

Planning Commission Staff Report

September 12, 2019

Item 3

Applicant: Ridleys Family
Market, Johnston
Developments

Location: SW corner of
1600 S Hwy 89

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Y

Zone: A-2, GC-1, NC-1

Attachments:

1. Application information.
2. Correspondence.

REQUEST

Consideration of an amendment to the General Plan from Shopping Center Commercial (SCC) and Rural Residential (RR) to Shopping Center Commercial (SCC) and High Density Residential (HDR), and an amendment to the zoning from General Commercial (GC-1), Neighborhood Commercial (NC-1) and Agricultural Residential (A-2) to GC-1 and Residential (R-2-B) with a TDR-R Overlay for 18.5 acres located at approximately 1600 S and 1600 W, and review of a concept plan that includes a grocery store and a residential development with single-family detached and twin home lots.

BACKGROUND AND PROJECT DESCRIPTION

The subject property is approximately 18.5 acres in size, has frontage on both 1600 South and Highway 89 and is currently undeveloped. The general plan designates the eastern 7 acres as Shopping Center Commercial (SCC) and the western 11.5 acres as Rural Residential (RR). The zoning of the property from east to west includes 4.3 acres of GC-1, 3.7 acres of NC-1, 5.2 acres of A-2 and 5.3 acres of A-2 with a TDR-R.

On July 17, 2019 the City received an application for a rezone for this property. The concept plan included a grocery store and other commercial uses on 7 acres and a residential subdivision on 11.5 acres with 21 single family detached lots and 68 town homes. Upon receiving notice of the request, many of the neighboring residents expressed concern with the proposal, particularly the town homes. A neighborhood meeting was held that was also attended by the mayor, city staff and the applicant. The applicant agreed to make changes to the concept plan to address some of the concerns of the neighbors.

The applicant is now requesting approval of the following:

- Maintain the general plan designation of SCC for 7 acres;
- A general plan amendment from RR to HDR for 11.5 acres;
- A zoning designation of GC-1 for 7 acres;
- A zoning designation of R-2-B with a TDR-R for 11.5 acres; and
- Review of a concept plan to include a grocery store and other commercial pads in the GC-1 zone and a residential subdivision consisting of 31 single family detached lots and 9 twin homes (18 units) in the R-2-B zone.

EVALUATION

General plan amendments and rezone requests are considered legislative actions. The Planning Commission and City Council generally have broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community, and is supported by city ordinances and policies.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing amendment requests:

- 1. Public purpose for the amendment in question.*
- 2. Confirmation that the public purpose is best served by the amendment in question.*
- 3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
- 4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
- 5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*
- 6. Adverse impacts on adjacent landowners.*
- 7. Verification of correctness in the original zoning or general plan for the area in question.*
- 8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

Concept Plan: MCC Chapter 18.12.010 requires the applicant to submit a concept plan with the rezone application. The purpose of the concept plan is to provide a general vision for how the applicant intends to develop the property. The Commission isn't approving or denying the concept plan at this time, but it can provide direction and/or conditions with the rezone approval related to development of the property.

General Plan: The general plan land use map is meant to demonstrate the City's long-term vision for how properties may develop over time. When a request for a rezone is submitted, the general plan is intended to help determine whether the request is consistent with the long-term vision for development in a particular area. When a rezone request is not consistent with the general plan, the Planning Commission and City Council must determine if the general plan still accurately reflects the desired development pattern for the area. If it does, the rezone request should be denied, but if it does not, the general plan should be amended as part of the rezone approval.

The current general plan designations of the site include a mix of shopping center commercial (SCC) and rural residential (RR). The proposed commercial uses are consistent with the intent of the SCC

designation of the general plan. The corner of 1600 South and Highway 89 is identified as a key location for commercial development. Staff notes that in the 2015 MyMapleton community survey, 73% of respondents indicated that a grocery store would be beneficial to the City. Staff fully supports commercial use at this location, particularly a grocery store.

The proposed rezone request from A-2 to R-2-B is not consistent with the general plan designation of RR. If the Commission determines that the RR designation is still valid and that the residential portion of the project should develop with two acre lots, or one acre lots with TDRs, the rezone request should be denied.

Staff notes that high intensity shopping center uses, such as a grocery store, typically are not sited next to rural residential areas. The site is also adjacent to Highway 89, an arterial road, and 1600 South, a collector road, both of which are managed by UDOT. The 70+ acres of property to the north has general plan designations of SSC and HDR. Based on these factors, it is staff's position that the RR designation is not appropriate for this site.

In most areas in the City, the LDR designation transitions to the Medium Density Residential (MDR) designation, and then to commercial and/or high-density areas. The applicant's proposal would bypass the MDR designation and go directly to the HDR designation. Staff would prefer that the subject site be designated MDR.

Zoning: The applicant is proposing that the commercial portion of the project be located in the GC-1 zone. It is unclear why the commercial area is currently split between two separate zones, but staff is supportive of the GC-1 zone for all of the commercial area of the project. The GC-1 zone allows for a wide range of commercial uses, including shopping centers and grocery stores. All new commercial development would be subject to the City's commercial design standards.

The applicant is requesting to rezone the western 11.5 acres to the R-2-B zone with a TDR overlay for the portion of the residential area that doesn't already have the TDR overlay. The R-2-B zone is intended for properties west of Highway 89 as an area appropriate for smaller single-family lots, twin homes and town homes. The maximum density in the R-2-B zone is eight units per acre. The proposed concept plan includes 49 units and is just over 4 units per acre with no town homes.

As mentioned previously, staff does not believe the site is ideal for a development with one or two acre lots, which is what would be allowed under the current zoning. However, staff is also not supportive of a designation of HDR on this site. Staff recommends a general plan amendment to MDR and zoning change to RA-2, which would be more consistent with the pattern already established in the general plan in many other areas. A rezone to RA-2 would still allow at least three times the density the current zone would allow.

Staff notes that one of the reasons that applicant is proposing twin homes is because Ridleys has indicated that it strongly prefers having higher density lots rather single family detached lots adjacent to its site. They have stated that in other store locations that abut single-family detached lots, they tend to receive more complaints regarding their commercial operations. Staff believes the landscaping and fencing requirements in the commercial design standards will help mitigate conflicts.

However, if the Commission is concerned with having 1/3 acre lots adjacent to the commercial areas, it could still consider the applicants proposal, or some alternative to it that would allow for higher density adjacent to the commercial area.

STAFF RECCOMENDATION

Recommend maintaining the general plan designation of SCC and approving the GC-1 zone for the eastern 7 acres and approving a general plan designation of MDR and zoning designation of RA-2 for the western 11.5 acre with special conditions to the City Council.

SPECIAL CONDITIONS

1. The preliminary plat application for the western 11.5 acres shall be consistent with the requirements of the RA-2 zone.
2. A six-foot tall site obscuring fence or wall shall be constructed along the south and west boundaries of the project as a buffer for the existing subdivisions.
3. The right-of-way along 1600 South shall include a planter strip at least six feet wide and an eight-foot wide asphalt trail along the entire frontage. A six-foot tall site obscuring fence or wall along the 1600 South frontage of the residential portion of the project shall also be required.

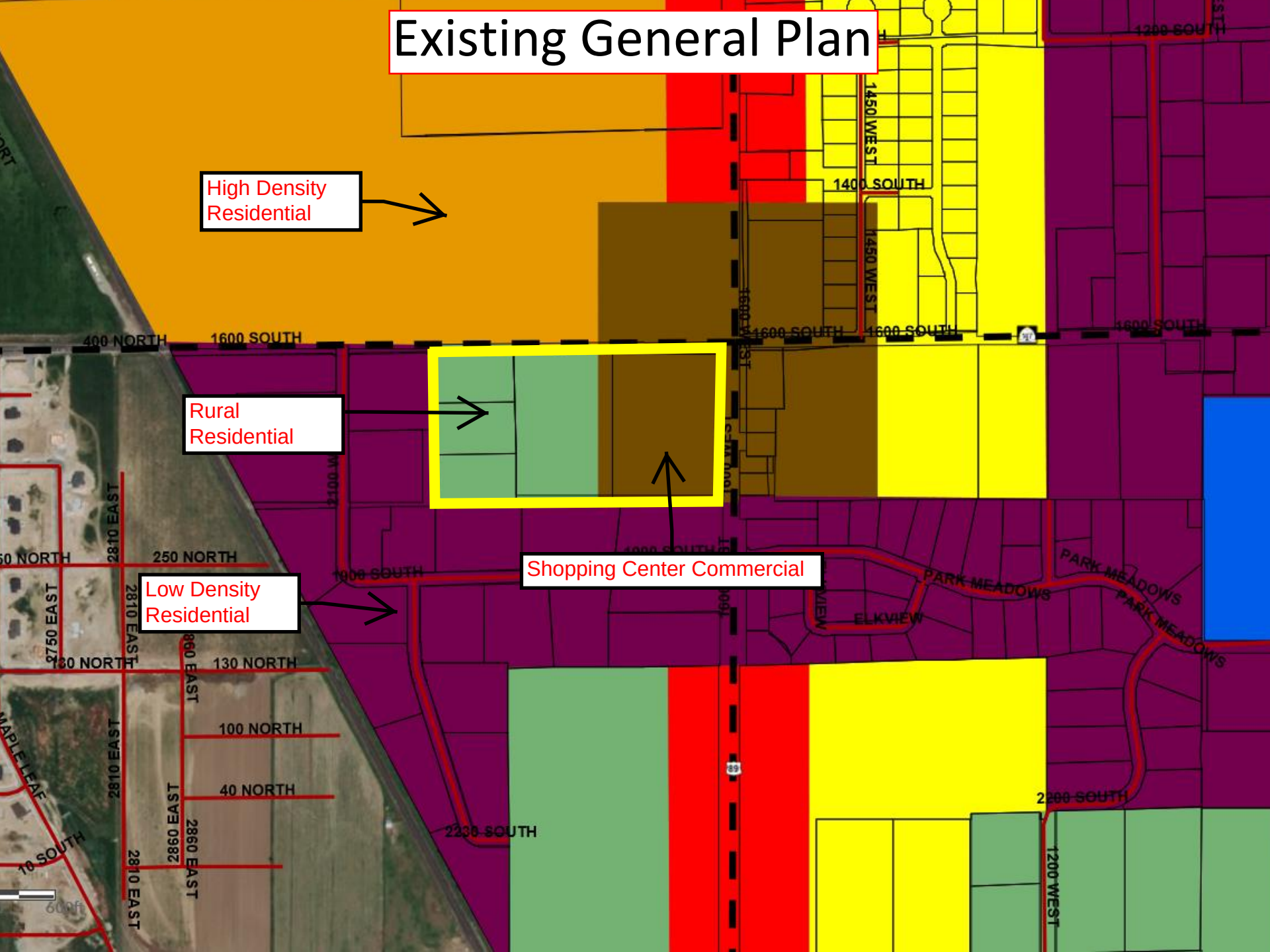
Existing General Plan

High Density
Residential

Rural
Residential

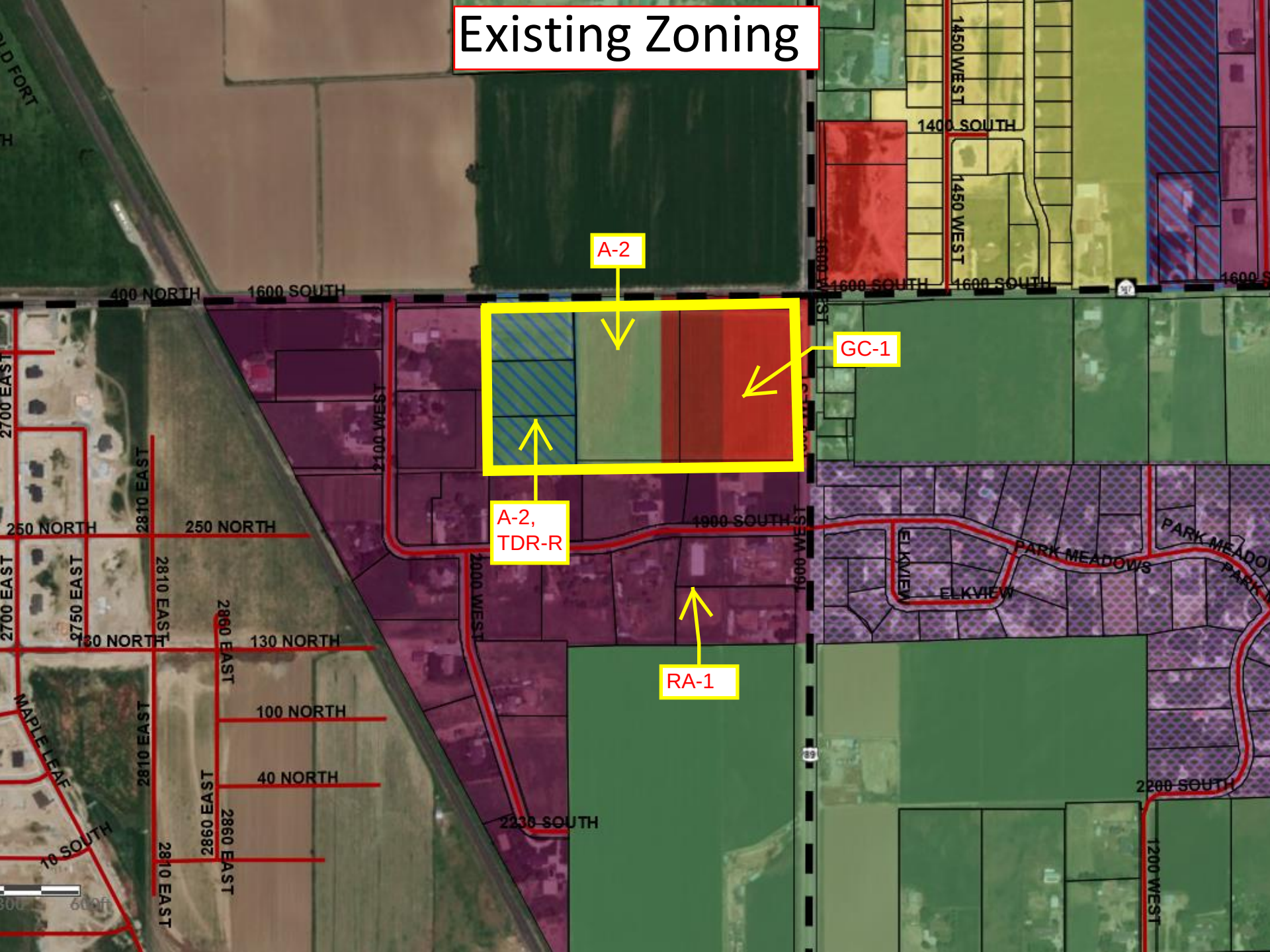
Low Density
Residential

Shopping Center Commercial



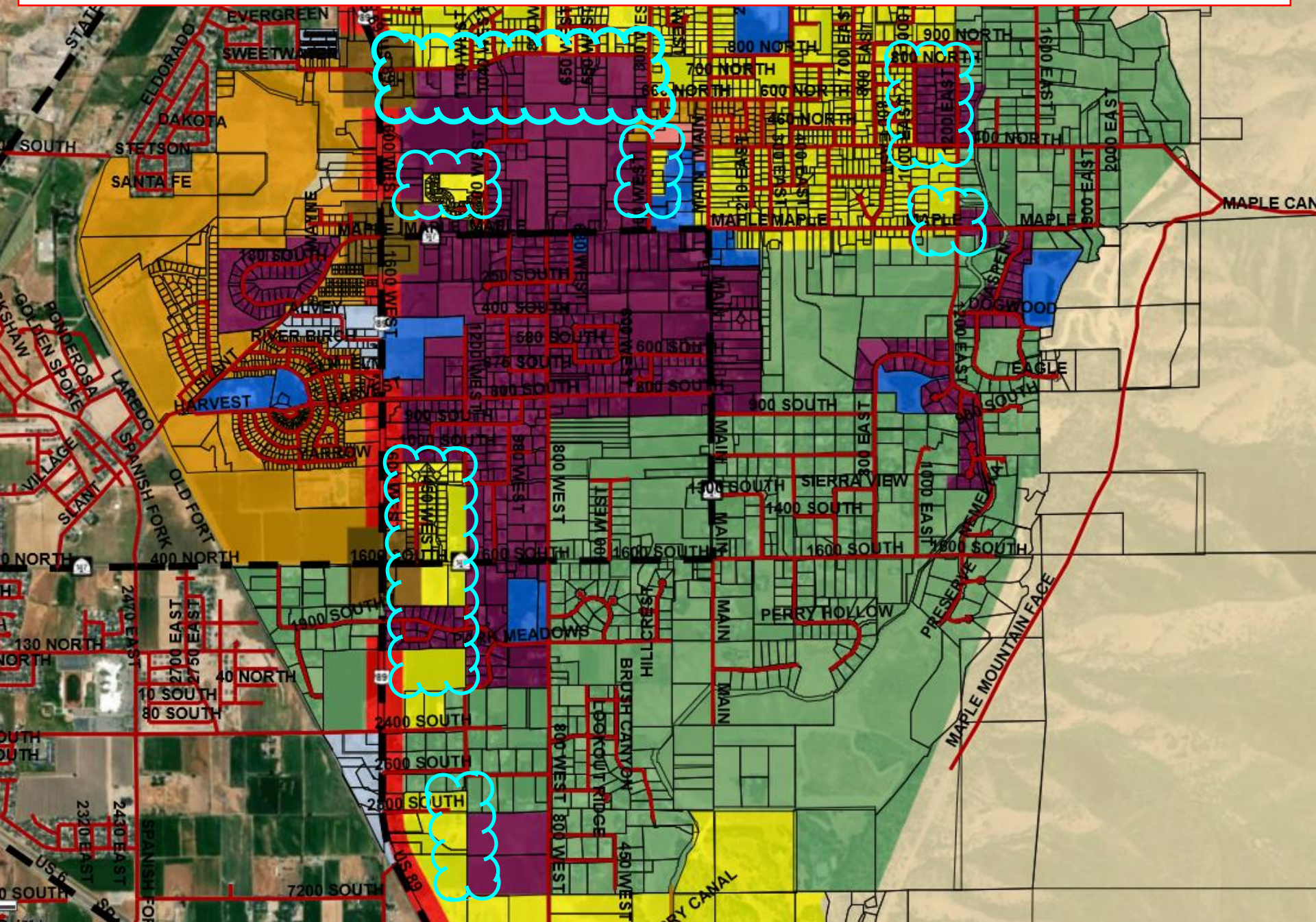
[illegible]

Existing Zoning



[illegible]

General Plan - Showing transitions from LDR to MDR



Sean,

We submitted an initial concept plan to the City for 93 units under an R-2(b) zone, located on an 11.53 acre parcel and a neighborhood grocery market with 2 commercial pads out front on 7 acres. We sat down with the City to address any initial concerns before initiating the rezone application.

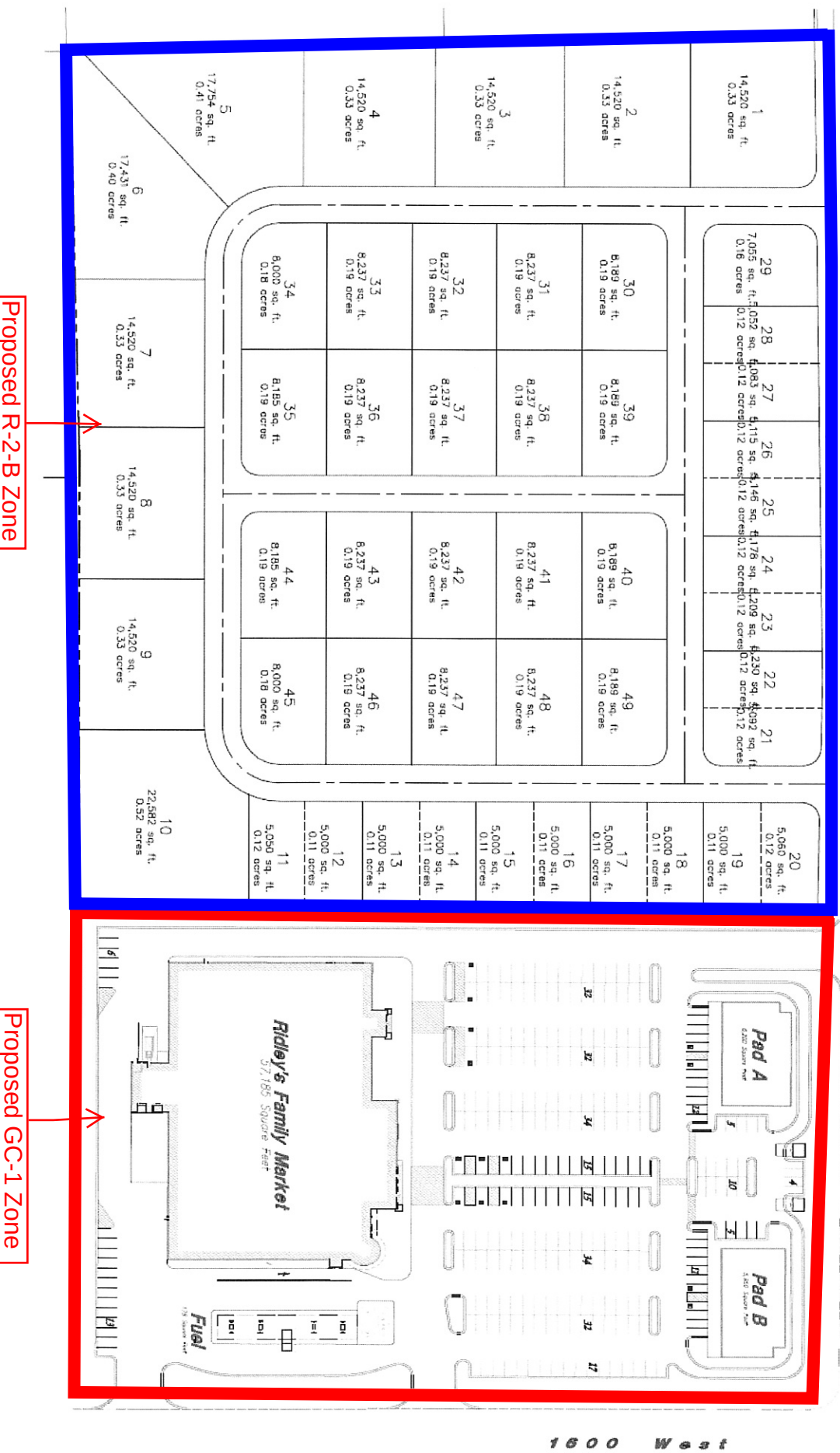
Per Utah code, residents in the area were advised by the City of a zoning request to accommodate the planned change. Subsequently, a neighborhood meeting was held. We were invited as the developer as was City management. Concerns were raised about the number of town homes, traffic, the size of lots, possible decreasing home values, noise from a park, and the total number of units. Most residents in attendance stated they were not opposed to the store. Some residents whose properties abutted the proposed market voiced concern about the store, but acknowledged pre-existing zoning that would accommodate the commercial uses. In the meeting, a neighbor suggested and the City supported the idea that representatives from the neighborhood should be assigned to talk to us about possible modifications to the current plans to address neighbor concerns. A total of 6 neighbors (3 couples) agreed to take the lead to communicate with the us.

We have reached out to all neighbors assigned to talk to us. One of the 3 couples has not yet been able to meet with the us, although we have left phone messages and hope to meet with them soon. We have also met with other neighbors who have had specific questions or concerns. In the meetings, 2 options were discussed. Option 1 - a 70 lot subdivision with half the number of originally planned town homes units and larger lots. (This version can be sent to you if helpful?). This option maintained the large 2 acre park and HOA maintained amenities and high development standards to be enforced on all units. We believed that this approach would maintain significant open space and a pristine level of appearance long term. The neighbors were not receptive to this approach as they felt town homes were not a good fit for the neighborhood, the park would invite noise, and rental properties might result from the town homes which they viewed as harmful to home values. Option 2 - 45 total units with 9 twin homes(18 individual units) and the balance in lots ranging from .5 acres to .2+ acres. Larger lots were planned to abut existing homes in the neighborhood(.33 as the smallest and .5 the largest) were highlighted as well as higher twin home values versus town homes. The location of the twin homes would be strictly limited to be only against commercial and across the street from future planned high density. Option 2 was preferred by the neighbors and positive feedback obtained to move forward with the project. The sole residents that would abut the store have now acknowledged that the store is an appropriate use for the commercial property. They have asked for some concessions in fencing and keeping the commercial location clean, which we see as reasonable requests.

Our request is for 7 acres of commercial and 11.5 acres residential zoned for 4 units per acre per Option 2. Option 2 represents a plan that acknowledges the unique character and circumstances of this property. We are excited to present a wonderful addition to our community in Ridley's Market, which will be the largest single taxpayer in Mapleton to date. The commercial property will also have two commercial pads that will hold other meaningful commercial businesses. We believe the total annual revenue of the commercial property in sales tax alone will exceed \$300,000 per year. Property taxes will bring additional revenues to the City. The residential property is bordered by a 1 acre zone on the west and south sides, a retail market and commercial pads on the east side, and future high density (up to 8 units per acre or more under a PUD) on the north side across a high-use state road. We feel that what has been presented represents a compromise and a land use that will significantly benefit the community.

Sincerely,
Ryan Johnston

*Please note, this is just a concept plan. If the rezoning gets approved, the final plans will come back for further review.
Twin home lots are shown with dashed lines are are listed as lots 11-20 and 21-28.



Sean Conroy

From: Jeanee Stewart
Sent: Thursday, September 05, 2019 5:49 PM
To: Sean Conroy
Subject: 1600 S and Highway 89

Mr. Conroy,

I want you to know that I am against the rezoning of the property behind my home. I think it is wrong for these developers to come in and be able to do whatever they want. Mr. Johnston and Mr. Reid bought the land zoned at 2+ acre. I do not think the new plan they have presented is right. Please consider the property owners rights that live in the area.

We have bees, horses, cows, and chickens etc. We feel that our rights to have those may be taken away when someone complains. We also feel that our property values will go down with high density housing. We have found much research to prove it is true. We moved here for a country like feel knowing that the property in question was zoned the same as our homes.

Many of us also feel that the city planning commission and city council members are using these offices to their advantage and we feel that this is not right.

Jeanee Stewart

Sean Conroy

From: Simon Greathead
Sent: Friday, September 06, 2019 4:10 PM
To: Sean Conroy; Mayor
Cc: Jeanee Stewart; Simon Greathead;
Subject: Ridley's Project - Simon Greathead

Hi Sean/Mayor Hakes,

In preparation for the Planning Commission meeting on September 12th I wanted to air my concerns in a thoughtful, hopefully balanced email regarding the Ridley's zoning issue.

Point 1 – Lets Learn from History. The current zoning of the land, from what I understand, is commercial and residential (2 acre lots). I believe when this zoning decision was made, it was done so to rightly take advantage of the commercial property on the corner of the highway and 1600 S., whilst at the same time protecting the rural nature of the 2 acre lots for neighbors who had bought in immediate vicinity. I trust those bordering the Ridley's project bought their homes in the locations they did to enjoy the benefits of a rural lifestyle (animal rights, quiet neighbors, quiet roads etc.) I believe our predecessors were correct and intentional in their zoning decision, and any change should be an improvement if one is to be made at all. I do not believe the current Ridley's proposal aligns with what the original drafters believed was in the best interest of Mapletonians. Our predecessors were right, we should uphold their decision, commercial and residential (2 acre lots) OR close to.

Point 2 – Good Faith. The lots purchased and built on to the south and west of the Ridley's Project done so over the past several decades have been done in good faith, by families who anticipated the Ridley's land to be developed "as was" zoned (commercial and 2 acre residential). By rezoning to a new higher density zone tells the communities of Mapleton that you can buy land, but the city will rezone on your border at will. I suggest this type of approach to zoning in our city is not good practice, should be avoided, and causes distrust between residents and city officials.

Point 3 – Livelihoods. The research is somewhat spotty at best on this issue, but I disagree with the developer's comments at the neighborhood meeting on this issue that he had confidence that house prices would not be negatively impacted. My take is that surrounding house prices of those with 2 acres will be depressed if they border high density housing (busier, increased crime, noisier etc.). I can only imagine how some of my neighbors are feeling, their financial futures tied up in their homes being threatened. To some, this could have a significantly negative impact on their futures. I will not hang the financial futures of my neighbors at the door of the developers pockets, that price is just too high.

Point 4 – Erosion of Safe and Secure Neighborhoods. I am in support of a grocery store and commercial property development as prescribed in the current zoning for the land, but I am against high density housing as submitted by the developer for the reasons of over-parking, increased crime and the transient nature of smaller homes. I believe the average home in the neighborhood surrounding the property has been lived in approximately 8-10 years. These types homes bring stability to our neighborhoods, the Ridley's proposal would bring increased instability and increased crime. There is no doubt that the purchasing, selling, renting and leasing of smaller homes under the high density proposal will bring about further crime, family and neighbor disturbance, and other negative impacts of a more transient lifestyle. This is a serious issue for most of us in Mapleton who value quiet, crime free neighborhoods.

Point 5 – Think on the Animals. Mapletonian's love their animals and animal rights. Most rural communities with livestock, animals, etc. are significantly better off in quieter rural communities with lower noise pollution, human interactions, and air pollution. I suggest animals do better in a lower density setting than high density settings. If there were to be a re-zoning, this may begin eroding animal rights across Mapleton properties as we see an increase in animal

conflicts (noise, smell, negative interactions etc.) between low density animal owners and their high density neighbors. This would not bode well for most Mapletonian's.

Point 6 – We Lost a Seat at the Table. A Voice for the People. We must be careful not to set a negative precedent for our future leaders. This issue of high density housing not wanted close to rural neighborhoods in Mapleton is the second such incident in our recent history. Change is inevitable, we get it, but we ask that it be done so with caution, given the possibility of significant negative impacts, some unknown. Having weighed this issue, the developer knew full well the current zoning on the land but seemingly did not comprehend the negativity associated with his high density proposal from neighbors. This is simply poor due diligence. Unfortunately, I believe the neighborhoods around the Ridley property have felt under significant pressure to defend their rights. This leads me to my final issue, sadly this is not a zero sum game, we the people have lost a seat at the table...because that seat is filled by the developer. I am very concerned that although the developer is not voting, his vote is lost, his voice is lost on behalf of the people. I believe the Mapleton Planning Department and City Council would do well to vote in support of the voice of the people, no high density for the Ridley's project, rational and reasonable commercial and residential zoning and rezoning based on what is best for most people.

Sean/Dallas, I hope I was not too long winded. I believe strongly that the current plan is still insufficient to retain the good will of neighbors and what is best for Mapleton and its residents. I look forward to seeing you on the 12th, and most especially thanks for keeping me in the loop. Very much appreciated.

Mapleton is a fantastic city, keep up the great work.

BW

Simon Greathead

Simon P. Greathead
Associate Professor of International Business & Supply Chain Management
TNRB 670
Marriott School of Business
Brigham Young University
Provo, UT

Sean Conroy

From: Roxanne Underwood
Sent: Saturday, September 07, 2019 10:27 AM
To: Sean Conroy
Subject: Property at 1600 S and Hwy 89

Sean,

I am writing to express concern about the present proposal at 1600 S and Hwy 89. Those of us who live in the neighborhood adjacent to this 18 acre property are deeply concerned about the proposal to change it to High Density Housing. We moved here for a rural feel, to have animal rights and plenty of room. Moving in high density-housing, regardless of what the proposal looks like goes against what has been here for many years.

We have horses, cows, chickens, goats, and bees in this area, and demand to keep the animal rights as has been here for some time. Any type of development that is higher density than what we are right now puts those rights at risk. We wish to keep Mapleton rural.

High density also brings with it an increase in crime, high traffic, noise, etc.

High density will also decrease the current home values of those in the surrounding areas.

This is NOT what our neighborhood is about. This is not what our community is about.

We are deeply opposed to change the zoning to high density, we will voice our concerns until we are heard.

Sincerely,
Roxanne Shumway