

MAPLETON CITY

PLANNING COMMISSION MINUTES

April 11, 2019

PRESIDING AND CONDUCTING: Chairman Therin Garrett

Commissioners in Attendance: Jesse McLean
Golden Murray
Christy Nemelka

Staff in Attendance: Sean Conroy, Community Development Director

Minutes Taken by: April Houser, Executive Secretary

Chairman Therin Garrett called the meeting to order at 6:00pm. An Invocation and Pledge of Allegiance was given.

Item 1. Planning Commission Meeting Minutes – March 28, 2019.

Motion: Commissioner McLean moved to approve the March 28, 2019 Planning Commission Meeting Minutes.

Second: Commissioner Murray

Vote: Unanimous

Item 2. Consideration of a Preliminary Plat application for the Perrero Estates Plat “A” subdivision consisting of two lots located at approximately 1767 North 300 West in the RA-2 Zone.

Approved as part of the Consent Agenda this evening.

Motion: Commissioner McLean moved to approve the Preliminary Plat application for the Perrero Estates Plat “A” subdivision consisting of two lots located at approximately 1767 North 300 West in the RA-2 Zone, with the special conditions listed below:

1. The applicant shall comply with all outstanding Development Review Committee (DRC) comments.
2. If/when additional lots are proposed that would abut the contemplated extensions of the stub roads, those road improvements through the property would be required.

Second: Commissioner Murray

Vote: Unanimous

Item 3. Consideration of an amendment to the Whiting Commercial Plat “A” subdivision plat creating two new commercial lots, and consideration of Project Plan and Conditional Use Permit applications for a Maverik Gas Station located at 1600 South and Highway 89.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Prior to 2016 the commercial area here was 8-acres in size. When the Whiting Cove subdivision was approved the commercial area was reduced down to 6-acres. The homes now on the western side of the development were previously in the commercial zone. In 2017 there was no commercial proposals in place aside of the Canyon View Medical Center currently being constructed. The Maverik Gas Station is being proposed on lot 1. The property is in the General Commercial Zone therefore the gas station is consistent with the approved uses in for this zone. Improvements would be required along 1600 South and Highway 89. There is no formal proposal for lots 2 and 3 at this time. The Conditional Use Permit (CUP) is considered administrative in nature. If the application meets those standards, the City is required to approve the request. Conditions can be applied to the CUP to mitigate any safety or health concerns that may arise. Connectivity between the commercial parcels would be required, as well as pedestrian connectivity. Building materials and lighting standards were discussed as part of the Staff Report. A couple of letters from neighbors have been sent out to the Planning Commissioners. When proposals come forward for buildings on lot 2 and 3, fencing will be required. Staff recommends approval with the special conditions listed in the Staff Report. **Commissioner Nemelka** asked who would be required to maintain the landscaping. Sean stated that typically each use would be responsible for the area in their applicable sections. This would pertain to fencing as well. Maverik would be required to install ½ of the street to the east behind their building. The remaining street would be installed when lot 2 is built on. **Commissioner McLean** asked if there were any density limitations in the General Commercial zone? Sean stated that each use is required to provide a certain number of parking spaces and street frontage. These standards will restrict overbuilding on the property.

Shay Bertola, with Maverik, stated that they have done their due diligence in meeting the standards of the GC-1 Zone. Mapleton only allows for monument signs, so there would not be any pole signs going in as part of this Conditional Use Permit and Project Plan. **Mike McDonald**, the property owner for the 3 proposed lots, was also in attendance. He has had some discussions with the neighbors, and it is his intent to minimize any effects that would mitigate the concerns of the residential owners in the area. Mr. McDonald stated that they would install a fence when Lots 2 and 3 are developed. He is amenable to landscaping and trees.

Chairman Garrett allowed for public comment on this item. **Mike Orr** lives to the east of this development, stating that this project directly affects him. They are grateful that Mr. McDonald has met with them to address their concerns. He is not happy about this project. Mr. Orr was aware the property behind them was zoned commercial when he purchased his home. Mike was concerned with the Maverik Store being open 24 hours a day 7 days a week, 365 days a year. Noise was another worry he has. Mr. Orr would ask that the City require the fencing and landscaping to be installed now. He would also ask that only one monument sign be allowed.

Glen Loveless loves Maverik but would like some type of concrete fencing installed around these commercial lots. He is here representing his mother this evening, as she is out of town. They would like a finished look sooner than later. Trees take a while to grow, so a higher fence could possibly allow for more privacy. **Charlie Hannah** is not a property owner in this area but wanted to state her feeling that Mapleton is extremely far behind with commercial businesses. She feels we need more commercial projects here in the City. Maverik has done a lot of very good things, and she thinks it is a great idea. She is concerned about how far behind Mapleton is in providing amenities in Mapleton. This would be a monumental thing we need here. **Kevin White** is concerned about fencing and landscaping. If they could get those improvements installed quickly, they would be appreciative. There are about 5 lots that would abut these 3 proposed commercial lots.

Commissioner Murray asked if there is any pad preparation that Mr. McDonald planned to do on the two vacant lots? Mike stated that there are not any plans as of now to do that and hopes that no conditions be placed on the two proposed vacant lots at this time as there is no way of knowing the types of uses that will go there. Commissioner Murray asked if there was anything they could do to address possible drainage concerns. The applicant stated that they are planning to install the full easement to the east of the Maverik store now, which should help alleviate this concern. Sean stated that the *Disturbing the Peace* ordinance will need to be followed in regard to noise issues. **Robin White** asked if their fence was to be damaged by the commercial use, who would be responsible for fixing it. She had some concerns with the safety for her children having a 24/7 business behind her home. **Chairman Garrett** stated that these are all valid concerns. There is always a challenge when you have residential abutting commercial. Shay Bertola stated that all of their stores have approximately 20 high definition cameras on the outside their facilities to help with safety. Mr. Bertola also said that 92% of patrons are typically those who live in the area. They strive to have their stores as safe as possible. Commissioner Murray went over the ordinances that are already in place to address the comments and concerns that were expressed this evening. **Commissioner Nemelka** sympathized with the resident's concerns. She wondered if the landscape buffer along the east property line could be installed now. It was expressed that requiring the landscaping before knowing the type of project(s) going in would not be the most logical. Sean went over the proposed landscaping along the north side of Maverik, which would have a couple trees installed as a site buffer to the Orr and White residences. Maverik works with the Department of Environmental Quality to ensure all of the storage of fuel, etc. exceeds any requirements given. Their lights are zero projection ones, so no lighting will shine toward any of the adjacent properties. Mike stated that Arive Homes currently owns the 2 lots that would directly abut the vacant lot behind Maverik. **Brittney Orr** stated that Arive is not thrilled about Maverik being in their backyard of these properties. She would like to see one solid fence put in at this time. They would not mind a taller fence in a more durable material being installed next to their already installed vinyl fence. Sean stated that with the slope an 8' fence would not really provide any more privacy than a 6' fence. **Commissioner McLean** felt two abutting fences would be redundant. He also struggled that the 2 lots without fencing in the area, own by Arive Homes, was not in attendance to state any concerns they had. **Mike McDonald** stated that he has spent a lot of time on this and has even put in some trees for the residents behind this proposed development at his cost. He would ask that this request move forward at this time. Commissioner Murray felt

that the worry would not be as bad as the property owners feel it will be once built out.

Motion: Commissioner Murray moved to approve the amendment to the Whiting Commercial Plat “A” subdivision plat creating two new commercial lots, and consideration of Project Plan and Conditional Use Permit applications for a Maverik Gas Station located at 1600 South and Highway 89, with the special conditions listed below:

1. The applicant shall submit final subdivision plans, including utility plans, for the Final Plat approval to the Development Review Committee (DRC).
2. The building permit plans shall include a lighting plan for the gas canopy. All canopy lights shall be flush with the lower surface of the canopy or recessed to limit light pollution off the site.
3. No more than 60% of on-site landscaping shall be in turf grass. The final landscape plan shall include a note identifying the total area proposed for turf grass.
4. One tree is required in each parking lot planter.

Second: Commissioner McLean

Vote: Unanimous

Item 4. Consideration of a Preliminary Plat application for the Maple Mountain View Plat “D” subdivision consisting of six lots located at approximately 1400 North 1000 East in the RA-2 Zone.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This property is just under 3 acres in size. The applicant is proposing to slightly widen 1000 East street, with lots between $\frac{1}{3}$ - $\frac{1}{2}$ acre in size. It abuts the northern property of the Hobble Creek Elementary School. Staff is confident that 1400 North will continue through in the future. The project complies with the standards of the RA-2 Zone, so Staff would recommend approval of the proposed development with the conditions listed in the Staff Report. Improvements along 1600 North will need to be installed to fix a previously illegal lot split in the area, which the applicant was aware of.

Motion: Commissioner Murray moved to recommend approval to the City Council for the Preliminary Plat application for the Maple Mountain View Plat “D” subdivision consisting of six lots located at approximately 1400 North 1000 East in the RA-2 Zone, with the special conditions listed below:

1. The applicant shall install curb, gutter and sidewalk improvements in front of the existing parcels located at 1020 East and 1050 East 1600 North.
2. The applicant shall comply with all outstanding Development Review Committee (DRC) comments prior to plat recording.

Second: Commissioner Nemelka

Vote: Unanimous

Item 5. Consideration of a Preliminary Plat application for the Fox Hollow subdivision consisting of thirty lots located at approximately 200 North Highway 89 in the General Commercial (GC-1), Residential (R-2-B) and Critical Environmental (CE-1) Zones.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. A portion of the property was rezoned to R-2-B back in December 2018. There is a vacant piece to the south of the property. They are proposing 1 commercial lot, 13 single-family homes, 8 twin homes and 8 townhomes. The commercial and townhome units would need to come back for approval at the time they are requesting to be built. The Holley Subdivision has 2 stub streets that will connect it to this project when the vacant property in the middle is developed. The applicants are proposing 5.5 units per acre, where they would be allowed up to 8 units per acre with the current zoning. Staff recommends approval this evening. A trail in the CE-1 Zone will be required, which is part of the recommended conditions of approval this evening.

Richard Fox wondered if there would be a fence for privacy along his west and south ends property lines abutting this development. Typically, CC&R's would address fencing requirements. Currently they have not put together their CC&R's. The number of single-family lots have increased since the previously proposed concept plan was shown back in 2018. **Linda Holley** owns the property between this project and the Holley Subdivision. She was not aware of the townhomes being shown on the previous proposal. Sean stated that the City has never put a condition in place that would not allow for the Townhomes. It was stated again that the applicant will have to come back for approval when they move forward with the commercial and townhome areas. **Commissioner Nemelka** asked if residential could go above the commercial building, which Sean stated that it could. Parking standards and requirements would need to comply with City standards. **Craig Peay**, the applicant, stated that landscaping and fencing will be addressed in the CC&R's, and would typically be required to be installed within a year. Commissioner Nemelka asked if there were any members of the City Council that had vested interest in this development. Craig Peay stated that there was not, and that this development is being proposed by himself and Tom Carter.

Motion: Commissioner McLean moved to recommend approval to the City Council for the Fox Hollow subdivision consisting of thirty lots located at approximately 200 North Highway 89 in the General Commercial (GC-1), Residential (R-2-B) and Critical Environmental (CE-1) Zones, with the below special conditions:

1. The applicant shall comply with all outstanding Development Review Committee (DRC) comments prior to plat recording.
2. The Final Plat shall include a trail easement across Lots 11 & 12 as conditioned with the rezone approval.
3. Fencing and landscaping be required along the property line abutting Richard Fox's property.

Second: Commissioner Nemelka

Vote: Unanimous

Item 6. Consideration of a request to rezone approximately 10.5 acres of land from the Agricultural Residential (A-2) zone to the Residential Agricultural (RA-2) zone allocated at 875 East 1600 North, and review of a conceptual development plan for the property.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The property is currently zoned A-2. There is an existing single-family dwelling, with 2 accessory buildings, on the site. The applicants are proposing a rezone requesting 23 lots ranging from $\frac{1}{3}$ to over 5 acres in size. The item before the Planning Commission tonight is for the rezone only. The subdivision will have to come back for approval. They are proposing roughly 10 acres to be rezoned to RA-2, leaving approximately 7 acres in the A-2 Zone. The concept plan shows $\frac{1}{2}$ -acre lots buffering the existing ones in the area. Rezone requests should be in line with the General Plan, which is Medium Density Residential in this area. The Planning Commission is a recommending body, so this item will receive its final vote from the City Council. Other developers interested in the property were looking to rezone the entire parcel to RA-2, which could potentially allow for up to 20 more homes on the property. This proposal is significantly less than other possible ones that could come before the Commission.

Jake Lake, the applicant, stated that he serves as a member of the Planning Commission. He has removed himself from voting this evening, avoiding any possible conflict of interest. The whole purpose behind purchasing this property was to protect the land behind their current residence. Their intent is to keep as much of the property in the A-2 Zone as possible but having the current residence in need of great repair, they need to subdivide and sell some lots to offset those costs. **Commissioner Nemelka** asked if there were any commercial considerations that they are thinking about doing on the property. Jake stated that they just closed on the property and are starting to explore their options.

Chairman Garrett opened up the Public Hearing portion of the meeting. **Rick Silva** has looked at the proposal and does not recognize Mapleton in it. When he reads our Vision Statement and General Plan, we should consider the areas along the bench and hillside special. He feels the ridgeline on the property should stay in line with the Vision Statement and open space feel. There are large view lots along this whole area abutting the hillside down into Springville. Mr. Silva feels if approved this development would deter from the feel of Mapleton. There are 4 water sources on this property, and Rick would like to know what considerations are being made in regard to them. There is no protection here to the well in the area. Potential hazards could contaminate this well if stipulations are not put in place. Chairman Garrett stated that this is just a Concept Plan. The City has not had a chance to review in depth the development but will when the subdivision comes forward. **Bill Jones** lives near this development. He wondered if the RA-2 Zone has changed in the last few years. He felt townhomes could be allowed. Sean stated that the R-2 would allow for these, but not the RA-2 Zone. Accessory apartments would be allowed if the property was over $\frac{1}{3}$ acre in size. The RA-2 Zone only allows for single-family dwelling units. **Wendell Gibby** thanked the Planning Commission for the service they provide. He owns a home around the corner of this property that is on nearly 2 acres. He has several concerns about the

proposed development. The east side of town is not developed with sufficient infrastructure for larger developments. Mr. Gibby does not object to development here but does not feel 1/3 acre lots are appropriate. **Kyrt Nay** lives on 740 East, a couple hundred feet from the proposed development. He thanked the Commission for their service. They love the rural feel here and appreciate the open space. The current development they live in was zoned for 1/2 acre lot sizes with 2-acre zoning to the east. He is not sure when the zoning was changed to allow 1/3 acre lots. This proposal blindsided them and affects their quality of life and property values. Mr. Nay feels that this development would take from the reason they built here. They participate in the Community and ask the Planning Commission to respect the current A-2 Zoning. This would help minimize the depreciation of their property. **Dan Aimes** owns the lot across the street. He is friends with the Lake family. He seconds what has been said by Mr. Gibby and Mr. Nay. He does not feel this request fits with the community. He would love to see it developed with 1 to 2-acre lot sizes. **Mike Tank** lives to the east on 1770 North. He recognizes something needs to be done with the property. He feels the lot sizes need to stay larger and disagrees with 1/3 acre zoning. A 1 acre minimum would be preferred. He worries that approving this rezone will open the door to further 1/3 acre zones moving east. **Phillip Peay** owns property by this proposed rezone. Most of the 2 acre lots in the area are not well maintained. He does not plan to develop his property. He does not have any problem with the proposed development, and feels it is a great plan. **Angela Silva** lives just west of the proposed development. In October some of their neighbors were here to speak about the proposed Equestrian Facility in the area. Many of the concerns given then could pertain to this development. She feels it is more of a spot development, instead of infill. There are 134 trees on this property behind their home. They moved to Mapleton because of the feel of the area. They do not believe this proposal shows any benefit to the City. She has heard that the Lake's are great people but ask that the Planning Commission be very careful in giving a benefit to someone who sits on the Commission. **Commissioner McLean** stated that he does not feel that Jake Lake serving on the Planning Commission provides him any benefit in receiving approval this evening. **Carol Morgan** is not a resident in this area. She believes development and changes to zoning are important to consider with a blending aspect in the area the zoning is being proposed. Mrs. Morgan feels this rezone would erode the rural aspect Mapleton residents all cherish so much. **Mary Truscott** lives in this area. She knows the applicants very well. Her concerns have to do with water. She is worried about adequate pressure for water flow, with great concern for fire protection. Mrs. Truscott wonders how this development would affect the water pressure in the area, especially if there were ever to be an emergency. She owns Mapleton Irrigation water shares and wonders how they will continue receiving their water turns. Sean stated that the applicants will be required to maintain access to those utilizing the secondary water. **Aaron Silva** has been in and around politics during his time in High School. He feels there is a trend of politicians and older generations making decisions that do not necessarily address the impact for those down the road. He feels the RA-2 Zoning does not sound like the direction Mapleton wants to go. **Jerry Congdon** lives to the west of this development. He would ask that this large development not be allowed. For the same reason the applicants want to keep the higher density from them, the other owners in the area do not want the smaller lots next to their homes. No further comments were given, and the Public Hearing was closed.

Mrs. Lake grew up on 5+ acres of property in this area. They are very susceptible to fertilizers

entering onto their property from surrounding lots. They are not trying to make a lot of money off this development. There are approximately 38 Strawberry Water Shares on the property that would go to the City as part of the pressurized irrigation system. The ditch on the property has not been maintained by Mapleton Irrigation, so this proposal would be a benefit to those accessing the secondary water system. The Carnesecca Well is surrounded by an easement, so it will be protected. They love Mapleton and are trying to stay true to it as much as they can. Currently there is no proposal for open space or a park area. They would entertain a stop sign with bright crosswalks for safety of the children walking down 1600 North. The Lake's feel they are making some huge exceptions, and this development is not there to pad anyone's pocket book. The site is 17 acres, so potentially there could be 51 lots on this site. The overall density is less than 2 units per acre. The frontage along these lots would actually be larger than those in the development to the west. The RA-2 Zone would not continue east of this property based off the current General Plan designation. This parcel is the last of the 1/3 acre density area heading east. **Commissioner McLean** stated that developers are required to put in the improvements, so they are the ones taking on the financial burden. **Commissioner Murray** stated that he lives on a 1/3 acre and takes offense to the comment that this is not the feel of Mapleton. **Chairman Garrett's** overall feeling is that if a zone change is to take place it needs to be for the greater good of the City. He finds this one a little tough. He can see that the Lake's are trying to minimize the number of lots they could request based off the General Plan. The recommendation that the current A-2 zone stay intact and be put back to Rural Residential on the General Plan map could be part of the recommendation this evening. The applicants are happy to meet with any of the surrounding residents to discuss their concerns and suggestions. The current home on the property is in dire need of repair. Chairman Garrett went over some of the benefits to the City when properties are developed; infrastructure, impact fees, tax base, and land repurposing were all listed. These are all possible benefits to the City based on perspective. Commissioner McLean feels the developer has a right to request a rezone and would be in favor of the request this evening. Commissioner Murray's only concern was taking away the possibility to require Transferable Development Rights (TDR's), but felt it was a good proposal.

Motion: Commissioner McLean moved to recommend approval to the City Council for a rezone approximately 10.5 acres of land from the Agricultural Residential (A-2) zone to the Residential Agricultural (RA-2) zone allocated at 875 East 1600 North, and review of a conceptual development plan for the property, with the request that the subdivision stay consistent to the proposed concept plan and that the land currently zoned A-2 be listed as Rural Residential on the General Plan map.

Second: Commissioner Murray

Vote: 3:1:0 with Commissioners McLean, Nemelka and Murray voting aye and Chairman Garrett voting nay for the reasoning that he feels that the A-2 zoning should not be changed in this particular area, that the use of Transferable Development Rights (TDR's) over zone changes is what the General Plan strongly encourages, and the use of TDR's to get the lots down to 1-acre would provide a better overall blend of density to the east.

Item 7. Adjourn.

April Houser, Executive Secretary

Date