

Planning Commission Staff Report

June 25, 2020

Item 3

Applicant: Dave Simpson

Location: Approx. 800 N
800 W

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Y

Zone: A-2

Attachments:

1. Application information.
2. Excerpts from the General Plan.

REQUEST

Consideration of an application to rezone approximately 55 acres located at approximately 800 North and 800 West from Agricultural-Residential (A-2) to Planned Residential Community (PRC-7) including zoning text with a Transferable Development Right Overlay (TDR-R) and the review of a development concept plan for the property.

BACKGROUND AND PROJECT DESCRIPTION

The project site consists of 10 separate parcels totaling approximately 55 acres. The site has frontage on 800 North and abuts stub streets at 400 North, 550 West and 420 West. There is one existing residence located at the northeast corner of the site on 800 North. The property is zoned Agricultural-Residential (A-2) and has been used primarily for agricultural purposes. There are two sets of power lines that run from northwest to southeast through the property.

The Walter Farms subdivision is located to the northeast of the site and consists of primarily ½ acre lots with a few one acre lots. The Stonebridge and Sierra Vista Estates subdivisions are located across the street to the north and consist primarily of 1/3 acre lots or slightly larger. The Maple Valley Estates, Mapleton Fields and the Bluth subdivisions are located to the south and west and consist primarily of one acre lots. The lots to the east are not part of a formal subdivision but range in size from ½ an acre to over five acres.

The applicant is requesting approval of the following:

- Rezone the property to PRC-7 with a TDR-Receiving Site Overlay;
- Review of a concept plan that includes approximately 70 lots ranging in size from just over 1/3 of an acre to just under one acre, and a 12.4 acre land dedication to the City.

The Planning Commission is advisory to the City Council on this application. If the rezone application is ultimately approved by the City Council, the applicant would then need to submit a preliminary subdivision plat application that would include a more detailed subdivision plan for the Commission and Council's review.

EVALUATION

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.*

General Plan: The Future Land Use Map of the Land Use Element of the General Plan designates this site as Low Density Residential (LDR). The General Plan states the following regarding the LDR designation:

"The Low Density land use category is maintained in established locations, permitting single-family residential development on lots between one to two acres in extent. Half acre lots are allowed with the use of TDRs. Smaller lots may also be proposed as part of a conservation subdivision provided the overall densities are not increased."

The Future Land Use Map also identifies specific larger vacant parcels, including the subject property, as appropriate for conservation subdivisions. This designation is intended to "...encourage or require development to be clustered onto a portion of the site. The remaining property is preserved as open space through a conservation easement."

Goal 3 of the Land Use Element indicates that land uses should be compatible and/or utilize adequate buffers to enhance compatibility with adjacent land uses. Goal 8 of the Land Use Element encourages the protection of agricultural land. Goal 9 of the Land Use Element encourages the continued implementation of the City's TDR program. Finally, Map 3-3 of the Parks and Recreation Element identifies this project site as a potential location for a future City park.

As the Commission reviews the rezone request and the proposed concept plan, it should determine whether the application is consistent with the goals and policies cited above.

Zoning: The applicant is requesting approval of a PRC-7 zone. Mapleton City Code (MCC) section 18.82.010 states the following regarding the purpose of the PRC zone:

“The purpose of the planned residential community zone is to encourage imaginative and efficient utilization of land, develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units. These provisions are intended to create more attractive and desirable environments within the residential areas of Mapleton City.”

The flexibility that a PRC zone can provide makes it an appropriate tool to implement a conservation subdivision. The zoning standards (height, setbacks, lot size, density, etc.) for each PRC project is written specifically for that development. The density allowance is based on the land use category of the General Plan, which in this case is LDR. MCC section 18.76.040.B indicates that PRC zones are eligible to become TDR receiving sites. Therefore, the base density would be one unit per acre and the maximum density with the use of TDR's would be two units per acre after subtracting out the right-of-way dedications. Assuming about six acres of the property will be dedicated as rights-of-way, the base density would be approximately 49 lots and the maximum density would be approximately 98 lots. The applicant is proposing 70 lots, which would require approximately 21 TDRs (proposed density – base density).

Since the preliminary subdivision plans will be needed to determine the final amount of right-of-way dedication that will be required in order to determine the actual base density and TDR requirement, staff recommends that the zoning text for the PRC-7 zone be reviewed at the time of subdivision approval.

Concept Plan: The proposed concept plan is an example of a conservation subdivision. Rather than develop the whole site with one acre lots or ½ acre lots with TDRs, the concept plan clusters the lots to the south and east and leaves the western 12.4 acres as open space to be dedicated to the City. For the most part, existing lots on adjacent properties will have similar sized lots or dedicated open space on their border consistent with the general plan goal of having adequate buffers and transitions. The lots abutting the Walter Farms subdivision are compatible in size with what is found in that development, with the possible exception of lots 18 and 19. Staff recommends that one of these lots be eliminated and added somewhere on the interior of the proposed development.

Lots 47-50 are ½ an acre in size and abut an existing 5.5 acre lot, which is zoned RA-1 and Central Commercial (CC-1). ½ acre lots are consistent with what could be expected if the adjacent 5.5 acre parcel were further developed. However, staff recommends that one of these lots be eliminated and added somewhere on the interior of the proposed development. Staff also recommends that the stand of mature trees that runs along the border of these lots be retained.

Lots 54-56 are under ½ an acre in size and abut three one-acre parcels that have not yet been platted and are currently vacant. Staff recommends that one of these lots be eliminated and added somewhere on the interior of the development as well.

The applicant is proposing to dedicate the 12.4 acres of open space to the City. The City intends on leasing the property for agricultural purposes consistent with the goal of maintaining the rural feel of the community. In the future, as needs change and funding becomes available, the City may convert at least some of the open space area to a neighborhood scale park to fill service gaps in the parks system as identified in the Parks and Recreation Element of the General Plan.

Transportation and Circulation: The project site is located on three important transportation corridors. 800 North runs along the northern boundary, 400 North is stubbed to the western boundary and the future 800 West alignment will run north and south through the property. There are also two stub roads (420 W and 550 W) from the Walter Farms subdivision to the north that abut the property. The concept plan includes improvements along 800 North and connections and extensions of the other existing stub streets.

RECOMMENDATION

Recommend approval of the rezone request to PRC-7 with the following findings and conditions:

Findings:

1. This application is consistent with the Low Density and Conservation Subdivision designations of the Future Land Use Map of the General Plan.
2. The proposed conservation subdivision concept plan including the 12.4 acre open space dedication, as conditioned, is consistent with the Land Use Element goals to preserve and enhance Mapleton's rural atmosphere, to protect agricultural land, to provide adequate transitions to existing development and to continue to implement the TDR program.
3. The proposed conservation subdivision will allow the City to acquire open space that could potentially be used, at least in part, as a future city park as recommended in the Parks and Recreation Element of the General Plan.
4. The request is consistent with the intent of the PRC zone and the TDR ordinance.

Conditions:

1. The subdivision application that is submitted shall be generally consistent with the concept plan as presented to the City.
2. The PRC-7 zoning text shall be approved in conjunction with the preliminary subdivision plat and shall identify the maximum density and the total number of TDRs required.
3. Upon recordation of the first plat, the applicant shall dedicate the 12.4 acre open space parcel to Mapleton City.
4. The applicant shall install all necessary irrigation improvements to ensure that the open space parcel can continue to be used for agricultural purposes.
5. One lot should be eliminated from lots 18-19, 47-50 and 54 to 56 allowing for larger lots as a transition to existing lots on adjacent developments. The three lots that are eliminated may be added somewhere on the interior of the proposed development.
6. The subdivision plans shall retain the stand of mature trees along the eastern border of lots 47-50.

Attachment "1"

Application Information

Sierra Vista Estates

Stonebridge

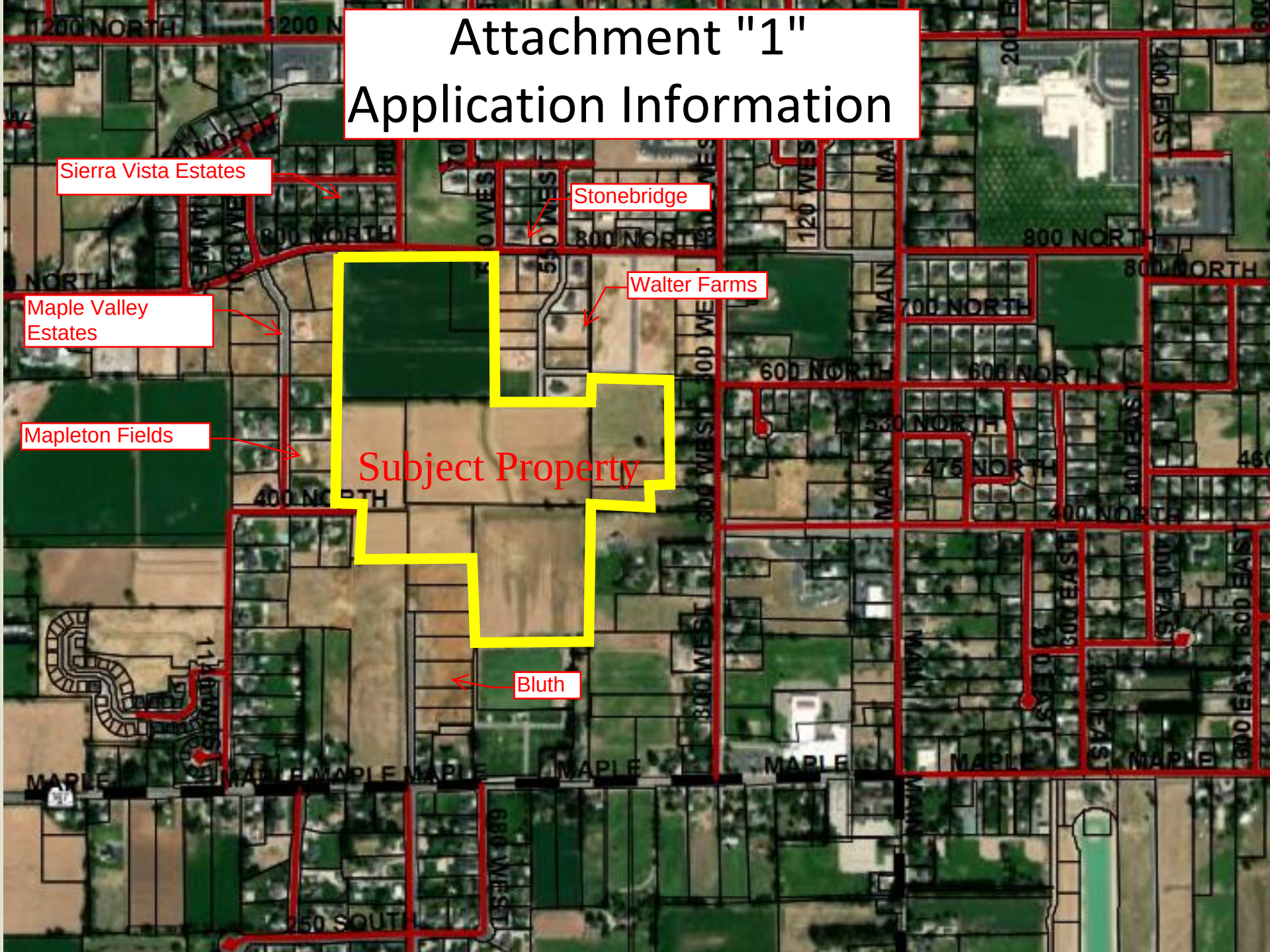
Walter Farms

Maple Valley
Estates

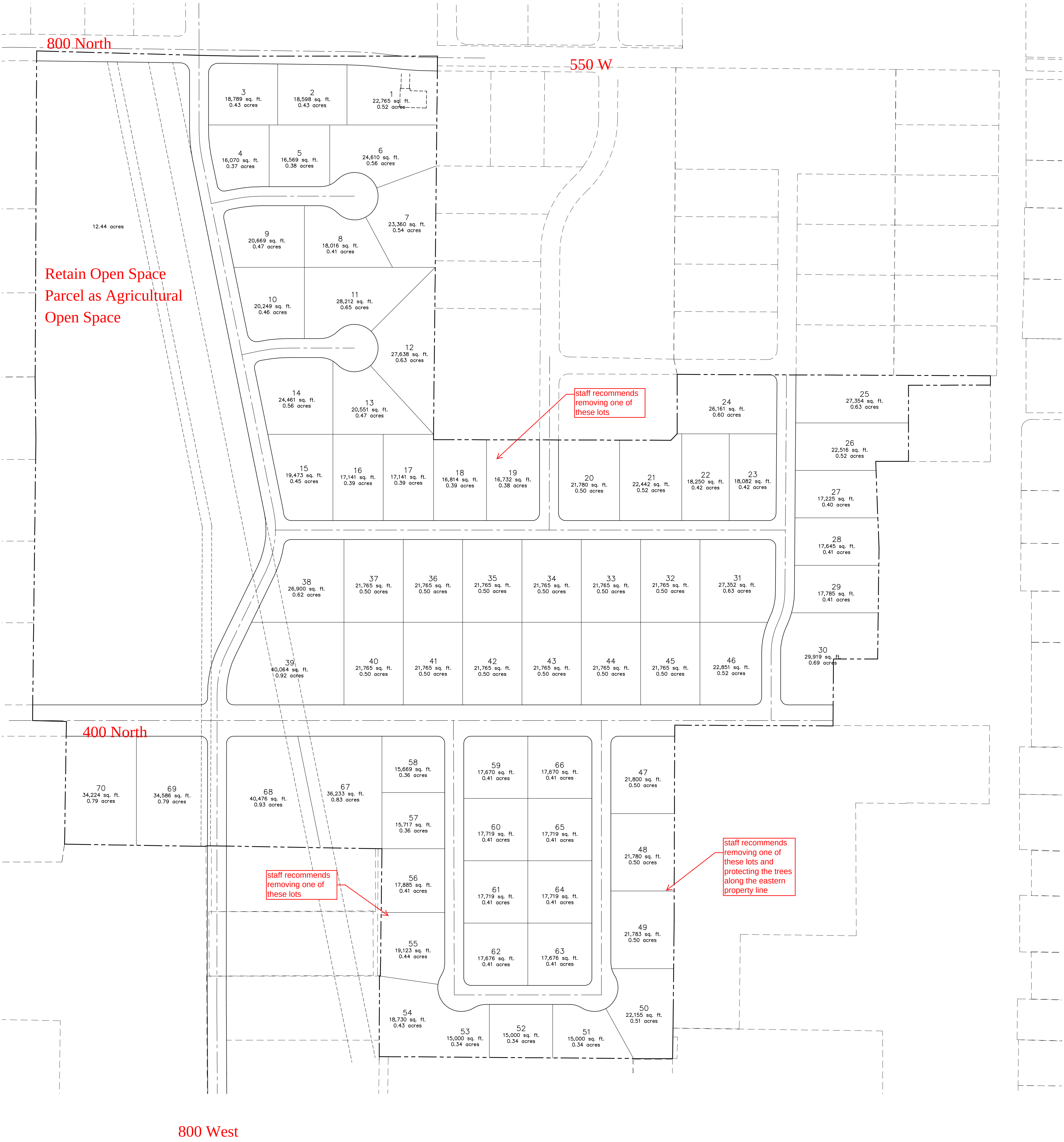
Mapleton Fields

Subject Property

Bluth



Proposed Concept Plan



Open Space Parcel - Looking Southeast from 800 N

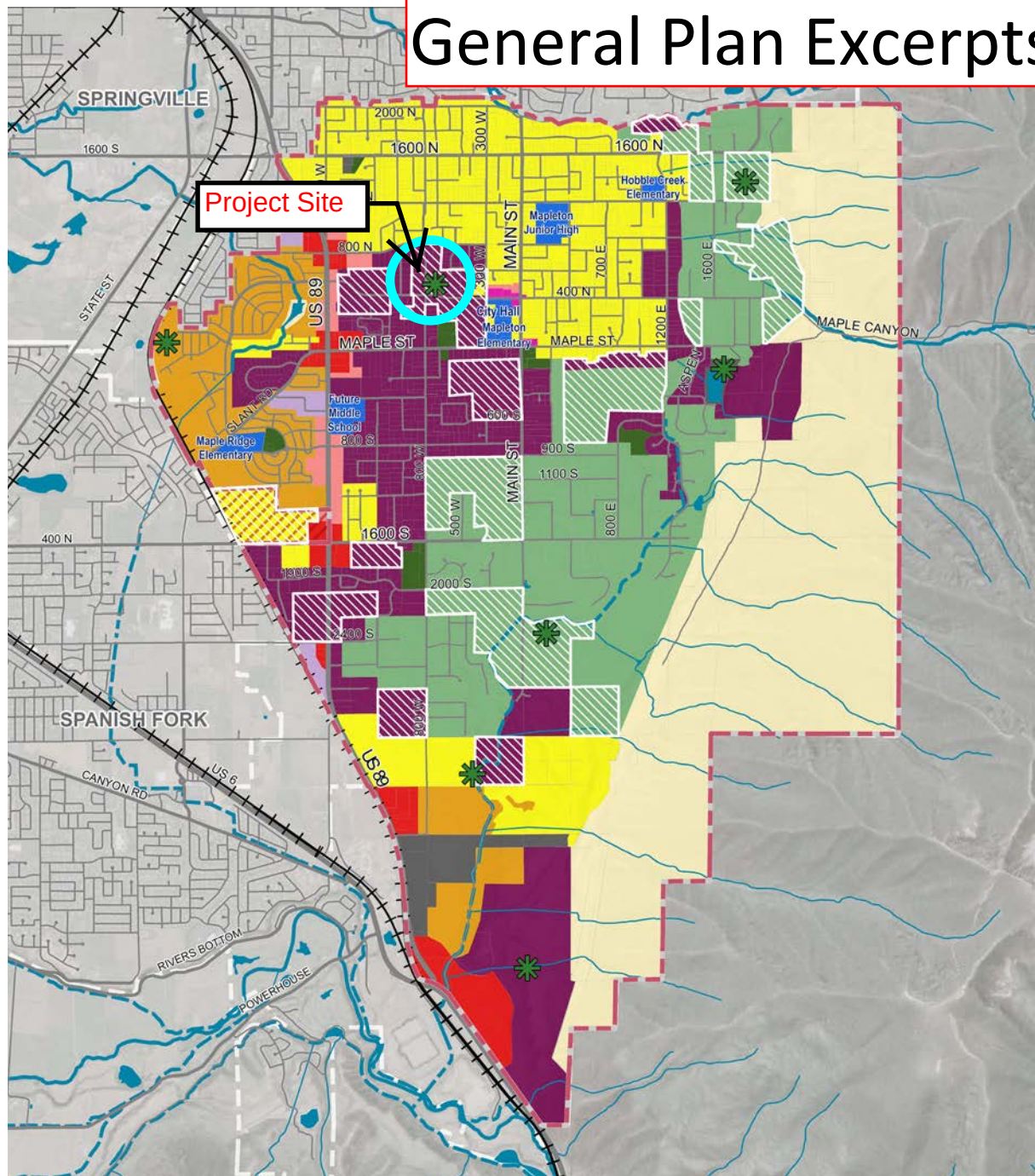


Attachment "2"

General Plan Excerpts

Mapleton City General Plan Update 2020

Map 2-6: Future Land Use Map



- Rural Residential (2+ acre lots or 1+ acre lots with TDRs)
- Low Density Residential (1+ acre lots or 1/2+ acre lots with TDRs)
- Medium Density Residential (1/3+ acre lots)
- High Density Residential (1/4+ acre lots or smaller with TDRs)
- Commercial
- Flex Use
- Town Center
- Industrial & Manufacturing
- Public Facilities
- Public Utilities
- Parks
- ✱ Proposed/Approved Parks
- Critical Environment & Open Space
- Conservation Subdivision Encouraged
- Stream
- Canal
- Ephemeral/Intermittent Drainage
- Lake/Pond
- City Boundary
- Annexation Area

0 0.25 0.5 1 Miles



2.7 Community Design Considerations

Creating a compelling land use vision goes beyond the delineation of boundaries on a map. The following tools and concepts should be considered to help make Mapleton a more well-rounded community and to help ensure the land use vision is met.

Preserving Open Space & Sensitive Lands

Open Space Design Standards - Conservation Subdivisions

Open Space Design Standards (OSDS's) allow, encourage or require development to be "clustered" onto a portion of the site. The remaining property is preserved as open space through a conservation easement. Open space preservation in new development areas can be encouraged through incentives, such as allowing increased density with clustering or full density without clustering. These mechanisms are not considered a "taking" because there is still reasonable and beneficial use of the property. They do not regulate density per se, just the pattern of development.

OSDS's can be used to preserve agricultural land, wildlife habitat, and open spaces while allowing an equal or higher level of development on a smaller area of land. They may establish and dictate sites to be preserved such as sensitive lands, farmlands, stream corridors, rural road buffers, view corridors, and other open space features that have been identified by the community as important. OSDS's generally require the "clustering" of development in order to preserve open space and protect property rights.

In order to encourage and facilitate conservation subdivision development, it is important to: 1) treat conservation subdivisions equally with conventional subdivisions in the development review process; 2) favor conservation subdivisions in special areas; and 3) encourage conservation subdivisions as a standard specifically for the preservation of open space. Map 2-6 illustrates areas where conservation subdivisions are encouraged.

As described below, OSDS's have several advantages over other means of preserving open space.

- They do not require public expenditure of funds such as for the purchase of property;
- They do not depend on landowner charity or benevolence such as land or easement donations;
- They do not need a high-end market to make them affordable;
- They do not involve complicated regulations for transfer of development rights; and
- They do not depend on cooperation between two or more adjoining property owners.

Figure 2-3 illustrates a typical clustered subdivision design. Note that homes have been clustered, allowing approximately half of the site to be

Figure 2-3: Conservation Subdivision Concept Diagram



Source: Randall Arendt, Rural by Design

Land Use Buffers and Transitions

In addition to the use of transitional zoning to mitigate the negative impact of abrupt land use changes, a range of physical mitigations can also be applied to help delineate different uses. Typical examples include landscaped buffers, tree rows, hedges, fences, walls and berms. Specific treatments should be carefully designed and selected depending on the local context and the space available.



2.8 Goals, Policies & Implementation Measures

Goal 1: Preserve and enhance Mapleton's rural atmosphere and agricultural history through careful planning and the preservation of open space.

Policy 1.1: Encourage Conservation Subdivisions on vacant and undeveloped residential parcels identified in the Future Land Use Map.

- a. *Implementation Measure:* Reach out to specific land owners as part of consolidating individual holdings and to promote high-quality Conservation Subdivisions.

Policy 1.2: Adopt new tools to preserve Mapleton's open space and rural character.

- a. *Implementation Measure:* Evaluate additional; Zoning and Development Restrictions, Fee Simple Title (Outright Purchase), Purchase and Sellback/Leaseback, Conservation Easements and Land Banking.
- b. *Implementation Measure:* Apply identified streetscape and similar improvement to maintain and preserve key views and viewsheds.
- c. *Implementation Measure:* Enhance Community Gateways and Key Intersections.
- d. *Implementation Measure:* Apply Physical Buffers and Transitions to Improve Transitions between incompatible uses.

Goal 2: Continue the established focus on large lot, single-family residential uses as the primary means for preserving Mapleton's rural character.

Policy 2.1: Maintain and protect established residential districts and neighborhoods.

- a. *Implementation Measure:* Establish transitional and mixed use districts to provide buffers between incompatible land uses.
- b. *Implementation Measure:* Prohibit high density land uses in areas previously established for lower density uses. Higher density land uses are generally limited to areas where they are currently approved and developed.

Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.

Policy 3.1: Provide land use transitions and development buffers between incompatible land uses.

- a. *Implementation Measure:* Limit land use transitions to a single step in density (low density to medium density, for example- not low density to high density).
- b. *Implementation Measure:* Buffer commercial uses from nearby and adjacent residential uses through the use of transitional land uses and/or physical barriers (tree rows, walls, fences, berms, etc.).
- c. *Implementation Measure:* Ensure commercial uses that are allowed in residential zones are incidental to the main residential or agricultural use and do not negatively impact the quiet, rural atmosphere of the area.

Goal 4: Provide a range of housing options and price points that help ensure Mapleton is an affordable place to live.

Policy 4.1: Coordinate and align the Land Use Element with Mapleton Housing Policies

- a. *Implementation Measure:* Allow and encourage new residential development models that meet the future needs of the community.
- b. *Implementation Measure:* Modify existing ordinances and codes to facilitate Conservation Subdivisions.
- c. *Implementation Measure:* Create detailed guidelines and educational information regarding the benefits of new residential

models, including Conservation Subdivisions and Mixed Use development.

- d. *Implementation Measure:* Ensure land use standards appropriately implement the Moderate-Income Housing Element of the General Plan.

Goal 5: Encourage a diverse and appropriate amount of commercial uses along Highway 89 to meet the needs of the community and motorists alike.

Policy 5.1: Focus commercial uses at key intersections and nodes.

- a. *Implementation Measure:* Ensure each commercial node is distinct in form and use, thereby providing a range of shopping and service destinations.
- b. *Implementation Measure:* Limit commercial acreage to the amount required to meet market needs.
- c. *Implementation Measure:* Determine a program of streetscape and public right-of-way improvements and investigate potential funding opportunities.
- d. *Implementation Measure:* Continue development of the paved trail corridor along Highway 89 through commercial areas to ensure access and continuity of City-wide networks.
- e. *Implementation Measure:* Allow mixed use and flex use at appropriate locations.

Policy 5.2: Ensure appropriate land use transitions between commercial uses and surrounding land uses.

- a. *Implementation Measure:* Ensure uses adjacent to commercial uses are compatible whenever possible.
- b. *Implementation Measure:* Require physical buffers (trees, shrubs, walls, fences and berms, for example) between commercial uses and adjacent residential neighborhoods.

Goal 6: Ensure commercial, civic, school, park, open space, industrial, utility and other non-residential uses are provided in a manner that meets the established land use vision and future needs.

Policy 6.1: Encourage the development of a small commercial/civic Town Center near City Hall.

- a. *Implementation Measure:* Encourage the development of low-intensity mixed use commercial uses that fit with the small town ambience of the Town Center.
- b. *Implementation Measure:* Incorporate engaging and unified streetscapes, trails, pathways, trees and vegetation to form a unified and distinguished Town Center.
- c. *Implementation Measure:* Investigate the possibility of implementing a Special Assessment Area (SAA) or similar program for implementing streetscape, parking, signage and other improvements.

Policy 6.2: Ensure public facility needs are being adequately met.

- a. *Implementation Measure:* Follow recommendations in the Parks and Recreation element to ensure existing and future needs are met.
- b. *Implementation Measure:* Essential, transit, trail and other transportation facilities should be maintained and extended to meet the transportation needs of the community.
- c. *Implementation Measure:* Cooperate with Nebo School District officials and other public service providers to locate and reserve appropriate sites for schools and other public services, as needed.

Goal 7: Improve Mapleton view corridors and viewsheds.

Policy 7.1: Create a coordinated program of streetscape and right-of-way improvements.

- a. *Implementation Measure:* Prepare a landscape master plan for each key corridor, identifying special enhancements.

Goal 8: Protect and conserve critical agricultural land, sensitive lands and sensitive natural features in the community.

Policy 8.1: Investigate new zoning ideas to help maintain existing agricultural uses in key open space areas.

- a. *Implementation Measure:* Modify existing ordinances and codes to protect critical open space and view corridors in the City.
- b. *Implementation Measure:* Modify existing ordinances and codes to ensure sensitive lands, drainage corridors and critical natural features in Mapleton are preserved.

Goal 9: Continue to implement the Transferable Development Rights (TDR) program by ensuring that there are sufficient areas that can qualify as TDR-Receiving sites.

Policy 9.1: Acknowledge that nearly 200 Transfer of Development Rights (TDR) certificates remain, and that density will be higher in areas where they are applied.

- a. *Implementation Measure:* Periodically evaluate the availability of future receiving sites to ensure there are adequate opportunities to use the remaining TDRs. Make changes to the TDR ordinance when necessary.

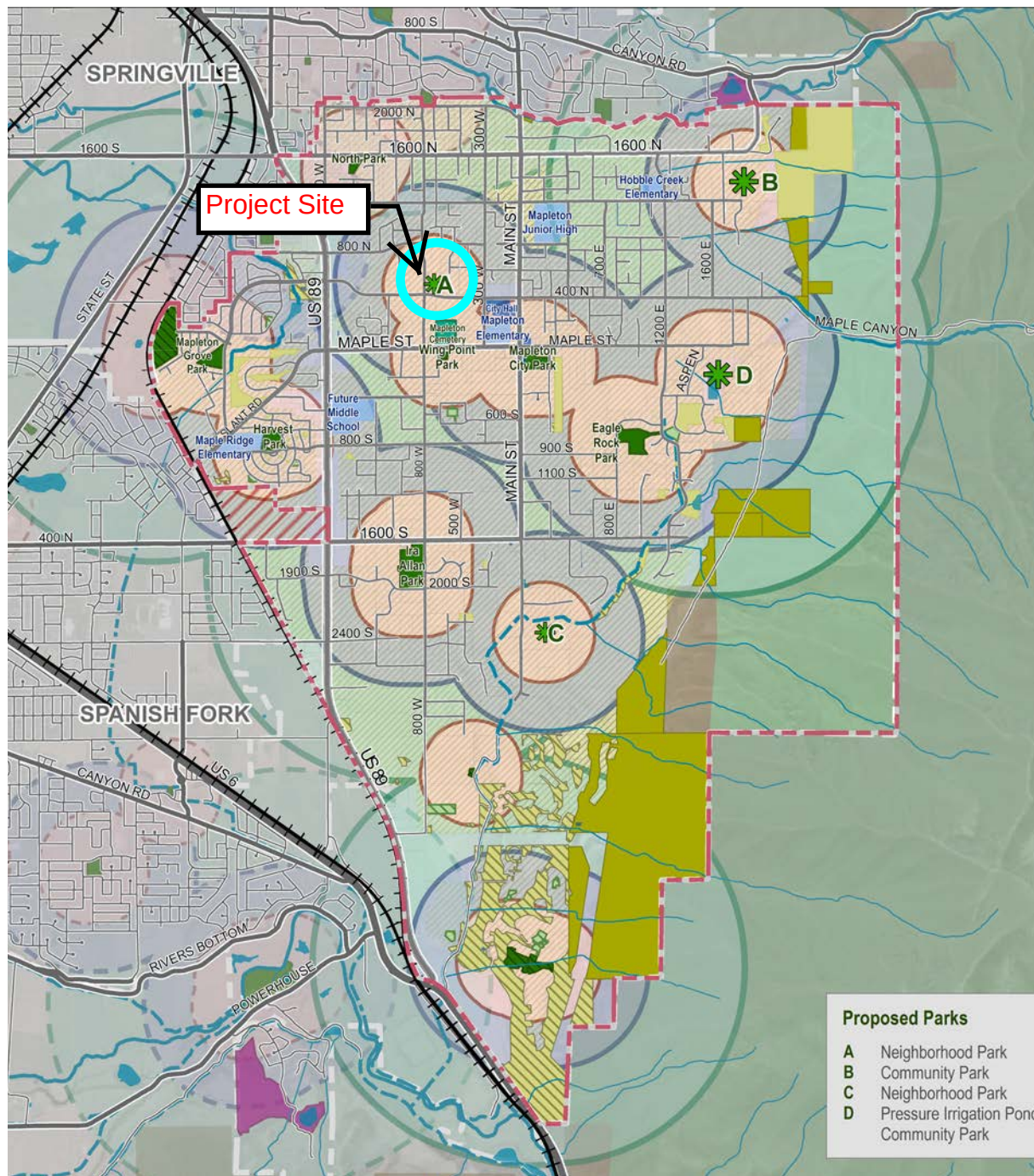
Goal 10: Promote implementation of the land use concepts contained in the 2020 Land Use Element.

Policy 10.1: Adopt the *Mapleton General Plan Update 2020* as an Amendment to the existing Mapleton General plan or similar binding action.

- a. *Implementation Measure:* Prioritize the Mapleton General Plan Update 2020 implementation measures as part of the City's five-year Capital Improvement Plan (CIP).

- b. *Implementation Measure:* Modify the existing City code and other ordinances to ensure the changes contained in the Land Use Element are codified.
- c. *Implementation Measure:* Ensure zoning and land use decisions are consistent with the General Plan Map and the adopted policies and goals.
- d. *Implementation Measure:* General Plan amendments, while occasionally necessary and desirable, should be based on changing circumstances and should be beneficial to the community at large and not based solely on the desires of individual property owners.

Map 3-3: Proposed, Existing & Approved Park Distribution & Service Areas



- Proposed Park
- Local Park Service Area - 1/4 Mile Radius
- Neighborhood Service Area - 1/2 Mile Radius
- Community Service Area - 1 Mile Radius
- Local Park Outside City Service Area - 1/4 Mile Radius
- Neighborhood Park Outside City Service Area - 1/2 Mile Radius
- Community Park Outside City Service Area - 1 Mile Radius
- Residential Land Use
- Existing Public Park
- Existing Special Use Park
- Existing Private Park
- Existing Private Cemetery
- Existing Public Open Space
- Existing Private Open Space
- Approved Public Park
- Approved Private Park
- Approved Private Open Space
- Department of Natural Resources (DNR)
- United States Forest Service (USFS)
- Stream
- Canal
- Ephemera/Intermittent Drainage
- City Boundary
- Annexation Area

