

MAPLETON
U T A H
PLANNING COMMISSION MINUTES
May 11, 2023

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.

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

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

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

Motion: Commissioner Lewis moved to recommend approval to the City Council to
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apply a Transferable Development Right (TDR) Receiving Site Overlay to the property located at 1185 West 2400 South.

Second: Commissioner Lake

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

Item 4. Adjourn.

April Houser, Executive Secretary

Date