

MAPLETON CITY
PLANNING COMMISSION MINUTES
January 8, 2009

PRESIDING AND CONDUCTING: Chairman Oscar Mink

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

Staff in Attendance: Cory Branch, Planning Director
Scott Bird, Public Works Operations Director

Minutes Recorded by: April Houser, Executive Secretary

Call to order

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

Items below are not necessarily in the order they appear.

Item 1. Planning Commission Meeting Minutes – December 11, 2008.

Motion: Commissioner Thomsen moved to approve the December 11, 2008 Planning Commission Meeting Minutes.

Second: Commissioner Elkington

Vote: Unanimous

Item 2. Appointment of Planning Commission Chair and Vice-Chair for 2009.

Motion: Commissioner Tandy moved to appoint Oscar Mink as the Planning Commission Chairman for 2009.

Second: Commissioner Thomsen

Vote: Unanimous

2nd Motion: Commissioner Thomsen moved to appoint Skip Tandy as the Planning Commission Vice-Chairman for 2009.

Second: Commissioner Elkington

Vote: Unanimous

Item 3. (Continued 12-11-08) James Jeffers requests to amend Title 17, Development Code, Part II, Subdivisions, in order to enact Chapter 17.03, Condominiums, which would allow for condominium projects within the City.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The Commission needs to discuss which zones would be appropriate for this proposed ordinance amendment to pertain to if approved in the future. This request is a common ordinance in other cities throughout the valley. Cory stated that it was common for projects to make this request after the building(s) have been completed. A previous work session had been held with Mr. James Jeffers a few months prior to this meeting in regards to this request. Tonight Staff would like the Commission to give ideas on what they would like to see in the ordinance pertaining to Condominium Projects. **Commissioner Tandy** would like to look specifically at these types of project in Commercial Zones at this time. The Building Official will play a big role in this, regarding building codes in reference to condominiums. The applicant would still be required to meet parking standards if this request were approved. The Mapleton Storage Units is the only currently approved Condominium Plat in Mapleton City that Staff is aware of at this time. Each of the lots within the Alvey Business Park were only stubbed one (1) sewer and one (1) water connection at the time of development. **Mr. Jeffers** stated that he was told by his engineer that all owners within the building may be required to pay individual utilities if the Condominium Plat moved forward. Cory stated that he would be emailing out to the Commissioners the State Code regarding Condominiums.

James Jeffers, applicant with Jeffers Cleaning and Restoration, stated that he is making this request in an attempt to legalize the current arrangements on his building in the Alvey Business Park. Ron Wittusen, the other individual with ownership in Mr. Jeffers building, is fully aware and agrees with Mr. Jeffers request this evening. There is minimum traffic coming in to either of the businesses within the building. As the uses change with each building, new business licenses, etc. would be required. Bruce Palmer, the City Building Official, inspected the building and it met all Fire rated requirements that the Building Code would require for a condominium project. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed.

Commissioners Maingot, Tandy and Mink gave some direction to staff for the below on suggestions they would like to see made within the proposed Condominium Ordinance, which are listed out below:

1. Condominium Ordinance to pertain in only commercial zones at this time.
2. Separate utilities required on commercial units.
3. Grandfathering take place for those who applied prior to the Condominium Ordinance being adopted.
4. Consider a minimum lot size.
5. Minimum condominium/footprint size.
6. Permitted uses should be listed in the ordinance – suggestions below:
 - a. Allow office space.
 - b. Allow light industrial.

- c. Exclude storage spaces.
- d. Exclude retail spaces.
- 7. Blanket coverage of the liability toward the Association by all parties.
- 8. Bruce Palmer, Building Official, come up with a list of things that should be looked at in regards to Building Code issues – Commissioner Tandy offered to supply Bruce with Provo City’s list in regards to Condominium Project.
- 9. Clarification given in regards to a “Manager’s Apartment” or a “Building Superintendent”.
- 10. Stipulation that all units within a Condominium be required to have similar elevation themes and maintenance requirements.
- 11. Signage to follow same regulations as an individual unit.
- 12. Landscaping be installed and maintained.

Motion: Commissioner Tandy moved to continue James Jeffers requests to amend Title 17, Development Code, Part II, Subdivisions, in order to enact Chapter 17.03, Condominiums, which would allow for condominium projects within the City until the February 12, 2009 Planning Commission Meeting.

Second: Commissioner Thomsen

Vote: Unanimous

Item 4. Cory Andersen requests a rezone of approximately 17 acres from PRC-5 (Planned Residential Community – 5) to R-3 (Residential) on property located generally at 1100 West Maple Street.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. This is a rezone request at this time. The subject property was rezoned from A2 to PRC-5 back in 2006. The property is adjacent to the A2, RA-1 and GC-1 Zones within the Low Density Residential area of the General Plan. **Commissioner Bleggi** felt that the Transferable Development Right (TDR) Ordinance should not be amended to fit with proposed developments, but to stay the way it has been set up within the code. Cory stated that there are still a large number of TDR’s out there to be used on developments within the City. **Commissioner Tandy** felt that TDR’s should be used as they are currently, without the Ordinance being amended. **Commissioner Pratt** would like to see how this development could connect to the North.

Cory Andersen, applicant, stated that the R-3 Zone does not currently allow the use of TDR’s, which is the reason he is applying for this zone. Mr. Andersen feels this is a good location for his project, and feels it is the reason for the R-3 Zone being created. The applicant is open for conversation in regards to using TDR’s on this project. Commissioner Pratt wondered if there could be two accesses, one being to the North, the other onto 1100 West. During the time however until the property to the North is developed there could be a fire lane installed on one of the vacant lots for an access in the intern. Mr. Andersen felt that the one access on the development makes the community, but would get with the City Engineer in regards to meeting what the City is requesting regarding access. The development previously proposed under the PRC-5 zoning showed the average daily trips of 120 per day, where this proposal for the R-3 Zone would be only 116 daily trips per day. Thus causing confusion for the applicant in regards to the two (2) access requirement in the proposed R-3 Zone development when only one (1) access was required under the proposed PRC-5 Zone development. Cory Branch stated that he

likes the use being proposed by the applicant, as well as the location, being so close to Highway 89. The applicant would rather the proposal move forward, and not be delayed at this time, whether the recommendation be for approval or denial.

Chairman Mink opened the Public Hearing. No comments were given and the Public Hearing was closed. **Commissioner Maingot** had a problem with the original A2 Zone, going to PRC, and then down again to the proposed R-3 Zone. He does not feel it promotes open space. **Commissioner Tandy** felt Staff should look at what the overall desire is for the R-3 Zone.

Motion: Commissioner Maingot moved to recommend denial to the City Council of a rezone of approximately 17 acres from PRC-5 (Planned Residential Community – 5) to R-3 (Residential) on property located generally at 1100 West Maple Street, feeling that the density, use and feel does not fit the General Plan or the neighboring environment.

Second: Commissioner Pratt

Vote: 4:3:0 with Commissioners Bringhurst, Maingot, Pratt and Tandy voting aye and Commissioners Elkington, Thomsen and Mink voting naye for the reasons listed below:

1. Opinion that there is a need for this type of development, with less density however than what is being proposed, within Mapleton.
2. Staff has put a great deal of time into reviewing this proposal and recommended approval of the project this evening with conditions, which should be considered by the Commission.
3. More information needs to be obtained in regards to this proposal, with the feeling that the PRC-5 rezone to R-3 is not the best fits for this piece of property.

Item 5. Ryan Livingston requests Preliminary and Final Plat approval of Pheasant View Subdivision, Plat “B” (1 lot proposed), on property located generally at 1483 West 800 South. The subject property is located in the GC-1 (General Commercial) Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. There are currently four (4) homes built within the Pheasant View Plat “A” subdivision at this time. With this request the lot being proposed will not change, however the easement will change in order to help mitigate the drainage issues in this area. All drainage is retained onsite. The proposed project plan for Item 6 this evening will be a slab on grade. The City Engineer has approved the design on this project.

John Smith, owner of Earthtec Engineering Incorporated, stated that his company has spent a considerable amount of time doing the engineering on this project. They have not been paid for their services and therefore are requesting to withdrawal the reports they have given the applicants for this project. Cory Branch stated that he feels this is a civil issue between the applicant and Mr. Smith. The Commission felt they would not ask any further questions of Mr. Smith at this time.

Ryan Livingston, applicant, stated that they paid Earthtec to engineer their first retention basin plan, which does not work, and therefore had to re-engineer the newly proposed retention basin. This is why they have not moved forward with payment at this time to Earthtec. **Commissioner Tandy** asked how Mr. Livingston knows this new proposed retention basin will work, when the previous one did not. Ryan stated that it is similar to the LDS Church across the street, and the property in this area will be built up as well in order to help with drainage. **Commissioner Bleggi** had a concern with the percolation in this area due to the types of soils that are found there. **Scott Bird**, Public Works Operations Director, stated that the current retention basin was deep enough that it allowed for ground water to enter into it, leaving standing water in that area.

Chairman Mink opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Pratt moved to approve the Preliminary and Final Plat for the Pheasant View Subdivision, Plat "B" (1 lot proposed), on property located generally at 1483 West 800 South, with the conditions listed below:

1. Retention basin easement needs to have a connecting easement to the parking lot drainage easement.
2. All utilities are to be privately maintained – water meters will be maintained by Mapleton City.
3. Bonding will be required upon final approval of site plan.

Second: Commissioner Thomsen

Vote: Unanimous

Item 6. Ryan Livingston requests project plan approval in order to allow for a sixty-six bed assisted living center on property located generally at 1483 West 800 South. The subject property is located in the GC-1 (General Commercial) Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The applicant is proposing a 48,441 square foot building. The parking space requirement is being met as currently proposed by the applicant. There is a concern about the fence around the current park in the development, feeling it should be a rod iron fence, not a vinyl one as currently installed.

Ryan Livingston, applicant, stated that they would not have a problem with a rod iron fence, but to replace the current fence would be a hardship in regards to finances. Mapleton City requires for all individuals to apply for a fence permit no matter what the height of the proposed fence is, which the applicant did not do before installing the fence around the park area. The applicant stated that they could take out some of the slats on the fence around the park if the city so desired, however it is a state requirement for Assisted Living Facilities to have an enclosed fence around and locations that patients may go for safety purposes. The applicants are proposing Type 1 and Type 2 residents at the facility. Staff would suggest the applicant stick with the same color vinyl fence as what is currently installed on the east portion of the property, when fencing the remainder of land around the Assisted Living Center. The applicant would like to get started on the project some time in the spring. **Commissioner Pratt** would recommend a public toilet

to be installed on the first floor. The proposed location of the project does meet all the required setbacks.

Chairman Mink opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Tandy moved to approve Ryan Livingston's Project Plan in order to allow for a sixty-six bed assisted living center on property located generally at 1483 West 800 South, with the conditions listed below:

1. The conditions outlined by the Development Review Committee (DRC) on January 2, 2009 be met with the change listed below:
 - a. Item number 1 be changed from a rod iron fence to a matching vinyl fence along the perimeter.
2. A fire hydrant be installed within the parking lot area, meeting Fire Code requirements.
3. Applicant review parking to possibly accommodate better snow removal.

Second: Commissioner Thomsen

Vote: Unanimous

Item 7. Adjourn

Motion: Commissioner Tandy moved to adjourn the meeting at 9:40pm.

Second: Commissioner Elkington

Vote: Unanimous

April Houser, Executive Secretary

Dated:

Oscar Mink, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: