lots to 172 lots, with the recommendation listed below:

1. A Work Session be held between the Planning Commission and the City Council before the item is heard by the City Council, which is open to the Public, to discuss the below concerns:
   a. No Transferable Development Rights (TDR’s) be applied to the current Plat “A”, and that it remains as platted.
   b. Allow a mixed use of lot sizes, giving a buffer around adjacent properties.
   c. A minimum of ¾ acre lots be allowed on the property.
   d. Public amenities be installed or bonded by a certain time frame.

Second: Commissioner Quist

Vote: 4:1:0 with Commissioners Quist, Garrett, Stirling and Murray voting aye and Commissioner Schellenberg opposing with a concern of leaving Plat “A” as is.

Item 4. Adjourn.

April Houser, Executive Secretary    Date