

City Council Staff Report



Date:

6/16/21

Applicant:

Johnston Developments
Maple Canyon Holdings

Location:

400 N 1200 W

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Attachments:

1. Updated concept plan.
2. Previous concept plan.
3. City Council minuted from 2/3/21.

REQUEST

Consideration of a request to reconsider a decision to rezone, with conditions, 27 acres from A-2 to RA-1 with a TDR-R Overlay for a property located at approximately 400 N and 1200 W.

BACKGROUND & DESCRIPTION

The subject property is approximately 31 acres in size and has been used primarily for agricultural purposes. The western four acres is zoned General Commercial (GC-1) and prior to February 3, 2021 the eastern 27 acres was zoned Agricultural Residential (A-2).

On February 3, 2021 the applicant presented a request to the City Council to rezone the eastern 27 acres from A-2 to RA-1 with a TDR-R-Overlay. The applicant submitted a concept plan that included 42 residential lots ranging in size from .5 to .72 of an acre and five commercial pad sites. After holding a public hearing, the City Council voted to rezone the eastern 27 acres from A-2 to RA-1 with a TDR-R Overlay with a special condition that the density could not exceed 38 lots.

The applicant has since revised the original concept plan and is requesting that the Council reconsider it's original decision and allow 40 lots in the RA-1 zone.

EVALUATION

City Council Discretion: Rezone requests are considered legislative in nature. The City Council generally has broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken will promote the general welfare of the community. The City's zoning ordinance also makes it clear that approval of both a rezone and a TDR-R Overlay, including density, are discretionary decisions. It is within the Council's discretion to amend it's original decision if determines an amendment is warranted.

Concept Plan: When this application was reviewed by the Planning Commission and City Council, both bodies expressed some concern regarding the size of the lots that abutted the development to the east. The Council also expressed concern with the number of TDRs that were proposed to be used on the site. The applicant has revised the concept plan to include larger lots to the east (.75 to .8 acres) to address the buffering concerns. The number of TDRs required has dropped by one from 21 with the original concept plan to 20 with the current concept.

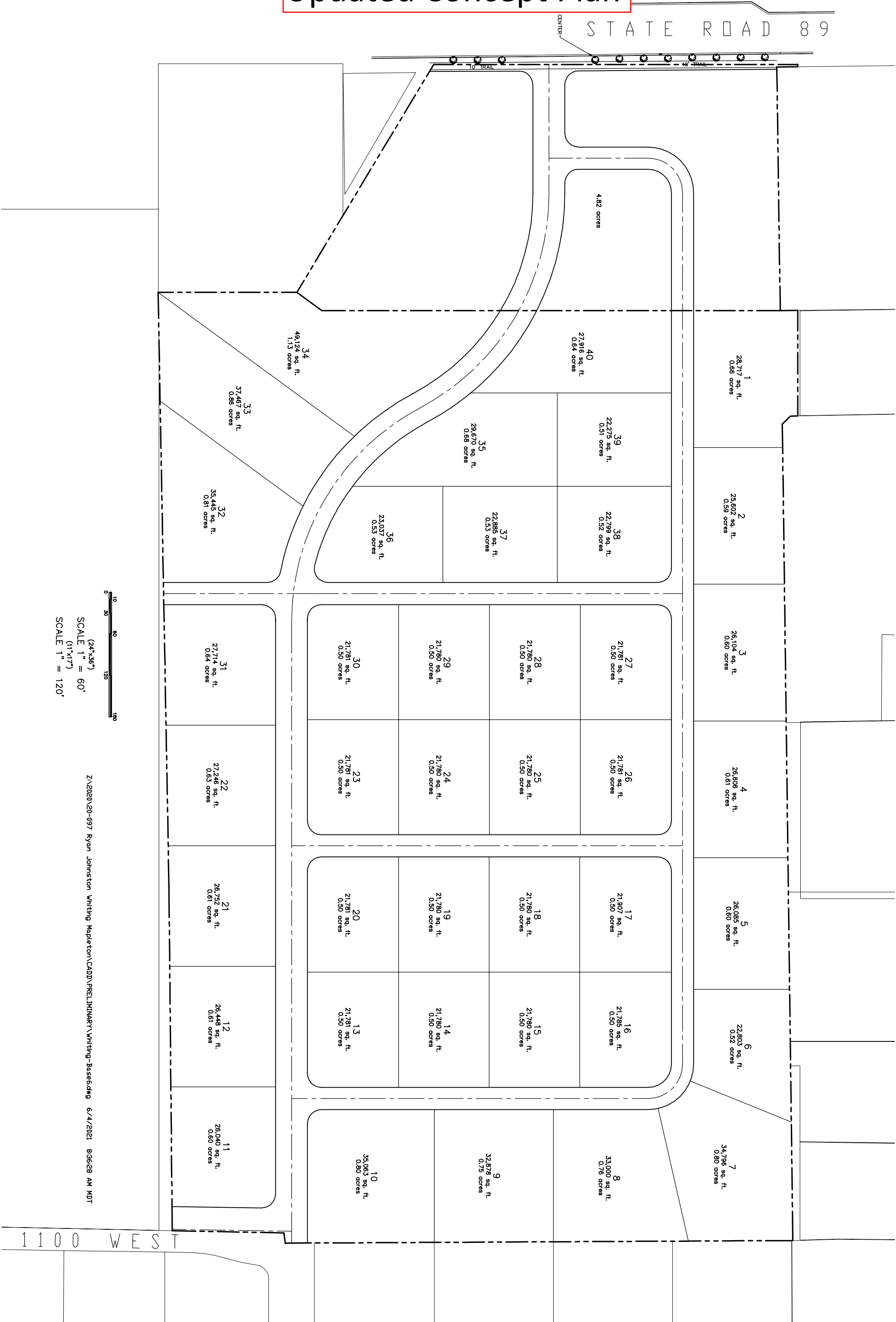
The previous concept plan showed future commercial pad sites within the four-acre area currently zoned GC-1. The applicant is still contemplating how that area might be developed, which is why it is shown blank on the concept plan. There is a possibility that the applicant may apply to rezone the GC-1 area to residential, which would be consistent with the “flex” general plan designation, but that decision has not yet been made. If the applicant decides to make an application to rezone the GC-1 area, it would be reviewed by the Planning Commission and then come back to the City Council.

RECOMMENDATION

Determine whether to amend the original Council decision to allow a maximum of 40 lots. If the Council decides to amend the original approval, it should include a condition in its motion that it is contingent on the applicant withdrawing its petition for judicial review of the Council's original decision and any other legal claims that may be pending.

Attachment "1"

Updated Concept Plan



Attachment "2" - Original Concept Plan



Attachment "3"

MAPLETON CITY CITY COUNCIL MINUTES FEBRUARY 3, 2021

PRESIDING AND CONDUCTING: Mayor Pro tem Lundberg

Members in Attendance: Reid Carlson
Jessica Egbert
Therin Garrett
Jim Lundberg
Leslie Jones

Staff in Attendance: Cory Branch, City Administrator
Camille Brown, City Recorder
Sean Conroy, Community Development Director
John Jackson, Public Safety Director/Police Chief

Minutes Taken by Camille Brown, City Recorder

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

Mayor Pro tem Lundberg called the meeting to order at 6:00 p.m. Cl. Garrett gave the invocation and Cl. Carlson led the Pledge of Allegiance.

OPEN FORUM: No comments

CONSENT AGENDA

Item 1. Approval of City Council meeting minutes- January 20, 2021

Item 2. Consideration of a Resolution awarding a contract of \$42,450 to Hall Excavation to pipe an open ditch at approximately 35 North 1800 East. This will complete the connection from the Mapleton Irrigation Company diversion structure on 400 North to the Mapleton City PI pond.
Resolution No. 2021-07

Motion: Cl. Jones moved to continue item 1 to the next meeting so that Camille Brown can review the recording of the January 20th meeting and see if it reflects the changes Cl. Garrett wanted.

Second: Cl. Carlson seconded the motion.

Vote: Passed 5:0 unanimously by roll call.

Motion: Cl. Jones moved to approve Item 2.

Second: Cl. Carlson seconded the motion.

Vote: Passed 5:0 unanimously by roll call.

PUBLIC HEARING ITEM:

Item 3. Consideration of an Ordinance to rezone approximately 27 acres from A-2 to RA-1 with a TDR-R Overlay for a property located at approximately 400 N and 1200 W.

Sean Conroy, Community Development Director reviewed the staff report. This is a 31-acre parcel. 4 acres are zoned GC-1 and 27 acres are zoned A-2.

The General Plan guidelines were reviewed as well as the Goals and Policies. The project is primarily half acre lots whereas the developer would be required to use TDRs. The "flex use" area is 4 acres in size and the applicant is proposing commercial use which is already zoned GC-1. Sean stated that the General Plan does not require a conservation subdivision, but it is encouraged. Staff would encourage cluster lots to allow for protection of open space. The request for RA-1 is consistent with low Density Designation. The Planning Commission considered continuing the application to provide an open space alternative based on the guidance from the General Plan. The applicant was concerned about a cluster design that would require smaller lots. Planning Commission determined that a conservation subdivision was not necessary here as the city recently received 12 acres from a parcel just east of this one. Members of the public spoke against a cluster proposal at the Planning Commission meeting.

Cl. Jones inquired if the Planning Commission was opposed to a conservation subdivision because of smaller lots? Sean stated yes that was the reason and showed a rough draft drawing of how the smaller lots would align. Cl. Egbert asked if clustering was the only thing discussed or was there an option for larger lots and open space. Sean stated no that wasn't the case. He added that one letter of opposition was received, and their recommendation was to look at open space and keep the larger lots.

Cl. Garrett inquired what the average lot size was for adjacent properties. Sean stated that they are one acre. The development that was just approved, lots vary from $\frac{3}{4}$ acre and 1 acre lots.

Cl. Carlson questioned the lot sizes of the property to the north. Sean stated that the average lot sizes to the north are between 1.4 and 2 acres.

Cl. Lundberg asked how many TDRs they would need, and Sean stated 21.

Ryan Johnston, Johnston Developments stated that he has worked with Sean and put some things together. Their goal is to follow the new General Plan. Other options were discussed, and they have been talking to residents in the area and they do not support a planned residential development. They decided to go for a straightforward plan. There are a few tweaks that can be made, but this is the concept that would be acceptable. The homes would be custom on half acre lots. Cl. Garrett asked the developer what his thoughts are with the Planning Commission recommendations. Ryan Johnston stated that that this would be consistent with other subdivisions that have been approved. Cl. Lundberg told the developer that the council has had a lot of comments with putting all TDRs in one location. By putting in all half-acre lots and placing all the TDRs in this location would negatively affect this area. One idea would be recognizing that the TDR Overlay is in the zoning requirements and would benefit the entire city. If you put more of a buffering concept, where they are all half-acre lots, then you could have $\frac{3}{4}$ acre lots. The idea is trying to minimize the TDRs in the area when it may have impact on the adjacent properties. The council is tasked with trying to balance the area. Cl. Garrett stated that this is not a new thing with the new General Plan, it is common to want larger lots buffering the subdivision. Cl. Jones said the surrounding area could not be one step lower than the adjacent area. Ryan Johnston stated that Kerry Oman, a realtor, stated that these lots would be a selling point and have 1 acre lots buffering the subdivision. This would give more latitude, and if this does meet the requirement terms as stated, then there would be more flexibility to have an interesting project. Ryan stated that as a developer they have the right to apply for a certain zone. They have to really look at both, and they are hearing that residents want bigger lots. Whisper Rock subdivision, that borders this property has much smaller lots. Cl. Garrett said that he overall agrees and that to him what feels best are larger lots on the east, and then buffer the highway area with $\frac{1}{3}$ acre lots. The general plan doesn't spell out how many TDRs are needed. You could move the lot sizes around and it's not the best idea to have one acre lots adjacent to commercial. This is an

interesting parcel. Cl. Jones is looking for the least amount of friction and she could see the area much denser. Cl. Jones said this comes back to the council and she would like to see variety. Cl. Egbert inquired if the developer is willing to change the zone they are asking for, because with a RA-1 zone that would give them 1 acre lots, if the maximum amount to TDRs are used then she is ok with half acre lots, but the decision today is for a zone change.

The public hearing opened at 6:47 pm, no comments were made.

Cl. Lundberg stated that he would prefer larger lots and Cl. Jones would like to see a mix. She sees what the developer is trying to do. This does meet what is written in the General Plan. Cl. Carlson added that there needs to be more of a buffer and that all the TDRs shouldn't be used there. Cl. Egbert stated that she has no problem approving the RA-1 zone and she supports the Planning Commission's recommendations. She would like to know the density the council agrees on. Cl. Lundberg feels that some TDR overlay is appropriate, but the maximum number of TDRs isn't. He thinks they need to be spread out more throughout the city. He asked if the council wants to approve this and say the density is limited to 20 TDRs and the maximum number of lots is x, the council has every discretion in applying the TDR Overlay. Cl. Jones said if we limit the number of TDRs, there also needs to be a buffer of smaller lots along the commercial. Sean stated that if you go that route the applicant would have to come back with a new application for a different zone.

Ryan Johnston said they would be open to the buffering concept, but it all boils down to density and he is not opposed to that.

Cl. Garrett feels that a PRC zone seems more appropriate and Cl. Jones would agree with that if the roadways are reduced.

Cl. Lundberg stated that from a development standpoint it would be much easier to say 40 lots in the development or you can take some lots and allow for bigger lots.

Cl. Egbert stated that she would like to see 38 lots with a buffer. This would give you 42-38 lots and could give you some larger lots.

Cl. Garrett said that he went through the goals of General Plan, and he thinks they have been met with what has been discussed tonight and this matches the adjacent lots. This is a development that can have a TDR overlay and the council has the right to limit that. He would go as far as to say 35 lots at a maximum.

Cl. Jones inquired where these numbers come from. Cl. Lundberg said that in goal no. 8 of the General Plan, it states that, "*Protect and conserve critical agricultural land, sensitive lands and sensitive features in the community*" and no. 3, "*Ensure that land uses are compatible and/or utilize adequate buffers to enhance compatibility*". He added that to limit the number of lots to 38 is consistent with the General Plan.

Braiden Jackson, counsel for the applicant stated that they are in line with Cl. Jones comments. The code has been met and he understands that discretion needs to be in place and the number of TDRs are to push density to the west. They feel this is perfect place for the TDR program. They can't go the direction of the PRC zone and the proposal meets the code. Cl. Egbert said that she would disagree, the design as it is, is not in line with the code. It is if a TDR Overlay zone is approved. The compliance is contingent with allowing the TDRs. Cl. Lundberg said that TDRs should be distributed throughout the city. It would be terrible planning to put them all in one area.

Mr. Jackson stated that it is consistent with the area. If they need to come back with some buffer, they could do that if 40 lots were allowed, they could not if they maximum number of lots were in the 30's.

Motion: Cl. Jones moved to approve an Ordinance to rezone approximately 27 acres from A-2 to RA-1 with a TDR-R Overlay for a property located at approximately 400 N and 1200 W allowing 20 TDRs for a total of 40 lots per the applicant's request and that all Planning Commission and staff's recommendations be met.

Second: Cl. Lundberg seconded the motion.

Cl. Garrett Nay

Cl. Jones Aye

Cl. Lundberg Aye

Cl. Carlson Nay

Cl. Egbert Nay

Vote: Denied 3:2

Motion: Cl. Egbert moved to approve an Ordinance to rezone approximately 27 acres from A-2 to RA-1 with a TDR-R Overlay for a property located at approximately 400 N and 1200 W allowing for 38 units and that all Planning Commission and staff's recommendations be met.

Second: Cl. Garrett seconded the motion.

Cl. Egbert Aye

Cl. Garrett Aye

Cl. Jones Nay

Cl. Lundberg Aye

Cl. Carlson Aye

Vote: Passed 4:1

Ordinance 2021-03

DISCUSSION ITEMS:

Item 4. Discussion of Mapleton City Water Demand, Supply, and Utah Lake Drainage Basin Water (ULS) Allotment.

This item was not heard.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS:

Chief Jackson stated that there has been some theft at construction sites, 2 last weekend and 3 overall in the last week. Spanish Fork has also had a few.

The new hospital in Spanish Fork will be opening in the next few months. They have asked for a meeting with our Public Safety to talk about doing their inner facility transports. Our city is interested, but we don't want to step on Spanish Fork's toes so they will meet with them after they have met with Spanish Fork.

Cl. Carlson added that there was a Solid Waste meeting last week. They are still finishing up the cost estimate for the new facility.

Cl. Egbert stated that with the retreat coming up, she thought it would be a good idea for everyone to be tested for Covid-19 prior to the retreat.

Cl. Garrett said that he would be interested in getting a tour of the new hospital. Chief Jackson will look into this. He also stated that he is worried about the lack of water the city may have this year. Cory stated that he will have Steven follow up with this.

Cl. Jones stated that in conjunction with the Chamber of Commerce, Mapleton will have the opportunity to nominate a resident for Citizen of the Year. There is a form on the website where everyone can nominate. She has received 6 so far and it may be a good idea to recognize everyone somehow.