

MAPLETON CITY
PLANNING COMMISSION MINUTES
January 26, 2012

PRESIDING AND CONDUCTING: Jared Bringhurst

Commissioners in Attendance: John Gappmayer
Leslie Jones
Golden Murray
Thomas Quist
Keith Stirling
Ryan Swanson
Mike Tippetts – Left at 8:30pm/Returned at 8:46pm

Staff in Attendance: Cory Branch, Planning Director
Gary Calder, City Engineer
Eric Johnson, City Attorney

Minutes Taken by: April Houser, Executive Secretary

Chairman Bringhurst called the meeting to order at 6:30pm. Mike Tippetts led the Pledge and Leslie Jones gave the invocation.

Alternate Commissioners Thomas Quist and Golden Murray were seated as voting members this evening.

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – January 12, 2012.

Motion: Commissioner Tippetts moved to approve the January 12, 2012 Planning Commission Minutes.
Second: Commissioner Gappmayer
Vote: Unanimous

Item 2. Kim Lambourne, agent for The Church of Jesus Christ of Latter Day Saints, requests approval of a 1-Lot (phased) subdivision plat, in order to construct a new church building on property located generally at 985 North 300 West. The subject property is located in the RA-2 Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The property currently consists of 6.46 acres. The applicant requests to discuss Phase II at a future date, since they do not yet know what they wish to do with it. There is a slope issue on 300 West street, and staff is recommending it be lowered. Cory stated that there are a couple options that the Commission could go with. There needs to be noting on the plat that a street must go through the proposed Phase II property at some time in the future if any residential building takes place. **Commissioner Murray** had some questions as to if the current street width on 300 West was sufficient or not. **Gary Calder**, City Engineer, stated that the applicant is proposing to put in full street improvements on the west side of 300 West along their property.

Kim Lambourne (applicant) and **Mark Greenwood** (Engineer) stated that the property owner did not want to sell the 3 acres of land they would need for the church site, but the whole 6 acres of property. They would be okay leaving the whole 6 acre parcel as 1-lot for the time being. Currently they do not have any plans on how they want to utilize the whole 6.46 acre parcel. Gary asked how the church planned to maintain the areas that would not be landscaped. Mark Greenwood stated that they would maintain the open area. This land could be farmed if desired as well. Staff would recommend keeping it as a whole 6.46 parcel at this time; otherwise some detailed stipulations would need to be put on the plat that would not be utilized as the church site.

Chairman Bringhurst opened the Public Hearing. **Chris Groberg** asked what the width of 300 West will be when developed. Gary Calder stated that it would be 42' of asphalt, matching up to the improvements north of the property. **Chad Warren** owns the property directly to the south of his land. He feeds approximately 1500 animals in this area during the year. He would like to know what kind of fencing would be put in, and would like some solid cement fencing along the property that borders his, as well as the west side of the property to protect the Mapleton Irrigation ditch. Mr. Warren stated that he was representing Mapleton Irrigation as well as himself this evening. He wants to ensure there is adequate fencing put in. He would like something similar to what Clyde Gammel put in around his business. The applicant will need to come to an Irrigation Board Meeting, which are held on the second Monday of each month, in regards to the ditch along the west side of the property. Before any plat is recorded all utility companies have to sign off on the Mylar. Before the hump in the road on 300 West is fixed, approval will have to be received from the Irrigation Company regarding a siphon, and other things that may be needed to ensure the irrigation ditch is not affected. Chad is in favor of a church being built on the property, he just wants to make sure the proper fencing is installed. **Cathy Deveraux**, owner of the property to the south, is excited to have a church here, but has some concerns with the trees along the south side of the property. She would like them to be removed. Cory stated that when this property came before the Commission a few years back as a residential development, there were some agreements in regards to the removal of these trees and installation of fencing around the property. Cory stated that this would be a property owner decision, and the concerned residents would need to work with the applicant in regards to their concerns. Kim Lambourne and Mark Greenwood stated that they have not planned to put in a fence, but it could be done. They could also put in a chain link fence, as well as a barbwire fence a few feet out to keep the animals out. They are willing to do whatever conditions the City requires of them to do. The trees would have to be removed once any development was done along Mrs. Deveraux's property, so the removal of these would not be an issue. The applicant would only like to fence around the church property, but will do whatever the City requires of them. They would not propose to do anything with the ditch along the west side of the property at this time, since the land around it would not currently be affected. The applicant will meet with the Irrigation Company though, and discussions can take place between them as to what will be required now or in the future. Gary stated that if a fence is to be installed along the entire parcel there would need to be assurance that no nuisance strip is created, as it could cause issues in the future for the property owners in the area. The ditch to the east of the property has been addressed. The church has a concern with lowering the road, and who incurs the cost of this. Mr. Warren reiterated that he wants a cement fence put in, and that a chain link fence will not be sufficient. He does not want any issues with the animals being bothered by those at the church, and does not want people being able to see through the fence. There is a net wire and panel fence there right now. **Commissioner Swanson** stated that Chad Warren is liable now to keep the animals penned in, and does not feel the church needs to put up a cement fence to keep his animals locked up. Mr. Warren stated that he could talk with the church about it, and mentioned he is willing to help. The church is fine separating out the subdivision with phasing, or leaving it as one parcel. Mark stated that the church does not want to create a hardship for anyone, and would like to discuss the fencing with Mr. Warren. The applicant would like some clarification on when the different improvements would need to be installed. Gary

stated that this is just a subdivision approval right now, not the project plan layout. No additional comments were given and the Public Hearing was closed.

Commissioner Swanson would like to separate the parcel into two lots now, so that in the future this property does not need to be discussed again. **Chairman Bringhurst** would like it to move ahead as one parcel, and have the stipulations put on it at a later date when they know what they will be doing with the property in the rear.

Motion: Commissioner Swanson moved to approve a 1-Lot (phased) subdivision for The Church of Jesus Christ of Latter Day Saints, in order to construct a new church building on property located generally at 985 North 300 West, with the condition listed below:

1. The applicant must meet the requirements from the Development Review Committee (DRC) Meeting dated January 17, 2012 (Attachment 2 of the Staff Report this evening).

Second: Commissioner Tippetts

Vote: Unanimous

Item 3. Kim Lambourne, agent for The Church of Jesus Christ of Latter Day Saints, requests approval of a Conditional Use Permit and Project Plan Approval in order to construct a new church building on property located generally at 985 North 300 West. The subject property is located in the RA-2 Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The plan is to build a 19,422 square foot building. The applicant would propose not to install the islands in the parking lot, which staff is supportive of. The fence and road would be two items to discuss with this request. **Commissioner Tippetts** asked what traffic studies have been done. **Commissioner Jones** stated that she felt a solid barrier would be what Mr. Warren would like. She felt that if a chain link fence was installed, without slats, the animals would be more of a temptation to those at the church site. If the church wants to put anything on the land in the rear of the church they would have to receive approval for it. **Chairman Bringhurst** felt that if the 56' buffer area could be fenced in as well it would help mitigate the concern that Mr. Warren has. Gary stated that the church is required to retain their parking within the park lot areas. He also stated that 300 West is sufficient enough to handle the traffic concerns the church will cause.

Kim Lambourne (applicant) and **Mark Greenwood** (Engineer) reiterated that the church has always tried to be considerate of adjacent property owners and their concerns. The church is probably not looking to construct the building immediately, so some of these issues would have plenty of time to be worked out before any construction began. The church is trying to close on the property, so they need to get approval or some type of decision as soon as possible. The applicant felt that fencing around their property would be sufficient. The rear of the property is lower than the front portion off 300 West. **Chad Warren** stated that he would really like the concrete fence, and that it would prevent any issues in the future. Mr. Warren would be happy to maintain the church land that will be remained vacant at no cost if the church was willing to work with him on the fence. **Commissioner Jones** asked how the church decides what type of fencing will be installed. Mr. Greenwood stated that cost is the main factor, but as they look at a site they look at if it is feasible, and if the costs are too extreme they look for another site. Chad stated that we would help participate in the costs of the fence, or maintain the vacant property. **Milo Nelcovich**, property agent for the LDS Church, stated that he wants to work something out that would be agreeable, but does not want to create a burden for the church. He questions if the City would really want a cement fence in what could in the future be along a city street. The church would be willing to talk with Mr. Warren, and gain some type of a mutual agreement that will please everyone. It is very unlikely that the rear portion of the property would be used for any type of recreational activities. The

church is here to find out what the City wants them to do. Staff would feel that the fencing around the 3.3 acres where the church will be located should be sufficient at this time. He feels fencing around the additional property could be dealt with when the property is developed in the future.

Chairman Bringhurst opened the Public Hearing. **Carl Furner** asked what improvements would be done along 300 West. Cory stated that the church would install improvements along their portion of the street. No additional comments were given and the Public Hearing was closed. **Commissioner Swanson** stated that he agrees with the fencing around the church area only, but feels a fence along 300 West where the 56' area will remain would be good to keep people from entering into the back portion of the property. **Cathy Deveraux** just wants the trees removed to the north of her property but does not have a concern with fencing along 300 West. **Commissioner Jones** would like to see a condition of a sight obscuring fence. Chairman Bringhurst would like to see 300 West blocked off along the 56' open area to the south. **Chad Warren** did not feel a sight obscuring fence would need to be installed around the church site, as it would not keep people from seeing the surrounding properties. **Commissioner Gappmayer** does not feel any more than a field fence should be required along 300 West.

Motion: Commissioner Gappmayer moved to approve The Church of Jesus Christ of Latter Day Saints Conditional Use Permit and Project Plan in order to construct a new church building on property located generally at 985 North 300 West, with the condition listed below:

1. The applicant must meet the requirements from the Development Review Committee (DRC) Meeting dated January 17, 2012 and contingent upon final approval of Item 2 of this agenda (Attachment 3 of the Staff Report this evening).
2. That a fence be installed across the 56' divide area along 300 West as well as around the church site.

Second: Commissioner Swanson

Vote: 5:1:0 with Commissioners Murray, Quist, Gappmayer, Swanson and Bringhurst voting aye and Commissioner Jones voting nay feeling a site obscuring fence should be required.

Item 4. **Bud Harper requests to amend Title 18, Development Code, Part III; Zoning, Section 18.84.370(B), Residential Facility for Handicapped Persons, in order to allow residential facilities for persons with a disability as a permitted use in any zone where residential dwelling uses are permitted.**

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The amended text that the City is proposing, as well as the applicant's proposed changes, is listed in the Staff Report this evening. **Bud Harper**, applicant, stated that he is trying to start a residential facility for individuals with drug and alcohol addiction problems. The facility he is looking at opening would not compete with the drug treatment facilities required by the courts. The proposed amendments were discussed page by page. **Eric Johnson**, City Attorney, stated that when it states "et seq." it refers to all sections following the section listed. The ordinance being proposed is not directed to any applicant or facility. Eric is reluctant to edit the CFR, which is what the Federal Regulations state. He feels their interpretation would have the same meaning as if those amendments were made that the applicant is proposing. The State Statute is secondary to the Federal Ordinance in regards to these types of facilities. The City is proposing to follow the Federal Ordinance requirements. Eric would recommend not approving any of the applicant's proposed amendments. This would leave the licensing for these facilities up to the State. They will decide if it is a qualifying facility. Eric stated that putting a distance on the density would be something the Federal Ordinance would not recommend, since a number could be considered arbitrary. Bud felt that the areas he wanted struck are restricting the type of clients he could get as they would not be considered

disabled. Eric stated that in response to Bud's request the City is bringing forward this new ordinance. Section 3604 would be included in the City's proposal since all following Sections are included under the "et seq", and that the City is only going into so much detail in the Ordinance. The concern comes up as to why he would be striking some areas and adding others. He feels this would expose the City to greater risk than by just leaving it as proposed. The City did look at a variety of other communities ordinances about this topic, and there is a greater risk at putting in too much detail. The City tried making it general, putting more of the liability on the State's shoulders. Cory clarified that the areas stricken would be what the applicant would like removed, which the City would recommend leaving in there. The areas in bold and underlined are additions the applicant would like to make, which the City would not recommend doing. Bud asked if the property ownership was to change if it would change the allowance of the Permitted Use. Eric stated that we are regulating the property, not the business. This is why the City would refer to "facility" instead of "business" on Page 4 under Section 4a. **Commissioner Tippets** asked what the benefit to the City is for putting in this Ordinance. Eric Johnson stated that it is state statute to have an ordinance like this.

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

Motion: Commissioner Swanson moved to recommend approval to the City Council of an Ordinance amending Title 18, Development Code, Part III; Zoning, Section 18.84.370(B), Residential Facility for Handicapped Persons, in order to allow residential facilities for persons with a disability as a permitted use in any zone where residential dwelling uses are permitted, excluding the changes requested by the applicant.

Second: Commissioner Jones

Vote: Unanimous

Item 5. Adjourn.

Motion: Commissioner Swanson moved to adjourn the meeting at 9:10pm.

Second: Commissioner Jones

Vote: Unanimous

April Houser, Executive Secretary

Dated: