

MAPLETON CITY
PLANNING COMMISSION MINUTES
February 28, 2008

PRESIDING AND CONDUCTING: Chairman Oscar Mink

Commissioners in Attendance: Jared Bringhurst
Pam Elkington
Rick Maingot
Barbara Pratt
Skip Tandy
Leo Thomsen
Steve Roden (Alternate)
Bill Bleggi (Alternate)

Staff in Attendance: Cory Branch, Planning Director
Matthew Brady, Planner I
Gary Calder, City Engineer

Minutes Recorded by: April Houser, Executive Secretary

Call to order

Chairman Mink called the meeting to order at 6:30pm. Pam Elkington led the Pledge and Skip Tandy gave the invocation.

Items below are not necessarily in the order they appear.

Item 1. Planning Commission Minutes – January 10, 2008.

Motion: Commissioner Pratt moved to approve the January 10, 2008 Planning Commission as corrected.

Second: Commissioner Thomsen

Vote: Unanimous

Item 2. Don Korth, agent for Korth L.C., requests Final Plat approval of Sierra View Subdivision, Plat “F” (4 lots proposed), located generally at 700 East Sierra View Drive. The subject property is located in the A-2 TDR-R (Transferable Development Rights-Receiving) Zone.

Matthew Brady (Matt), Planner I, went over the Staff Report for those in attendance. The applicant is using TDR’s to receive this density. The City Council approved the Preliminary Subdivision without the requirement to install sidewalks. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed. **Commissioner Pratt** was disappointed that sidewalks would not be required.

Motion: Commissioner Tandy moved to approve the Final Plat for Sierra View Subdivision, Plat "F", located generally at 700 East Sierra View Drive, with the condition listed below:

1. That the applicant resolves all outstanding Development Review Committee (DRC) comments regarding the Final Plat from the minutes of February 20, 2008.

Second: Commissioner Thomsen

Vote: 6:1:0 with Commissioners Mink, Tandy, Thomsen, Elkington, Maingot and Bringham voting aye and Commissioner Pratt voting naye feeling a sidewalk should be required along 800 East.

Item 3. Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.22, Temporary Uses.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The applicant has met with the Mayor and Councilwoman Ann Tolley in regards to a temporary use for a greenhouse/nursery type business. They would like to have a temporary timeframe to see if a business could be established before an applicant would be required to put in permanent infrastructure. This request is in regards to the Mark Whiting piece of property on 1600 West. **Commissioner Bleggi** stated that the applicants were doing work with the trees early today. UDOT will be required to review and approve the applicant's request for a greenhouse/nursery since the proposed use will be accessed off of Highway 89. **Commissioner Tandy** wondered if this proposed use would be a year round business, or seasonal. He also felt that portable restroom facilities would be appropriate for the proposed business during the time it is under temporary status. The city does have a Sign Ordinance that the applicant would be required to meet. **Commissioner Pratt** asked if a nursery would pay sales tax, and it was stated that it in fact would. The main topic for the nursery being a temporary use is for the gravel allowance instead of being required to install an asphalt parking lot before being able to open and run the nursery. The General Plan for the GC-1 Zone allows for a nursery. Commissioner Tandy asked if the city would require any sort of bond. Currently the applicant is not proposing to put any type of structure on the property other than restroom facilities. **Commissioner Maingot** felt it would be great to give the applicants a chance to make money and give this business a shot. **Rex Doman** stated that they will be leasing the land from Mr. Whiting. Their goal is not to have a temporary nursery, but they feel it's not viable to put in the entire required permanent infrastructure up front unless they know the business will succeed. Commissioner Tandy felt that a 6 month timeframe would be sufficient where after the applicants would know if this is something they want to do on a long term basis. The applicants would like to put in a small greenhouse, surrounded by landscape ideas covering the view of the greenhouse from the Highway. Commissioner Maingot would have no problem with a one year, or longer, timeframe. **Commissioner Bleggi** felt that would be more logical as well. The applicant will have a storage tank onsite for water. They have the canal/ditch water rights currently on the property as well. The GC-1 Zone currently goes 600' in on the property to the north. **Chairman Mink** opened the Public Hearing. **Bob Lape** asked if there would be a setback on the temporary signage. Cory Branch stated that there would be setback requirements. UDOT will also have feedback in

regards to the signage along the Highway. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tandy moved to recommend approval to the City Council of an Ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.22, Temporary Uses, with the conditions listed below:

1. A Retail Wholesale Nursery Supply Business be allowed for 1 year in the GC-1 Zone as a Temporary Use.
2. Adopt the language that has been changed under “Uses Allowed” under Section A in which retail wholesale nursery supplies would be included.
3. A building on the property of 40 square feet or larger would require a \$1,000 bond, and a \$2,000 bond for structures larger than 200 square feet.
4. An application would need to be made at the end of the year when the Temporary Use expires in regards to both a permanent Business License and the signage requiring it to follow the Ordinances of Mapleton City.
5. Sanitary Facilities on the property be public in nature, being handicap accessible.
6. Under Section F the sentence that has been stricken to remain.
7. Any structures must conform to the setbacks of the Zone.

Second: Commissioner Maingot

Vote: Unanimous

Item 4. Mapleton City requests to vacate and abandon a public street on property located generally at 4000 South 1200 West.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. There were still items that were outstanding from the Development Review Committee (DRC) Meeting when this item was reviewed. There are 3 options available to the Planning Commission this evening; approval with the condition that all DRC concerns be resolved, denial since the DRC concerns have not all been resolved, or continuance until all concerns of the DRC are resolved.

Commissioner Maingot asked if any of the items from the DRC had been completed. Cory stated that there are still outstanding concerns at this time. The developer and applicant have been working hard to make the staff’s recommended changes in a timely manner. Staff’s recommendation is denial. This item is scheduled to attend City Council on March 5, 2008. There is an earnest effort from the applicant to meet the changes required by staff. If the item goes to City Council next week the DRC concerns would still need to be resolved by that time.

Commissioner Tandy asked if Staff would be able to accommodate the applicants in order for them to move forward for next week’s City Council meeting. **Gary Calder**, City Engineer, stated that the issues are being resolved. If the issues are not resolved before the applicants go to City Council, the item will then be continued at that time. **Commissioner Bleggi** asked how the road ever got to this point in regards to being vacated. Cory Branch gave the history as to how this came about to vacate and abandon this public street. This vacation would take place at time of the final plats being recorded for the Mapleton Village Project. Gary Calder stated that a

connection road could go in this area that would meet the City Standard. **Chairman Mink** opened the Public Hearing. **Jack Evans**, Presidio Group, ask Joe Pia, Attorney representing the Presidio Group, to speak in regards to this road vacation. Mr. Pia stated that the applicants have been working with the Boggus Group and feel that they are all on the same page in respect to access. It is the applicants hope to provide adequate access to adjacent property owners. It is felt that both the Presidio Group and Boggus Group have came up with agreements in regards to road widths, etc. and feel that they are all on the same page, not opposing the vacation of this street. **Lee Cabilosky**, representing the Boggus Group, stated that they have come to an understanding as Mr. Pia stated. The agreement has not been finalized, but on a vacation the statements made by Mr. Pia are in conjunction with their feelings. **Paul Hocker**, Utah County Engineer, asked what section of 800 West in Mapleton, along the 2800 East section in Utah County, is being vacated. The County does not allow for dead end roads. **Gary Calder** stated that they will create a connecting road through this area. Mr. Hocker asked that the County Engineer's Office be notified as this project moves forward. Mr. Evans would like to see a vote made this evening. Mr. Cabilosky stated that if the road vacation concerns are met the Boggus Group would not opposed Items 5, 6 & 7 on this evening's agenda. He did not feel this item would necessarily need to be denied or continued this evening, and could move forward separate from items 5, 6 & 7. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tandy moved to recommend approval to the City Council to vacate and abandon a public street on property located generally at 4000 South 1200 West, with the conditions listed below:

1. All Development Review Committee concerns be met.
2. All Conditions of Approval listed in this evening's Staff Report be met.
3. A Signed Agreement be provided to the City from both Groups that Mr. Cabilosky and Mr. Pia represent in regards to this road deletion.
4. Staff to remain in contact with the Utah County Engineer's Office in regards to roads in this area.

Second: Commissioner Elkington

Vote: Unanimous

Item 5. Todd Ford, agent for Mesquite Presidio, LLC, requests Final Plat approval of Mapleton Village Subdivision, Plat "A" located generally at 4000 South 800 West. The subject property is located in the PD-1 Zone.

Matthew Brady (Matt), Planner I, went over the Staff Report for those in attendance. He also gave a brief history of the development for those Planning Commissioners that are new to the Commission and Project. The applicants have already received their permit from UDOT to put in infrastructure along Highway 89. **Todd Ford**, applicant, thanked Staff for all their hard work. They are anticipating a vote this evening, and will work diligently with Staff to move forward and meet all concerns. **Jack Evans**, with the applicant & Presidio Group, stated that there are agreements and deadlines with other individuals that need to be met, which is their hope to move this proposal along. **Chairman Mink** opened the Public Hearing for Items 5, 6 & 7 on this evening's agenda. No comments were given and the Public Hearing was closed. **Gary Calder**,

City Engineer, felt that approval should only be given when all items have been met, having no outstanding items.

Motion: Commissioner Thomsen moved to recommend denial to the City Council of the Final Plat of the Mapleton Village Subdivision, Plat “A” located generally at 4000 South 800 West, for the reason listed below:

1. All outstanding Development Review Committee concerns have not been resolved.

Second: Commissioner Pratt

Vote: 6:1:0 with Commissioners Bringhurst, Elkington, Thomsen, Pratt, Tandy and Mink voting aye and Commissioner Maingot voting naye wanting the project to come back before the Planning Commission once all items have been resolved.

Item 6. Todd Ford, agent for Mesquite Presidio, LLC, requests Final Plat approval of Mapleton Village Subdivision, Plat “B” located generally at 4000 South 800 West. The subject property is located in the PD-1 Zone.

Motion: Commissioner Thomsen moved to recommend denial to the City Council of the Final Plat of the Mapleton Village Subdivision, Plat “B” located generally at 4000 South 800 West, for the reason listed below:

1. All outstanding Development Review Committee concerns have not been resolved.

Second: Commissioner Pratt

Vote: 6:1:0 with Commissioners Bringhurst, Elkington, Thomsen, Pratt, Tandy and Mink voting aye and Commissioner Maingot voting naye wanting the project to come back before the Planning Commission once all items have been resolved.

Item 7. Todd Ford, agent for Mesquite Presidio, LLC, requests Final Plat approval of Mapleton Village Subdivision, Plat “C” located generally at 4000 South 800 West. The subject property is located in the PD-1 Zone.

Motion: Commissioner Elkington moved to recommend denial to the City Council of the Final Plat of the Mapleton Village Subdivision, Plat “C” located generally at 4000 South 800 West, for the reason listed below:

1. All outstanding Development Review Committee concerns have not been resolved.

Second: Commissioner Pratt

Vote: 6:1:0 with Commissioners Bringhurst, Elkington, Thomsen, Pratt, Tandy and Mink voting aye and Commissioner Maingot voting naye wanting the project to come back before the Planning Commission once all items have been resolved.

Item 8. Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.64, GC-1 (General Commercial) Zone, Section 18.64.030, Permitted Uses.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The proposed Text Amendment would allow for Assisted Living Facilities in the GC-1 Zone. The proposed text was part of the Planning Commissioner's packets this evening. **Commissioner Maingot** felt this would be an appropriate use in this zone. The Planning Commission will see the project come forward in the future for the specifics of the Assisted Living Facility. **Commissioner Tandy** felt that these types of uses should be located all throughout the City, not just in specific areas. Attachment 2 is the proposed text and Attachment 3 is the current text. **Ryan Livingston**, applicant, is going through the process to see if it will be a Level 1 or Level 2 facility, and that has not been decided yet. They are hoping for a 50-60 room facility. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Thomsen moved to recommend approval to the City Council of an Ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.64, GC-1 (General Commercial) Zone, Section 18.64.030, Permitted Uses to include Assisted Living Facilities.

Second: Commissioner Pratt

Vote: Unanimous

Item 9. Mapleton City requests to zone approximately 3.92 acres located generally at 800 South 1600 West from the current PRC-3 (Planned Residential Commercial-3) to the GC-1 (General Commercial) Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. **Ryan Livingston**, applicant, stated that it is currently one lot. The applicant would like to get started on the project this spring. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Tandy moved to recommend approval to the City Council of a rezone of approximately 3.92 acres located generally at 800 South 1600 West from the current PRC-3 (Planned Residential Commercial-3) to the GC-1 (General Commercial) Zone with the condition listed below:

1. That the two parcels are combined into one as previously recorded with the Pheasant View Subdivision, Plat "A".

Second: Commissioner Thomsen

Vote: Unanimous

Item 10. Gordon Livingston, agent for Pheasant View Subdivision, requests to amend Title 18, Development Code, Part III, Zoning, in order to add Chapter 18.82C, Pheasant View Subdivision, Planned Residential Community (PRC-3) Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. This is considered a clean-up item. Minimum acreage for a PRC Zone is 15 acres. The development has CC&R's that are recorded with Utah County. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Pratt moved to recommend to City Council approval of an Ordinance to amend Title 18, Development Code, Part III, Zoning, in order to add Chapter 18.82C, Pheasant View Subdivision, Planned Residential Community (PRC-3) Zone, with the conditions listed below:

1. In no case shall animal rights be allowed on a lot or parcel of less than one acre in size, and in no case shall animal rights be allowed on a lot that is adjacent to a parcel without animal rights.
2. Delete lot 16 under animal units.
3. 18.82C.060 Section 1 be changed to thirty (30) percent instead of forty (40) percent of building and structure lot coverage.
4. Delete 18.82C.060 Section 2.
5. Add City Ordinance Driveway Standards to 18.82C.080.
6. 18.82.1000 to reflect 26 lots instead of 27 lots.
7. Design and landscape standards to be added.

Second: Commissioner Thomsen

Vote: Unanimous

Item 11: Adjourn

Motion: Commissioner Pratt moved to adjourn the meeting at 9:25pm.

Second: Commissioner Tandy

Vote: Unanimous

April Houser, Executive Secretary

Dated:

Oscar Mink, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: