



Planning Commission Meeting

April 13, 2023

6:00pm

125 West 400 North
Mapleton, UT 84664



PLANNING COMMISSION AGENDA

Thursday, April 13, 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 Item

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 – March 23, 2023.

Public Hearing

2. Consideration of a request to apply a Transferable Development Right Receiving Site Overlay to a property located at 1185 West 2400 South.

Action Items

3. Consideration of a Preliminary Plat approval for the Pommerening Subdivision consisting of four one-acre lots at 1285 West 1600 South in the Residential Agricultural (RA-1) Zone.
4. Consideration of a Project Plan approval for the restoration and expansion of the existing home at 20 West Maple Street to convert it to a retail store called "Real Deals" in the Central Commercial (CC-1) Zone.
5. Consideration of a Home Occupation Permit for Horse Riding Lessons located at 2018 West 325 South.

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 4/6/23.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE
(Last Modified April 6, 2023)

April Houser, Executive Secretary

Planning Commission Staff Report

Item:

2

REQUEST

Consideration of a request to apply a Transferable Development Right Receiving Site Overlay (TDR-R) to a property located at 1185 West 2400 South.

Date:

4/13/2023

BACKGROUND & DESCRIPTION

The subject property is approximately 2.5 acres in size and is developed with a single-family dwelling and some outbuildings. The property is considered a "metes and bounds" lot, meaning it has not been platted as part of a subdivision. The majority of the lots in the area are part of platted subdivision and are 2.5 acres in size or larger.

Applicant:

Rolf Walpole

Location:

1185 W 2400 S

In 2020, a five acre parcel just to the northwest of the subject site had applied to be rezoned to RA-1 with a TDR-R. The Planning Commission recommended denial of the rezone to RA-1, but approval of the TDR-R. The Council subsequently denied both the RA-1 and TDR-R requests. Many of the neighboring property owners expressed a desire to maintain the two acre minimum lot size.

Prepared By:

Sean Conroy, Community Development Director

Public Hearing:

Yes

The applicant is requesting approval to apply a TDR-R Overlay to the property with the intent of creating one additional building lot. If the TDR-R Overlay is approved, the applicant would then need to submit an application for the proposed subdivision.

Zone:

A-2

EVALUATION

Rezone requests, including TDR-R overlay 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.

Attachments

1. Application information.
2. Correspondence.
3. Platted and unplatted lots exhibit.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing rezone 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*
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 the site as “*Rural Residential*”. This designation corresponds to the A-2 zone and allows for two acre lots, or one acre lots with TDRs. All of the abutting properties have the same Rural Residential designation. Some of the goals and policies of the Land Use Element of the General Plan that the Commission should consider while reviewing this application include:

- *Goal 1: Preserve and enhance Mapleton’s rural atmosphere and agricultural history through careful planning and the 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 rural character.*
- *Policy 2.1: Maintain the protect established residential districts and neighborhoods.*
- *Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.*
- *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.*

Zoning: The A-2 zone requires two acres per lot, or one acre per lot if part of a TDR-R. MCC Section 18.76.070 indicates that properties in the A-2 zone are eligible to apply for a TDR-R, but states that “*in no case shall a receiving site rezone be approved in any previously platted subdivision*”. The project site is somewhat unique in that it is not party of a platted subdivision, but all of the adjacent lots are. Staff has included an exhibit showing which lots in the vicinity are platted, and which are not (see attachment “3”). The clear language of the ordinance indicates that the applicant is eligible to apply for a TDR-R. However, the Commission may want to discuss whether the intent of the ordinance is being followed, which is to limit changes to established neighborhoods.

MCC Section 18.76.080 states the following regarding the review of TDR-R requests:

“The City Council, after receiving a recommendation from the Planning Commission, shall approve a request to utilize development rights on a receiving site if the request:

- 1. Does not exceed the density limitations permitted by subsection [18.76.070B](#) of this chapter;*
- 2. Is in accordance with the provisions of this chapter;*
- 3. Is in accordance with the subdivision and site plan regulations contained in title 17 of this Code and this title;*
- 4. Is consistent with other recommendations of the Mapleton City General Plan; and*
- 5. Achieves a desirable development compatible with both site conditions and surrounding existing and proposed future development.”*

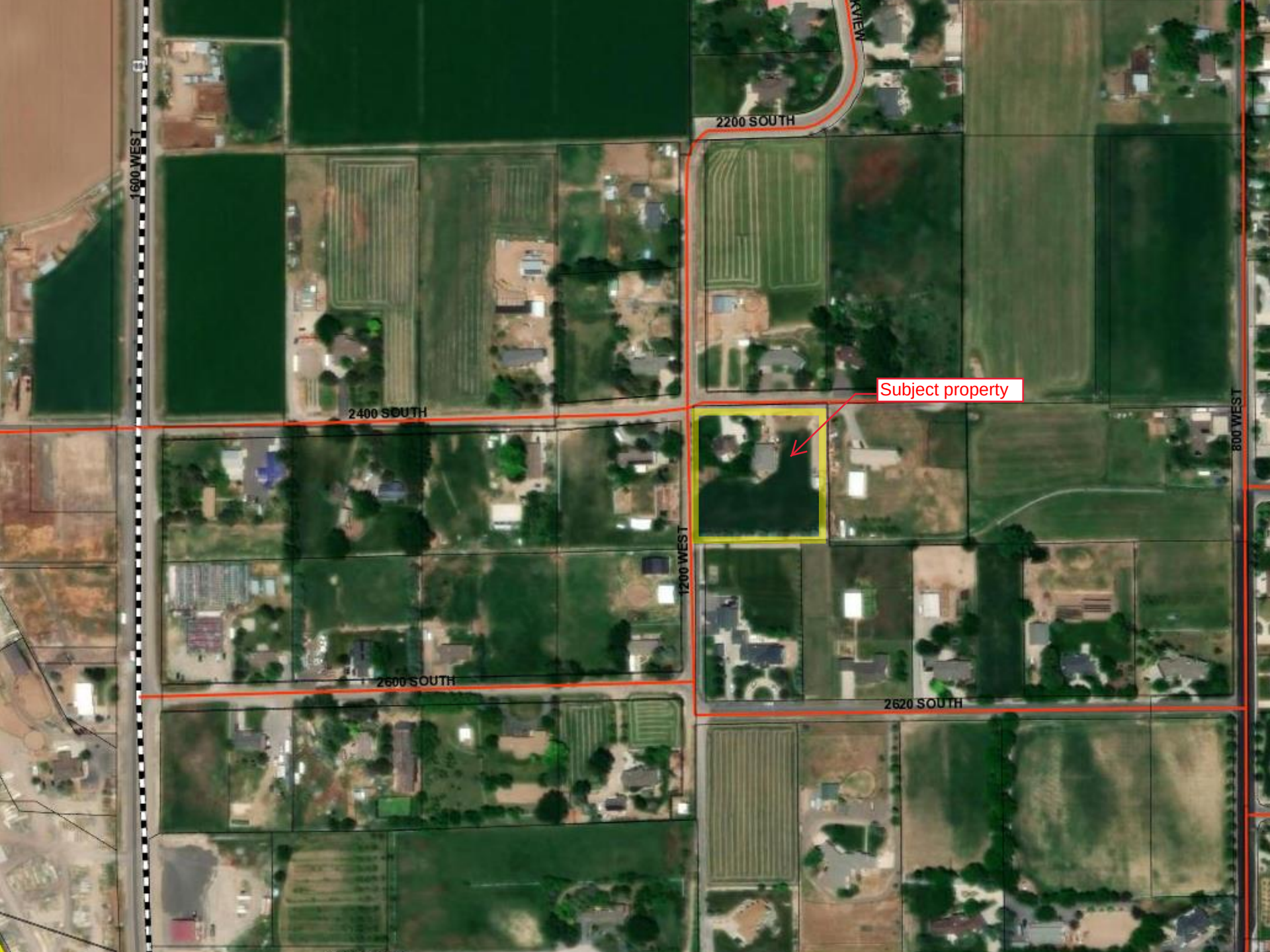
The main focus of the Commission’s review should be on whether allowing a TDR-R on this parcel would be compatible with existing and future development in the area. Because many of the surrounding developed properties are part of platted subdivisions, they could not utilize TDRs to be divided below two acres. However, it is conceivable that some of the non-platted parcels could request to become a TDR-R in the future.

RECOMMENDATION

Make a recommendation to the City Council on whether a TDR-R is appropriate at this location.

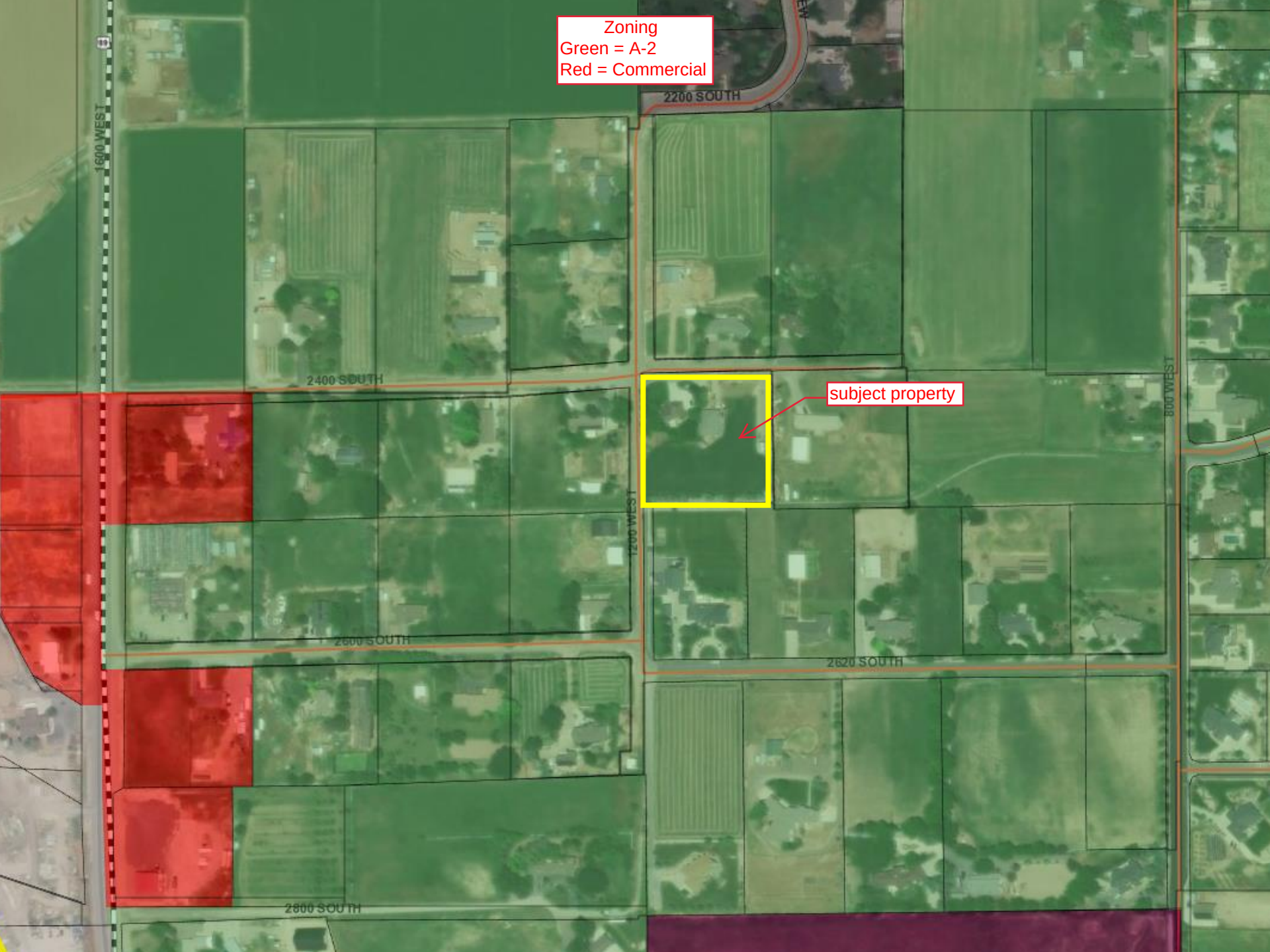
Attachment "1"
Application Information





Subject property

Zoning
Green = A-2
Red = Commercial



subject property

Attachment "2"
Correspondence

Kau Family Trust

1151 West 2620 South, Mapleton, Utah 84664

5 April 2023

Community Development Director, Mapleton City
125 West Community Center Way (400 North)
Mapleton, UT 84664

Dear Sir:

**RE: Request to apply a TDR-R overlay to property at
1185W 2400S**

We purchased our property in 1993 and built our retirement home in 2004 with the desire that it become a legacy property for our children and grandchildren. The zoning designation (A-2) permits our property and home to be in a very desirable community. Most of our neighbors live in subdivisions of similar zoning designations and we all enjoy the physical separations that also provide for farming, animal rights, and many recreational activities which require larger areas than a smaller house lot.

The application of a TDR adjacent to or within established subdivisions could have detrimental impacts to the overall long term ambience to such subdivisions. In your deliberations it is requested that this matter be at the forefront of your discussions, deliberations, and consideration to ensure that all parties involved directly and indirectly are assured of your previously implied insights to preserve the neighbor environment provided by the zoning designation currently in place for our neighborhood.

Sincerely,

/s/

Julian M. F. Kau
Captain, Civil Engineer Corps,
U. S. Navy (Retired)

To Members of the Mapleton Planning Commission and City Council:

RE: Application for use of TDR at 1185 W 2400 S

We are the property owners that live directly south of Rolf and Tangie Walpole. Our address is 1140 West 2620 South. We have lived here for 5 years, and we love our 2+ acre lot, 2+ acre neighborhood and 2+ acre lifestyle. Rolf and Tangie Walpole's property is located at 1185 W 2400 S. The Walpole's are requesting that their 2.5-acre lot be approved as a TDR receiving site for 1 acre development.

Neighborhood History:

In 2018, a new property owner at 1320 W 2400 S (same street, 400 feet away from the Walpole's property in this application) applied for a zone change with TDRs to develop their 5-acre lot into multiple smaller lots. Most of the neighborhood opposed. The application was denied by the Planning Commission and not brought to the City Council.

In 2020, a (different) new property owner of the same property at 1320 W 2400 S tried again to rezone and / or use TDRs to develop their property into 1 acre lots. Most of the neighborhood opposed. This application was denied by the Planning Commission and the City Council.

In both the above applications the neighborhood was united and an overwhelming majority of residents on our two streets signed letters in opposition to less than 2 acre lots in our neighborhood. If you have time, we ask that you please review the letters and who signed from our neighborhood regarding those two similar applications. In doing so you may better understand the way of life, priorities, and values we as a neighborhood together hold.

Now in 2023 again our 2+ acre neighborhood is having to oppose higher density development but this time not from a new outside owner but this time from an inside long-term member of our established neighborhood. This has complicated the matter personally for some.

No matter who is asking for the higher density development in our neighborhood this time, it is still not appropriate for our neighborhood. We have something special in our

two-street neighborhood. We have a way of life that is different from most of Mapleton and our two streets of 2+ acre lots is a lifestyle worth keeping whole and intact. Our way of life is worth preserving, protecting, and celebrating. The heritage, charm, and unity of our neighborhood hinges on us having a consistent density a consistent land use across our two-street neighborhood.

We ask that you our community leaders reject the TDR application by considering the following issues:

- City Policy Loophole- Current city policy does not allow the use of TDRs in established subdivisions. The reasoning is that it would increase the density on a single lot(s) and would change the feel and way of life in an established neighborhood / subdivision creating island development. Unlike most lots in the neighborhood, the Walpole's 2.5-acre lot is not part of a subdivision, but it does touch established subdivisions of 2+ acre lots on all four sides. While this home somehow isn't technically in a subdivision, it is in and is a part of the 25+ year established neighborhood of our four 2+ acre subdivisions. This TDR request does not violate the letter of the law, It attempts to exploit a loophole and attempts to circumvent the spirit of the law and why this city policy was created in the first place. Allowing the Walpole's to use TDRs to develop into 1 acre lots creates non-harmonious island development in a very well-established neighborhood of four subdivisions with one common theme... 2+ acre lots.
- Inconsistent Zoning- Our neighborhood was very active in participating in the latest General Plan workshops and were vocal in stating that we request our neighborhood stay zoned A2 with 2-acre minimum lots to preserve our unique way of life. When others have attempted 1 acre lots a majority of the neighborhood opposed. While the applicant is not requesting a zone change, the TDR use would essentially change the density / zoning and allow 1 acre lots in this new subdivision that will touch and clash against the consistency of the A2 lots in our neighborhood as a whole.
- Inharmonious Situation- Our neighborhood is one of the few intact and whole A2 zoned neighborhoods in Mapleton that allows for rural living. By allowing for two smaller lots, situations may arise where future occupants of the smaller lots may not appreciate the sight, smells, and sounds of animals. Tractors are often being used and night irrigation happens which are all things that could upset someone who isn't into rural living. We ask that you preserve our 2+ acre established neighborhood whole and intact with consistent zoning to promote harmonious living amongst all our neighbors.

Mapleton leaders from 2020 and 2018 rejected development of less than 2 acre lots in our neighborhood and made several statements that the previous site 400 feet away

from the Walpole's, although technically allowed, was not an appropriate site for the use of TDRs.

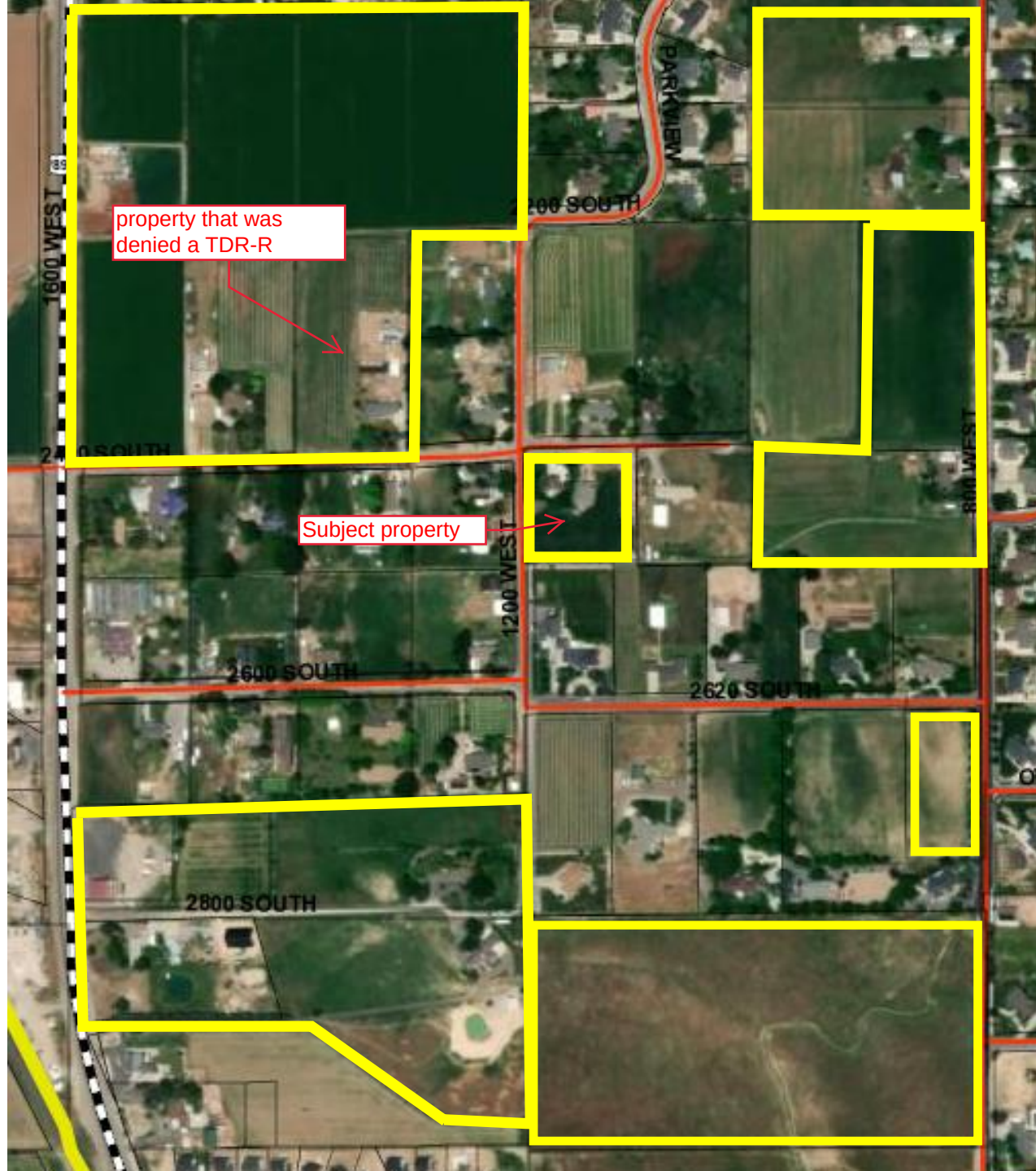
While we and many others are friends with the Walpole's and recognize the value, they have provided to the community over their many years in Mapleton, we cannot support the TDR request that would forever alter the 2+ acre established neighborhood and lifestyle we all cherish and have tried to protect. The General Plan intended to keep "like" neighborhoods whole and intact; please keep us whole and intact and prevent island development inside our established neighborhood.

Sincerely,

Nicholas and Ashley Glasgow

1140 West 2620 South

801-687-7686 Cell



Attachment
"3"
Properties in
yellow are
not part of a
platted
subdivision

Item:

3

Date:

4/13/2023

Applicant:

Jeremy & Melissa
Pommerening

Location:

1285 W 1600 S

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

RA-1

Attachments

1. Standard findings.
2. Application information.
3. DRC comments.

REQUEST

Consideration of a Preliminary Plat application for a four lot subdivision located in the RA-1 zone.

BACKGROUND & DESCRIPTION

The subject property is approximately 4.5 acres in size and is developed with a single-family dwelling and several out buildings. The property has frontage on 1600 South. 1200 West also stubs into the southeast corner of the site. On August 3, 2002 the City Council approved a request to rezone the property from A-2 (2 acre minimum) to RA-1 (1 acre minimum).

The applicant is now requesting approval of a preliminary plat that includes:

- Four 1-acre lots;
- Curb, gutter, sidewalk improvements along 1600 South; and
- The extension of 1200 West to the north that will terminate in a cul-de-sac.

EVALUATION

General Plan & Zoning: The Future Land Use Map designates the site as "Low Density Residential". This designation corresponds to the RA-1 zone and allows for one acre lots. The property to the north is designated as "medium density residential", which allows for 1/3 acre lots, but the other surrounding properties are designed "low density". The proposed subdivision is consistent with the RA-1 zone as well as the surrounding developments.

Subdivision: MCC Section 17.04.050.B outlines the review standards that shall be used by the Planning Commission when reviewing subdivision applications. These standards are shown in attachment "1".

Transportation & Circulation: The City's Transportation Master Plan shows 1200 West ending in a cul-de-sac as the applicant has proposed. There was some discussion during the rezone hearings with both the Planning Commission and City Council regarding whether 1200 West should connect to 1600 South, despite the Transportation Plan. Several neighbors from the subdivision to the south came to the City Council meeting and requested that the road not connect to 1600 South. They were concerned with the potential for increased traffic in their neighborhood if the street connected.

The Council indicated that while it might prefer to have the road connect, if UDOT was not going to allow it to go through, that it would allow a cul-de-sac as shown on the Transportation Plan.

UDOT has indicated that due to the location of the neighboring driveways, that the road could not extend through. While staff typically advocates for connecting streets, it can support the cul-de-sac for the following reasons:

- The cul-de-sac is consistent with the transportation plan and with UDOT requirements;
- If the road were to connect to 1600 S, the road would likely only be approximately 10' from the adjacent home to the east;
- The adjacent neighbors are requesting a cul-de-sac as proposed; and
- MCC Section 17.12.050.G states that the City may require a sidewalk connection through a cul-de-sac to allow for pedestrian connections to existing public streets. Staff is recommending that a sidewalk connection be included from the end of the cul-de-sac to the new sidewalk on 1600 South. Staff notes that the applicant is not supportive of this recommendation.

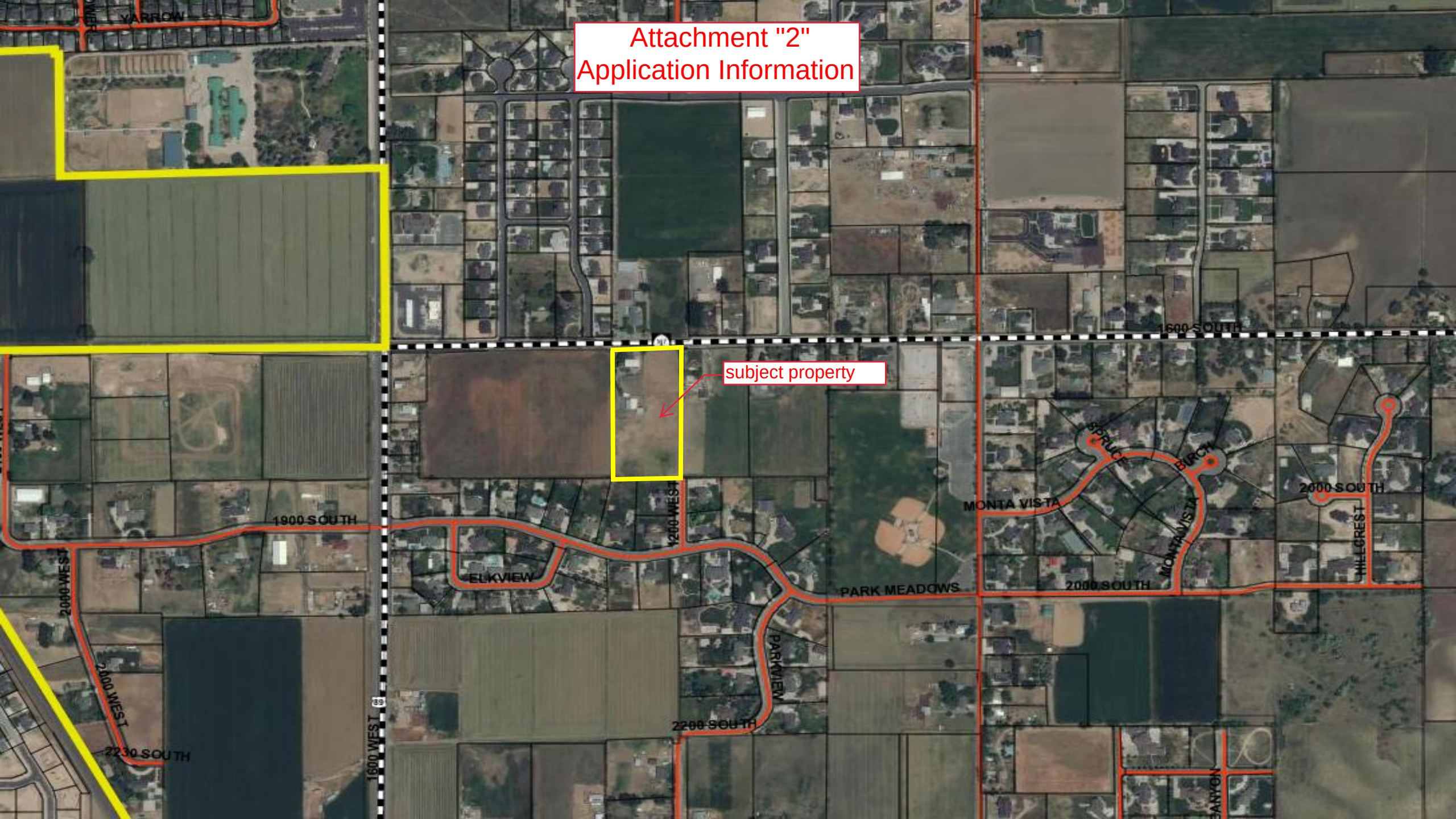
RECOMMENDATION

Recommend approval of the preliminary plat to the City Council with the following conditions:

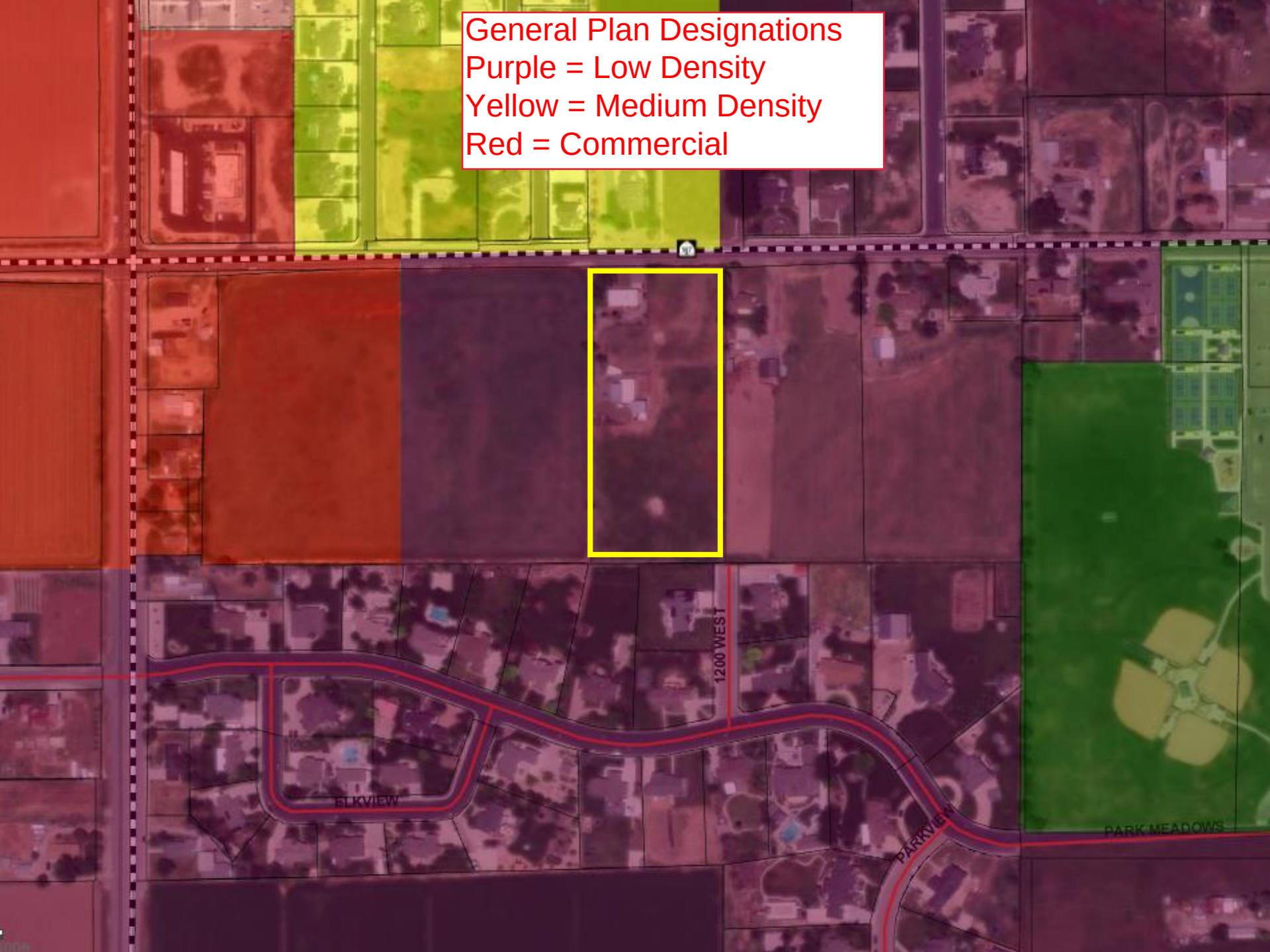
1. The applicant shall comply with any outstanding DRC comments prior to plat recording.
2. The applicant shall install a sidewalk connection from the new cul-de-sac to the new sidewalk on 1600 South.

Attachment “1” Findings for Decision		
No.	Findings	
1.	The plans, documents and other submission materials (including technical reports where required) are sufficiently detailed for proper consideration.	✓
2.	The submitted plans, documents and submission materials conform to applicable city standards.	✓
3.	The proposed development conforms to city zoning ordinances and subdivision design standards.	✓
4.	There are not natural or manmade conditions existing on the site or in the vicinity of the site defined in the preliminary plan that, without remediation, would render part or all of the property unsuitable for development.	✓
5.	The project provides for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions.	✓
6.	The project does not impose an undue financial burden on the City.	✓
7.	The location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the project are consistent with the city's general street map and other applicable elements of the general plan.	✓
8.	The project plan recognizes and accommodates the existing natural conditions.	✓
9.	The public facilities, including public utility systems serving the area are adequate to serve the proposed development.	✓
10.	The project conforms to the intent of the Subdivision Ordinance as described MCC Chapter 17.01.	✓

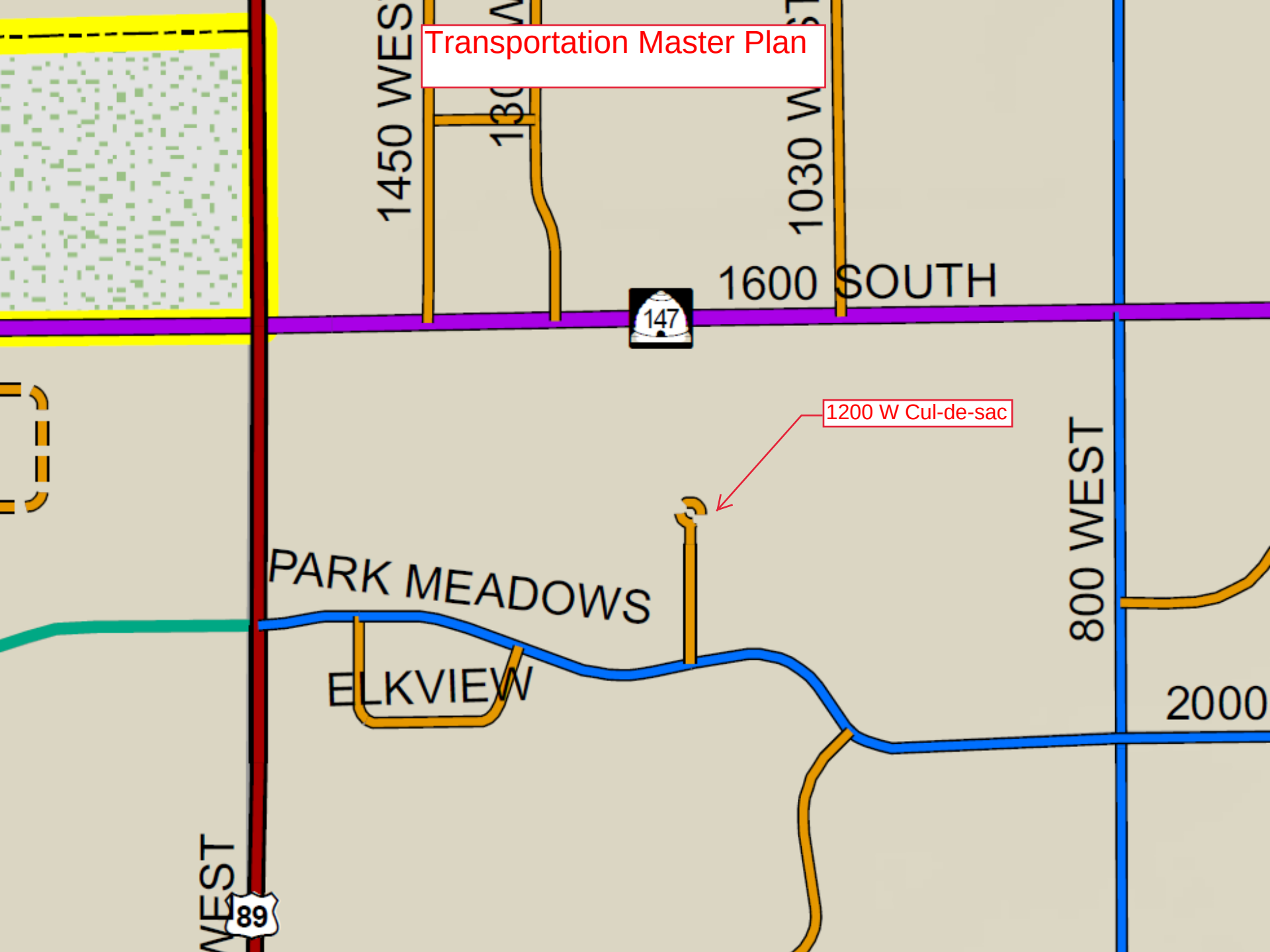
Attachment "2" Application Information



General Plan Designations
Purple = Low Density
Yellow = Medium Density
Red = Commercial

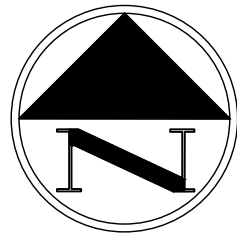


Transportation Master Plan

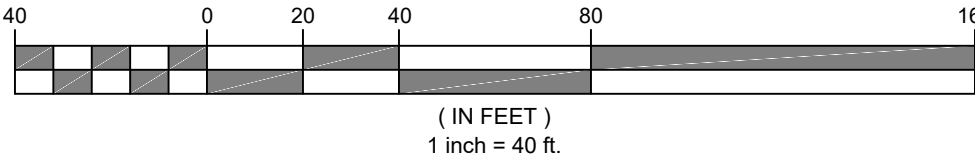


POMMERENING SUBDIVISION
PRELIMINARY PLAT

MAPLETON CITY, UTAH COUNTY, UTAH



GRAPHIC SCALE

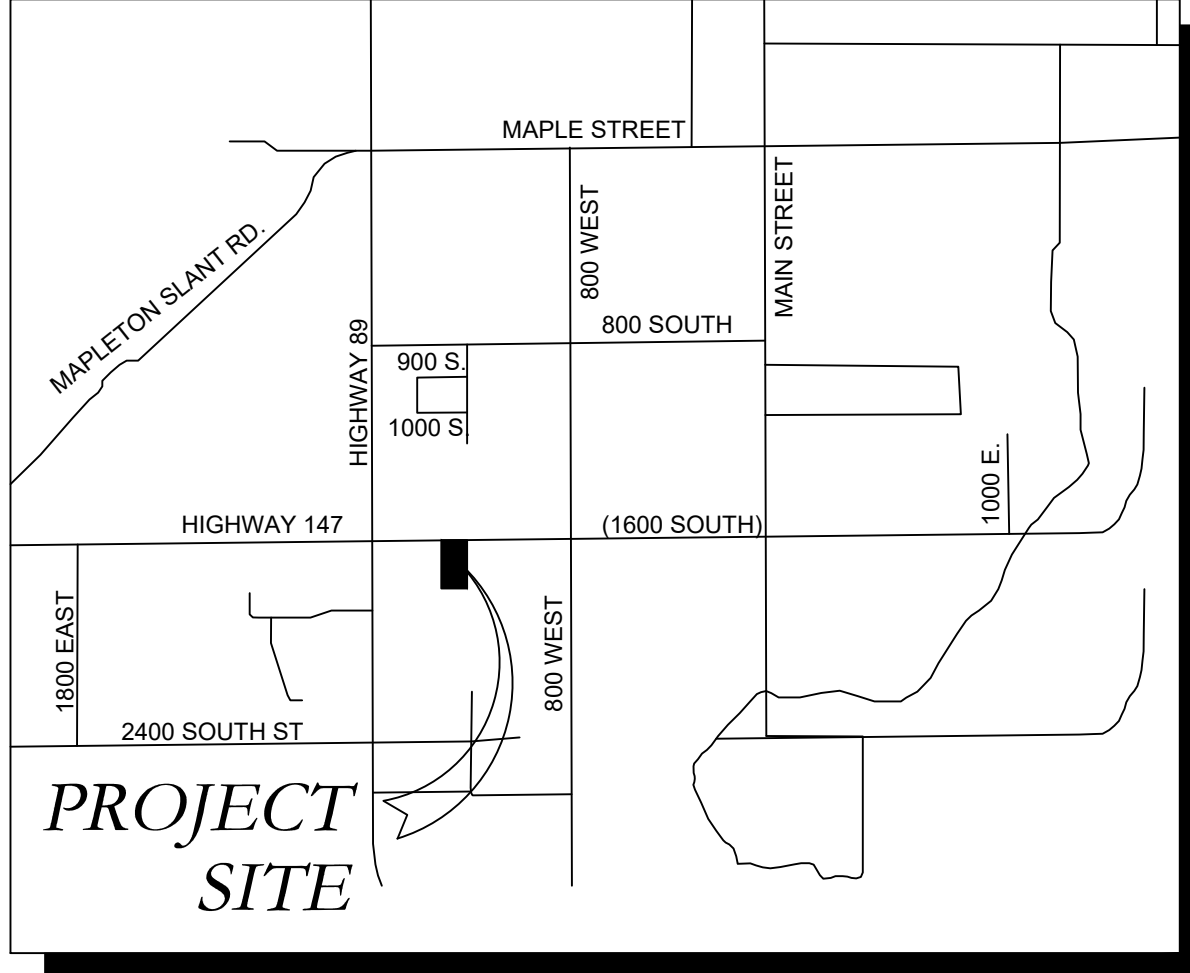


(IN FEET)
1 inch = 40 ft

1 inch = 40 ft

VICINITY MAP

SCALE: NT:



DRAWING INDEX

DRAWING TITLE	SHEET NO.
COVER SHEET	COVER
GENERAL NOTES	GN
DEMOLITION PLAN	DEMO
SITE PLAN	SITE PLAN
GRADING AND DRAINAGE PLAN	GRADING
UTILITY PLAN	UTILITY
PLAN & PROFILE 1200 W	PP1
PLAN & PROFILE 1600 S	PP2
IRRIGATION	IRR
CITY OF MAPLETON DETAILS	DETAIL 1
APWA DETAILS	DETAIL 2

OWNER / DEVELOPER

OWNER: JEREMY POMMERENING
DEVELOPER: WASATCH ENGINEERING & DEVELOPMENT
REID DICKSON
801-541-3040
reid@infinityutah.com

ENGINEER

INFINITY CONSULTANTS
CONTACT: DUSHANE POWELL
(801) 822-1677
DUSHANE@INFINITYUTAH.COM
CONTACT: SCOTT MCFARLAND, PE
(801) 726-6797
SCOTT@INFINITYUTAH.COM

COUNTY BENCHMARK:

COUNTY MONUMENT LOCATED AT THE
INTERSECTION 1600 W and 1600 S
ELEVATION = 4716.54

Call before you Dig
AVOID CUTTING UNDERGROUND



400 000 404

NOT FOR CONSTRUCTION

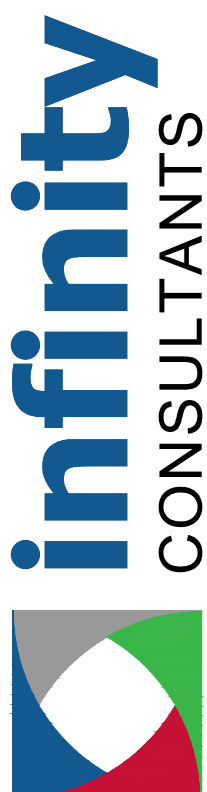
[illegible]SCALE (HORIZ): $\dot{\varphi} = 40^\circ$

SCALE (VERI):

DRAWN BY: DP

CHECKED BY: RHD

DATE: 02-17-2023
PROJECT No: 2456



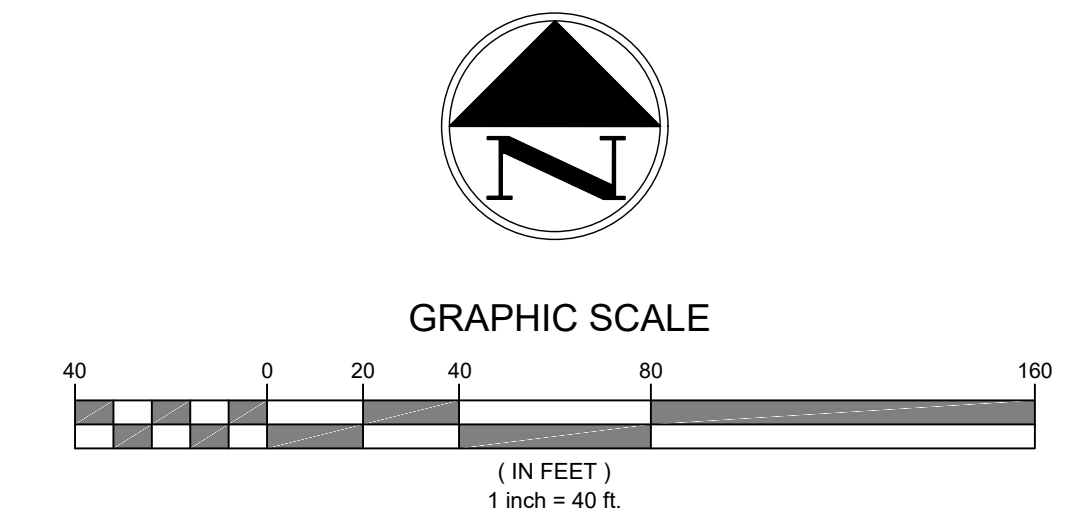
2975 Executive Parkway, Suite 300
Lehi, Utah 84043 • Tel: 801.541.3040

POMMERENING SUBDIVISION

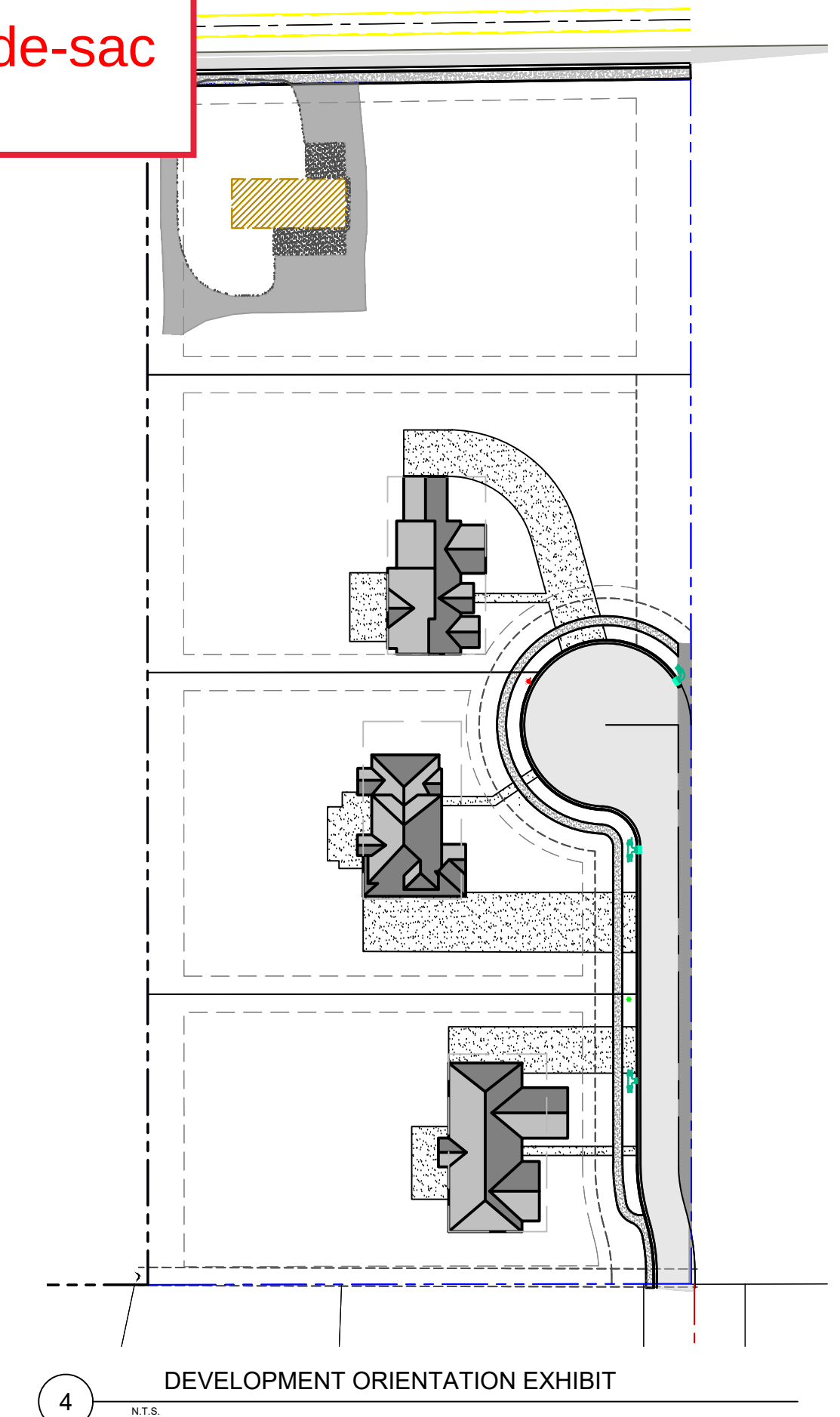
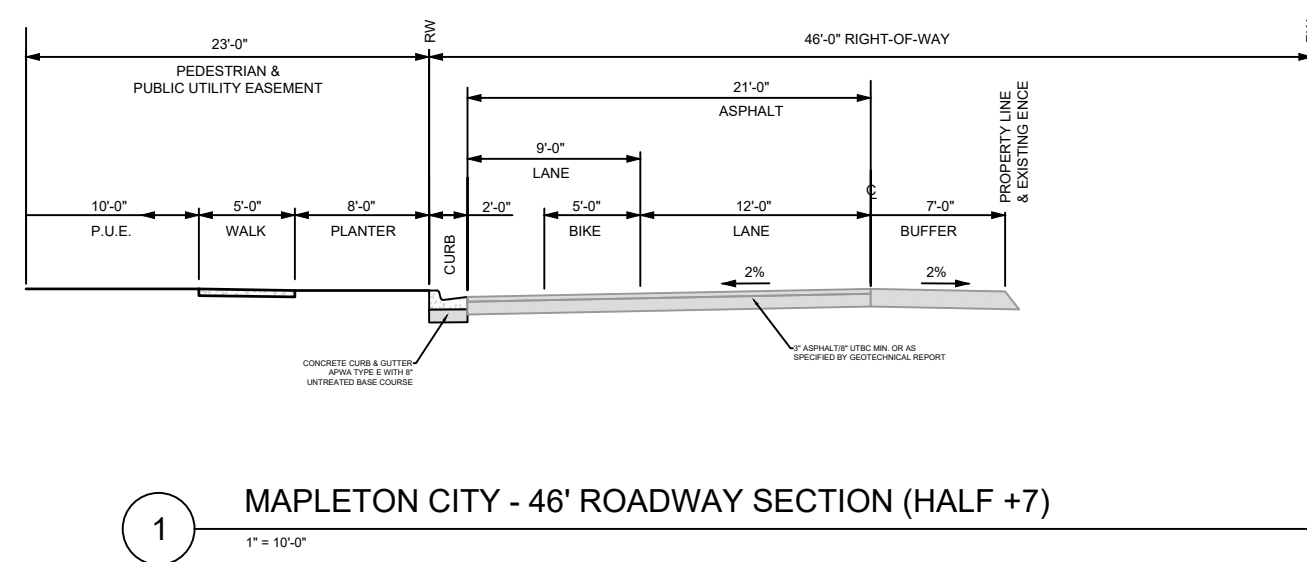
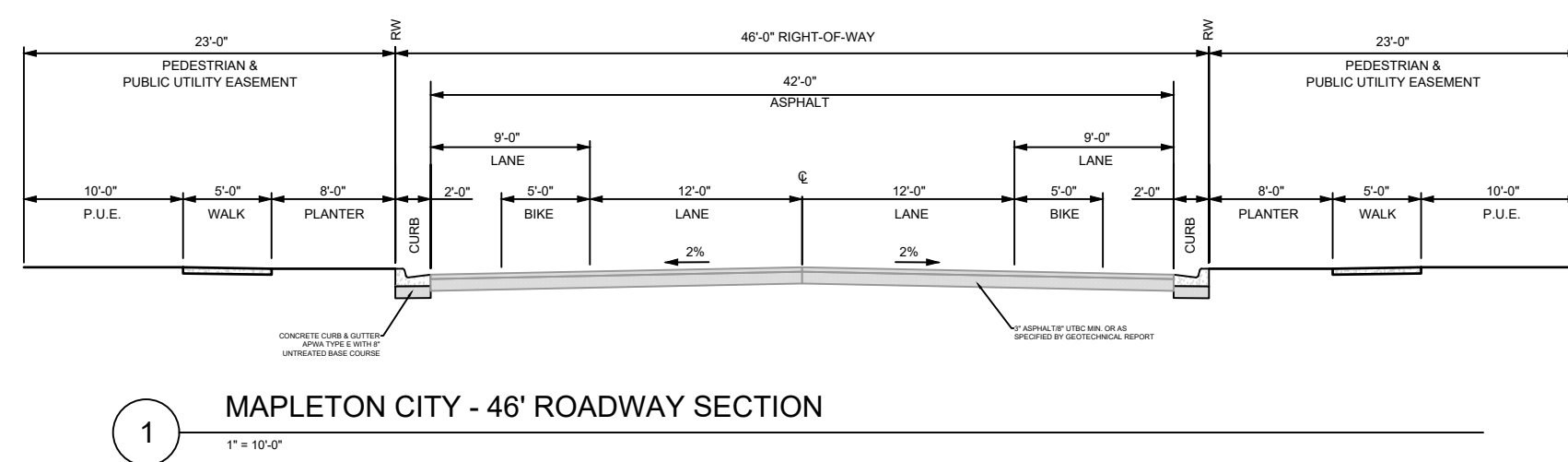
COVER SHEET

MAPLETON, UTAH

SHEET
COVER



Staff is requesting a sidewalk connection between cul-de-sac and 1600 S

[illegible]

SCALE (VERT):
DRAWN BY: DP
CHECKED BY: RHD
DATE: 02-17-2023
PROJECT No: 2456



infinity
CONSULTANTS

2975 Executive Parkway, Suite 300
Lehi, Utah 84043 • Tel: 801.541.3040

SITE PLAN
MAPLETON, UTAH

SHEET
SITE PLAN



Development Review Committee Minutes

March 8, 2023

On February 17, 2023 revised plans were submitted for the Pommerening subdivision consisting of 4 lots. The items below include 1) requested changes to the submitted plans, 2) other items required as part of the application and/or 3) informational items regarding city standards.

Community Development Division

Sean Conroy, Community Development Director

Phone: (801) 806-9101

Email: sconroy@mapleton.org

1. Mapleton City Code section 17.12.050 indicates that the City may require the installation of a sidewalk/trail connection from the cul-de-sac to sidewalk on 1600 S. Staff is requesting that it be installed, but City Council has the discretion to require it or not.
2. Show ROW dedication cross hatched on the plat.

Engineering and Public Works Division

Rob Hunter, P.E. Public Works Director/City Engineer

Phone (801) 489-6253

Email: rhunter@mapleton.org

Seth Barrus, Staff Engineer

Phone (801) 489-6253

Email: sbarrus@mapleton.org

Engineering Reports

Please submit the following engineering reports:

1. A letter from Fransen Civil Engineers (consultant for Mapleton Irrigation District & Company) either approving the design of irrigation system modifications or certifying that no irrigation facilities owned by MIDC exist in the development. Contact Mapleton Irrigation District and Company for more information, 801-491-2985.
2. A culinary water analysis performed by Hansen, Allen & Luce (Katie Jacobsen) 801-566-5599. Please see attached form to be completed and delivered to Hansen, Allen & Luce.

Required Modifications to Plans

1. Please resubmit plans with plan and profile views of sewer, water, and PI.



Streets/Sidewalks

1. Update the 1600 S cross section to match the UDOT section as shown on sheet RD-02 of the Mapleton City Standards, including showing the street widening, curb & gutter, & sidewalk on the south side of the street adjacent to the development:
https://cms9files.revize.com/mapletonut/Document_Center/Departments/Public%20Works/Engineering%20&%20Development/Mapleton-City-Standard-Plans-2018-08-01.pdf
2. Contact UDOT for encroachment permit on 1600 S.

Fiber

1. Please show locations of fiber pedestals and junction boxes.

Sewer

1. Revise sewer and/or water alignment to maintain 10' minimum separation.

Pressurized Irrigation

1. Minimum pressurized irrigation mains are 8", as specified in the infrastructure standards include in the subdivision plat application.
2. Developments are required to extend utility mains across their frontage. As such, this development needs to construct a 12" irrigation main across its frontage in 1600 South, which will connect at each end to active 8" PI mains. Connect the main in 1200 West to that main to provide the PI service.

Storm Drain

1. Provide details for the proposed retention system in the plans (ie. chamber type and detail, elevations, gravel bed depth, access for maintenance, etc). Though it appears that excavation for the underground retention needs to extend at least 4' below existing to reach the gravel/sand layer that will provide adequate infiltration, gravel layer storage volume should not be assumed more than 5' below existing since the Geotech indicate high groundwater is 5' below existing ground. The submitted drainage calcs assume the gravel layer and associated storage volume extend 10' below the chambers.

Culinary Water

1. Provide a looped water line to 1600 South for redundancy, as was shown on the previously submitted utility plan.
2. Minimum culinary water mains are 8", as specified in the infrastructure standards include in the subdivision plat application.



Streetlights

1. Update drawings to show approximate locations of streetlights. Street light locations are required at least every 600 feet on local streets and at every intersection.

Details

1. Please note that Mapleton will be requiring a different water meter lid than what's currently on the standards. The description for the new meter lid from Mountainland Supply is DFW12AUT-1MW+T DEEP LID BLACK MARKED "WATER" PN: 638102.
2. Will a combination air release/vacuum valve and vault be installed as part of this project? If so, show on drawings. If not, then detail WTR-06 can be removed on sheet DT1.

Informational Items

These items are intended for reference purposes only. Notice to proceed with construction will not be given until these items are either noted on the plans or discussed in a pre-construction meeting).

An excavation permit, available online at www.mapleton.org will be required for all work performed in the city right-of-way.

A 2" conduit system with services to each home will be required in the PUE. Please note such on the plans. Contractor to contact Public Works for details.

All utility crossings will be marked with etchings in the back of curb.

Public Works inspections will be required on all utilities prior to backfill. Inspections will include GPS data collection of all fittings and appurtenances.

Please follow APWA standards and specifications unless otherwise identified in the Mapleton City Supplement to APWA Standards and Specifications available online at www.mapleton.org.

A Storm Water Pollution Prevention Plan (SWPPP) permit will be required. Please contact JD Shepherd at Mapleton City Public Works with questions.

Any work on Mapleton Irrigation Company ditches will be approved by the Irrigation Company.

Any work on dry utilities including but not limited to power, gas, and communications will be coordinated and approved by the relevant utility company and must be installed within the public utility easement.

Concrete Collars will be required on all valves and manholes in the roadway.

Any work in UDOT Right-of-Way will require a separate UDOT access and encroachment permit.



Please ensure 10' separation between culinary water and sanitary sewer lines.

A maintenance plan and agreement will be required and recorded for all storm drain retention basins.

A note must be placed on the plans to identify any existing fences and/or improvements on adjacent properties. If construction requires the removal of or results in damage to these items, they must be replaced before the final development inspection can be completed.

A stamped and signed plan set will be delivered electronically to the City Engineer prior to commencement of any construction.

FYI, Prior to plat recording:

- ☐ Revise drawings to address any outstanding issues raised in the DRC comments and/or project conditions.
- ☐ Applicant may choose to either 1) establish a performance bond and durability bond agreement prior to plat recording (see attached bond estimate) or 2) to install any required improvements (i.e. utilities, roads, curb, gutter, sidewalk, etc.) without a performance bond (10% durability bond still required). If option 2 is selected, the plat will not be recorded until the City has accepted the improvements.
- ☐ Payment of impact fees of \$13,721.73 (\$4,573.91 per lot). An additional fee of \$10,089.52 per lot will be required at the time of building permit.
- ☐ Payment of engineering inspection fee of \$800.
- ☐ Payment of slurry seal fees of \$.18 a square foot of asphalt.
- ☐ Submit 6.4 acre feet of water.
- ☐ Pay all rollback taxes if applicable.
- ☐ Submit final mylar with all required signatures.
- ☐ Submit a check made out to Utah County Recorder for \$50 per page + \$2 per lot.
- ☐ Contact post office regarding cluster mailbox (see attached letter).

Item:

4

Date:

4/13/2023

Applicant:

Andy & Dovie Ball

Location:

20 W Maple St.

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

CC-1

Attachments:

1. Application information.

REQUEST

Consideration of a Project Plan approval for the restoration and expansion of the existing home at 20 West Maple Street and to convert it to a retail store called "Real Deals" in the Central Commercial (CC-1) zone.

BACKGROUND & DESCRIPTION

The subject property is just under ½ an acre in size and is developed with a single-family dwelling that was constructed in approximately 1898. The site has frontage on both Main Street and Maple Street. The applicants are proposing to renovate the existing dwelling and to add approximately 2000 square feet to the building footprint to the north. The applicants are proposing to open a retail store called "Real Deals", which is a franchise that specializes in home décor and clothing.

EVALUATION

General Plan & Zoning: Goal 5 of the Land Use Element of the General Plan encourages a diverse and appropriate mix of commercial uses. While most of the City's commercial zoning is located along Highway 89, there are several properties in and around City Hall, including the subject property, that are zoned CC-1. The intent of the CC-1 zone is to allow for neighborhood scale business and retail uses. Mapleton City Code (MCC) section 18.60.040 identifies retail uses as permitted in the zone. The applicant's proposal is consistent with the General Plan and with the intent of the CC-1.

Design Standards: Staff has provided a summary below of the City's commercial design standards along with a brief response.

Site Standards:

- Buildings should be oriented to the street with parking to the side or the rear of the building.
- Site plans shall include at least one public bench and one bike rack.
- Parking requirement is approximately 12 spaces.

Response: The existing building and the additions are oriented to the street with the proposed parking lot to the north side of the building. The driveway to the parking area is located away from the intersection of Maple and Main to improve safety. The applicant is showing a public bench and a bike rack as required.

Buildings:

- Building entrances shall include a covering.
- Buildings should include changes in rooflines.
- Buildings should have quality materials and not have more than 49% of the façade in stucco.

- Buildings should have 30% of main level in windows for street facing elevations.

Response: The existing entrance to the home has a covered porch and the entrance from the parking area will be covered as well. The building will have varying roof lines as required. The applicant is proposing board and batten hardy board siding on the new addition, which is consistent with the standards. The applicant will need to provide evidence of the percentage of windows on the east elevation prior to the issuance of a building permit.

Landscaping

- At least 20% of the site is required to be landscaped.
- A site obscuring fence or wall is required along property lines that abut residential properties.

Response: The site will have an excess of the minimum landscape requirements and the applicant is proposing a new fence along the north and west property lines in accordance with the code.

RECOMMENDATION

Approve the project plan with the following conditions:

1. The applicant shall verify that at least 30% of the east addition elevation includes windows.
2. The final landscape plan submitted with the building permit shall indicate that no more than 60% of new landscaping be in sod.
3. All exterior lighting shall be directed downward and include cut-off shields. If any lighting is proposed in the parking area, light poles shall be limited to 16' in height or less.

Attachment "1"
Application Information

Project
Site



CC-1
Zone

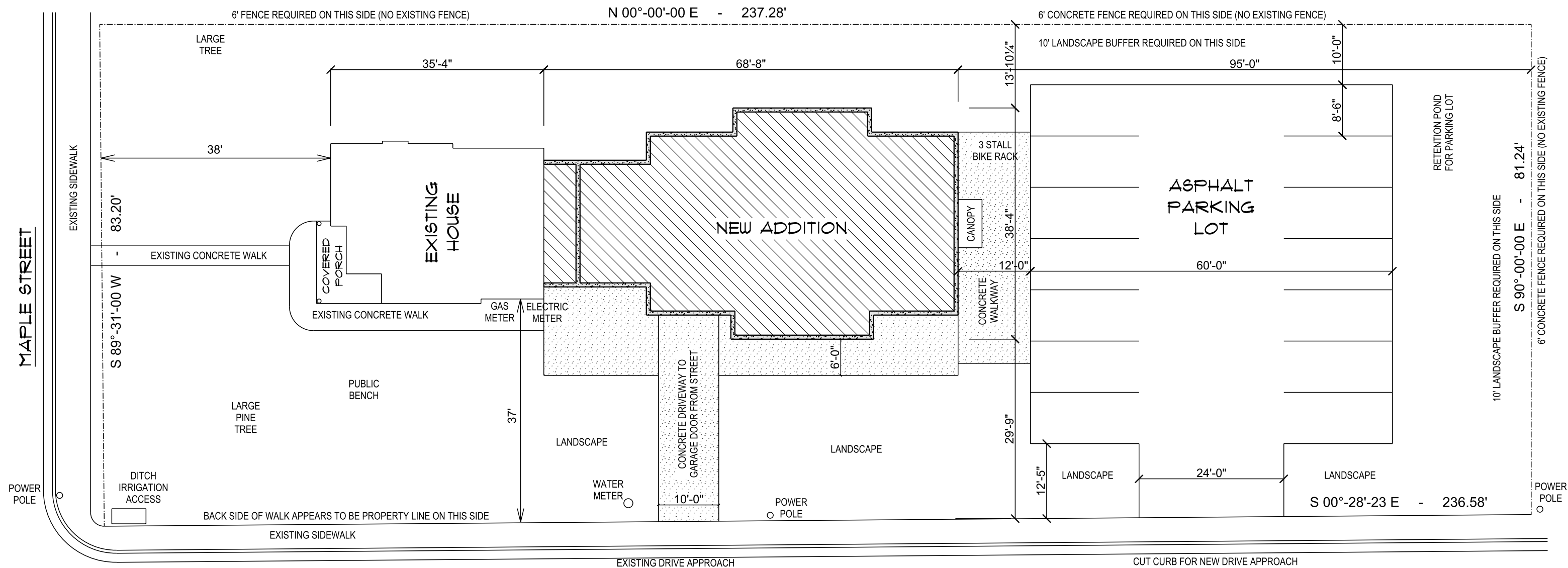
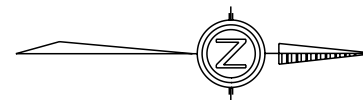
210 EAST

200 NORTH

300 EAST

200 NORTH

We are proposing to use the existing pioneer property to create home decor and clothing boutique called Real Deals. There are several Real Deals locations already in Utah. The proposed hours are Tuesday, Thursday, Friday and Saturday 10 AM to 6 PM. We are in process of restoring the pioneer home to most of its original finishes. The proposed addition will have the look of a carriage house addition. The retail space will flow into the older home. The ADA requirements will be facilitated by the elevator and 90% of the use of the property will be on the main level that will be exactly the same level as the old home's main floor. Landscaping will be upgraded all around the property. A retention area will be engineered and included in the landscaping for the 14 parking spaces needed for the business. Concrete privacy fencing will be installed on the west and north sides of the property up to 30' from the road to provide a buffer to the neighbors. We hope to make this project a thoughtful compliment to our pioneer roots, and a cool destination for ladies looking for the goods that will be sold there.



MAIN STREET

MK Mike Klauck
CONSTRUCTION

SITE PLAN

SCALE : 1/16" = 1'-0" (12' X 18" PAPER)
1/8" = 1'-0" (24" X 36" PAPER)

NEW ADDITION FOR "REAL DEALS"
PARCEL - 26:063:0251
20 WEST MAPLE STREET
MAPLETON, UTAH

PAGE
C.1



WEST ELEVATION

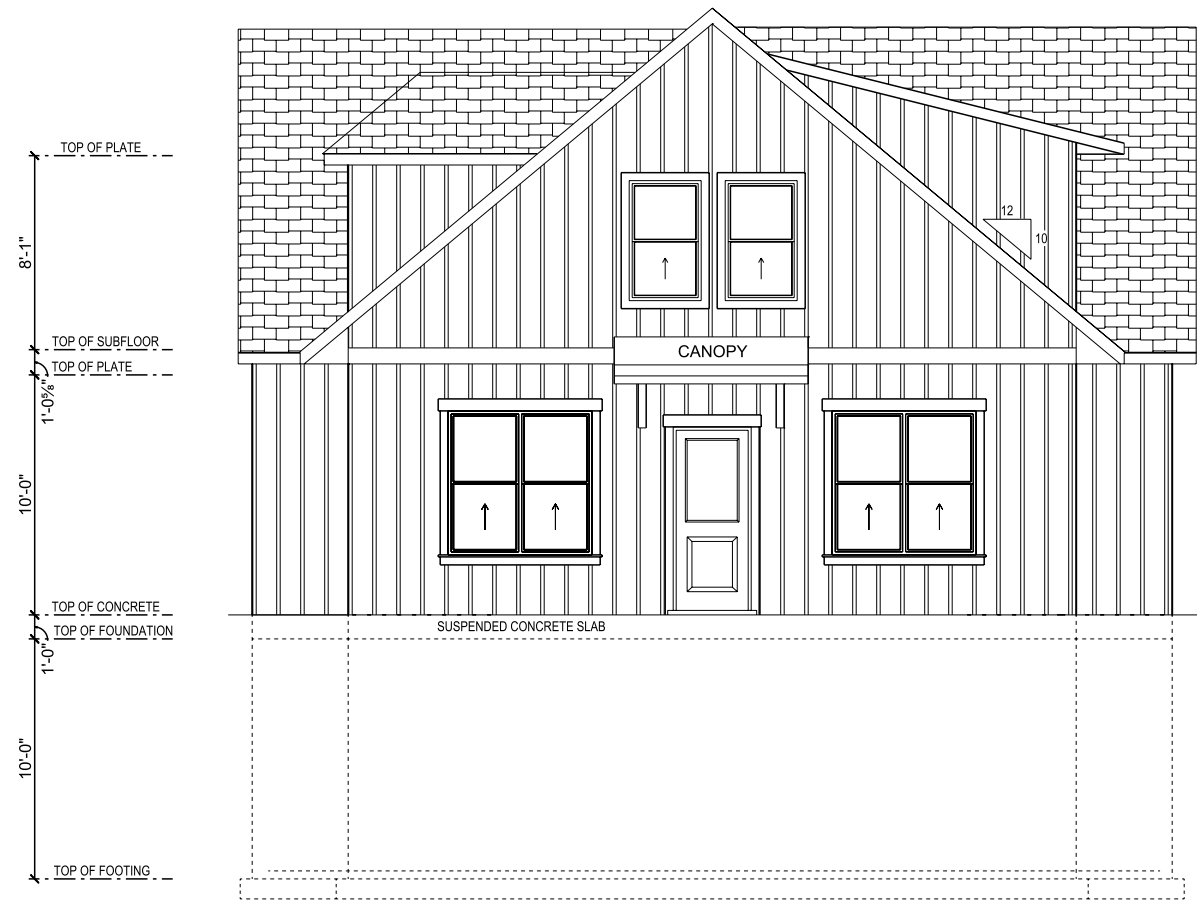


EAST ELEVATION

SCALE : 1/8" = 1'-0" (12" X 18" PAPER)
1/4" = 1'-0" (24" X 36" PAPER)

NEW ADDITION FOR "REAL DEALS"
PARCEL - 26:063:0251
20 WEST MAPLE STREET
MAPLETON, UTAH

MK Mike Klauck
CONSTRUCTION



EXISTING HOUSE

SOUTH ELEVATION

SCALE : 1/8" = 1'-0" (12" X 18" PAPER)
1/4" = 1'-0" (24" X 36" PAPER)

Item:

5

REQUEST

Consideration of a Home Occupation Permit for Horse Riding Lessons located at 2018 West 325 South.

Date:

4/13/2023

BACKGROUND & DESCRIPTION

The applicant owns a .45 acre lot in the South Hollow subdivision that is developed with a single-family dwelling. The applicant also owns a 3.42 acre open space parcel that abuts his lot and is located at the center of the development. The applicant is requesting approval for a home occupation for a small horse riding lessons business. In most cases, the applicant meets with his students off-site at the Spanish Fork Fairgrounds or in the mountains. The applicant also intends on teaching lessons in the open space parcel adjacent to his home.

Applicant:

Steve Johnson

Location:

2018 W 325 S

EVALUATION

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."* MCC section 18.32.010 also indicates that the purpose of the RA-1 zone is *"to provide areas in which minor agricultural pursuits can be encouraged..."*. As the Commission reviews this application it must determine whether the proposed business is consistent with the zoning ordinance.

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

RA-1

MCC Section 18.84.380.F indicates that Planning Commission approval is required for businesses that are conducted outdoors. The following are the main requirements that apply to the applicant's business:

Attachments

1. Application information.
2. Correspondence.

- 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) students are allowed per session.
- 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.
- Not more than 2 horses per half acre of land area can be kept on the open space lot.

Staff has attached some correspondence that we have received from neighboring property owners. Some of their concerns include:

- The open space area was supposed to be a private park.
- Potential property damage from the horses.

- There are more horses than allowed.
- Concerns with horse manure.

The original intent of the open space area may have been a park, but that has no bearing on the current application. Staff has added special conditions addressing the other concerns. Given that most of the applicant's work takes place off-site, and that there is a limit to the number of students allowed, staff does not anticipate any significant impacts from the proposed use. Horse riding lessons are also consistent with the purpose of the RA-1 zone to encourage minor agricultural pursuits.

RECOMMENDATION

Approve the home occupation with the following standards:

1. Group lessons shall not exceed six students per session.
2. The lessons shall be organized to ensure that no more than six vehicles are parked on-site at a time. Students are not allowed to bring their own horse trailer to the site.
3. To avoid potential nuisances, manure shall not be allowed to accumulate.
4. The applicant shall ensure that the riding area is enclosed so as to not allow the horses to trespass on private property.
5. No more than two horses per half acre are allowed on the property.
6. All other conditions outlined in MCC section 18.84.380.F shall apply.

Attachment "1"
Application Information



Applicant's lot and
open space

Attachment "2"
Correspondence

Neighbor concerns:

Mr. Conroy,

I had a neighbor give me a copy of the notice you sent out to our neighborhood, I also live in the neighborhood with my property directly connected to the parcel in question but I did not receive a copy of the notice.

Please include me in the future.

I am opposed to the approval of horse riding lessons being allowed to occur in essentially my backyard. Currently, the fencing that separates my property from the field is insufficient to keep the horses properly restrained. They currently tend to break the fencing in an effort to eat my plants and trees that are on my property. That field was initially earmarked for a recreation area for our neighborhood with walking trails, covered gathering facilities, etc. Salisbury construction, the owners when we bought into this area 20+ years ago, told us of the planned development which enhanced the appeal of the property. He was allowed, by Mapleton City as I understand, to withdraw that part of the planned area after nearly all of the lots had been sold. Salisbury was then allowed to sell that property to the current owner.

Our neighborhood doesn't need that sort of thing going on as some of the current owners who have horses, refuse to pick up after they ride their horses around the streets. We then get to drive through it and see it in the front of our property. I realize the initial intent of these lots was for horse ownership but the facilities being provided at the time of sale have subsequently been removed and sold.

Thanks,
RICHARD JOHNSON
2179 WEST 130 SOUTH
801-318-3789

Sean,

I'm sending you this email to oppose horse riding lessons in the field at 2018 West 325 South. My concerns are increased traffic in the area and with increased activities in the field, more dust covering my yard.

The field was originally designed and marketed by Salisbury Homes as a private park for the residents of South Hollow and guests. Some how Salisbury Homes was allowed to never complete the park and sell the land to a private owner.

The field is surrounded by a three rail vinyl fence and the whole area behind my home is used as a corral.

I believe that the property owner is violating RA-1 zoning 18.32.020 paragraph B because the fence is 45' from one back corner of my house and 65' from the other. The zoning states no corral closer than 100' to an existing dwelling. I am lot #27 in the subdivision.

There are also times that I believe 18.32.020 paragraph A is being violated with the number of horses exceeding one animal unit for each 20,000 square feet of lot area.

Please consider my concerns and advise me of your findings.

Thank you

Scott Cox

March 9, 2023

Dear Sean Conroy,

I would like to express my disagreement with allowing Horse riding lessons to be conducted in the green area of the South Hollow subdivision. Although this neighborhood is zoned a residential area there are animal rights associated with this subdivision. This does not mean that starting a commercial venture with providing Horse riding lessons should be allowed.

I would also like to point out that by maintaining a Horse presence in this enclosed area does not provide adequate protection against property damage and or physical harm should the Horses break through the vinyl fencing.

Pursuant to Utah County Code Chapter 5 article 5-2-20 item 2-5

(2) It is unlawful for any person owning or having the custody, possession, or control of livestock to allow, either negligently or with specific intent, the animal to run at large.

(3) All fencing of property where livestock are kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.

(4) Any animal in violation of this section may be impounded.

(5) All persons owning or having the custody, possession, or control of livestock shall be strictly liable for all damages caused by any such livestock.

All Animal enclosures should be maintained with a steel fence to protect against property damage and physical harm to children who may be playing in their back yard. Should a horse break through without adequate restraint, the applicant and or City could face liability litigation to satisfy any damage and or harm done to the property and citizens of South Hollow.

This area between homes in the South Hollow area was originally intended to be a green belt from developer Rick Salisbury. The original citizens of South Hollow have tried several times to engage with Mr. Salisbury with little success. We have also tried to have the city help mitigate this impasse by being an advocate for its citizens. With the Property being sold by Mr. Salisbury to Mr. Steve Johnson, The Citizens of South Hollow have lost faith in the city to protect its citizens against outside Contractors who want to take advantage of them. Please don't validate their fears by allowing this application to proceed without representation and due process.

Karl Walser

2067 W 130 S

Applicant's response

Hi Sean,

Thank you for the time you've been able to spend helping me on the business license concerns.

I wanted to address some of the issues that the neighbors have shown a concern about. The attached photo is Richard Johnson's back yard. As you can see where I have problems, they have fruit trees overgrown past my fence where the horses are attracted to the fruit trees and also the grapes growing on my fence. I also have had a problem with the deer jumping over my fence and breaking it. The fence shown is my Vinyl fence around the 3.5 acres which is my property and my personal fence. Four or five of the neighbors have chosen to put up their own fence behind mine for privacy, which I encourage. Many of them drive through the property to build pickleball courts, garages, patios, and sheds with my permission. I love that it's open and available to them. I have ran a barbwire or non-barbed wire fence along most of the property on the south side about 5 feet from the inside of my vinyl fence. Also, most of the rest of the fence has a Hotwire fence keeping the horses away from my vinyl fence. I have talked to Richard Johnson and he explained to me that he really doesn't have issue with any of this horse riding stuff, and that Shannon Gessel was the one that asked them to put up a stink. I noticed that she left it up to Karl Walser and Richard Johnson. They both confirmed that she had "encouraged" them to complain so that they might have other options for this property as they still consider this their "Commons" area. I purchased this property from Jon and Lisa Woodward who also had problems with the neighbors as I have with neighbors shooting b.b. guns at the horses etc. They are still upset that the HOA was never created and feel this somehow should have been their property to share now. I have explained that the city of Mapleton also turned down the 1.2 million park that Rick Salisbury was trying to create and give for them out of this property and the 14+ acres outside of the South Hollow Subdivision. The City of Mapleton declined to take the park realizing that it would cost too much to maintain the park.

The residents of the South Hollow Subdivision were only paying about \$25 dollars a month for the HOA. The Average HOA fee in Utah is currently \$200 a month, and for an Equestrian community, it's even more. So I don't think they realize the true expense. At any rate, I'm the third owner of this property and in-order to buy my corner house lot, I was required to purchase this horse property in the center as well. I'm hoping to someday have what the subdivision residents were promised originally which is an Arena and a barn and a Paddock for horses to roam in and to be able to share this with the community. I eventually wanted to include a walking path around the property for others to walk, ride a bike, etc. on, but some of the neighbors don't want anyone behind their back yards.

As to the concerns about the amount of animals that will be here and the traffic it might draw, most the kids are young kids or disabled kids, so I don't see that there would be any car traffic. This is more of a hobby of mine and something for others to enjoy. I do plan to have a more permanent Hotwire fence installed as I don't want the horses anywhere close to my \$60,000+ vinyl fence due to the price of these fences and repair of these fences skyrocketing. As I said, most of the fence line is an inside wire fence.

As for Scott and Chris Cox complaining about closeness of the fence to their garage or house. This "Commons" area property was designed and surveyed prior to all the homes being built. I notice that there are several sheds and garages built rather close to my property. I'm not complaining and the

horses don't mind, I'm just trying to point out the obvious that the garages and such shouldn't have been built that close to my property line. The last time they gave me the ordinance and complained about this was 15 years ago when I moved here and back then, it was concerning properties that are 5+ acres or more. Mine back there is currently 3.5 acres, so it doesn't apply and if that has changed, it should be grandfathered in.

As for Scott and Chris Cox complaining about the dirt and dust. They would have this with or without the horses, they chose to move there knowing that property was an equine property and when the wind blows, there will be dust and dirt. It is very rarely that we kick up any dirt as most the kids I let ride are small kids that are walking on horses and can't go any faster. On occasion we do walk around some of the neighborhoods or around the outer areas in the fields which are mostly owned by Rick Salisbury with no complaints. We also are off-site to other areas and cities like Spanish for fair grounds, etc. These houses in south hollow are all .5 acres and include animal rights, so there are many others that ride their horses around the neighborhood, etc. There are no accumulation of manure, etc. as it is dried up promptly and dissolves into the dirt. I did try using a harrow to make the property look good and break up the little bit of manure that had accumulated over the years, but it created more dust than it was worth, and quit frankly, there is very little manure that had not just dried up and fell apart without the extra dust created by the harrow. In the summer, I also wet down the round pens where the kids are learning to ride behind my house.

Most of the horses that we're riding are my own. I don't see any of the small students that I teach having their own horses boarded here. The average age group is between 3-13 yrs. Old. I currently have five horses here and Alan Green (Boss system Carpet care) currently has four here that are up for sale due to hay prices.

Most the kids would be dropped off by their parents, and looking at the current demand, I hope to have about 15 students a year. I am hoping this increases to keep my wife happy, otherwise we will give in to the contractor that wants to purchase the property and our house for 2.7 million as a ranch or convert it to have 55+ housing condo's just like the ones about 20 yards from my property to the east. I hope not to have to sell out, but it's getting hard to justify this property for a horse pasture/Paddock and I'm trying to make my wife happy by making the horses pay for them selves and the hay. I am a computer IT guy by trade, and struggle with the thought that I could sell out to a contractor willing to pay cash and retire (getting out of debt is a priority in todays economy).

So in review, I will limit the parking to no more than six cars at a time for the equine property, and no more than six students at a given time on location.

I don't think that they neighbors will see anything different than they have seen for 15+ years (horses in my back yard and kids wanting to ride (about three at a time)).

Thank you for your attention to this and the time that I know you all put into these types of projects.

Regards,

Steve Johnson

