

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
May 10, 2012

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**PRESIDING AND CONDUCTING:** Rich Lewis

**Commissioners in Attendance:** John Gappmayer  
Leslie Jones  
Thomas Quist  
Keith Stirling  
Ryan Swanson – Arrived at 6:48pm  
Mike Tippetts

**Staff in Attendance:** Cory Branch, Planning Director  
Matt Brady, Planner I

**Minutes Taken by:** Matt Brady, Planner I

**Minutes Transcribed by:** April Houser, Executive Secretary

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Acting Chairman Rich Lewis called the meeting to order at 6:30pm. Mike Tippetts led the Pledge and John Gappmayer gave the invocation.

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

*Items are not necessarily heard in the order listed below.*

**Item 1. Planning Commission Meeting Minutes – March 22, 2012.**

**Motion:** Commissioner Tippetts moved to approve the March 22, 2012 Planning Commission Minutes.  
**Second:** Commissioner Gappmayer  
**Adjourn:** Unanimous

**Item 2. Planning Commission Meeting Minutes – April 19, 2012.**

**Motion:** Commissioner Tippetts moved to approve the April 19, 2012 Planning Commission Minutes.  
**Second:** Commissioner Gappmayer  
**Adjourn:** Unanimous

**Item 3. John and Barbara Pratt requests to rezone property located generally at 1500 East between Maple Street and 400 North from the A-2 (Agricultural Residential) zone to the RA-1 (Residential Agricultural) zone.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. The applicant is proposing to rezone the property from A2 to RA-1. One clarification to the Staff Report is that the Pratt's have made application for a Subdivision. The General Plan designates the property as Rural Residential.

The Staff Report talks about the General Plan Written Policy regarding this and states that lots of 2-acres or more may be rezoned to 1-acre with the use of Transferable Development Rights (TDR's). The goal of the TDR program was to protect the mountainside. This program was created in 1998. Cory gave a brief history of how the TDR program worked. The applicant is proposing to rezone the property to the RA-1 Zone without utilizing TDR's. To note there are approximately 235 TDR Certificates out there to be used for developing higher density lots. The TDR sending site capability expired on December 31, 2010 so no further TDR's can be created. You will no longer see sending site requests coming forward, but will continue seeing receiving sites. **Commissioner Tippetts** asked what the going price was right now for these certificates. Cory stated that with the slow-down of the economy the demand on TDR's has not been as it once was. At one time it was mentioned they could have been selling anywhere from \$50k-\$65k. Commissioner Tippetts asked if the price was just an agreement between the owner and purchaser, which Cory stated that it was. Discussion took place about the Planned Residential (PRC) Zones. The Preserve Subdivision was discussed, and Cory stated that their overall density is over 2 acres per lot therefore they were not required to surrender any TDR's for their development. Cory stated that a couple of other PRC developments, such as Silverleaf and Hillcrest utilized TDR's. In order to do a PRC Zone there needs to be some type of theme included as part of the development (i.e. parks, etc.). **Commissioner Jones** stated that if this property were to be developed without the use of TDR's and allowed to do smaller than 2-acre lots it would not be consistent with the way the ordinance is written. Cory stated that it is not actually an ordinance but part of the General Plan Written Policy. Cory reiterated that the property would be allowed to do 1-acre lots under this Policy with the use of TDR's. Staff feels that a rezone to RA-1 would not fulfill the Policy as stated in the General Plan. Staff would be supportive of a rezone to the A2 (TDR-R) Zone allowing for 1-acre lots with the use of TDR's. Based on this information Staff is recommending denial of the proposed rezone. Cory stated that the Aspen Grove subdivision, which is located to the south of this property, was recorded in 1996 prior to the TDR Program being created.

**J.B. Pratt**, applicant, pulled some quotes out of the Mapleton City Vision Statement. He discussed the areas that referred to the RA-1 Zone. As a future property owner in Mapleton he is looking for a lot size which is more manageable for families, like a 1-acre lot, instead of the currently approved 2-acre zoning. He went over the surrounding area and those properties that have been developed as 1-acre lots without the use of TDR's. There are also a couple properties that have been leapfrogged. The concept plan they have provided would show a street running north to south with a slight bend in it providing thirteen (13) 1-acre lots. They intend to face all of the future homes on the property to the interior street, and not onto Maple Street. Right now the applicants only plan to develop one lot for the purpose of building a home as quickly as possible. The remainder of the property will remain in greenbelt for an unsubstantiated time until demand for additional lots is needed. The applicant stated that in regards to TDR's and their current worth he feels that most people have overpaid for them and that they are not worth anything in the current economy. Commissioner Tippetts asked why the applicants were doing 1-acre lots, give or take, instead of 2-acre lots. J.B. Pratt stated that the main purpose is due to the reasoning that he holds a full time job, as well as he and his wife holding church callings, and would not have the time to maintain a 2-acre parcel to the standard which they would want to. Commissioner Jones asked Cory if the other properties around this one were Rural Residential as well. Cory stated that some of the areas were developed prior to the TDR Ordinance or before the General Plan was updated in 2007. This item would go to Planning Commission for a recommendation and to City Council for a decision. This same process would be required if the General Plan was to be amended. The hope is that when rezoning the General Plan would be followed as it is a vision of the City. J.B. Pratt stated that the TDR's are allowed to be used in 1-acre zoning as well. Cory stated that they can be used on both 1-acre and 2-acre parcels. However, a property owner could not rezone a property from the A2 Zone to the RA-1 Zone and then request to utilize TDR's in order to receive ½-acre zoning (double dipping). The applicant stated that they have asked around about purchasing TDR's but no one wants to sell them because they are under water in their value. Commissioner Tippetts said that the Commission needs to look at the General Plan and the vision of the

City and make a recommendation. Cory stated that the difficulty is if this rezone gets approved there are other parcels around it where the property owners are going to want the same thing. **Commissioner Quist** said he knows people in this area that would want this same rezoning if they were to allow this rezone request to be approved. Commissioner Jones asked why they were requesting this right now if there is no plan to develop the property at this time. **John Pratt**, applicant, said that the General Plan is an advisory guide and not a regulatory device that acts in place of ordinances. Commissioner Jones said she understands it is a recommendation not a commandment, but also understands that it is a direction given for the city to look at when making decisions. John Pratt agreed with this, and then listed some of the surrounding developments that were zoned 1-acre without the use of TDR's. Mr. Pratt also mentioned the Gibby property and how it was zoned for smaller lots without the use of TDR's. He also stated how it was mentioned to be a special situation, and wondered why the Gibby property would be any more special than his. Commissioner Jones stated that it was a fair question as a property owner. John just wants a more manageable piece of property, not a development like Whisper Rock or Harvest Park. All of the properties to the north are zoned 1-acre, some with the use of TDR's, but none of the sections to the south required the TDR's. Cory said that one thing to note on Dr. Gibby's is that not all of his property has been rezoned to RA-1 and that some still remains in the CE-1 Zone. The overall density on Gibby's property is still planned to be about 2-acres per lot.

**Acting Chairman Rich Lewis** opened the Public Hearing. Cory stated that no letters or Public feedback has been received regarding this item. No additional comments were given and the Public Hearing was closed. **Commissioner Gappmayer** had a concern with where they draw the line. Cory stated again that the Planning Commission would be the recommending body on this item, and that Staff is recommending denial of the proposed rezone this evening.

**Motion:** Commissioner Tippetts moved to recommend approval to the City Council for an ordinance rezoning property located generally at 1500 East between Maple Street and 400 North from the A-2 (Agricultural Residential) zone to the RA-1 (Residential Agricultural) zone, feeling that it is in line with the vision of the City, not leapfrogging, and follows the zoning of the properties around it.

**Second:** Commissioner Stirling

**Vote:** 5:2:0 with Commissioners Tippetts, Stirling, Gappmayer, Lewis, and Swanson voting ay and Commissioners Jones and Quist voting nay. Commission Quist had the concern that this area will fill in with 1-acre lots and worries about the individuals who have 2-acre lots. Commissioner Jones supports personal property rights but feels there is a General Plan for a reason and that it is important to follow that with minimal changes. If the change needs to come with the General Plan then it should be revisited. Commissioner Jones feels that it is not the Commission's job to solve the problem with the TDR's and that as smaller lots are developed it is simply "kicking the can down the road" so to speak so until those kinds of things are flushed out, this is why she is opposing the recommendation for approval.

**Item 4. J.B. Pratt requests Preliminary and Final Plat approval of Cherry Wood Estates Subdivision, a one (1) lot (phased) subdivision, located generally at 1501 East Maple Street. The subject property is located in the A-2 Zone.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. He passed out additional Development Review Committee (DRC) Minutes dated May 7, 2012, which were added as recommended conditions of approval in the Staff Report. **J.B. Pratt** stated that he is just requesting approval of a 1 home 1-lot subdivision at this time, and would like to become part of this community. **Acting Chairman Rich Lewis** opened the Public Hearing was opened. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Tippetts moved to approve the Preliminary and Final Plat for the Cherry Wood Estates Subdivision, a one (1) lot (phased) subdivision, located generally at 1501 East Maple Street, with the conditions listed below:

1. Resolve all issues in the Development Review Committee Minutes of May 1, 2012 and May 7, 2012.

**Second:** Commissioner Jones

**Vote:** Unanimous

**Item 5. Kacie Plouff, agent for Gary and Pamela Darby, requests approval of Balsam Subdivision, Plat "A" Amended, located at 688 East 1000 North, in the RA-2 Zone.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. The applicants are proposing to combine their 2 subdivision lots into 1 lot. The applicants want to combine two lots into one. The Public Hearing was opened. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Tippetts moved to approve the Balsam Subdivision, Plat "A" Amended, located at 688 East 1000 North, in the RA-2 Zone, with the conditions being met from the Development Review Committee minutes of April 10, 2012.

**Second:** Commissioner Jones

**Vote:** Unanimous

**Item 6. Adjourn.**

**Motion:** Commissioner Tippetts moved to adjourn the meeting.

**Second:** Commissioner Gappmayer

**Vote:** Unanimous

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April Houser, Executive Secretary

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Date: