



Planning Commission Meeting

May 11, 2023

6:00pm

125 West 400 North
Mapleton, UT 84664



PLANNING COMMISSION AGENDA

Thursday, May 11, 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 – April 13, 2023.
2. Consideration of a request for a Home Occupation Permit for a small piano lesson business located at 1443 West 1400 North. The applicant is Lauren Pollock.

Public Hearing

3. Consideration of a request to apply a Transferable Development Right Receiving Site Overlay to a property located at 1185 West 2400 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 5/3/23.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE
(Last Modified May 3, 2023)

April Houser, Executive Secretary

Item:

2

REQUEST

Consideration of a Home Occupation Permit for Piano Lessons located at 1443 W 1400 N.

Date:

5/11/2023

Applicant:

Lauren Pollock

Location:

1443 W 1400 N

Prepared By:

David Stuenzi Jr., Planner

Public Hearing:

No

Zone:

RA-2

Attachments

1. Application information.

BACKGROUND & DESCRIPTION

The applicant owns a .35-acre lot in the Maple Meadows Estates subdivision that is developed with a single-family dwelling. The applicant is requesting approval for a home occupation for a small piano lessons business. The applicant teaches individual private lessons as well as small groups of 4-6 students. Parents will be primarily picking up and dropping off for lessons before and after school. Business will be between Monday through Thursday, year-round.

EVALUATION

Zoning: The subject property is zoned RA-2, which is intended to allow for single-family uses as well as home occupation uses. The applicant's proposal is consistent with the RA-2 zone.

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 businesses that could have more than two client visits per hour. The following are the main requirements that apply to the applicant's business:

- 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.

The applicant is not proposing to have non-family members working at the site. The applicant anticipates a maximum number of 6 cars parked at the house for 5-10 minutes only during drop-off and pickup times for group lessons. It is not anticipated that the application will result in anything more than a modest amount of business activity.

RECOMMENDATION

Approve the home occupation as proposed.

Attachment "1"
Application Information

Subject Parcel



1. There are no employees in my business; it's just me!

2. For my lessons with 6 students there may be 6 cars parked at my house for 5-10 minutes. The parents do not stay for the lessons so they typically just drop off their kids and then come back when class is over to pick them up. And frequently I have siblings in my classes or the kids carpool which minimizes congestion even further.

For my private piano students, I teach lessons one kid at a time so there may be two cars out front for a couple of minutes while one kid is being dropped off and the next kid is being picked up from their lesson. In my policies I remind parents to drive carefully and to be mindful of the neighbors. I also tell them that they are welcome to park in my driveway to help minimize congestion on my street. I want to be a good neighbor!

3. I teach lessons in the morning before school (typically starting at 7:00) and then in the afternoon when school gets out (around 2:00 or 3:00, depending on the day). I am finished with lessons by 6:30 in the evening. Occasionally I have homeschool students or a homeschool group lesson in the middle of the day. That schedule varies. My teaching schedule is Monday through Thursday, year-round. I teach a total of about 16-17 hours a week. Again, cars are not actually parked at my house for the bulk of the time since it is just drop offs/pick ups.

Hopefully that answers your questions. If you need any other information please let me know!

Sincerely,

Lauren Pollock

Item:

3

Date:

5/11/2023

Applicant:

Rolf Walpole

Location:

1185 W 2400 S

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Zone:

A-2

Attachments

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

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.

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.

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.

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.

The Planning Commission reviewed this application on April 13th. Because there were only four members at the meeting and they could not come to a majority vote, the item was continued.

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.

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 part 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.”*

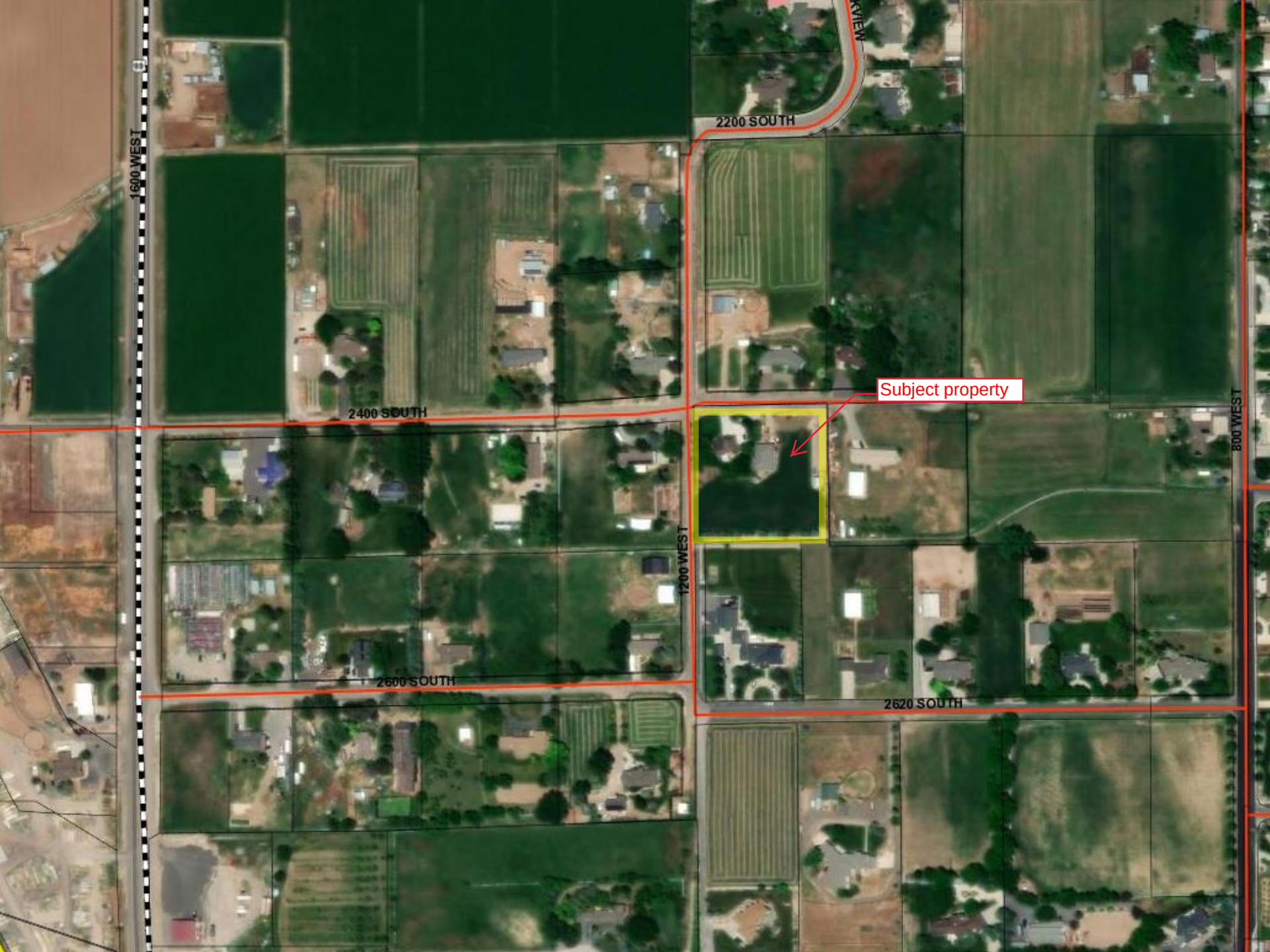
The main focus of the Commission’s review should be on whether allowing a TDR-R on this parcel would be compatible with existing and future development in the area. Because many of the surrounding developed properties are part of platted subdivisions, they could not utilize TDRs to be divided below two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

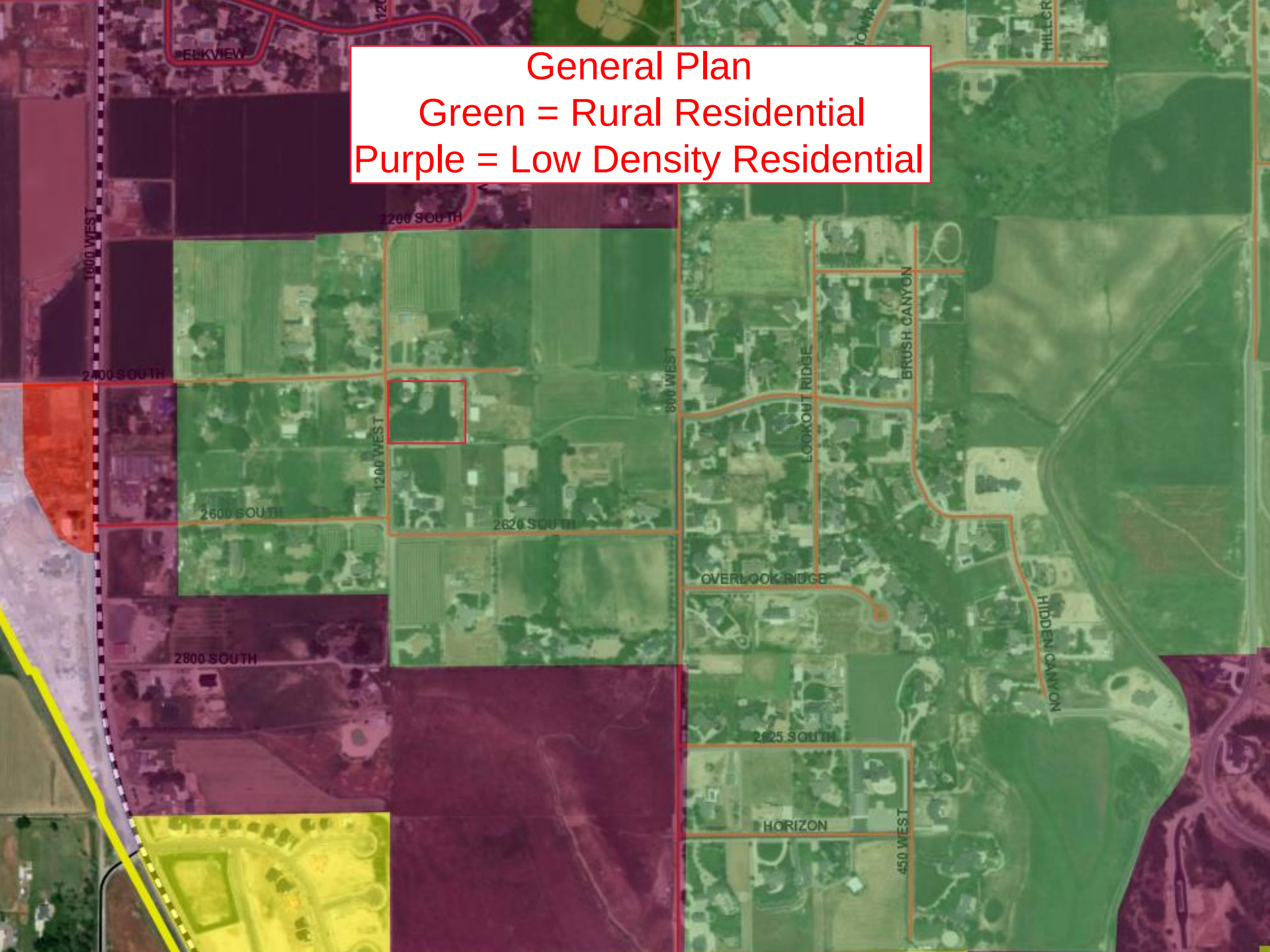
Attachment "1"
Application Information



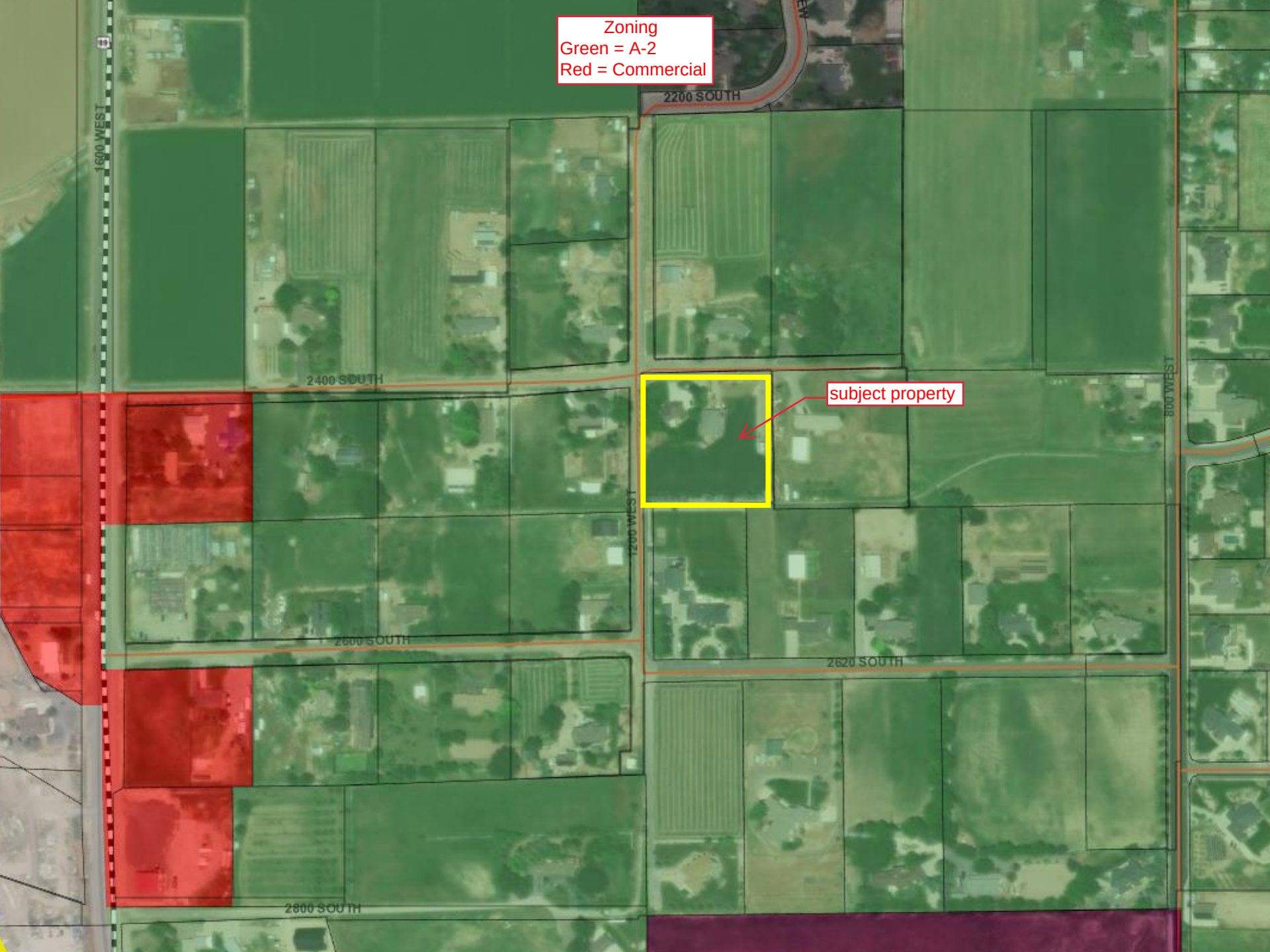


Subject property

General Plan
Green = Rural Residential
Purple = Low Density Residential



Zoning
Green = A-2
Red = Commercial



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.

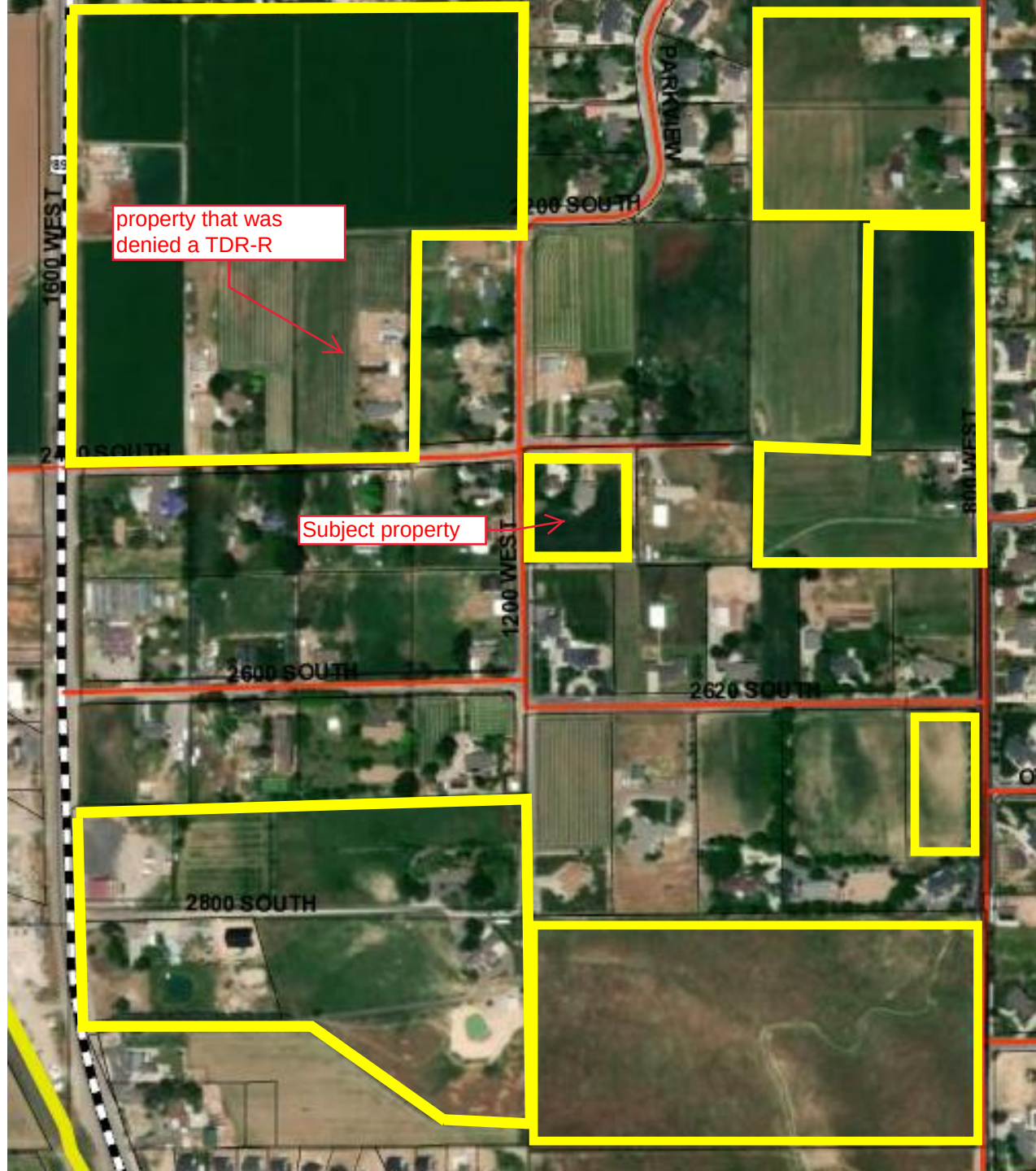
While we and many others are friends with the Walpole's and recognize the value, they have provided to the community over their many years in Mapleton, we cannot support the TDR request that would forever alter the 2+ acre established neighborhood and lifestyle we all cherish and have tried to protect. 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

Attachment "4"



PLANNING COMMISSION MINUTES April 13, 2023

PRESIDING AND CONDUCTING: Vice-Chairman Rich Lewis

Commissioners in Attendance: Jake Lake
Jesse McLean
TJ Uriona

Staff in Attendance: Sean Conroy, Community Development Director
David Stuenzi, Planner

Minutes Transcribed by: April Houser, Executive Secretary

Vice-Chairman Rich Lewis called the meeting to order at 6:00pm. A prayer and Pledge of Allegiance was given.

Item 1. Planning Commission Meeting Minutes – March 23, 2023.

Motion: Commissioner McLean moved to approve the March 23, 2023, Planning Commission Meeting Minutes

Second: Commissioner Lake

Vote: Unanimous

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

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This project is about 2.5-acres in size and is not part of a platted subdivision. The applicant would like to apply a TDR-R Overlay to allow for one additional lot on the property. Most of the property in this area is zoned A-2, with most of the surrounding lots being part of a platted subdivision.

Rolf Walpole, the applicant, has lived in this area for 53 years. He went over some of the development history of this area. He developed Park Meadows Estates, along with the Ira Allan Sports Park. When the Transferable Development Right (TDR) came into play, he was very supportive of it to maintain the open space of the hillside. Mr. Walpole is hoping to downsize and build a smaller home on the new lot. He purchased his TDR many years ago, with the plan to utilize it on his property like he is requesting at this time.

41
42 **Vice-Chairman Lewis** opened the Public Hearing. **Colton Christensen** purchased the
43 property in the area that tried to apply a TDR previously in this area. Although he does not
44 like the thought of a rezone, he understands that Rolf has every right to do this. If 2400
45 South ever went through to 800 West, he sees nothing but trouble with safety, and wanted
46 to put that comment on record. **Casey Beck** lives one house to the west of this property. He
47 passed around a handout he had prepared. He asked that the Planning Commission ensure
48 that all of the city ordinances, and property rights, are being met with regards to this rezone
49 request. He feels that if this item is approved, it could affect future rezoning in the area, as
50 it sets a precedence to do so. He would hope that the Planning Commission would
51 recommend denial to the City Council of this rezone request. Mr. Beck is a member of the
52 City Council, but will not be voting on the item, as he represents himself as a local resident
53 against this rezone. There are lots of other areas in town that are more suitable for this
54 zoning than the proposed parcel. The first goal of the General Plan is to enhance Mapleton's
55 rural feel, and help to maintain this as future developments come forth. Casey stated that
56 he would like to see wording put into the code that would require unplatted lots, that are
57 surrounded by platted lots, to maintain the same type of zoning in the area. **Brandon**
58 **Wickes** lives just down the street from the applicant. They purchased their home in 2011
59 and consider this area the best location in the city. These larger lots allow for more
60 agricultural uses to take place on the property. There is a fundamental way of life that is
61 different between 2-acre lots than those of 1-acre lots. Mr. Wickes does not feel that
62 someone on a 1-acre lot would enjoy being surrounded by larger lots that are utilizing their
63 agricultural rights to the fullest. He would recommend denial of this request. **Nick Glasgow**
64 lives to the south of the Walpoles. He agrees with all the statements made by the other
65 residents this evening. They are a family of people that have the same way of life. He does
66 not feel this rezone is consistent with the neighborhood. All four corners of the property
67 will touch parcels that are 2-acres or larger in size. He feels this area is worth preserving
68 and asked the Planning Commission to recommend denial of this rezone to the City
69 Council. **Chad Cornaby** lives down the street and loves this neighborhood. He feels like
70 Rolf deserves the right to build what he wants to on his land. I do not feel like it would
71 destroy the neighborhood, and that it would be okay. He hopes that after this rezone request
72 further TDR's will not be applied in this area. **Brett Hansen** lives three lots down to the
73 west. He agrees with everyone's comments this evening. Mr. Hansen feels that the mayor
74 may have allowed other large developments to get approved with less than the typically
75 required TDR's so his personal excavation business could do their work. He commented
76 that the TDR's should have been used more in these larger developments and hopes more
77 will not be utilized in his neighborhood. **Andy Ball** has a similar property in the northeast
78 part of town. He is in support of this rezone. There is double frontage on the lot, which will
79 cause less disruption to the area. Where the other platted lots can't be changed, he does not
80 feel this will be an issue regarding setting a precedent and believes the Walpoles have the
81 right to develop their property. **Chad Koford** lives to the west and wanted to speak about
82 the safety in this area if the street was to be continued through. The burden it would put
83 on all these residents would be catastrophic. They would ask the city to please look at this
84 when considering future planning in the area. No additional comments were made, and
85 the public hearing was closed.

86
87 **Commissioner Lewis** asked if 2400 South was proposed to go through on the Transportation
88 Master Plan. Sean stated that it was, and a recommendation to change it could be made,

but it would not take place with the rezone request this evening. It would need to be a separate item to amend the Transportation Master Plan. If approved, this rezone would not affect 2400 South, nor the concerns that have been brought up about it this evening. **Commissioner McLean** asked if the improvements would be required to go in, and Sean stated that it would be developed under the rural residential guidelines, which would not require any additional street improvements such as curb, gutter, or sidewalk. Commissioner McLean stated that about ½ of the properties in this area are not platted, so this rezone will likely not be the only one requested in this area in the future. Rolf Walpole felt that they had held this TDR for many years, believing they would have the right to utilize it on their property when they decided to. He does not feel the arguments given this evening are justifiable. Sean stated that the commission should be considering if this rezone would still be compatible with the existing city code. **Commissioner Uriona** felt that it may be more appropriate to hold off at this time, until potential future smaller lots are developed in this area. Sean clarified that the mayor has not had anything to do with the required number of TDR's required on developments that have taken place in Mapleton, and that one of the developments referenced (Mapleton Heights) received their zoning at their time of annexation. Commissioner Lewis spoke to the fact that many people have purchased TDR's with the understanding that they would be able to utilize them on their property. This leaves the rights of developers and existing citizens expectations to be met in different ways. The commission is here to try and ensure the city ordinances are being met. Commissioner Uriona feels this may be more appropriate down the road, but not at this time.

1st Motion: Commissioner Uriona moved to recommend denial to the City Council for the request to apply a Transferable Development Right Receiving Site Overlay to a property located at 1185 West 2400 South.

Second: Commissioner McLean

Vote: 2:2:0 with Commissioners Uriona and McLean voting aye and Commissioners Lake and Lewis voting nay.

Commissioner Lake stated that this area does meet the standard for a TDR-R Site, and other parcels in this area could also be approved for 1-acre lots because they are not in a platted subdivision. **Commissioner Uriona** felt that allowing this rezone would create the precedent that 1-acre lots would appropriate in this area. Sean stated that the item would need to be continued until there is an additional commissioner in attendance to vote if it is tied at 2 and 2.

2nd Motion: Commissioner Lewis moved to continue the request to apply a Transferable Development Right Receiving Site Overlay to a property located at 1185 West 2400 South until an additional Planning Commissioner could be in attendance to break a tie if needed.

Second: Commissioner Lake

Vote: Unanimous

Item 3. Consideration of a Preliminary Plat approval for the Pommerening Subdivision consisting of four 1-acre lots at 1285 West 1600 South in the Residential Agricultural (RA-1) Zone.