

MAPLETON
U T A H
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.

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

Commissioner Lewis asked if 2400 South was proposed to go through on the Transportation 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.**

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This parcel is about 4.5-acres in size and was rezoned from A-2 to RA-1 back in 2022. There were neighbor concerns when the rezone took place regarding the street going through. At that time it was left up to UDOT to determine if the street could go through. After discussions with them it was determined UDOT did not want 1200 West to go through, which is the reason the applicant is proposing a cul-de-sac. However, staff does recommend a pedestrian connection to 1600 South.

Reed Dixon, with Infinity Consultants, stated that it has been good to work with everyone to figure out how to install this cul-de-sac. The applicant would prefer not to have to install the pedestrian connection for three reasons. It would be awfully close to the existing home, an intrusion on lots 1 and 2 and would be very straight and lineal like an alley way. Sean stated that staff feels like it would be valuable in the area but is open to the commission's thoughts on it. **Commissioner McLean** felt this may be the new normal when a lot of these longer lot developments take place. **Commissioner Uriona** felt pedestrian access would be a good idea. Mr. Dixon felt that allowing some other type of trail access be allowed instead of the recommended 5' cement sidewalk. Sean stated that staff would be in support of this.

Motion: Commissioner Lake moved to recommend approval to the City Council for the Pommerening Subdivision consisting of four 1-acre lots at 1285 West 1600 South in the Residential Agricultural (RA-1) Zone, with the conditions listed below:

1. The applicant shall comply with any outstanding Development Review Committee (DRC) comments prior to plat recording.
2. The applicant shall install a hard surface material connection from the new cul-de-sac to 1600 South.

Second: Commissioner Lewis

Vote: Unanimous

Item 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.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This is a ½-acre parcel with one of the oldest homes in Mapleton located on it. A few years back there was an application to demolish the existing home, so the city is happy to keep the home intact, with the additional renovations being proposed. Real Deals is a home décor and clothing store, which was previously located in Spanish Fork. There will be additional parking to meet the requirements for this type of use. Staff recommends approval of this request with the conditions outlined in the Staff Report.

Motion: Commissioner Uriona moved to approve the Project Plan for the restoration and expansion of the existing home a 20 West Maple Street to convert it to a retail store called "Real Deals" in the Central Commercial (CC-1) Zone, with the conditions listed below:

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.

Second: Commissioner Lewis

Vote: Unanimous

Item 5. Consideration of a Home Occupation Permit for Horse Riding Lessons located at 2018 West 325 South.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Most of the lessons will take place in the open space parcel in the middle of the South Hollow Subdivision. Home Occupations are allowed for a modest amount of business activities, which was discussed as part of the Staff Report. There were some concerns from neighbors, which were made available to the Planning Commissioners. These concerns were addressed in the conditions of approval listed in the Staff Report. **Commissioner McLean** asked what the fencing was along this area. **Steve Johnson**, the applicant, stated that he installed the fencing himself. He may have a couple of students that want to bring their own horses, which could access the property from 2 separate locations that are in place now. Mr. Johnson saw this property as something he could do and share with the neighborhood. Most of the south area of the property is fenced with barb wire to keep the horses from eating the neighbors fruit trees. He hopes to help a lot of kids with these riding lessons. Most students would range in age from 5-13 years old.

Motion: Commissioner McLean moved to approve the Home Occupation Permit for Horse Riding Lessons located at 2018 West 325 South, with the conditions listed below:

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.
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 the MCC Section 18.84.380.F shall apply.

Second: Commissioner Uriona

Vote: Unanimous

Item 6. Adjourn.

April Houser, Executive Secretary

Date