

MAPLETON CITY
PLANNING COMMISSION MINUTES
September 10, 2009

PRESIDING AND CONDUCTING: Chairman Oscar Mink – Arrived at 7:20pm

Commissioners in Attendance: Pam Elkington
Rick Maingot
Barbara Pratt
Skip Tandy
Alternate Jeff Hawkins

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

Minutes Recorded by: April Houser, Executive Secretary

Vice-Chairman Tandy called the meeting to order at 6:30pm. Barbara Pratt led the Pledge and Rick Maingot gave the invocation.

Items below are not necessarily in the order they were heard.

Alternate Commissioner Jeff Hawkins was seated as voting member this evening.

Item 1. Trails Sub-Committee Meeting Minutes – June 8, 2009.

Motion: Commissioner Pratt moved to approve the Trails Sub-Committee Meeting Minutes for June 8, 2009.

Second: Commissioner Elkington

Vote: Unanimous

Item 2. Trails Sub-Committee Meeting Minutes – July 13, 2009.

Motion: Commissioner Pratt moved to approve the Trails Sub-Committee Meeting Minutes for July 13, 2009.

Second: Commissioner Elkington

Vote: Unanimous

Item 3. Transportation Advisory Commission Meeting Minutes – June 18, 2009.

Motion: Commissioner Pratt moved to approve the Transportation Advisory Commission Meeting Minutes for June 18, 2009.

Second: Commissioner Elkington

Vote: Unanimous

Item 4. Planning Commission Meeting Minutes – August 13, 2009.

Motion: Commissioner Pratt moved to approve the Planning Commission Meeting Minutes for August 13, 2009 as corrected.
Second: Commissioner Maingot
Vote: Unanimous

Item 5. (Continued) **Leslee Wells requests approval of a Home Occupation Permit for Airika Home Improvement, located at 1000 South 1000 East in the A-2 (Agricultural-Residential) Zone. The proposed Home Occupation would involve visiting clientele.**

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. **Vice-Chairman Skip Tandy** and **Commissioner Rick Maingot** stated that they knew the applicant personally, but felt they did not need to recuse themselves from voting. Leslee Wells would not be storing any of her proposed Home Occupation Permit items on site, and would be teaching home improvement classes at her home on occasion. Staff does not want to count any cars that are located within the garage to count toward the proposed allowance of six (6) vehicles at the property at any given time in regards to the Home Occupation. Clients should park in the driveway areas in front of the garage and on the west side of the home. The Home Occupation does meet the square footage requirement. The applicant is proposing to use 376 square feet of living space for the Home Occupation. The Fire Inspector passed the Home Occupation off prior to the meeting. Staff would recommend that the Commission stick with their parking requirements since it is part of the Home Occupation Ordinance. The main goal is to avoid traffic problems in the area.

Leslee Wells, applicant, stated that the parking was the consideration for her, where she would like to be able to have at least ten (10) cars that would be allowed to park in her driveway. Mrs. Wells stated that all of the parking will be located on her property.

Vice-Chairman Tandy opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Pratt moved to approve Leslee Wells' Home Occupation Permit for Airika Home Improvement, located at 1000 South 1000 East in the A-2 (Agricultural-Residential) Zone, with the conditions listed below:

1. That visiting clients be required to park in the driveway areas off of the street so as not to impede regular traffic or emergency crews on 1000 East Street. The maximum number of vehicles to be parked in the driveway areas shall be 6 (to be parked directly in front of the garage and on the west side of the home).
2. That the Applicant comply with all other requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS.

Second: Commissioner Elkington
Vote: Unanimous

Item 6. **E. Mellor, agent for Mellor Estates Subdivision, Plat "B", requests approval of a Delay Agreement for bonded roadway improvements on property located generally at 1833 North 500 West. The subject property is located in the RA-2 Zone.**

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. The Mellor Estates Subdivision Plat B was approved in 2004. The subdivision was a 2-lot development. The Right-of-Way (ROW) for this street was dedicated to the City in the 1970's. There were some Bond Releases around the time that the subdivision was developed. Since that time no additional work has been done on

the subdivision. The City currently holds a cash bond for \$27,815.00, which is now figured to be approximately 88% of the current amount needed to install the required infrastructure. It was stated that the City Engineer would want the entire infrastructure installed at once, requiring a lien to be put on the property if the applicant forfeited on the bond and the City was responsible for installing the infrastructure. **Daryl and Joyce Hutchings** are opposed to the road going through, and are supportive of a Delay Agreement. **Richard McQueen** submitted a letter stating that they oppose the road being installed, and also support a Delay Agreement. Staff has not been able to find any files or information about a Delay Agreement for this development, which is the reason that the applicant is here tonight to request one. Staff initiated this item when the cash bond was found, which brought this item forward at this time. **Commissioner Pratt** asked if there was an assured way for the City to get their money back if they forfeit on his bond and install the infrastructure. Matt stated that they would have to put a lien on the property. Another concern the City has is if the Mellor's decide to move, leaving the City with a bond amount that is not sufficient for the required infrastructure needed.

Louis E. Mellor, applicant, stated that he has lived in his current home for five (5) years. Before he built his current home on Lot 2, he lived in the home on Lot 1. Mr. Mellor stated that the Planning Commission approved his subdivision with a Delay Agreement when he went before them for approval. He feels he did what he was required to do. If he installs the roadway it will shut down his irrigation access, which will affect his orchard and garden. Mr. Mellor stated that it was an indefinite Delay Agreement, and that he does not plan to move until he dies, at which time his children will take over the property.

Chairman Mink was seated as a voting member at this time.

Louis E. Mellor, applicant, stated that he would like the City to return the cash bond money back to him where he can put it in an account that would draw interest. Cory stated that the applicant had mentioned putting the money into an account that could not be released until the City gave approval of such. He would like to keep the property the way it is, as would the Brooks and Orndorff families. They enjoy their property the way it is now, with the ability to use the irrigation water for their orchard and garden areas. Mr. Mellor stated that he feels he is responsible to install the infrastructure that is required at the time it is installed. Matt mentioned that the City Engineer had mentioned that a culvert could be installed under the road in order to allow Mr. Mellor to continue to access the irrigation water. The amount to do this would be added into the Delay Agreement amount. **Mrs. Mellor** stated that what her husband has said is what she feels was discussed back in 2003 when they received the approval on their subdivision. Louis E. Mellor stated that he did not follow up with staff in the past to sign the Delay Agreement at that time.

Chairman Mink opened the Public Hearing. **Kim Orndorff**, owner of Lot 1, stated that they bought the property for the reason that it did not have a road going past the property. She said she loves the property as is with the privacy and safety they have. She feels that no one in the area wants the road put in at this time. They do understand that at some point the road would need to be put in, but they do not feel it should be at this time. Mrs. Orndorff said that they maintain the road in this area at this time, and does not see why the road needs to be installed right now just to be installed at this time.

No additional comments were given and the Public Hearing was closed. **Vice-Chairman Tandy** stated the options he feels the Commission could move ahead with this evening. He feels that there is no benefit derived at putting the road through at this time. **Commissioner Maingot** felt that if a cloud could be put on the title of Lot 2 ensuring that the infrastructure be installed before the property could be altered sold or transferred in any way, would be sufficient. Vice-Chairman Tandy felt that the applicant and the City could be given a timeframe to work together and come up with a Delay Agreement that both parties could agree upon. If this failed to happen the item would be brought back before the Planning Commission at

that time. **Cory Branch**, Planning Director, stated that the Commission has given Staff and the applicant some directive this evening, which could allow them to work together to come up with a Delay Agreement both parties could agree upon. **Commissioner Pratt** was uncertain as to if a Delay Agreement was ever given approval for the development, and felt that the applicant is responsible for the infrastructure. **Louis E. Mellor** stated that the roadway he has installed is to the ½+5’ requirement.

Chairman Mink stated that he was going to abstain from voting this evening since he was not in attendance for all of the discussions regarding this item this evening. Chairman Mink stated that the applicant needs to understand that what he agrees to now will stand, at that no alterations will take place in regards to it in the future.

Motion: Commissioner Tandy moved to continue E. Mellor, agent for Mellor Estates Subdivision, Plat “B”, Delay Agreement for bonded roadway improvements on property located generally at 1833 North 500 West due to the reasons listed below:

1. Staff and the applicant work together to come up with a Delay Agreement that both parties could agree upon, at which time the item would return to Planning Commission for approval.
 - a. Triggers should be added to this to ensure the applicant follow through with paying for the infrastructure costs at the time they are installed.
2. Previous Staff did not obtain a signed Delay Agreement from the applicant at the time the subdivision was developed.
3. That the cash bond be put into an interest bearing account.

Second: Commissioner Maingot

Vote: 5:0:1 with Commissioners Tandy, Pratt, Maingot, Elkington and Hawkins voting aye and Chairman Mink abstaining due to his absence of a portion of the discussion for this item.

Item 7. Bruce & Elisa Hassler et al requests consideration of removing the trail easements in the Preserve at Mapleton Subdivision, Plats “F” and “G” located generally at 1600 South Perry Hollow Drive (400 East).

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. This item has been to both the Trails Sub-Committee and Transportation Advisory Commission for discussion prior to this meeting. The Final plat was approved by City Council in 2006, which included the trail easement being discussed this evening. The developer, Jack Perry, signed the plat as it is recorded, which included the trail easement. As part of the PRC (Planned Residential Community) Zone, the applicant had stated that the development would provide a variety of walking trails throughout the project. Matt showed a map to those in attendance as to where the trail easements run through the Preserve Subdivision. There is only sidewalk built on one side of the street along Perry Hollow Drive. The developer did not bond for the trail. An estimate to install a ten (10) foot gravel trail along the trail easement would cost approximately \$20,660, and \$61,980-\$82,640 for an asphalt trail. Both the Trails Sub-Committee and Transportation Advisory Commission felt that the trail easement should remain. **Cory Branch**, Planning Director, stated that the applicant proffered the trail system and open space areas as part of their development under the PRC Zone. This trail would create a connection to the possible Mapleton Lateral Canal Parkway, if it were to be accessible one day for walking.

Bruce Hassler, applicant, stated that the trail easement takes up almost a quarter (1/4) of an acre of their property. Matt calculated it to be approximately 3,300 square feet. He plans on staying here forever, and loves living in Mapleton. Mr. Hassler was told by Jack Perry that the trail easement was removed from Plats “F” and “G”. Mr. Hassler did not pursue this subject at that time. **Jack Perry**, developer, stated that the well is not owned by the City, but by the Orton family. He has never personally seen a City

Employee accessing this well. He stated that the property owners along 1600 South had attended the Planning Commission and City Council meetings when the subdivision was coming forward for approval opposing 1-acre lots abutting them and the trail easement along the rear portion of their lots. **Vice-Chairman Tandy** asked Mr. Perry if he signed the Final Plat where this trail easement was still being shown, which he stated that he did. **Luzon Wall**, resident on 1600 South, stated that there were two (2) issues discussed which were the lot sizes buffering their lots and the trail easement. They had a concern with the liability to them if someone were to get hurt on the trail, as well as security of their property. The trail easement is located on the Preserve properties, not on the private property owners living along 1600 South. Mr. Hassler gave a presentation to those in attendance about some of their concerns in regards to the trail. He asked the question to the Commission; "if the city has to pay for the cost to install the trail, is it in their best of interest"? The construction drawings are not signed by the city. **Chairman Mink** does not feel that the Hassler's argument is a strong one. He feels that what was not said on the recordings and in the minutes hold weight in regards to the trail easement staying in place. Mr. Wall feels that before this trail is installed, the Lateral Canal Parkway should be approved for public access. **Mark Braby** had a concern as to where those accessing the trail would park their vehicles. Plat "B" had proposed a parking area for vehicles and trailers. **Sandy Swanson** stated that they met with Jack Perry and Dave Simpson in regards to their concerns and felt that Jack worked with them to meet their acreage concerns. He was concerned with security on the trail in regards to his property. **Justin Perry** had a concern with the parking in regards to those accessing the trail. He also felt that trails are good, but should lead somewhere. Mr. Braby asked if it were possible to re-design the trail and its location. **Commissioner Maingot** personally feels the members of the Preserve had this laid out for them, and would not make a change to the trail easement solely based upon their concerns. He felt bad for those on 1600 South, since this was essentially thrown at them without any choice of their own. **Commissioner Elkington** agreed with Commissioner Maingot. **Commissioner Hawkins** would support moving the small easement along the west portion of the Hassler's property. **Commissioner Pratt** is not adverse to where the trail comes through this development, but feels it does need a trail connection in this area. She feels the developer is still responsible for the cost of installing the trail. Vice-Chairman Tandy and Chairman Mink agreed with the other comments given by the Commission Members.

Item 8. Rakesh Goyal requests a discussion item regarding Lot 17 (proposed park area) in the Hillcrest Subdivision as it relates to landscaping, pavilions, walking path, and a tot lot on property located generally at 1818 South 250 West. The subject property is located in the PRC-1 (Planned Residential Community – 1) Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The developer was not in attendance this evening, and was being represented by Shiloh Sorensen. It was stated that the park amenities were to be installed within one (1) year, which has past. The landscape bond amount for this park being held is \$37,800. Cory read a letter from Rocky Mountain Power for those in attendance that stated that there can not be any structure in the power line easement. It also stated that any landscaping needs to be approved by Rocky Mountain Power before installation. Cory stated that there are some flat areas on the lot where a tot lot or pavilion could be installed. Staff's position is to make the applicant install the approved amenities.

Shiloh Sorensen, representing the applicant, stated that the project was ill designed from the beginning. The applicant is looking for some direction on what would be best for this piece of land. He is not trying to get out of his original agreement, but feels it will not work on this piece of property. They would like to do a rough grade for now and then when the development is more built out, move forward with the Home Owners Association (HOA) recommendation on what they would like installed on the park lot. This park will be maintained by the Home Owners Association. Cory went over the bonds that were issued in regards to this project. **Commissioner Maingot** feels that some amenity needs to be added to

the sum of \$37,800, if the approved amenities will not work. He feels it should be something to enhance the subdivision. **Commissioner Elkington** felt another amenity should be proffered.

Matt Stewart, homeowner of Lot 14 in the development, feels that what has been proposed should be done. He feels the park should be put in, and the City should retain the bond money for the park.

Cory stated that bonding can not be used for maintenance, only infrastructure installation. **Commissioner Maingot** does not have a problem holding off for the time being on the development of the park, but feels it should be installed eventually. **Commissioner Hawkins** stated that there are trees that Rocky Mountain will approve for them to install. **Chairman Mink** agrees with what has been said, and does not see a compelling reason to release money to the HOA, but does see a good reason to extend the timeframe for when the park should be installed.

The City would administratively work with the applicant in regards to the detention basin. Originally it was proposed to be covered in sod, but feel that may not be the best thing, since there may be standing water in the basin at times. The applicant has discussed installing weed barrier and installing rocks through the basin. This would be low maintenance, as well as attractive.

Item 9. Adjourn

- Motion:** Commissioner Tandy moved to adjourn the meeting at 10:10pm.
- Second:** Commissioner Elkington
- Vote:** Unanimous

April Houser, Executive Secretary

Dated:

Oscar Mink, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: