

**MAPLETON CITY
PLANNING COMMISSION MINUTES
January 27, 2011**

PRESIDING AND CONDUCTING: Skip Tandy

Commissioners in Attendance: Jared Bringham
Pam Elkington
Jeff Hawkins
Rich Lewis
Oscar Mink
Ryan Swanson
Mike Tippets

Staff in Attendance: Cory Branch, Planning Director

Minutes Taken by: April Houser, Executive Secretary

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

Commissioner Ryan Swanson and Mike Tippets were seated as voting members this evening.

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

Item 1. Planning Commission Meeting Minutes – December 9, 2010.

Motion: Commissioner Mink moved to approve the December 9, 2010 Planning Commission Minutes.
Second: Commissioner Elkington
Vote: Unanimous

Item 2. Randal Graham requests Preliminary and Final Plat approval of Maple Cove Subdivision, Plat “B”, a 1-lot amended subdivision plat, located generally at 40 North 1900 East, in the A-2 Zone.

Staff and the applicant have asked for a continuance of this item.

Motion: Commissioner Mink moved to continue this item until the February 10, 2011 Planning Commission Meeting
Second: Commissioner Bringham
Vote: Unanimous

Item 3. James and Melody Ashman requests to amend Mapleton City Code Title 18, Development Code, Part III, Zoning, Section 18.28.040: Conditional Uses, in order to allow for a equine arena as a Conditional Use within the A-2 Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The applicants are currently in the process of installing an arena on their property which was approved for personal use only.

If the proposal is approved the applicants will come back before the Planning Commission for a Conditional Use Permit. If approved the arena would be an accessory structure so the lot, which is required to be 2-acres in size or larger, would need to have a home on it prior to an arena. The owner's horses, plus animal units, can not exceed the daily recommended amount of 8 horses. **Commissioner Mink** felt 1 animal per student visiting the home daily seemed too restrictive. Staff was trying to minimize the traffic, which was the purpose for proposing 1 horse per student, not to exceed the 8 horses at one time. It was discussed that it could be changed to state 1 truck and 1 trailer per day instead of the current 1 horse per day. **Commissioner Bringham** did not necessarily agree with only allowing the number of horses on the property as would be allowed by the animal units in regards to acreage. He felt that it would apply more in that case that the horses are boarded instead of visiting during the training time. **Chairman Tandy** stated that he has had discussion with staff in regards to a commercial use like this in a separate structure other than the home. He stated that by law if there is a commercial business it is required to provide permanent restroom facilities. Cory asked if it was possible for the City to make it less restrictive. Chairman Tandy stated that it is required by law and if the City did not require it to be done it could result in a lawsuit, and he would not recommend it. Cory stated that it is currently impossible for the applicant to run the sewer system to the arena. He asked if it were possible for the owners to add some restrooms onto their home that could be used for the arena. Chairman Tandy felt that would suffice the purpose. **Commissioner Tippets** asked why the City would care if the applicants just used their personal restroom in the home. Chairman Tandy stated that the restroom would need to be ADA approved, which would be the main reason for needing the separate restroom facilities than those in the home.

Jim Ashman, applicant, thanked the Commission for hearing this item. He feels it is being made a lot larger than it is. It was originally going to be used as a little family arena. The Ashman's were asked by another individual if she could use the facilities to teach children. Jim stated that it is a very nice structure. The students that they have will be transported to the arena in a van, receive 2 hours of instruction, and leave. They will not have horse trailers visiting the home, although he would never say that it would not happen. Mr. Ashman had no concerns with the 8 clients and horses allowed per day, and hoped to be able to have that many students every day. They have 132' x 120' area for parking with additional parking in front of the structure. They will not interfere with the street parking. The Ashman's will put in one of the portable restroom facilities if the Commission wants. They can put it wherever it is necessary. 25 years ago the Ashman's built a barn and the sewer was not in at that time, nor is it now on 2000 East due to the altitude difference, which they have a restroom in that could be used for the arena, which is drained into a septic tank. At that time Kent Wheeler was working for the City and he didn't remember what building permit was followed at that time. **Commission Swanson** stated that right now we are determining what laws will be followed in the A-2 Zone in regards to this type of use, and not what is pertinent to the Ashman property. Jim and Melody Ashman came to the City to get a Business License, which is why they are here before the Commission this evening. Mr. Ashman has several individuals that he gives manure to, which he does not charge for, that he loads with his tractor. He is willing to mitigate any problems that would be caused by this if he were still allowed to store manure to some degree on his property. Jim stated that there is a continual stream of horses traveling on the road and he does not object to the stipulation keeping clients from riding their horses on the public streets. He doesn't feel the students will ride on the street, although there may be an occasion where that might take place. **Melody Ashman**, applicant, feels it is important for the amendment to get resolved. There have been several similar businesses in the past that do not have a license to do so. There needs to be something in place to protect the City. They are not jumping into this inexperienced. They have done endurance riding and have been breeding horses for 25 years. Their main focus would be on the children of Mapleton. They do not do babysitting on ponies. They start from the ground and teach different personalities of horses, and how they need to be trained differently. It is about giving children confidence with animals. She has certifications were they use metaphors to help people with wholesome activities which are professionally taught. There could be non-ridden activities that could be put on for Corporations, so there is a possibility of expansion.

Chairman Tandy opened the Public Hearing. No comments were given and the Public Hearing was closed. **Commissioner Bringhurst** had a concern with the number of horses coming and going, and did not know if an arbitrary amount needed to be set. He felt that one truck and one trailer would work better. **Commissioner Mink** feels it is self limiting to restrict the number of animals. He felt that the Commission should not strike parts of the proposal that protects neighbors that could be located next to a possible business like this.

Motion: Commissioner Bringhurst moved to recommend approval to the City Council of the staff version of the proposed amendment (Attachment #3) to Mapleton City Code Title 18, Development Code, Part III, Zoning, Section 18.28.040: Conditional Uses, in order to allow for a equine arena as a Conditional Use within the A-2 Zone, with the additional changes listed below:

1. 18.28.040 (c): Strike “In addition, only 1 horse at a time may be brought to the lot by clients for instruction.”
2. 18.28.040 (d) to read “No additional clients allowed than the current edition of the International Building Code would permit.”
3. 18.28.040 (f): Add “or mud” after “....material to avoid the tracking of gravel *or mud* onto city streets”.

Second: Commissioner Tippetts

Vote: 6:2:0 with Commissioners Lewis, Tippetts, Swanson, Elkington, Bringhurst and Tandy voting aye and Commissioners Mink and Hawkins voting naye feeling that they want to protect the residents that surround the Conditional Use Permit and that the motion is not quite right yet and needs further work.

Item 4. Mapleton City requests to amend Title 17, Development Code, Part II, Subdivisions, Section 17.03.040: Building Standards; All Condominiums, regarding the requirement for separate water meters for each unit within a condominium building.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. All the changes being made are within 17.03.040 (D). This amendment would only pertain to those Condominium Plats that have been constructed after January 5, 2010, requiring separate water meters for each unit. Those constructed prior to that time are allowed to share water meters. This is an Amendment to 17.03.040 (D) only.

Chairman Tandy opened the Public Hearing. **Mike Hendron** asked if this would affect the platted lots in Harvest Park. Cory stated that this is currently for Condominium Plats only. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tippetts moved to recommend approval to the City Council of an Ordinance amending Title 17, Development Code, Part II, Subdivisions, Section 17.03.040: Building Standards; All Condominiums, regarding the requirement for separate water meters for each unit within a condominium building.

Second: Commissioner Lewis

Vote: Unanimous

Item 5. V. Blaine Turner, agent for HP Commercial, LLC requests Preliminary and Final Plat approval of Harvest Park Commercial Subdivision, Plat “A”, located generally at 800 South (Harvest Parkway) and 1600 West (Hwy 89), in the GC-1 Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The pads will be owned privately and the parking, landscaping and aspects for roadway will be part of an easement and the owners will have a right to utilize these areas. This item is strictly in regards to the plat recording.

Chairman Tandy opened the Public Hearing. **Jerry Robinson**, representing the applicant, needed clarification as to what this item was for. He spoke in regards to the Phasing of the proposal. Building #1 and building # 4/5 will be part of Phase 1. Phase I will access off Harvest Parkway, and everything else will come in on Elm Street with Phase 2. Cory stated the Jerry would need to clarify with Gary Calder, City Engineer, as to when the second access will be required. It was felt that after 2 buildings had been occupied and a 3rd building was being constructed, the additional Elm Street access will be required. Jerry Robinson stated that the current Building 4/5 should only be owned by one owner. No Phasing Plan had been shown to staff prior to the meeting this evening. Jerry stated that the discussion he has felt have taken place is that after the first two buildings have been constructed and a third building is being proposed, then the 2nd access is required to be installed. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tippetts moved to approve the Preliminary Plat and recommend Final Plat approval to the City Council for the Harvest Park Commercial Subdivision, Plat "A", located generally at 800 South (Harvest Parkway) and 1600 West (Hwy 89), in the GC-1 Zone, with the conditions listed below:

1. The applicant meet the conditions as outlined in the January 20, 2011 Development Review Committee (DRC) minutes.
2. Clarification to come from the City Engineer on the below:
 - a. Is Unit 4/5 on the proposed plat considered one building or two.
 - b. When will the City require the second access to be installed (clarification to SITE GRADING #2 in the DRC Minutes for January 20, 2011).

Second: Commissioner Mink

Vote: Unanimous

Item 6. V. Blaine Turner, agent for HP Commercial, LLC requests Project Plan approval in order to construct eight buildings with uses consisting of professional office space, retail office space, and mixed commercial and residential on property located generally at 800 South (Harvest Parkway) and 1600 West (Hwy 89), in the GC-1 Zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. 8 buildable pads were recommended for approval in the previous item. The applicant has done a lot of hard work with this project, especially in regards to parking. The parking table count is not off much from what would be required, approximately 6 spaces. The applicant is proposing to make some minor changes to square footage to accumulate the additional 6 spaces. Cory went over the Development Review Committee (DRC) Minutes for January 20, 2011 as well in regards to this project. There is a concern in regards to the measurement of the height of the roof. Fencing is also a topic of conversation which will be addressed by the applicant. Residents have sent in comments stating their support of the project, and staff feels the applicants have put a lot of effort into this project and the City is excited about it.

Jerry Robinson, representing the applicant, gave a presentation to those in attendance. He wondered if you had to have Office Space in the same units as the Residential. Jerry did not feel the Ordinance stated that it would. They may want to have more retail space, and in his opinion if some of the Office Space became Retail, they would still have ample parking stalls for the development. The application has already been submitted to UDOT, which typically takes 45 days to complete. The Folsters, to the west of

this project, would request to there be no fencing along the west side of the project. The applicants are proposing a green burier, which is listed in the City Code as being allowed. In keeping with the landscaping through the Harvest Park development, the applicants feel the green burier would be more appropriate than shiny vinyl. The rear of the commercial/residential buildings looks similar to the front. The applicants would request that the ordinance be amended to allow 35' to the midpoint of the roof. Currently the SDP Zone allows for only 30' to the midpoint of the roof. There are areas reserved for the dumpsters, which are shown on the renderings provided to the Commissioners. The renderings are engineered correct. The applicants are proposing to fire sprinkler Units 6, 7 & 8. They are hoping to receive a motion tonight, even with conditions, rather than to continue the item and delay it.

Mike Hendron, Home Owners Association Treasurer for Harvest Park, stated that this fits well with the development. They are excited about the project. He stated that their biggest concern was with the Folster, which have given their recommendation of approval. Mr. Hendron feels this will be a great addition to Mapleton. The HOA wants to make sure that everything is bonded for to ensure all the work is completed. There are mostly positive reactions from the Community, and they are supportive of the green burier landscaping that is being proposed. The HOA is also okay with the height proposal being increased to 35' to the midpoint of the roof. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tippetts moved to recommend approval to the City Council for the Project Plan in order to construct eight buildings with uses consisting of professional office space, retail office space, and mixed commercial and residential on property located generally at 800 South (Harvest Parkway) and 1600 West (Hwy 89), in the GC-1 Zone with the conditions listed below:

1. The applicant meet the conditions as outlined in the January 20, 2011 Development Review Committee (DRC) minutes.
2. Amendment be made to allow for buildings in the SDP Zone to be changed from 30' to 35' in regards to the measuring of the midpoint of the roof.
3. Green burier be allowed as the fencing measure for the development.

Second: Commissioner Bringham

Vote: Unanimous

Item 7. Appointment of Planning Commission Chair and Vice-Chair for 2011.

Motion: Commissioner Tippetts moved to approve Commissioner Jeff Hawkins as the Chair and Commissioner Jared Bringham as Vice-Chair of the Planning Commission for 2011.

Second: Commissioner Elkington

Vote: Unanimous

Item 8. Adjourn.

Motion: Commissioner Tippetts moved to adjourn the meeting at 9:00pm.

Second: Commissioner Swanson

Vote: Unanimous

April Houser, Executive Secretary

Dated:

Skip Tandy, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: