



City Council Staff Report

Date:
6/21/2023

Applicant:
Rolf Walpole

Location:
1185 W 2400 S

Prepared By:
Sean Conroy, Community
Development Director

Public Hearing:
Yes

Attachments:
1. Application information.
2. Correspondence.
3. Platted & 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 subdivisions 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 at that time 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 held two public hearings on this item. The first hearing was continued because of a tie vote. At the second meeting on May 11, 2023 the Commission recommended approval of the TDR-R Overlay.

EVALUATION

Rezone requests are considered legislative actions. The City Council generally has 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 geneal.
8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be give 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 Council 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"). A strict reading of the ordinance indicates that the applicant is eligible to apply for a TDR-R because it is not a platted lot and is in the A-2 zone. However, the Council 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 Council'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

Determine if a TDR-R Overlay is appropriate at this location.

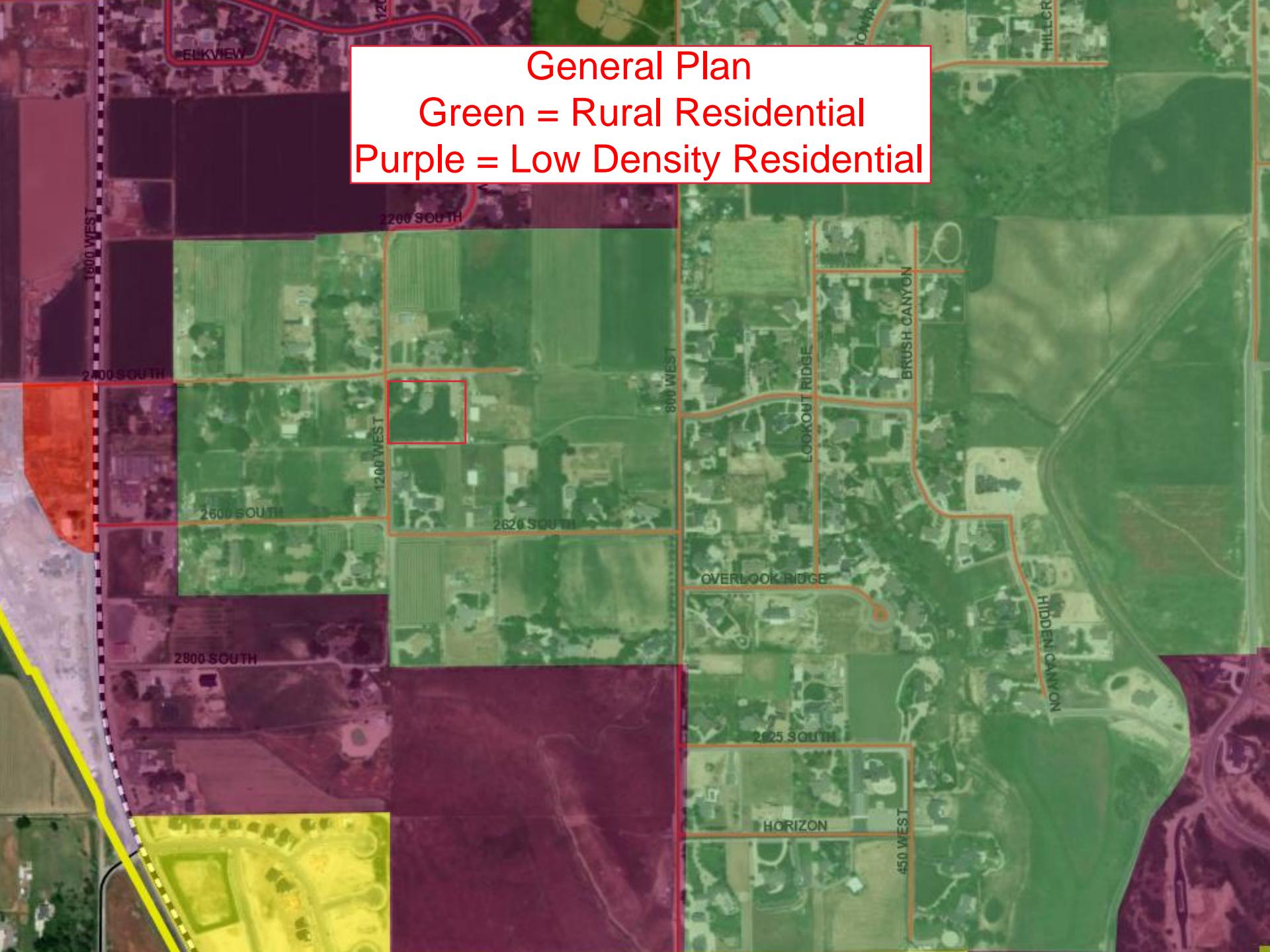
Attachment "1"
Application Information



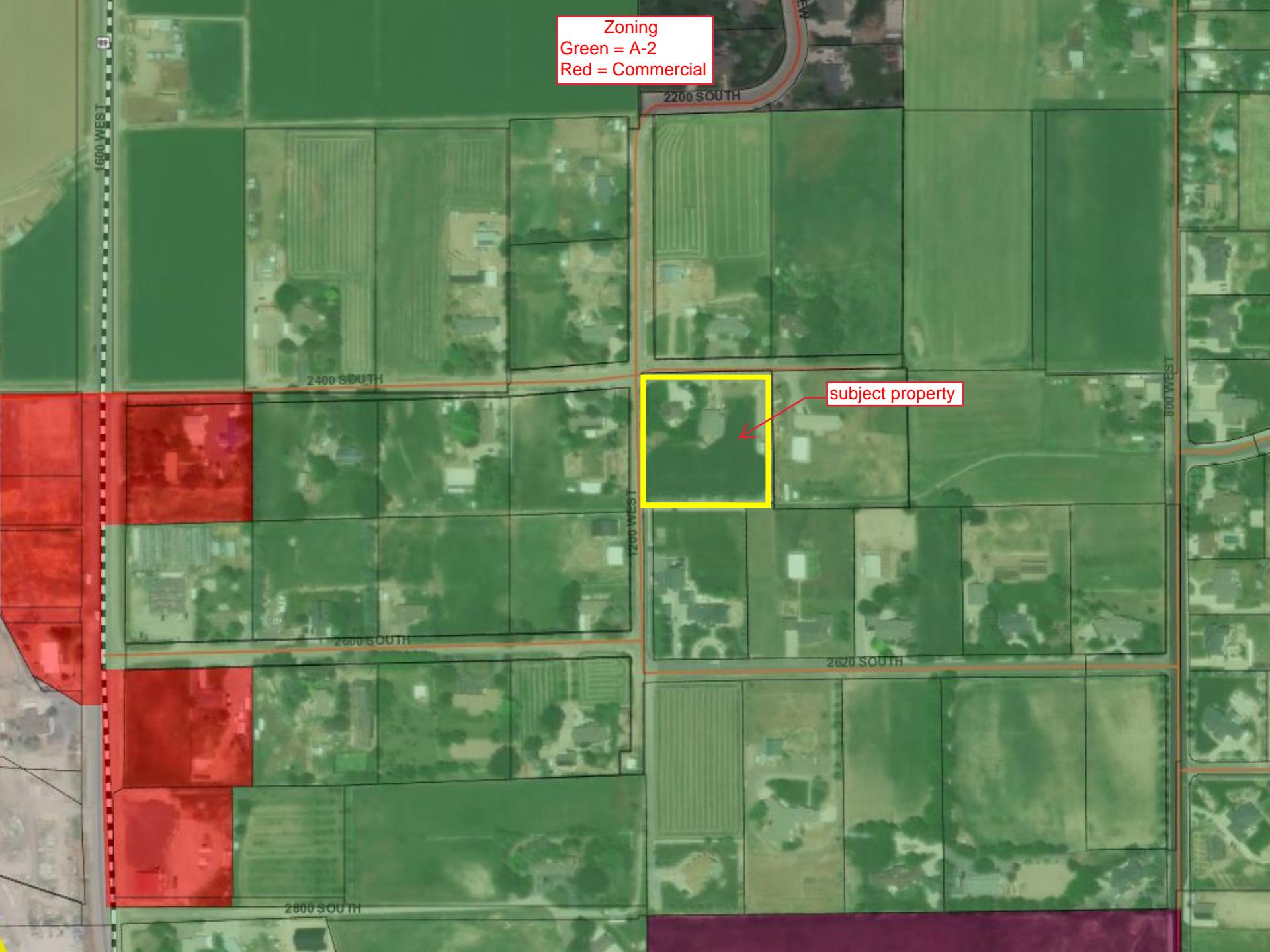


General Plan

Green = Rural Residential
Purple = Low Density Residential



Zoning
Green = A-2
Red = Commercial



subject property

TO THE MAPLETON PLANNING COMMISSION AND CITY COUNCIL

34 years ago, my wife and I bought property southeast of the Westwood Subdivision. A couple of years later we built our home, and our property became known as 1185 west 2400 south. As the next few years passed each property owner around us exercised their rights and either developed their property or sold to others who developed it.

We now find ourselves completely surrounded by 4 different subdivisions, with a combined total of 26 lots or neighbors whose development rights have been executed. As we exercise our rights to develop and under Mapleton City's T.D.R. (Transferable Development Right)

Ordinance, to divide our property we are grateful for the fact that our approval isn't based on a popular vote but on our property rights and Mapleton City's Ordinances. Otherwise, our rights would be abused. With our approval the integrity of the surrounding subdivisions will not and cannot be compromised.

T.D.R Ordinance:

Section 18.76.040 In no case shall an area be designated as a receiving area within any previously platted subdivision or land that has previously received a change in zone designation. With a total of 80 acres in the 4 Subdivisions that surround us we are literally an Island, an Island in the A-2 T.D.R. receiving zone. -Island Definition (Isolated, Detached, or surrounded in some way.

T.D.R. Ordinance:

Section 18.76.040b Receiving areas shall be located exclusively within the A-2, RA-1, zones unless otherwise authorized by the city council as part of an annexation agreement.

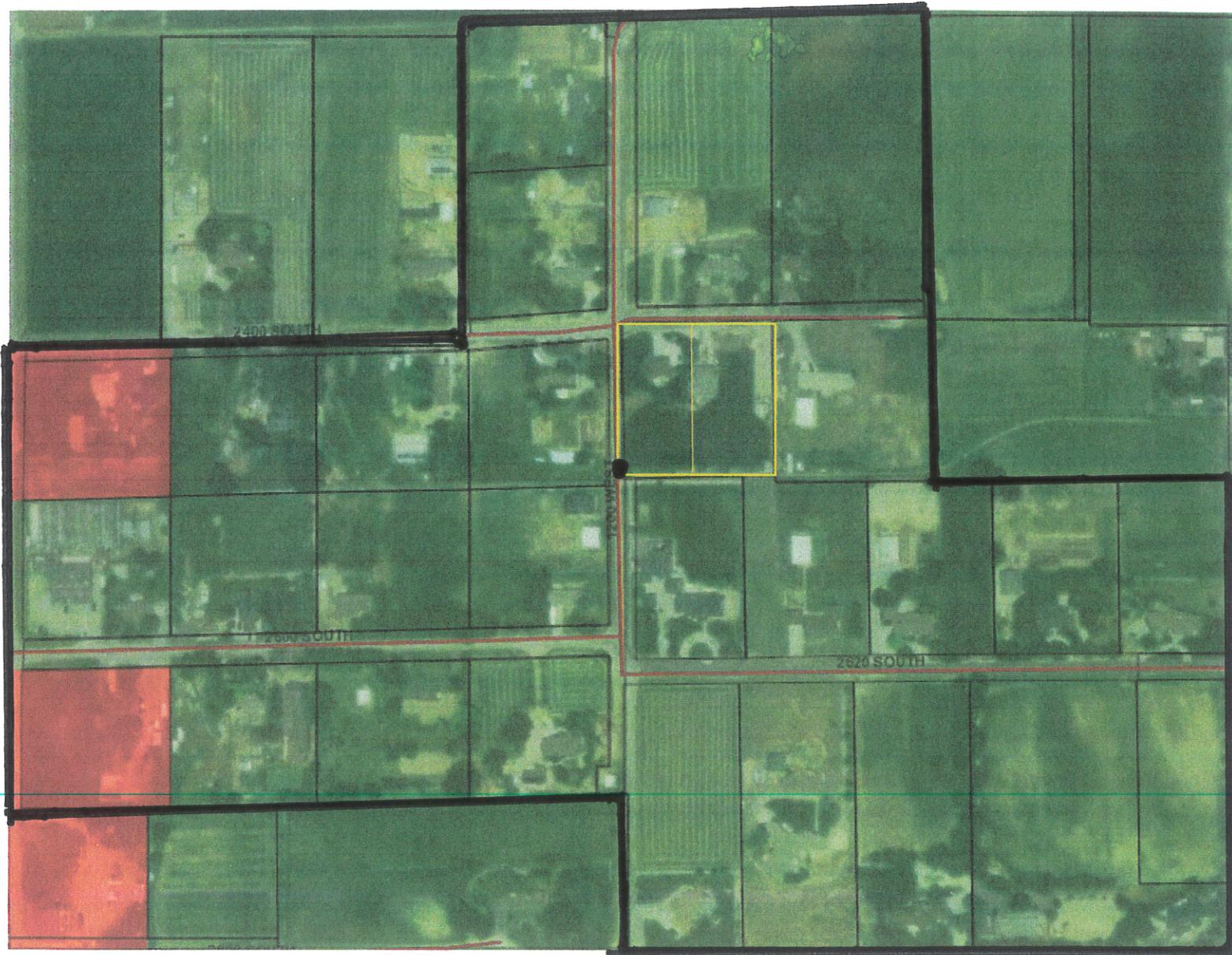
It is the perfect spot for a T.D.R. to be received completely locked in by subdivisions and is in no way able to set a president for surrounding property. We should all see great value in each T.D.R. transfer approval knowing that each one represents 1.6 acres of designated open space, and that thru the T.D.R. Ordinance, 780 acres of open space has been set aside mostly on the foothills and the Bonneville bench. To not only to be enjoyed by us but by future generations.

The T.D.R. Ordinance has been an Ordinance for more than 22 1/2 years much longer than any of our opposing neighbors have been around, each moving here long after these Ordinances were set in place therefore accepting them by becoming our neighbors and Mapleton City Citizens.

This request will be recognized as completely compliant and in line with City Ordinances as one becomes knowledgeable of this request and Mapleton City Ordinances, it in no way needs to look for loopholes or to try to persuade to be compliant.

Rolf and Tangie Walpole

↑
NORTH



MY PROPERTY OUTLINED IN YELLOW.

THE BLACK DOT IS THE SOUTHWEST CORNER OF MY PROPERTY, THE EXACT CENTER OF THE 4 COMBINED SUBDIVISIONS OUTLINED IN BLACK. 1,320' EACH WAY EAST AND WEST TO SUBDIVISION BOARDERS AND 990 FEET EACH WAY TO NORTH, SOUTH BOARDERS.

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

Dear Mr. Conroy,

I own the property with the address 1005 W. 2620 S. in Mapleton. I have had the property for 29 years. Several years ago a proposal was submitted to the planning commission for development of the property south of me. The original proposal was a mixed development of commercial, and varied density of homes. They proposed to have one acre lots adjacent to our neighborhood (Merrill Gappmayer, Leland Hendrix, Ron Madsen, and Julian Kau) All of our lots are in excess of three acres. Because we opposed such small lots, the developer changed the proposal to include two acres lots adjacent to our properties. Ultimately, the development never materialized, but nevertheless, our concerns were listened to.

My concern has not changed. My property is 3.36 acres, and no property in our immediate area is less than 2 acres. It is my understanding that Mr. Walpole's proposal would create a lot less than this size. It would be a bad precedent to approve such a proposal. I thus voice my strong objection to such action.

Sincerely,

Leland Hendrix

1005 W. 2620 S.

Mapleton, Ut 84664

hendrix@byu.edu

801-380-5612

Sean,

Regarding: Rolf Walpole request for TDR at 1185 West 2400 South, Mapleton, Utah

Please distribute our letter to the members of the Mapleton City Council.

We will not go through details of this TDR request; you can access all the records from 2020, 2018, and earlier. You can review and refresh yourself in the history of this neighborhood and decisions made by the Mapleton City Council.

I have been involved and requested consideration from Council since 1998. Decision by council in 2020 put our mind at ease just to be challenged again by this new development. There are many options are available to home owners in this neighborhood. Many elected major remodeling, some decided to tear down the old house and build new, they are many available lots in Mapleton, and Mr. Walpole has other options. Certainly there is more than enough property south of 1185 West 2400 south to add a tasteful addition. Granting a TDR is not an option. Neighbors in this neighborhood worked very hard to stop any development of less than 2 acres and prohibit use of TDR's.

We are friends with Walpole's and wish them the best. But this is not about friendship. We want to preserve our lifestyle from crazy world out there. If Council grants this TDR they are going against promises made in 2020 and opening Pandora's box which will certainly destroy this little piece of very precious neighborhood.

We vote No to TDR's request by Mr. Walpole. As matter of fact 2400, 2600, and 2620 streets should be one subdivision. This multi subdivision, subdivision one house or two houses must stop. It is problem and it creates unfairness. We need to have continuity and equal application of zoning/regulation for everyone and that is not possible with the current structure.

Fred and Peggy Mostashari
1210 West 2400 South
Mapleton, Utah 84664
509-528-0392
04/08/2023

To: Mapleton Planning Commission and City Council

From: Larry and Vickie Pincock, 1075 W 2620 S Mapleton, UT

Subject: TOR Applicaton Use for Walpole 1185 W 2400 S Mapleton

We have only lived here about a year, so we don't feel like we should have a whole lot of say, but we enjoy the feeling of this area and would like it to stay the same.

Thank you.

To Members of the Mapleton Planning Commission and City Council:

We live at 1225 W 2400 S, one property to the west of the 1185 W 2400 S.

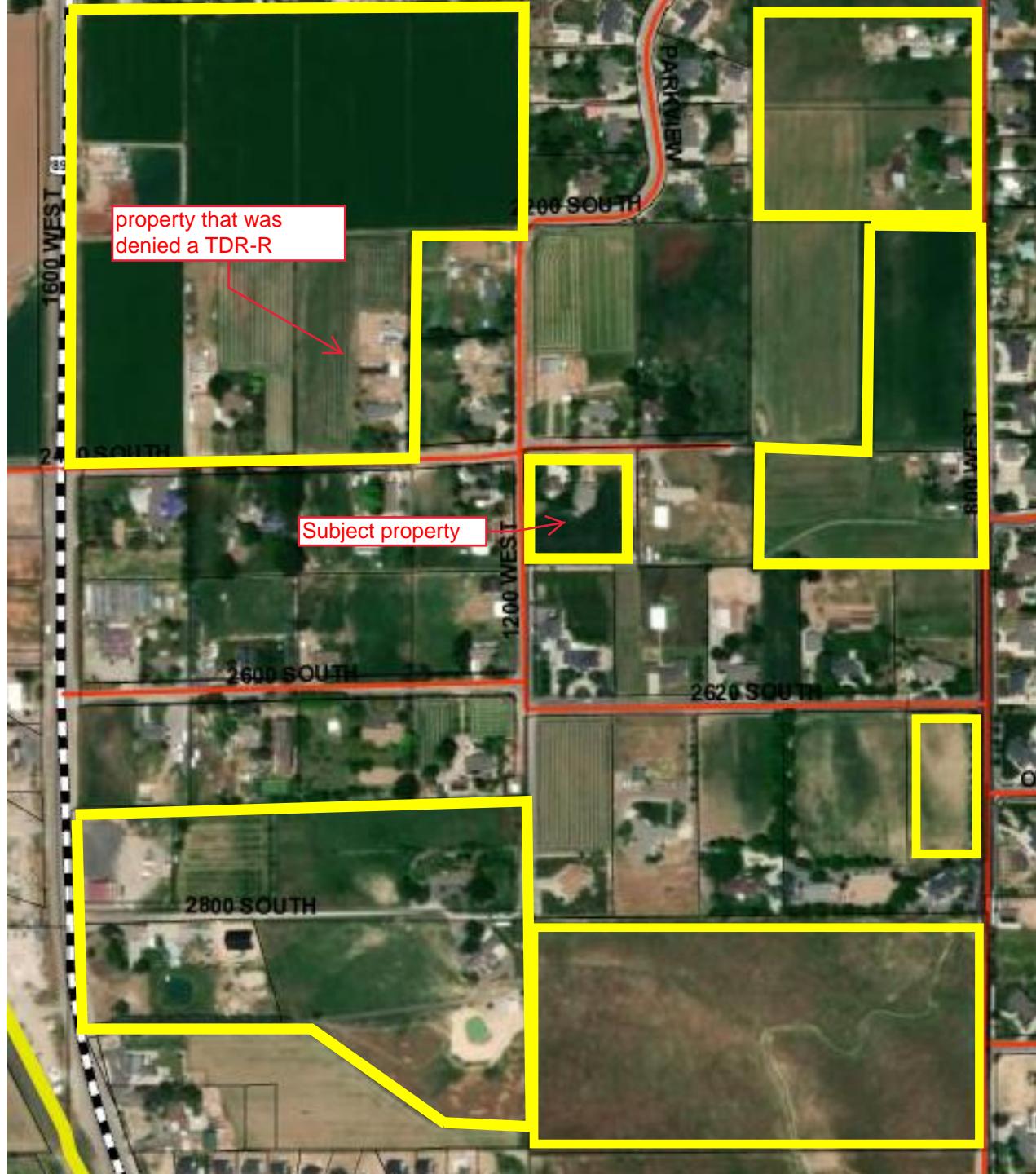
In 2018, the property owner at 1320 W 2400 S (400 feet away from the property in this application) applied for a zone change and using TDRs to develop their 5 acres and was denied by the Planning Commission and not brought to the City Council. In 2020, a different property owner of the same property again tried to rezone and use TDRs to develop their property and was also denied by the Planning Commission and the City Council. Here we are in 2023 and our again our neighborhood is having to unitedly fight off development. We ask that community leaders reject the TDR application for the following reasons:

- City Policy- 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 and would change the feel and way of life in an established neighborhood/subdivision. Unlike most lots in the neighborhood, 1185 W is not part of a subdivision but does touch platted subdivisions on all four sides while not being in one. While this property isn't technically in a subdivision it is in the established neighborhood. The TDR request does not violate the letter of the law, it does violate the spirit of the law and why this policy was created in the first place. This application was able to go through to the Planning Commission/City Council because of a loophole.
- Island Developments- City policies and the General Plan were made to avoid island developments. Allowing 1185 W to develop creates this island development.
- Domino Effect- Once one property subdivides and develops, others in the neighborhood could follow. Future city councils or planning commissions could alter the General Plan and determine that our neighborhood has A1 lots and could allow step down zoning which could mean one acre and half acre lots in the neighborhood and undeveloped land adjacent to our neighborhood.
- 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. While the applicant is not requesting a zone change, the TDR would essentially change the zoning and allow one acre lots that conflict against the consistency of A2 lots in our neighborhood.
- Inharmonious Situation- Our neighborhood is one of the few A2 zoned neighborhoods in Mapleton that allows for rural living. By allowing for two smaller lots, situations may arise where future occupants of the A1 lots will not appreciate the sight, smells, and sounds of animals. Tractors are often being used, night irrigation happens, all things that could upset someone who isn't into rural living. Community leaders should foresee this and keep consistent zoning in neighborhoods to promote harmonious living amongst neighbors.

Mapleton leaders from 2020 and 2018 rejected development in our neighborhood and made several statements that the site of 1320 W was not an appropriate site for TDRs. Why would a property 400 feet away be treated any differently? It shouldn't. While we love the Walpoles and recognize the value they have provided to the community, we as a neighborhood cannot support the TDR request that would forever alter the neighborhood. The General Plan intended to keep neighborhoods intact; approval of this TDR request would go against the General Plan.

Sincerely,

Emily and Kasey Beck



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

Attachment "4"


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 unplatting 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 $\frac{1}{2}$ 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.



PLANNING COMMISSION MINUTES

May 11, 2023

May 11 202

May 11 202

PRESIDING AND CONDUCTING: Chairman Killpack

Commissioners in Attendance: Jake Lake
Rich Lewis
Jesse McLean
TJ Uriona

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

Minutes Transcribed by: April Houser, Executive Secretary

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

Item 1. Planning Commission Meeting Minutes – April 13, 2023.

Motion: Commissioner Lewis moved to approve the April 13, 2023, Planning Commission Meeting Minutes

Second: Commissioner McLean

Vote: **Unanimous**

Item 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.

Motion: Commissioner Lewis moved to approve the Home Occupation Permit for a small piano lesson business located at 1443 West 1400 North as proposed.

Second: Commissioner McLean

Vote: Unanimous

Item 3. Consideration of a request to apply a Transferable Development Right (TDR) Receiving Site Overlay to a property located at 1185 West 2400 South.

39 Rolf Walpole, the applicant, went over a handout that had been distributed to the Planning
40 Commission prior to the meeting. He reiterated that he is not located in a subdivision, and

41 that his request is in line with the General Plan for this area. Lynette Cornaby lives west of
42 Rolf. She is grateful for this process and loves where she lives. Lynette stated that she
43 cannot base her opinions on possible future requests that may or may not happen. She
44 believes that people are more important than any decision that could be made this evening.
45 Kasey Beck stated that Transferable Development Rights (TDR's) are not assigned to any
46 certain location. He does not feel this request is in line with the City's Vision and asked
47 that the Planning Commission vote no on this request. Ryan Schramm used to live next to
48 Walpole's. He believes that within the letter of the law this request should be approved.
49 There are ordinances in place for this request and this rezone would fall in line with those.
50 Eric Moss owns property in Mapleton and plans to move here someday. He believes the
51 subject property falls within the guidelines of what is being requested. Mr. Moss stated that
52 the city needs to follow the letter or the law, and not the spirit of the law. Grant Daybell has
53 been in Mapleton for 80 years. He can't say he is happy with the population growth but
54 feels there is more to this request than right and wrong. The Walpole's have been an asset
55 to the City and believe the right of the Walpole's should be to subdivide their lot. Rolf
56 Walpole stood again and stated that the TDR ordinance Section 18.76.040B states that
57 receiving areas shall be located exclusively within the A2 and RA-1 Zones, which is in line
58 with the zoning of his property. There is nothing in his request that is against the city
59 ordinance.

60
61 Sean Conroy, Community Development Director, stated that Mr. Walpole is right and that
62 nothing in his request violates the city ordinances. The surrounding property owners are
63 also within their rights as well to oppose the request based off their feeling that this is not
64 an appropriate location for a TDR-R site. The City Council and Planning Commission have
65 to ability to determine if the request meets the guidelines for a TDR-R site, as well as to
66 determine if it is compatible with the surrounding properties and future development. The
67 Planning Commission is not violating the City ordinance whether they vote to recommend
68 approval or denial. Commissioner Lewis stated that his position is the same as it was at
69 the previous meeting and that this request is black and white and should be approved.
70 Commissioner Lake agreed with this and felt the TDR-R Zone should be allowed as well.
71 Chairman Killpack asked why this property was not located in a subdivision. Sean stated
72 that it was a remnant parcel that had enough acreage to be built upon. Commissioner
73 McLean believes most people see this as an isolated event, along with the potential for
74 future precedence being set. Sean stated that precedence is kind of contextual. If there are
75 different scenarios with each request, they would not be considered something that a
76 precedence could set because they would not be the same exact situation as previous
77 requests. This decision won't bind a future decision based off the situation and location of
78 the property. Commissioner Uriona, in further reviewing this request, no longer feels it is
79 inappropriate to allow for the use of a TDR on this property. It has been mentioned that
80 other properties in this area were denied the right to utilize TDR's on their property, which
81 should be a reason for denying the ability to use them here. Commissioner Lewis clarified
82 that those parcels were trying to rezone to a higher density zoning, and then utilize the TDR
83 program to future decrease the required lot size, essentially double dipping. That is not the
84 case regarding this request this evening. Chairman Killpack feels this area is surrounded
85 by 2-acre lots and that this parcel should remain in line with that size requirement. She
86 respects all the points made this evening and is torn on this request.

87
88 Motion: Commissioner Lewis moved to recommend approval to the City Council to

89 apply a Transferable Development Right (TDR) Receiving Site Overlay to the
90 property located at 1185 West 2400 South.

91 Second: Commissioner Lake

92 Vote: 4:1:0 with Commissioners Lewis, McLean, Lake and Uriona voting aye and
93 Commissioner Killpack voting nay feeling a 1-acre lot should not be located
94 next to 2-acre and 5-acre lots.

95

96 Item 4. Adjourn.

97

98

99

100 April Houser, Executive Secretary

Date