

**MAPLETON CITY
PLANNING COMMISSION MINUTES**

June 12, 2008

PRESIDING AND CONDUCTING: Chairman Oscar Mink

Commissioners in Attendance: Jared Bringhurst
Rick Maingot
Barbara Pratt
Leo Thomsen

Commissioners not in Attendance: Pam Elkington
Skip Tandy
Bill Bleggi (Alternate)
Steve Roden (Alternate)

Staff in Attendance: Cory Branch, Planning Director
Matthew Brady, Planner I

Minutes Recorded by: Laurie Loader, Community Development

Partial Dictation after Meeting by: April Houser, Executive Secretary

Call to order

Chairman Mink called the meeting to order at 6:30pm. Jared Bringhurst led the Pledge and Leo Thomsen gave the invocation.

Items below are not necessarily in the order they appear.

Item 1. Planning Commission Closed Meeting Minutes – May 22, 2008.

Motion: Commissioner Pratt moved to approve the May 22, 2008 Planning Commission Closed Meeting Minutes.

Second: Commissioner Thomsen

Vote: Unanimous

Item 2. Planning Commission Meeting Minutes – May 22, 2008.

Motion: Commissioner Pratt moved to approve the May 22, 2008 Planning Commission Meeting Minutes.

Second: Commissioner Thomsen

Vote: Unanimous

Item 3. (Continued from 5/22/08) Martin Sayer, agent for West Maple, requests a discussion regarding a concept plan located generally at 1800 West Maple Street. The subject property is located in the RA-2 (Residential-Minor Agricultural) Zone.

Cory Branch, Planning Director, went over the Staff Report and gave a history of the property for those in attendance. The total acreage of the property is 15.92 acres. The subdivision proposal contains approximately 5 acres. Section 17.02.010 of the Mapleton City Code was discussed, stating that Mr. Sayer needs to include the entire parcel in the development. **Marty Sayer** addressed the Commission stating that the Sayer's and Holly's split the property, and are currently in litigation over it. They were advised by previous staff not to split the property. Mr. Sayer stated that he had an offer from Ivory Homes to purchase the land two years ago. The Conservation Easement is a big concern in the South Hollow Subdivision. A rezone would need to take place to allow a road to cross to help access this property. Cory Branch stated that the City Attorney's will need to get involved with this as well. **Commissioner Maingot** noted that it sounds like it is possible it may not happen based on the road problem. **Commissioner Pratt** was at the Development Review Committee when this project was originally discussed, and it was mentioned as to whether or not Maple Street could go through due to the pond. The Commissioners felt that they would like to hear more from the Transportation Committee regarding this. Commissioner Maingot recommended to Mr. Sayer that he attend the Transportation Meeting on June 19, 2008 to discuss this further. Commissioner Pratt inquired of Cory as to what zone he felt would work best in this area. Cory felt there would need to be some Text Amendments done before any rezoning took place. **Chairman Mink** felt he would like more information on this before making any decisions. Marty Sayer would like to see his most recent proposal move forward. Chairman Mink opened the Public Hearing. **Joe Salisbury**, with DAI, stated that he was working with the Sayer's on the development of their property. He felt the proposal before the Commission would be perfect for this area.

Item 4. (Continued from 4/10/08) Lisbeth Edmunds requests a rezone of approximately 6.56 acres from A-2 (Residential-Agricultural) to A-2 (TDR-R). The subject property is located generally at 630 North 1600 East.

Matthew Brady (Matt), Planner I, went over the Staff Report for those in attendance. The lot was previously illegally split in the 1980's. Ownership of both lots have changed since then. Staff has asked for a road stub for later connectivity. A cul-de-sac was initially advised, but staff discovered an additional Right-of-Way to extend 2000 East through. Staff recommends that the ½ acre parcel to the left not be included in the subdivision. **Chairman Mink** opened the Public Hearing. **Chris Child**, builder for the Edmunds, stated that the Edmunds would prefer a cul-de-sac. They would like to keep a 4 acre parcel at the back of the property for themselves, feeling that it's more feasible with a cul-de-sac. All infrastructure for the subdivision has been installed, except for Pressurized Irrigation. Staff did not give them approval to install the infrastructure that they have. **Commissioner Maingot** stated that he would like to see more planning done before any decisions are made regarding transportation, and realizes that Public Works would like to see the road go through. **Lavor Cardon** stated his concern that the road would be a nuisance to them due to headlights shining in their front room as traffic increased. He felt that the things that had been done were illegal. Mr. Cardon gave a history of the property, and stated

that the things that were done in 1989 were not legal. Chairman Mink stated that these were civil issues, and could not be addressed by the Commission. **Roger Hutchings**, neighbor to the south, was against the rezone, hoping the property would remain agricultural since he has animals. **Lynn Patterson**, neighbor to the west, agreed with Mr. Cardon's comments. He stated that the property could have been sold over 30 times in the two-year period that he watched over the property for Mrs. Radley, who was the previous owner. Mr. Patterson feels the Mrs. Edmunds knew the conditions of the property when she bought it. He said she knew it was illegal and that the policies in place at the beginning should stay that way. Lynn Patterson feels that the Edmunds are getting away with something because they have a lawyer and money. Chairman Mink thanked Mr. Patterson for his comments, and stated that sometimes people make mistakes and they need to look at the current code when making their decision. Matt Brady stated that the Staff and Commission need to be consistent with their decisions in all aspects. **Karen Averett**, neighbor to the south, stated her unhappiness with the Edmunds. She said they've taken down and replaced fences, and asked the Commission not to make a decision until the boundary lines had been correctly determined. The Edmunds never discussed a fence with the neighbors. Matt Brady said that there are Boundary Line Agreements between some of the neighbors. **Matthew Wilkinsons** wanted to know if the policies have changed regarding recordings between the City and County. Cory Branch stated that at times it can be confusing. Multiple cities have issues with this as well. Cory also stated that Zone Verifications take time, and that the city does not have the manpower to research on a regular basis. **Barry Andreason**, Edmunds' surveyor, stated that another survey was done when the new fence was put in, and seemed to be correct. Boundary Line Agreements have been signed with everyone except the Bagley's and Warren's. **Marge Hutchings**, neighbor to the northwest, wanted to know if they could develop without a Boundary Line Agreement. Matt stated that they could, and if there was a dispute or discretion on the county's side, they would ask that the application would be surveyed and Boundary Line Agreements be signed before it could be recorded. Cory Branch then explained the recording process to Mrs. Hutchings. Staff stated that anyone is welcome to get their own survey if they feel the Edmunds' survey is inaccurate. **Mr. Edmunds** addressed the Commission, stating that they were not aware of the problems when they bought the property, and had previously discussed this with Mayor Allan. He feels they've been honest and upfront with the neighbors. **Commissioner Pratt** feels that the Commission should go with what the City Attorney suggests. Chairman Mink stated that there are illegal and non-conforming lots all throughout the city. He feels the Edmunds' request is legitimate and conforms to the City Codes. **Commissioner Bringham** stated his concern with the illegal lots, and asked what the Commission could do to fix this, and felt they should go forward regardless of the history. Commissioner Thomsen stated that they are only a recommending body, and that the City Council would make the final decision. He encouraged the concerned citizen to attend the City Council Meeting when this item is being heard.

Motion: Commissioner Pratt moved to recommend approval to the City Council of a rezone of approximately 6.56 acres from A-2 (Residential-Agricultural) to A-2 (TDR-R). The subject property is located generally at 630 North 1600 East.

Second: Commissioner Thomsen

Vote: 3:2:0 with Commissioners Pratt, Thomsen and Mink voting aye and Commissioners Bringham and Maignot voting naye because of the staff's finding on the illegal splitting of the lot.

Item 5. Andy & Dovie Ball requests the status of “nonconforming” on parcel #26:068:0060 located generally at 1604 East 400 North. The subject property is located in the A-2 (Residential-Agricultural) Zone.

Cory Branch (Cory), Planning Director, went over the Staff Report for those in attendance. **Commissioner Pratt** excused herself from this item. The Ball’s are requesting this status in order to obtain a building permit for an addition to their home. In 1987 the previous owners (Robertson’s) split the property. The nonconforming lot needed to be created before 1992, which it was. Staff recommends approval of the nonconforming status. **Matthew Brady (Matt)**, Planner I, stated that the Ball’s do meet zoning standards. The problem with the Ball’s lot is that the previous owners did not go through the subdivision approval process to legally split their lot. Commissioner Maingot asked about a nonconforming status showing on a title report, and Matt stated that it would not unless the city recorded a notice on a parcel. **Andy Ball** stated that the home is old, and they are only trying to add a bathroom and garage. **Commissioner Bringhurst** inquired where they wanted to build. **Dovie Ball** stated that she talked with Matt Evans, previous Planning Director, and was told that they could do a lot of things they desired. Now they are trying to do them, they’ve found they have to jump through a lot more hoops than they originally thought. Mr. Ball would like to be able to build the bathroom and garage without having to install the improvements. Dovie stated that they were not told their lot was nonconforming when they bought the property. **Commissioner Maingot** felt the city was holding the Ball’s hostage to get what they want regarding improvements. Commissioner Bringhurst stated that the Ball’s could not put in the improvements for 1600 East because most of them would fall onto the Pratt’s property. **Barbara Pratt** spoke as a citizen stating that they did not feel they should be responsible for the improvements in front of the Ball’s home. Matt noted that he felt the neighbors do not want to be tied together. **John Pratt** spoke stating that they do not want to be responsible for any improvements for which they would not benefit from. Mr. Ball stated that he agrees with the Pratt’s. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Maingot moved to approve the status of “nonconforming” on parcel #26:068:0060 located generally at 1604 East 400 North. The subject property is located in the A-2 (Residential-Agricultural) Zone, with the conditions listed below:

1. Property be surveyed to ensure there are no boundary conflicts.
2. The property is not required to become a lot within the adjacent property from which it was illegally separated when the adjacent property is developed.

Second: Commissioner Bringhurst

Vote: Unanimous with Commissioner Pratt abstaining.

Item 6. Leland Bird, agent for Richard K. Miner, requests a rezone of approximately 2.5 acres from PO-1 (Professional Office) to R-3 (Residential). The subject property is located generally at 1590 West 2000 North.

Cory Branch (Cory), Planning Director, went over the Staff Report for those in attendance. The property is located on the Mapleton/Springville border. There are 2 properties subject to the

proposed zone. The developer would like the property rezoned to R-3 in order to develop 15 condominium units. It is Public Works recommendation that the property be annexed into Springville City, as the utilities are serviced through them. The City Attorney has advised that the property cannot be deannexed with the property owner's consent. There is a concern with having one point of access for so many units. **Commissioner Pratt** noted that Mapleton does not allow for private roads. The applicant is proposing a 24' width road access for the units. Cory stated that the city does not currently have an ordinance that would fit this criteria. **Commissioner Maingot** stated that the Commission is only hearing the rezone at this time. **Rob Miller**, representing the applicant, stated that the annexation has been a discussion for quite some time. He would not like it to be part of this process. They have proven their desire to be in Mapleton, and to complete this development, stating that the wait is becoming an economic hardship. Mr. Miller feels this type of density is appropriate for this area. It is a town home project rather than apartments. They take great pride in their buildings. It'll be designed to keep kids in that live there, and kids that don't out, for safety purposes. The applicant feels most of the traffic will affect Springville rather than Mapleton. Commissioner Pratt said that she does not feel this fits into any of Mapleton's current zones. Cory Branch stated that other proposals similar to this will be coming to Mapleton, and the Commission needs to determine what they want to do with these types of requests. **Chairman Mink** opened the Public Hearing. **Stan Williams**, neighbor to the northwest, stated that he is unhappy with this proposal, and that they are planning to stay with a 15' setback. He is not pleased with the idea of 30 cars going in and out of the development daily. Mr. Williams stated that there have been car accidents in the past, and 3 cars have ended up on their property. This will increase the likelihood of accidents with the increased traffic. **Rod Miner**, stated he is concerned with the traffic, especially for those kids walking to and from Sage Creek Elementary. He feels the corner is not wide enough to accommodate the additional traffic. **Lanny Krebs**, employee of C&A Construction – who employed 450 people, stated that the previous business on the property caused more traffic than this proposal will. He was offended that a statement had been made that these would be lower class citizens living in these units. **Hal Burrows**, lives at the bottom of the hill, had a concern with changing the zone from a somewhat lower density zone, to a high density one. He didn't feel it was smart to put high density on the hill. **Wendy Taylor** feels that a unit like this would cause for more traffic in the area. **Doreen** was concerned that she may lose her animal rights with a development like this. She would not mind having home in this area however. **Alan Poulsen**, Springville Resident, empathizes with the applicant, and is familiar with difficult properties. He feels if town homes go in they need to be owner occupied. He feels the RA-2 Zone may be more appropriate. **Todd Baker**, south of the proposed project, strongly opposes the project. He would rather a couple homes go in on the property. **Scott Fulster**, Harvest Park resident, stated that Harvest Park has high density and he loves the quality of the homes and the diversity. He is thrilled that this type of development may come into Mapleton, so more people can afford to live here. **Larry Lowe**, Springville resident, feels that the high density would be a problem since people do not already stop at the stop signs. He feels the traffic would be a tremendous burden with the snow and school down the road. **Dianne Poulson** feels there is not enough space for 15 units. **Artelle Harris** is concerned with children and where they will play. He is worried this will cause more trouble. **Karen**, Springville resident, is concerned with what this rezone would allow for density. Cory explained the rezone process for those in attendance, stating that this is not an approval for the project. **Marie Coppettiers** is opposed to the high density in her neighborhood. She would like to see a lower density zone in this area. **Chris**

Miller built here because of the view of the valley, and he feels this development will take away that view. He is a police officer and stated his concern with the 4-way stop. Chairman Mink stated that no one is trying to take the back door approach on this project and the Planning Commission and City Council will take everything into consideration before making a decision. **Richard Nixon** stated that C&A Construction is an honest company and will do exactly what they say they will with making this a good development. He stated that he likes the idea of this type of development in Mapleton so those with lower incomes could afford to live here. **Commission Bringham** had a concern with the high density being in the middle of a lower density area. Commissioner Pratt feels this is putting the cart before the horse when they don't know what the development will be in this area. Chairman Mink feels a R-3 Zone is appropriate for this area. Commissioner Maingot expressed his appreciation to the residents for their comments. **Commissioner Thomsen** would like to see the R-3 Zone Ordinance fixed, and does not feel they should make a decision at this time. **Rob Miller** would like to see a park on this property as well, however, they are in this to make money. Everyone has jobs to make money, and this is what he does to make a living. He said he would gladly sit down with the neighbors to discuss this further. He recommended that the Planning Commission approve his rezone request. No additional comments were given and the Public Hearing was closed.

- Motion:** Commissioner Pratt moved to continue this item until the July 10, 2008 Planning Commission Meeting so that there could be more clarification given as to the R-3 Zone.
- Second:** Commissioner Thomsen
- Vote:** 3:2:0 with Commissioners Pratt, Thomsen and Bringham voting aye and Commissioners Mink and Maingot voting naye.

Item 7. Mapleton City requests approval of a letter to be issued to the United States Department of the Interior in order to begin the process of the required environmental studies.

Cory Branch (Cory), Planning Director, went over the Staff Report for those in attendance, and gave the intent of the letter. This is what needs to take place in order to get the ball rolling.

- Motion:** Commissioner Thomsen moved to recommend approval to City Council of a letter to be issued to the United States Department of the Interior in order to begin the process of the required environmental studies.
- Second:** Commissioner Bringham
- Vote:** Unanimous

Item 8. Adjourn

The meeting was adjourned at 11:15pm.

Laurie Loader, Community Development

Dated:

Oscar Mink, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: