

City Council Staff Report

May 15, 2019

Applicant: James R.
Couevas, Spencer Croshaw,
Casey Warren

Location: Approx. 300 W
400 N

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: No

Zone: CC-1

Attachments:

1. Application information.
2. General Plan & Zoning Maps.
3. Previous minutes.

REQUEST

A discussion item to consider amending the General Plan from Central Business District (CBD) to High Density Residential (HDR) and the zoning from Central Commercial (CC-1) to Residential (R-2) for a 3.35 acre parcel located at approximately 300 West and 400 North.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is a 3.35 acre parcel located at approximately 300 West and 400 North, across the street from City Hall. Several years ago the property owner was working on a commercial development proposal for the site. However, due to the downturn in the economy the project never moved forward and the property remains vacant.

In 2015 the property owner submitted an application to rezone the property from commercial to residential. On August 27, 2015 the Planning Commission reviewed the application and unanimously recommended denial of the request to the City Council. The City Council reviewed the application on September 16, 2015 and also unanimously voted to deny the request.

The property owner's representatives are considering purchasing the property to then sell to a developer. The applicants are again requesting that the General Plan designation of the property be changed from Central Business District (CBD) to High Density Residential (HDR), and to rezone the property from Central Commercial (CC-1) to Residential (R-2).

Since this item is a discussion item, no formal action will be taken. However, the Council may provide guidance to the applicant regarding the request. If the applicants decide to move forward with the application, it would require review by the Planning Commission and then would come back to the City Council for a final decision.

EVALUATION

Rezone: The applicant is requesting that the property be rezoned to R-2. There are properties to the north, east and west that are currently zoned R-2. There are also properties to the south, east and west that are zoned CC-1. The R-2 zone has a minimum lot size requirement of 10,000 square feet per lot and allows single family dwellings, twin homes and duplexes.

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

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

MCC Chapter 18.12.010.B outlines the guidelines that shall be used to determine whether a rezone request is in the interest of the public and is consistent with the general plan. The guidelines are outlined below followed by a staff response:

1. Public purpose for the amendment in question.

Response: As Mapleton grows, the demand for commercial property will also grow. The General Plan identifies the area around City Hall as a small central business district. In addition to City Hall, there are currently three commercial businesses on 400 North, and a building permit has recently been submitted for a fourth. It is important that the City protect opportunities for future commercial growth to occur.

There currently is no shortage of residentially zoned property within the city. While the subject property has remained vacant for a number of years, staff believes it would be short sighted to rezone the property to residential. It has already been demonstrated that commercial businesses can be successful within the area zoned CC-1.

The Council should determine if zoning the property residential serves a higher public purpose than would protecting the property for future commercial growth.

2. Confirmation that the public purpose is best served by the amendment in question.

Response: See #1 above.

3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.

Response: The request to rezone the property from commercial to residential is inconsistent with the General Plan, which is the reason the applicant is requesting a general plan and zoning amendment. Staff recommends maintaining the General Plan as it is currently adopted for this property.

4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.

Response: This application does not raise concerns regarding “leapfrog” development.

5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.

Response: The purpose of the Central Business District designation in the General Plan is to:

“...create a commercial area centered around the Public Facilities areas encompassing the city center building. This area is designed to be an island of commercial uses near the historic center of Mapleton, in close proximity to public uses, which encourages a friendly atmosphere for pedestrians...”

The subject parcel is a key component to the central business district area and rezoning it would obstruct the attainment of the general plan’s goal of having a central business area around the city center.

6. Adverse impacts on adjacent landowners.

Response: Adverse impacts on landowners typically could include traffic, noise, compatibility and safety concerns. Staff notes that these concerns to one degree or another may exist whether the property is residential or commercial.

7. Verification of correctness in the original zoning or general plan for the area in question.

Response: The accuracy of the zoning boundary is not in question with this application.

8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.

Response: N/A

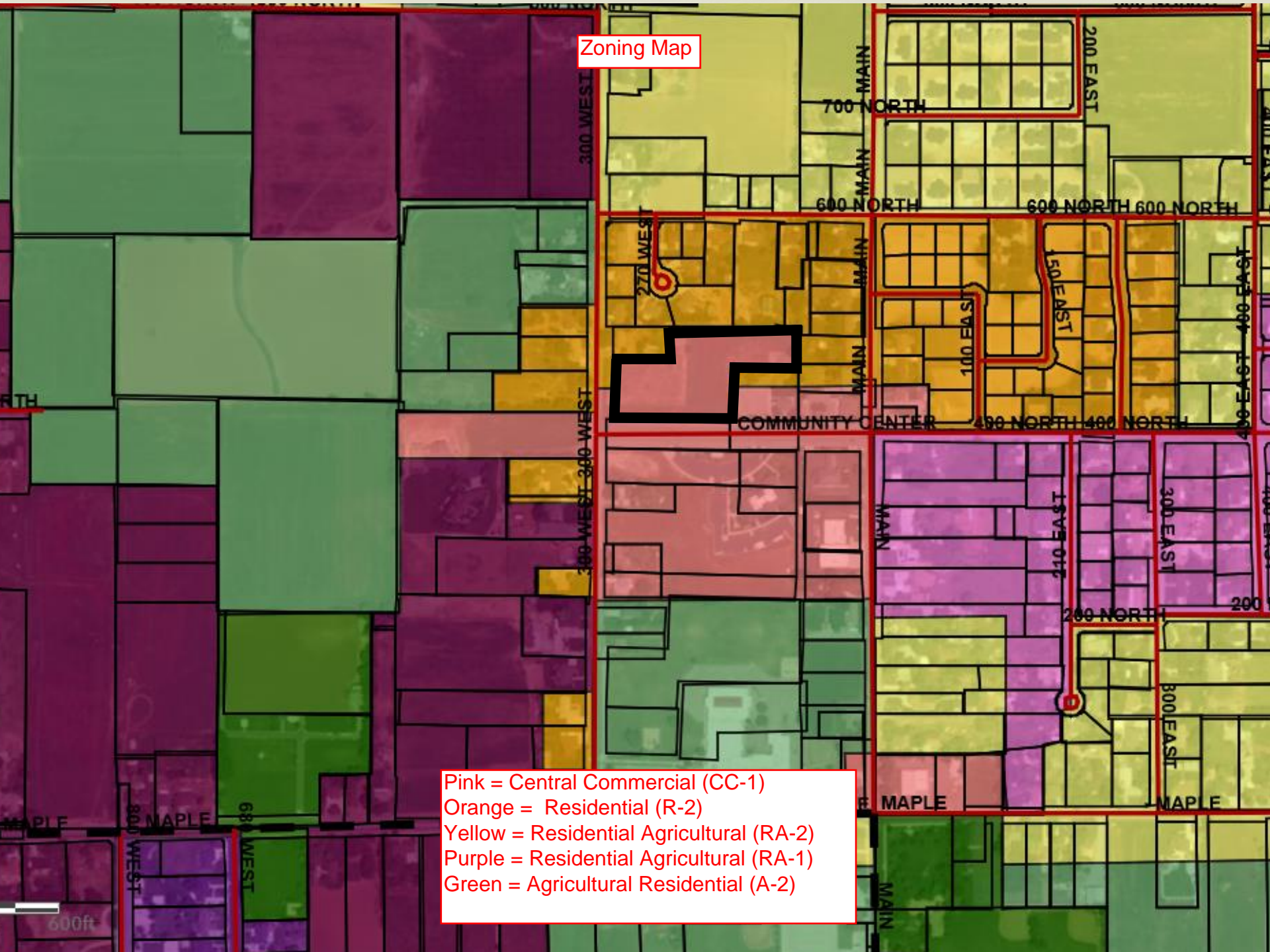
STAFF RECOMMENDATION

Staff’s recommendation is that the Council provide direction to the applicant that it would not support the general plan amendment and rezone request as the request does not best serve the public purpose and is inconsistent with the general plan.

General Plan Map



Zoning Map



Pink = Central Commercial (CC-1)
Orange = Residential (R-2)
Yellow = Residential Agricultural (RA-2)
Purple = Residential Agricultural (RA-1)
Green = Agricultural Residential (A-2)

MAPLETON CITY
CITY COUNCIL MINUTES
September 16, 2015

PRESIDING AND CONDUCTING: Mayor Brian Wall

Members in Attendance: Ryan Farnworth
Scott Hansen
Jim Lundberg
Mike Nelson- Excused
Jonathan Reid

Staff in Attendance: Scott Bird, Public Works Operation Director
Cory Branch, City Administrator
Sean Conroy, Community Development Director

Minutes Taken by: Camille Brown, City Recorder

The items may not have been heard in the order below.

Mayor Wall called the meeting to order at 7:00 p.m. Logan Gren gave the invocation and DJ Frei led the Pledge of Allegiance. Mayor Wall welcomed the scouts that were in attendance working on their communications and citizenship in the community badges.

OPEN FORUM:

Item 1. Approval of City Council Meeting Minutes September 2, 2015

Motion: Cl. Farnworth moved to approve the September 2, 2015 minutes.
Second: Cl. Reid seconded the motion.
Vote: Passed 3:0

Cl. Lundberg arrived at 7:07 pm.

DISCUSSION ITEM:

Item 2. A discussion item regarding amendments to the Whisper Rock development agreement and phasing plan.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance. The project is now under contract with a new developer. He reviewed the proposal and showed the concept plan.

Mayor Wall inquired if the trail system made a continuous loop.

Applicant, John Dester, with Georgetown Developers stated that the trail system will connect so there will be a continuous loop. There will be a pavilion instead of the clubhouse, which he thinks will get used more and it will have no maintenance.

He further stated that people will be able to have private backyards, but the HOA will not maintain the yards and the CC&Rs will have to be amended.

The City Council agreed with this proposal. Mr. Dester said he will proceed with the changes in Engineering and the CC&Rs.

ACTION ITEMS:

Cl. Lundberg stated with respect to other properties that don't or will not have any sidewalk, will it not look out of place? Sean stated that the house on the corner has a sidewalk.

Mayor Wall said if this is waived all together it would make it challenging in the future.

Sean stated that they could bond for the improvements and wait on it.

The applicant, Elisa Opt'Hoff stated that she was surprised how many neighbors were concerned with this request. She does not foresee any other frontage on either side of their property. She stated that as far as a waiver, other property could be subdivided, and when the trail is there, by not putting the sidewalk in would push foot traffic to the other side of the street.

Cl. Hansen asked the applicant if they have thought of placing a bond for future development, and the applicant stated that this would not be her first choice. She would rather just go with the flush curb.

Motion: Cl. Farnworth moved to continue to the next council meeting, October 7th.

Second: Cl. Hansen seconded the motion.

Cl. Reid Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Cl. Hansen Aye

Vote: Passed 4:0

Item 6. Consideration of approval of a License Agreement between Mapleton City ("Licensor") and Sierra View Irrigation Association, LLC ("Licensee") granting the "Licensee" the ability to use a portion of the "Licensor" ROW for a private irrigation pipeline.

Motion: Cl. Lundberg moved to continue to the October 7th meeting.

Second: Cl. Farnworth seconded the motion.

Cl. Hansen Aye

Cl. Reid Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Vote: Passed 4:0

PUBLIC HEARING ITEM:

Item 7. Consideration of a request to amend the General Plan from Central Business District to Residential and the zoning from Central Commercial (CC-1) to Residential for a 3.35 acre parcel located at approximately 300 West and 400 North.

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance. The primary concern is that that if this is done then it should be considered to remove the Central Commercial zone from the General Plan.

Mayor Wall stated that he does not think that this would be a good idea to do.

Public Hearing was opened at 8:10 pm

Mike Cobia, referred to the zoning map and showed the houses that are zoned commercial on 300 West and he thinks that this should remain the central commercial zone.

Public comment was closed at 8:15

Motion: Cl. Reid moved to deny the request to amend the General Plan from Central Business District to Residential and the zoning from Central Commercial (CC-1) to Residential for a 3.35 acre parcel located at approximately 300 West and 400 North.

Second: Cl. Farnworth seconded the motion.

Cl. Hansen Aye

Cl. Reid Aye

Cl. Farnworth Aye

Cl. Lundberg Aye

Vote: Passed 4:0

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS:

Sean Conroy, reported that EBCo is still trying to make things work. It was determined that they can use material that is on site and will not have a bond with the city.

Cory Branch stated that the survey had been sent out and asked the council to review this and let him know by Monday if they suggest any changes. He also stated that Patricia from the State Library will be leaving Mapleton. Her last day is on Friday.

Motion: Cl. Hansen moved to close the regular meeting and open a closed meeting pursuant to U.C.A. §52-4-205 for the purpose of discussing pending or potential litigation
Second: Cl. Farnworth seconded the motion
Vote: Passed unanimously

Meeting adjourned at 8:25 pm.

APPROVED: **October 7, 2015**

/s/ Camille Brown, City Recorder

MAPLETON CITY
PLANNING COMMISSION MINUTES
August 27, 2015

PRESIDING AND CONDUCTING: Chairman Rich Lewis

Commissioners in Attendance: Golden Murray
Keith Stirling

Staff in Attendance: Sean Conroy, Community Development Director
Brian Tucker, Planner

Minutes Taken by: April Houser, Executive Secretary

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

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – August 13, 2015.

Motion: Commissioner Murray moved to approve the August 13, 2015 Planning Commission Minutes.

Second: Commissioner Stirling

Vote: Unanimous

Item 2. Consideration of a Preliminary and Final Plat approval for the Homestead Plat “A” subdivision consisting of one 2 acre lot located at approximately 1820 East and 1600 North.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This property consists of a 126 acre parcel. The property has frontage on 1200 North and 1600 North. Mark and Lori Sheranian’s daughter would like to build one new residence on the property. Some street widening, along with curb and gutter on 1600 North, will be required. The City Council met in the past to discuss this possible subdivision. They felt that no sidewalk would need to be installed, but did ask for curb, gutter and street widening. The request complies with all zoning and subdivision ordinances.

The applicant stated that she would still prefer not to install the curb or gutter at this time. It was the City Engineer and City Council who felt it should be installed.

Motion: Commissioner Stirling moved to recommend approval to the City Council for the Rookstool Plat "A" Subdivision consisting of one lot, and the application of a Transferable Development Right Overlay (TDR-R) to a property located at 1265 South 1000 East, with the attached findings listed in the Staff Report this evening.

Second: Commissioner Murray

Vote: Unanimous

Item 4. Consideration of Preliminary and Final Plat approval for the Riding Subdivision Plat "A" consisting of six lots located on 800 South between 800 and 1100 West in the Residential-Agricultural (RA-1) with TDR-R Zone.

Brian Tucker, Planner, went over the Staff Report for those in attendance. All of the zoning for this subdivision request is already in place. A previous request was approved back in 2008, but the applicant did not act on that, and the approval expired in 2010. Three (3) TDR Certificates will be required in order to allow for 6 lots on this 3 acre parcel. Each lot, if approved, would need to have at least 125' of frontage.

Chairman Lewis opened the Public Hearing. **Derald Olsen** lives on the corner of 800 West and 800 South. The Right-of-Way (ROW) will remain very similar to the way 800 South is heading west. The Emerald Estates subdivision to the south would match up with what is being proposed with this development. Mr. Olsen would like a 4-way stop put in at this intersection if possible. Derald would like the ability to stub into the pressurized irrigation system when it goes in through this area. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Murray moved to recommend approval to the City Council for the Preliminary and Final Plat approval for the Riding Subdivision Plat "A" consisting of six lots located on 800 South between 800 and 1100 West in the Residential-Agricultural (RA-1) with TDR-R Zone, with the attached findings and conditions listed in the Staff Report this evening, and that all DRC issues raised in the August 4, 2015 minutes be addressed.

Second: Commissioner Stirling

Vote: Unanimous

Item 5. Consideration of a request to amend the General Plan from Central Business District to High Density Residential and the zoning from Central Commercial (CC-1) to Residential (R-2) for a 3.35 acre parcel located at approximately 300 West and 400 North.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Years ago the applicant was working on a proposal for a commercial property. Due to feedback they received, it did not seem like a viable option, and feel rezoning it to residential may be more desirable. Staff recommends denial based on the inconsistency with the General Plan.

Chairman Lewis opened the Public Hearing. **Mike Cobia** does not care either way as to what is done. He is concerned that the entire area should be rezoned to a similar zoning if this is approved, so that there is consistency. Mr. Cobia feels an RA-1 Zone would be better than R-2. **Paul Wheeler**, owner of the Wheeler Mortuary, is very opposed to any residential rezoning of the property. He does not feel a mortuary is a good fit in a residential zone. 400 North is a commercial street, and Mr. Wheeler does not feel anything aside of the current zoning to be a good mix. **Spencer**, representing the current property owner, can appreciate concerns about the long term longevity of the city. **Ilene Boyd** is opposed to having the zoning changed. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Stirling moved to recommend denial to the City Council for the request to amend the General Plan from Central Business District to High Density Residential and the zoning from Central Commercial (CC-1) to Residential (R-2) for a 3.35 acre parcel located at approximately 300 West and 400 North.

Second: Commissioner Murray

Vote: Unanimous

Item 6. Consideration of an ordinance amending Mapleton City Code Chapter (MCC) 17.12.020.C authorizing the land use authority to require a developer to install stub streets as part of subdivision approvals to ensure an efficient traffic circulation system.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Currently the code does not specify if a stub street can be required only if the 2 criteria are met. This amendment would clarify when a stub street could be required. Whatever approval has been given by the Planning Commission or City Council would be final. The stub street ordinance does not stipulate that they have to be required, but that they can be where needed in order to meet the needs of future development on adjacent properties. This request is to address this issue city wide.

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

Motion: Commissioner Murray moved to recommend approval to the City Council of an ordinance amending Mapleton City Code Chapter (MCC) 17.12.020.C authorizing the land use authority to require a developer to install stub streets as part of subdivision approvals to ensure an efficient traffic circulation system as described in Attachment "T".

Second: Commissioner Stirling

Vote: Unanimous

Item 7. Consideration of a request to establish setback for an irregularly shaped lot located at 1346 North Rose Circle.