

**Item:**

6

Date:

December 10, 2020

Applicant:

Wade Payne

Location:

Approximately 300 West
350 South

Prepared By:

Brian Tucker, Planner

Public Hearing:

Yes

Zone:

A-2

Attachments

1. Application Information & Concept Plans.
2. PRC and Density Comparisons.
3. Neighbor Letters.
4. PC Minutes 9/24/20.

REQUEST

Consideration of a request to rezone 29.57 acres located at approximately 300 West and 350 South from Agricultural-Residential (A-2) to Residential Agricultural (RA-1) with the TDR-R Overlay.

BACKGROUND & DESCRIPTION

The subject parcels, totaling approximately 29.57 acres, have historically been used agriculturally and are almost completely undeveloped. This area of the City is characterized by low density residential projects surrounding this agriculture area. The land north of the project area consists of residential structures on Maple Street attached to deep but narrow lots, primarily in the range of 2-3 acres.

The property south of the project consists of developed subdivision with primarily ½ acre lots. The Silver Leaf subdivision, located south and west of the subject parcels, is a planned residential community, consisting of a park surrounded by homes. The Silverleaf development has .40-.50 acre lots near the center of the project and .43-.80 acre lots on the periphery adjacent to the subject parcel. The Diamond Back and Autumn Lane subdivisions are located to the south and east and include lots that are all approximately .5 acres in size.

On September 24, 2020 the Planning Commission reviewed a request to rezone approximately 27 acres from A-2 to RA-1 with a TDR-R Overlay. The applicant had submitted a concept plan that included 44 lots. Based on concerns raised by the public and Staff, the Commission continued the application and requested that the applicant provide both a revised concept with no open space and a conservation type concept that would include some protected open space.

The applicant has now included an additional 2.4 acre parcel that fronts on Maple Street with the rezone application and has submitted the following concept options:

- 1) A 45-lot subdivision that includes 3.7 acres of open space. Lots range in size from .4 to .74 acres. This option would require a rezone to Planned Residential Community (PRC) with a TDR-R Overlay and is the applicant's preferred option.
- 2) A 43-lot subdivision that does not include any dedicated open space with lots ranging from .5 to 1.78 acres.

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 designates this site as Low Density Residential. This designation typically allows for one acre lots or ½ acre lots with the use of TDRs. The site is also designated as a candidate for a Conservation Subdivision. The General Plan states the following regarding Conservation Subdivisions:

Conservation Subdivisions "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." Conservation Subdivisions "generally require the "clustering" of development in order to preserve open space and protect property rights."

Some of the Goals and Policies of the General Plan that are also applicable include:

- 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.*
- Goal 2: Continue the established focus on large lot, single-family residential uses as the primary means for preserving Mapleton's rural character.*
- Goal 3: Ensure that land uses are compatible and/or utilize adequate buffers to enhance compatibility.*
- Goal 8: Protect and conserve critical agricultural land, sensitive lands and sensitive features in the community.*
- Goal 9: Continue to implement the TDR program.*

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. The City Council, with guidance from the Planning Commission, must choose the means by which they apply General Plan guidelines that in many cases suggest multiple courses of action may be appropriate for individual parcels.

Zoning: The proposed zoning for the property will depend on the concept plan that is recommended by the Planning Commission. If the Commission recommends the open-space concept, then the PRC zone would be required. 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. If the PRC zone is approved, staff would bring the final PRC zoning text back to the Commission with the subdivision application.

Staff notes that neither the General Plan or the PRC standards have any specific standards as to how much open space should be required to qualify for a conservation subdivision or a PRC zone. Other PRC zones in the City vary greatly in how much open space has been included. Part of the reason for this is each site presents different opportunities and constraints. Staff has included an open space comparison with other PRC zones in attachment “3”.

If the Commission prefers the non-open space option, then the RA-1 zone would be required. The RA-1 zone will require a minimum lot size of one acre, or ½ an acre with TDRs. In both cases, a TDR-R Overlay will be required.

Concept Plans: Both concept plans are fairly similar in road layout and lot configuration. Some of the differences include a smaller average lot size with the open space concept (.49 compared to .6), two additional lots with the open space concept and one more cul-de-sac. However, the primary difference is the open space. The Commission should focus their discussion on whether the open space provides enough of a benefit to warrant the PRC zone rather than the standard RA-1 zone.

The proposed open space is approximately 3.7 acres in size and located at the end of a cul-de-sac. The applicant has not yet indicated how the open space would be used or maintained, but would like input from the Commission. The following are some potential options:

- Open space parcel is retained in private ownership with a conservation easement. Parcel is used for agricultural purposes;
- Open space is improved as a private park for the development and maintained by an HOA. This would be similar to the Silver Leaf development;
- The open space is improved as a public park and dedicated to the City. The City typically does not want parks of less than five acres, but could look at this option in more detail if recommended; or
- The open space could be dedicated to the City, the City would maintain it as natural open space until such time in the future as the City may want to improve it for public use. Staff

would see this option as more feasible if the open space was more visible to the public. With its location at the end of a cul-de-sac, it may not provide much of a public benefit.

Staff has also included a density comparison of the two proposals with other surrounding subdivisions in attachment “3”.

Traffic & Circulation: From an overall traffic and circulation perspective, both concepts are essentially the same. Both include connections Maple Street, Main Street and 600 South. The new connection to Maple Street should help spread the traffic out and limit the impact on the Autumn Lane, Diamond Back and Silver Leafe subdivisions. Both concepts also include a stub street to the undeveloped parcel to the east for future connectivity.

The connections to Main Street and to Maple Street shall require approval by UDOT. Staff notes that without participation from the neighboring property to the north on Maple Street, the applicant may have a difficult time meeting UDOT standards for width at the intersection as well as the offset from 300 West on the north side of the street. Staff recommends that the applicant meet with UDOT to determine the feasibility of the connection to Maple Street prior to being scheduled for final rezone approval with the City Council.

Neighbor Comments: In September quite a few neighbors contacted the City to express concerns about various aspects of the project, such as the size of the lots, the lack of open space within the project area, the incompatibility of smaller lots next to larger, the orientation of a future home on Lot 6 and traffic. Many neighbors attended the public hearing to speak out about the project as well. To date the City has not received additional written or emailed comments regarding the updated concept plans.

It is worth noting one change to the concept specifically addressing a concern one neighbor had about a small grove of trees near Silver Leafe Cove, Lot 15, that is a bird habitat that this neighbor would like to see preserved. The conservation concept includes a conservation easement for these trees on a lot made larger specifically to preserve this habitat.

Another concern was that many of the lots in the previous concept would create new side yards next to existing rear yards, which would allow new homes to be within 10 feet of existing rear yards. The revised proposal addresses this concern and for the one side yard that abuts an existing rear yard, the plans require a greater setback.

Other concerns were expressed such as school capacity or the location of utilities. School capacity is not within the City’s purview. The engineering aspects of the project will be considered in full if the developer decides to proceed when a zoning decision is made. Full Engineering review is not necessary for a rezone when no subdivision has been applied for.

RECOMMENDATION

Recommend approval of the rezone request to PRC-9 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 3.7 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 request is consistent with the intent of the PRC zone and the TDR ordinance.

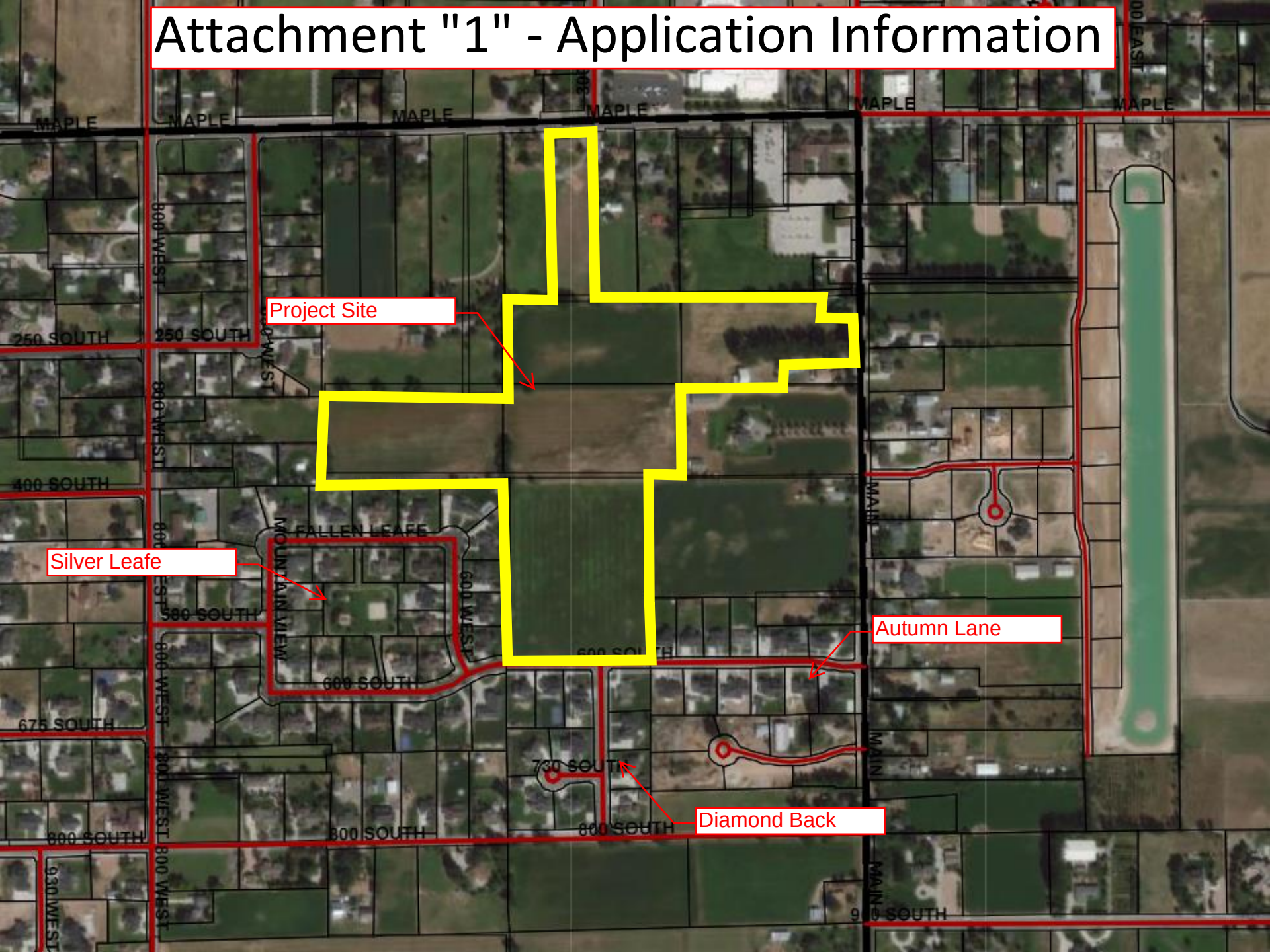
Conditions:

1. The subdivision application that is submitted shall be generally consistent with the concept plan as presented to the City.
2. The PRC-9 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. The applicant shall provide a realistic plan for the use and preservation of the open space.
4. The subdivision plans shall include an easement to retain the stand of mature trees and bird habitat on lot 31.
5. The lot at the south west corner of the site shall include a 20' side yard setback along the west property line.
6. The applicant shall meet with UDOT regarding the connection to Maple Street prior to the final rezone hearing with the City Council.

Alternative Motion: If the Commission prefers the RA-1 with the TDR-Receiving Overlay concept:

Recommend the City Council rezone the property to RA-1 with the TDR-Receiving Overlay with conditions 1, 4 and 5 listed above.

Attachment "1" - Application Information



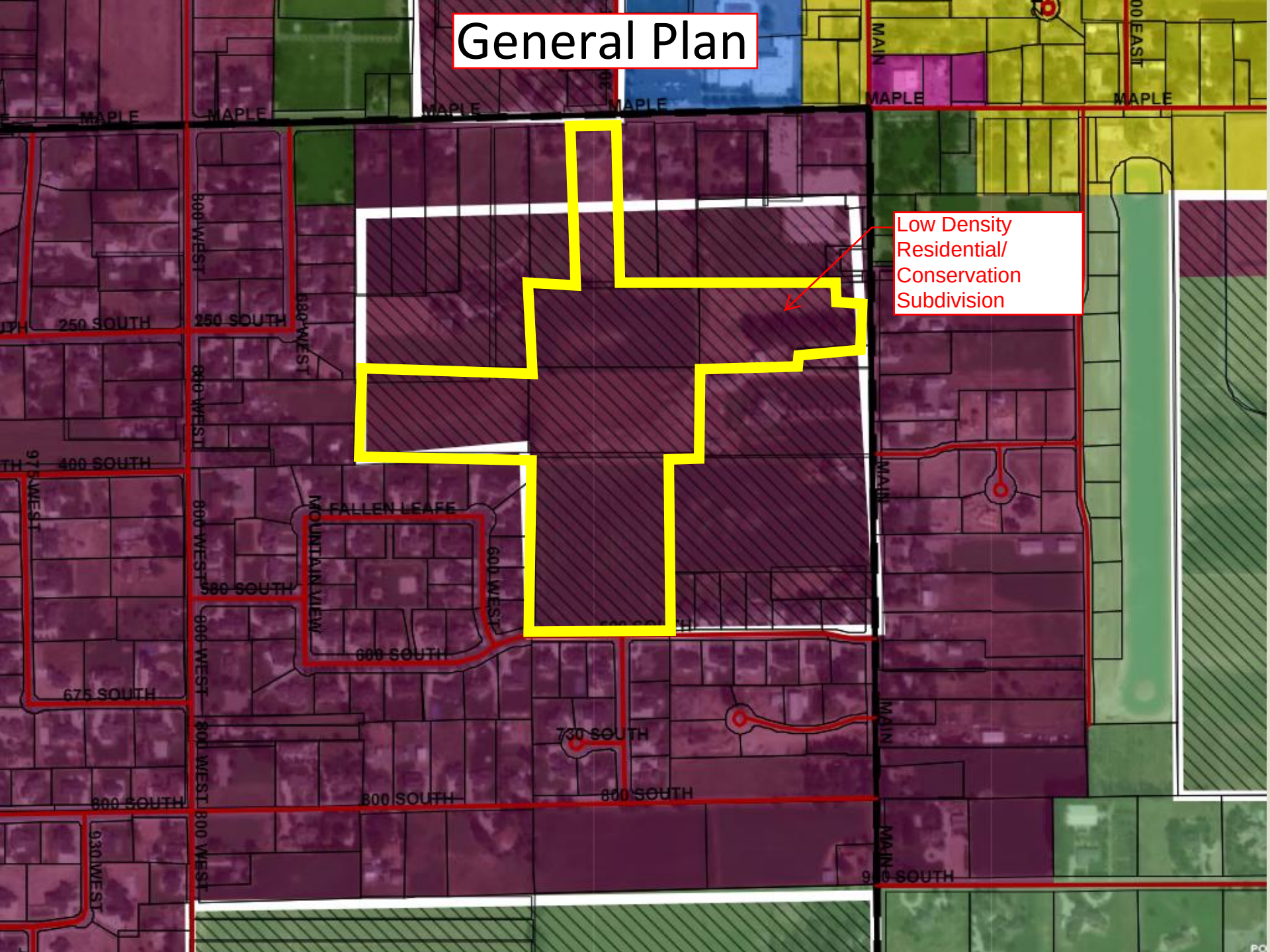
Project Site

Silver Leaf

Autumn Lane

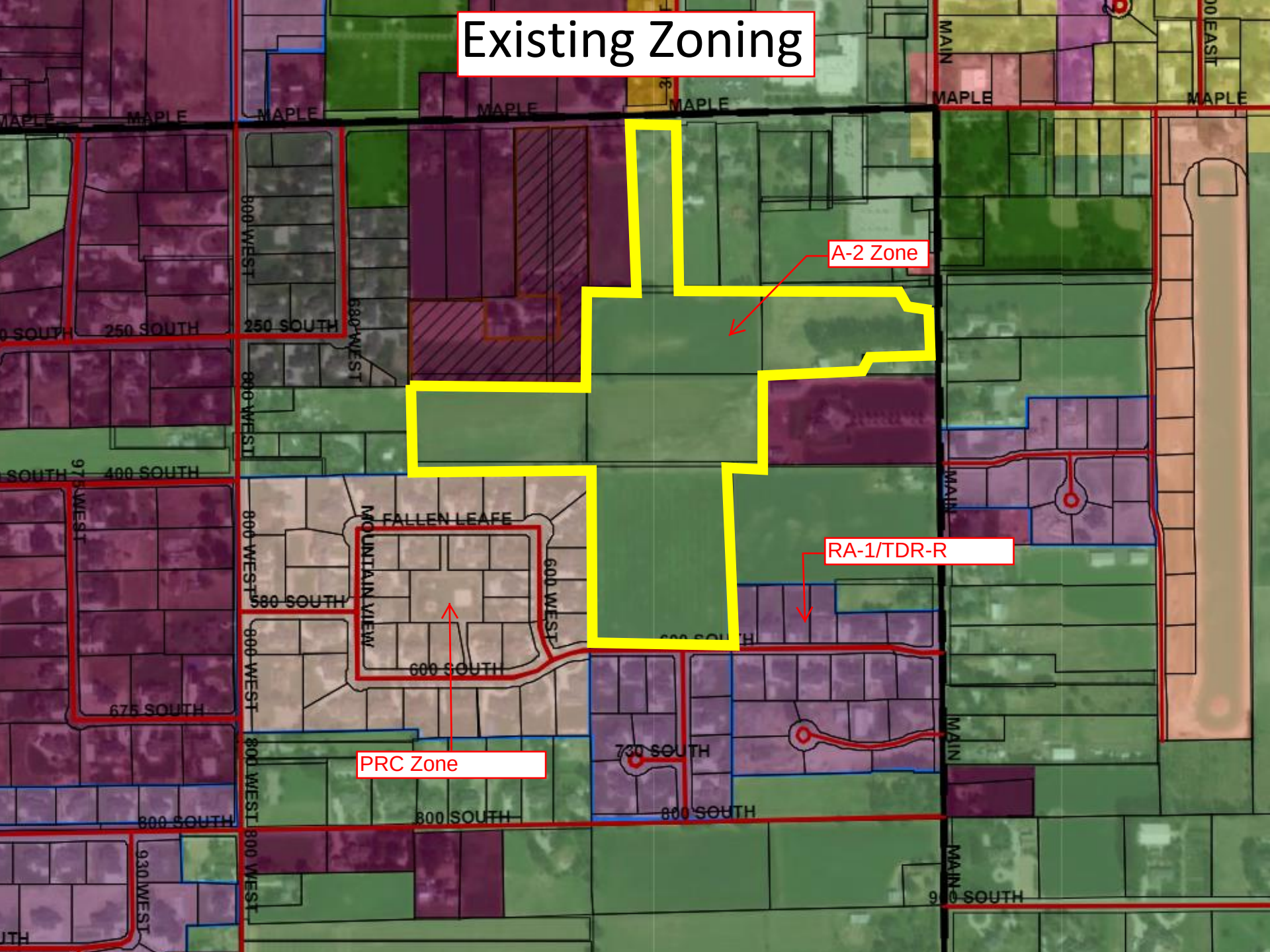
Diamond Back

General Plan



Low Density
Residential/
Conservation
Subdivision

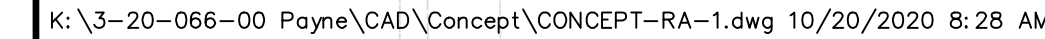
Existing Zoning



Open Space PRC Zone Option



Standard RA-1 Zone Option



Attachment "2"
PRC and Density Comparisons

Density Comparison of 2 proposed concepts and adjacent developments

	RA-1 w/TDR Concept	PRC w/TDR Concept	Silver Leaf	Diamond Back	Autumn Lane
# of lots	43	45	38	11	12
Project Area	29.57	29.57	29.76	8.11	6.97
Density	1.45 unit per acre	1.52 units per acre	1.28 units per acre	1.36 units per acre	1.72 units per acre
Avg Lot Size	.6 acres	.49 acres	.6 acres	.55 acres	.50 acres
Range of Lot Sizes	.5-1.78 acres	.4-.74 acres	.4-1.32 acres	.5-.72 acres	.5-.51

Comparison of Open Space Provided in PRC Zones

PRC Development	Project Area	Dedicated Open Space	% of Project Area
Hillcrest	16 acres	.55	3.4%
Pheasant View	18 acres	.54	3%
Preserve	240 acres	0	0
Mapleton 340 Lakes	19.9 acres	11.4	57%
Maple Vale	9.2 acres	.4	4%
Whiting Farms	55.7 acres	12.44	22%
Clegg Canyon	31 acres	8 acres	26%
Applicant's Open Space Concept	29.57 acres	3.7 acres	12.5%

Attachment "3" - Letters

Brian Tucker

From: Sean Conroy
Sent: Thursday, September 17, 2020 5:41 PM
To: Brian Tucker
Subject: FW: New development concerns near Silver Leaf

Follow Up Flag: Follow up
Flag Status: Flagged

From: J Hammer <
Sent: Sunday, September 13, 2020 9:39 PM
To: Sean Conroy <sconroy@mapleton.org>
Subject: New development concerns near Silver Leaf

Sean,

We have discussed the new development that is being proposed near the Silver Leaf neighborhood between 600 South and Main Street. We heard that you would prefer having our thoughts presented to you before the meeting later this month. Here are a few questions and concerns that we have put together in regards to the new development being proposed behind our properties:

1- We understand that the land was originally zoned for 2 Acres. It is currently unimproved land. How can it be brought down to 0.5 acre lots? Will you please let us know how this occurred and what TDR purchases were made. We would like a list of all of the people who sold TDRs to the developer.

2- The current proposal appears to have no green space but to have over 40 Lots packed in pretty tight. Our neighborhood has a large amount of Green Space. We are concerned that there are so many Lots with no planned green space. Will the city please consider adding Green Space that is available to all in the current plans?

3- For the homes that border the purchased land, we feel that smaller Lots with the potential of lower quality homes could depreciate the value of our current homes. It would also affect our view of the mountains and the home country feel of our area (as the mayor has proposed he would like to keep). Also, since many of the existing homes do not have deep backyards and the proposed lots would also not have deep backyards or even a side yard, it would feel like the houses are really close to each other. We would like to propose that the lots which border our homes be increased in size, preferably to at least 2/3 or 3/4 acres.

4- 600 S coming from our neighborhood and heading toward Main Street was elevated significantly before those current homes were built. Now 600 South is quite higher in regards to the current elevation of the Lots in question. What is the proposal for the grade going to all of the homes that will be coming off 600 South? We do not want them elevated and higher than our neighborhood.

5- There is a water canal running behind many of our homes on the north side of Silver Leaf running from east to west. It is our understanding that this canal is on our properties. There is also an underground water pipe that runs under many of our properties. What is the proposal in regards to what would happen with the water canal and the large water pipe?

6- There are many large trees that run along the water canal, as well as a very large tree which houses hawks and a great horned owl. We are very concerned that these trees would be removed if any construction or interruption of the water canal would take place. We are also concerned that this would interrupt a vital habitat for these wonderful animals.

What is the plan for the trees? Are they considered on our properties? We would not like any of them removed if possible.

7- Also, in regards to that stretch of 600 South, a large new development would significantly increase traffic on that road. Since that road has been put in, many people use that road as a cut through, even though they do not live in our neighborhoods. There are many kids on this road and it is used as a place for them to travel to school as well. We are concerned that increasing at least 20 more homes accessing 600 S could overburden the initial purpose for that road. Would the city consider speed bumps or a 4-way stop or at least increasing patrolling speed on this section of Road. There are many people who do not live in our neighborhoods that go pretty fast on this strip. We are hugely concerned because of all of the young people who live in these neighborhoods and use this road to go to and from school, Etc.

8- Is the city considering putting a sidewalk along Main Street? With the significant increase in homes proposed, there are going to be a lot more children using Main to go to and from the elementary school. Currently, it is not very safe with all of the increased traffic and no real sidewalk. By putting in over 40 new homes, this would significantly increase the risk of a child getting hurt on Main Street.

9- How will Power, Water, and Sewer be accessed to this new development? Will it require any disruption of our current utilities? Also, how will the city get good pressurized irrigation to all of these new homes if they can't even get good pressure to our neighborhood at this time?

If you can answer any of these questions or concerns before the meeting, please respond to this email. Also please let us know any other information you would like from us.

Thank you, Jarrett and Rachel Hammer

Attachment "4" - Minutes



PLANNING COMMISSION MINUTES

September 24, 2020

PRESIDING AND CONDUCTING:

Chairman Jesse McLean

Commissioners in Attendance:

Jake Lake
Rich Lewis
Sharee Killpack
Lewis Nuttall
TJ Uriona

Staff in Attendance:

Sean Conroy, Planning Director
Brian Tucker, Planner

Minutes Transcribed By:

April Houser, Executive Secretary

Chairman Jesse McLean called the meeting to order at 6:00pm. Alternate Commissioner TJ Uriona was seated as a voting member this evening.

Item 3. Consideration of a request to rezone 27.19 acres located at approximately 300 West and 350 South from Agricultural-Residential (A-2) to Residential Agricultural (RA-1) with the TDR-R Overlay.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The Silver Leaf, Autumn Lane and Diamond Back subdivisions all border this property. It's been zoned A-2 since 1970. A lot of development has happened since then. Most lots along Maple Street are narrow deep lots that are around 2-acres in size. Most developments that have taken place over the past few years in this area are about ½-acre in size. The General Plan designates it as low density residential. The applicant would like to utilize Transferable Development Rights (TDR's) to get the density down to ½-acre lots. The new General Plan recommends a Conservation Subdivision in this area. This would suggest possible open space areas throughout developments. The applicant is not proposing any open space which is not in line with the Conservation Subdivision recommendations that are part of the updated General Plan. Staff has expressed that type of layout to the developer. A possible Planned Residential Community (PRC) Zone could be more appropriate in this area. The proposed Lot 6 would make it quite difficult to build a home on. At this time the Commission is looking at a rezone application only. If rezoned then engineering, etc. would need to be address. Staff recommends the application be continued so the applicant can look to provide open space in the development. Under the current proposal the applicant would

need to provide 22 TDR's is approved.

Kyle Spencer, with Northern Engineering was there to represent the client. Currently the land has been an open field, so this was a quick concept plan that was put together. Kyle knew the applicant wanted to utilize the TDR program. They knew there was limited access to Main Street and 600 South. These concerns will be addressed with engineering once a rezone takes place. A connection will be provided to 600 West street. The concept plan has brought forth the ability to address these types of issues. They would like feedback from the residents in this area and hope to be a good neighbor and a positive development in Mapleton City. A revised plan was submitted earlier today that was shown on the presentation to those in attendance. They propose the open space up in the northeast quadrant, which is just directly south of the open space at the LDS White Church on Main and Maple Street. This would help to maintain the mature trees in the area as well. **Brian Tucker** stated again that these are all concept plans at this time being shown in the Staff Report. Staff would be hesitant to say that any more than 44 lots would be allowed, even with the use of TDR's. Flexibility of lot layouts is something that can happen, which is why some direction from the Commission would be appreciated this evening.

Chairman Jesse McLean opened up the Public Hearing. **Julie Harrison** owns property to the side of this subdivision. They are not here to oppose it but do have some concerns. They feel the burden of traffic would be great on 600 South through the Silver Leaf development. There is a water table concern that could affect existing homes. The area where the sewer runs could also have to be connected where an existing home is built. They would like the homes to stay at the current grade of the property. Neighbors would like lot sizes to remain at $\frac{3}{4}$ of an acre. They would like the open space to be behind the homes that already exist. **Brian Allred**, a resident of the Silver Leaf Subdivision, feels it is important that there is a vision for the community with goals being set. He asked that the developer really understand how special of a place Mapleton is. He hopes the goal of a Conservation Subdivision would be respected and met. Varying lot sizes would likely be more appealing to stay away from cookie-cutter types of developments. Mr. Allred feels everyone can work together in a spirit of peace and harmony to meet all the concerns. **Troy Hulse** has lived in this area for 13 year. It has become a major thoroughfare from Main Street to 800 West through his home on 600 South. Some additional entrances would be preferred, along with the open space being suggested. **Brittany Allred** lives along 600 West, so they will abut this development on the west side. The main concern they have is making sure that back yards abut one another. They would love the addition of green space but would oppose it if it increased the lot allowances to more than 44. They would like the lots bordering existing home to stay the same size or larger in acreage. **Cy Harrison** grew up in rural Utah. He looks at this map and does not feel it represents what Mapleton would be like. There are a lot of engineering concerns to be addressed regarding sewer lines, water tables, etc. He does not believe there is a lot of forefront thinking on this concept plan. **Chairman McLean** directed those in attendance to look over the General Plan to see what the thought of Mapleton is regarding future developments. This is a great way to see the direction the City is heading as properties are developed. Rod Petersen lives on the corner of 600 West 600 South. His property slants down and he feels a retaining wall of some type would need to be installed which could take away from his current view. **Dusty Boren** moved to Mapleton but hopes the lot sizes can remain larger. He would like the City to remain beautiful and had concerns as well about flooding and water table issues. **Randy Gibone** is west of this area. They moved here because of the open concept. He is opposed to TDR's and feels they are

a cheap way of cheating the system. Mr. Gibone also had water table concerns and hopes that the retention areas wouldn't be part of the open space portions of the development. He worries if the lots are smaller the homes built there would not be up to the standard of those in Silver Leaf or his home. He's not opposed to growth but wants it to be smart growth. **Rachel Hammer** echoes everything that has been said. It's a special place where open space is valued. There is a massive tree behind their home that has a horned owl in it and would like to have it preserved if possible. The traffic on 600 South is a major concern for the children in the community. No additional comments were made, and the Public Hearing was closed.

Chairman McLean feels the Conservation Subdivision matters. He does not like the park on the east side since it is so close to the Mapleton City Park. He feels Mapleton had designated this area as low density residential in this area and that should be respected. He believes a good middle ground can be made that will be desirable for both the developer and the residents in the area. **Sean Conroy**, the Community Development Director, said he would be hesitant for the Planning Commission to restrict the use of TDR's in this area. He would recommend some alternative layout to be provided before moving forward. **Commissioner Lake** would recommend that lot sizes that are similar about one another. **Commissioner Killpack** felt that multiple areas could be used as open space. Chairman McLean felt some TDR's should be utilized, but that not necessarily 22 of them be allowed giving the 44-lot allowance. **Commissioner Lewis** felt a standard subdivision accomplishes the larger lot sizes but would not allow for the open space areas. If open space area is desired than varying lot sizes would need to be allowed. Chairman McLean felt that a direction could be given to the applicant to explore 2 options. One, a Conservation Subdivision plan and second, a lower density plan with no conservation park or green space. Staff felt this was appropriate. **Commissioner Uriona** felt open space in this area may not be necessary since it is so close to the Mapleton City Park. Brian stated that open space does not have to be a park but could be natural open space or farmland. It can take a lot of different forms. The trees in the area could be preserved even if they are not necessarily in open space areas. The Planning Commission is a recommending body to the City Council, so it would be important for residents to be involved at the City Council Meeting as well.

Motion: Chairman McLean moved to continue the request to rezone 27.19 acres located at approximately 300 West and 350 South from Agricultural-Residential (-2) to Residential Agricultural (RA-1) with the TDR-R Overlay with the recommendation that the applicant provide two possible concept plans as stated below:

1. A Conservation Subdivision plan.
2. A lower density plan with no conservation park or green space.

Second: Commissioner Lewis

Vote: Unanimous