



MAPLETON
— UTAH —

Planning Commission Meeting

February 9, 2023
6:00pm

125 West 400 North
Mapleton, UT 84664



MAPLETON UTAH

PLANNING COMMISSION AGENDA

Thursday, February 9, 2023, at 6:00pm

125 West Community Center Way (400 North), Mapleton, Utah 84664

The order of agenda items is subject to change at the discretion of the Planning Commission Chair.

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

Consent Items

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Planning Commission Meeting Minutes – January 12, 2023.
2. Consideration of a Home Occupation Permit to operate a small preschool located at 1248 West 1600 North in the RA-2 Zone. The applicant is Terrilyn Simmons.

Public Hearing

3. Consideration of a request to amend Mapleton City Code section 18.76.070 regarding the use of Transferrable Development Rights (TDR's) in existing subdivisions.

PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, (801) 489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 2/2/23.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE

(Last Modified February 2, 2023)

April Houser, Executive Secretary

**Item:**

2

Date:

2/9/2023

Applicant:

Terrilyn Simmons

Location:

1248 W 1600 N

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

RA-2

Attachments

1. Application information.
2. Correspondence.

REQUEST

Consideration of a Home Occupation Permit to operate a small preschool located at 1248 West 1600 North in the RA-2 Zone. The applicant is Terrilyn Simmons.

BACKGROUND & DESCRIPTION

The subject property is located at 1248 West 1600 North and is developed with a single family dwelling and a detached structure. The property owner is requesting approval for a home occupation to operate a preschool in a portion of the detached structure. The applicant intends on having approximately 10 children per class and to follow the Nebo School District calendar.

Since 2013, the Planning Commission has approved seven home occupation permits for preschools.

EVALUATION

Home Occupations: Mapleton City Code (MCC) section 18.84.380 outlines the requirements for home occupations. The purpose of the ordinance is to allow for a *"modest level of business activity... that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area."* As the Commission reviews this application it must determine whether the proposed business is consistent with this purpose.

MCC Section 18.84.380.F indicates that Planning Commission approval is required for preschools. The following are the main requirements that apply to preschools:

- The home occupation shall occupy not more than five hundred (500) square feet of any building.
- The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one (1) person, not a member of the residing family, may be engaged in the home occupation.
- Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.

- Child oriented businesses such as day cares and preschools shall be limited to a maximum of ten (10) clients or students including children living in the home if participating in the preschool or daycare activities. It is recognized that during pick up and drop off times that more than six vehicles may be visiting the site, however, not more than six (6) vehicles, as described in subsection 7, may remain during business hours with the exception of one event per year (such as a class graduation), which may exceed six vehicles. The Planning Commission may limit the number of clients or students to less than ten (10) if it is determined that a property and/or road cannot safely handle the proposed increase in traffic.

The applicant's proposed use complies with the required standards. The detached structure is located towards the rear of the site and has a long driveway that can adequately handle pick up and drop offs. 1600 North is a collector street, so the increase in traffic generated from the business should have little impact on the street.

RECOMMENDATION

Approve the application as proposed.

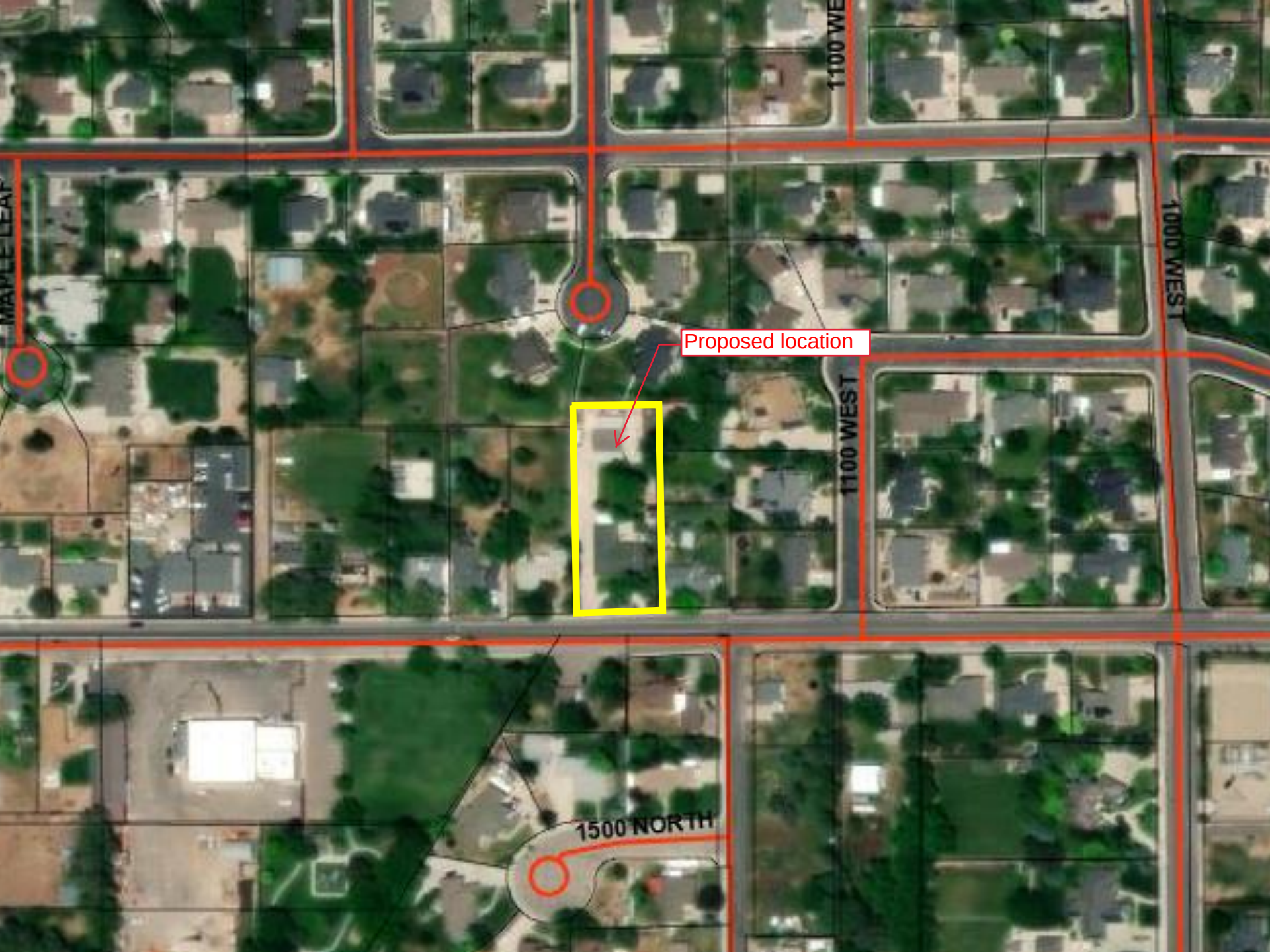
Hi Sean,

Thank you so much for the information. My mom and I are the only ones that will be managing my proposed preschool. I will not have more than 6 cars parked (remaining) on the premises except on graduation day. Other than that, the cars will be coming and going for drop off and pick up, of which our property can safely handle (this includes accommodating cars on graduation day). The map I sent you earlier shows you the allotted (500 square feet) I will be using to hold my preschool, of which will provide adequate space for the allowed 10 clients. I have already notified my neighbors, so this shouldn't come as a surprise to them.

Thanks again for getting back to me. Am I supposed to attend the Feb. 6th meeting? Or is it a meeting for the Council to talk about and then I am notified afterward?

Thanks again!

Terrilyn Simmons



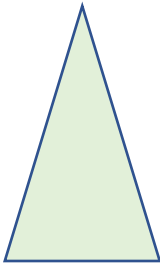
Proposed location



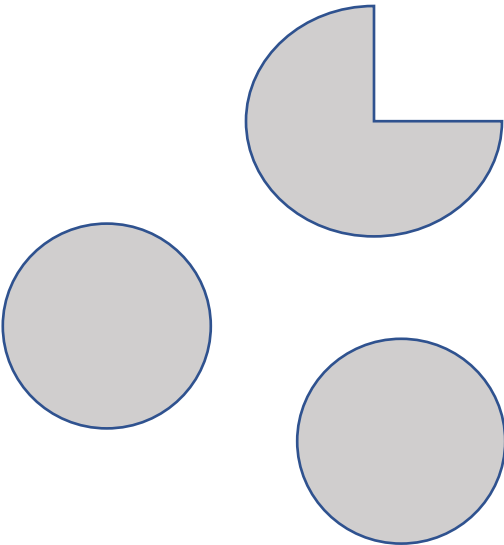
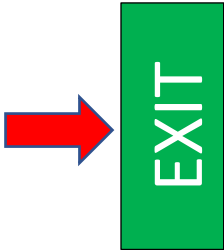
Preschool location



Reserved Space for



20 ft.



25 ft.



**Item:**

3

Date:

2/9/2023

Applicant:

Cameron Rich

Location:

N/A

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Zone:

A-2, RA-1

Attachments

1. Draft ordinance.
2. Aerial image.
3. Correspondence.

REQUEST

Consideration of a request to amend Mapleton City Code section 18.76.070 regarding the use of Transferrable Development Rights (TDRs) in existing subdivisions.

BACKGROUND & DESCRIPTION

The applicant owns a 3.5 acre lot in the Maple Cove subdivision at 216 North 1800 East. The lot is zoned A-2, which requires a two-acre minimum. When the lot was originally platted in the 1980s it was 2.15 acres in size. In 2021, a previous landowner adjusted the boundaries between this lot and the lot to the north resulting in the subject lot increasing in size to its current 3.5 acres.

The Transferable Development Rights (TDR) ordinance was adopted in 1998. Regarding the use of TDRs, Mapleton City Code (MCC) section 18.76.070 states that "*In no case shall a receiving site rezone be approved in any previously platted subdivision.*" The applicant would like to subdivide his lot, however, because of the prohibition of approving a new TDR receiving site within existing subdivisions, he cannot.

The applicant is proposing to amend the TDR ordinance to allow a TDR receiving site (TDR-R) to be approved within existing subdivisions if the following conditions could be met (see attachment "1" for full draft ordinance):

- The subdivision plat was recorded prior to 1998 (the year the TDR Ordinance was first adopted).
- The minimum lot size prior to requesting a TDR-R must be at least 150% of the minimum lot size required in the zone (i.e. 3 acres in the A-2 zone, or 1.5 acres in the RA-1 zone).
- The proposed subdivision cannot increase the number of lots that abut an adjacent lot.

If the proposed amendments were adopted, the applicant would then apply for a TDR-R on his property in order to subdivide it and create one additional building lot.

EVALUATION

MCC section 18.12.010.B outlines a number of guidelines the Commission should consider when reviewing requests to amend the zoning ordinance. These are outlined below followed by a brief staff response.

1. *Public purpose for the amendment in question.*

Response: The applicant drafted the proposed language to make sure that very few properties could qualify for a TDR-R in an effort to limit potential impacts throughout the City. However, by doing so, staff cannot identify any significant public purpose for the proposed ordinance. Staff is concerned with carving out such a narrow exception that would only benefit a few property owners. There likely are other property owners that would like to use a TDR to further subdivide their property, but cannot due to the current ordinance. Staff is concerned that if the ordinance is changed as proposed, that other owners could argue that the changes were arbitrary, and could also request addition amendments to meet their individual situations.

2. Confirmation that the public purpose is best served by the amendment in question.

Response: Staff does not believe that the public purpose is best served by the proposed amendments. The public purpose of the existing ordinance prohibiting TDR-R sites within existing platted subdivisions is to provide predictability to property owners that buy into the subdivision and to avoid unexpected changes to the neighborhood. It is staff's position that the public purpose would best be served by not changing the ordinance.

3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.

Response: Since the goals and policies of the General Plan are general in nature and cover a wide range of policy matters, it could be argued that the proposed ordinance amendments are not compatible with some goals and policies, but possibly compatible with others. It is staff's position that the proposed amendments would not be compatible, or at least less compatible than the existing ordinance, with the following goals and policy of the Land Use Element of the General Plan:

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

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

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

It could also be argued that the proposed amendments could be considered compatible with the following goals:

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

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.

4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.

Response: N/A

5. Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.

Response: As mentioned above, the proposed ordinance amendments may be inconsistent with some of the General Plan goals and policies. However, due to the limited scope of the proposed amendments, it is not likely that their adoption would significantly hinder or obstruct attainment of the General Plan's goals or policies.

6. Adverse impacts on adjacent landowners.

Response: The applicant drafted the proposed amendments with the intent of limiting adverse impacts on adjacent landowners. However, if the amendments are approved, a property owner would still need to apply for a TDR-R site rezone. During the rezone hearing, the Planning Commission and City Council would look more specifically at potential adverse impacts based on the application that was submitted. Adopting the proposed amendments does not guarantee that a TDR-R would be approved if applied for.

7. Verification of correctness in the original zoning or general plan for the area in question.

Response: N/A

8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.

Response: N/A

The Commission has the following options for its recommendation to the City Council:

- Recommend adoption of the ordinance amendments as proposed;
- Recommend adoption of the ordinance amendments with changes;
- Recommend denial of the application; or
- Continue the application with a request for changes or additional information.

RECOMMENDATION

Make a recommendation to the City Council regarding the proposed amendment.

Attachment "1"- Applicant's proposed ordinance amendments

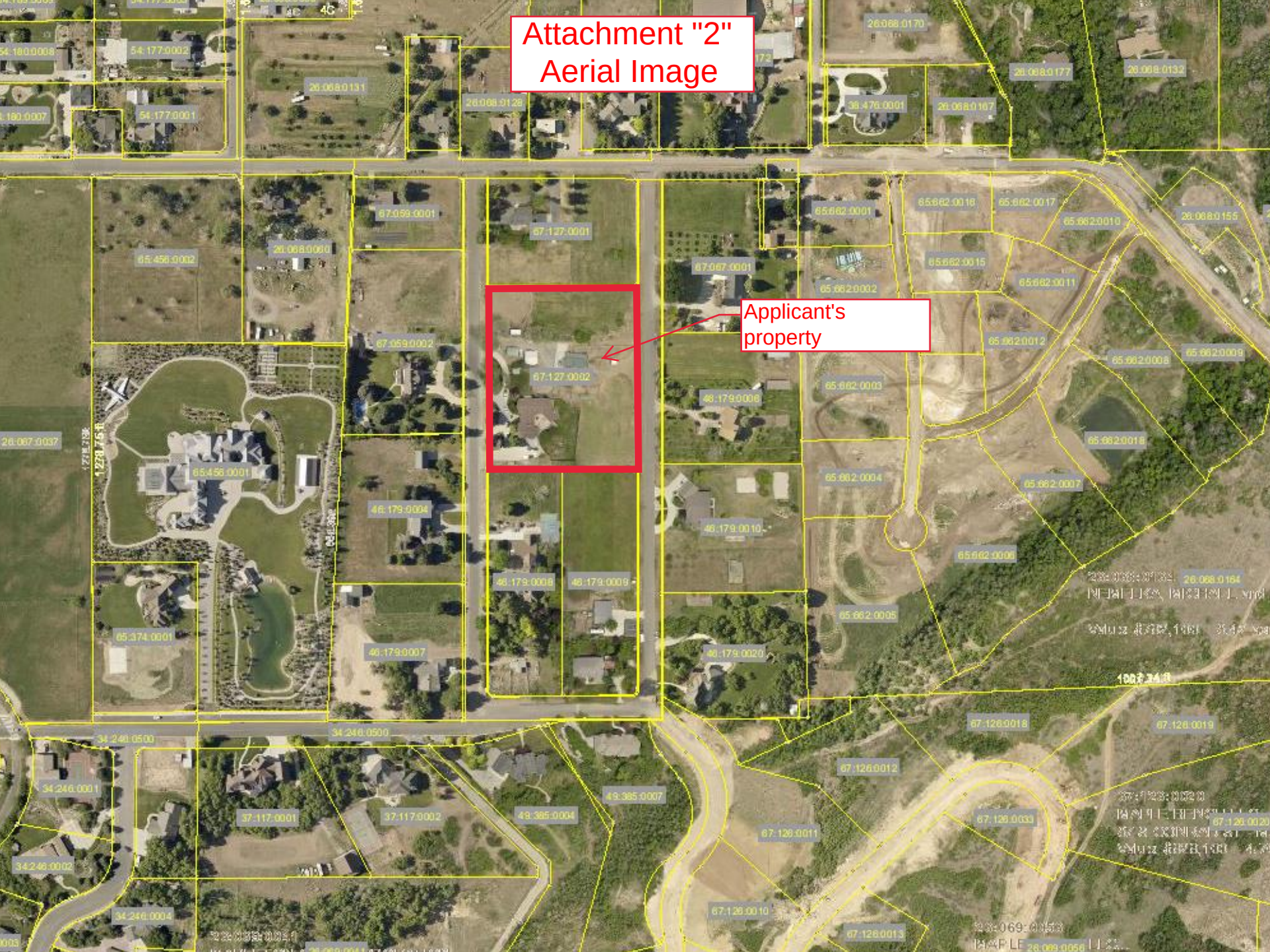
Changes shown in strikeout and underline

18.76.070: TRANSFERABLE DEVELOPMENT RIGHTS; RECEIVING SITES:

B. In order to transfer one or more development rights to a parcel of property, such parcel shall be located within a receiving area. The owner of such parcel shall apply for and receive approval to have the property placed in the TDR Overlay Zone pursuant to rezoning procedures set forth in this title. ~~In no case shall a receiving site rezone be approved in any previously platted subdivision.~~ A receiving site shall not be approved in any previously platted subdivision except under the following circumstances:

1. The subdivision plat was recorded with the Utah County Recorder's Office prior to the inception of the TDR ordinance (1998) and the subdivision is located in either the RA-1 or the A-2 zone; and
2. The minimum lot size prior to requesting to be further subdivided with the use of a TDR certificate shall be 150% of the minimum lot size requirement of unplatted subdivision properties (i.e 3 acres in the A-2 zone or 1.5 acres in the RA-1 zone); and
3. The proposed subdivision shall not increase the number of lots that abut an adjacent lot.

Attachment "2" Aerial Image



Applicant's
property

Attachment "3" Correspondence

Mr. Conroy,

My name is Chris Jensen and I live at 251 N 1800 E in mapleton. My neighbor Cameron Rich is apply to have zone adjusted so he can split his lot and build an additional home. We are OPPOSED to this proposal and do not want to see any adjustments made to the Zoning in our area. We bought here because of the larger lots and open spaces. We would like to see that stay as it is. I will not be able to attend the meeting on Feb 9th in person which is why I'm sending this email to you today.

Thanks for your time today on the phone.

Chris Jensen
801-372-9785