

MAPLETON CITY
PLANNING COMMISSION MINUTES
November 8, 2012

PRESIDING AND CONDUCTING: Jared Bringhurst

Commissioners in Attendance: John Gappmayer
Leslie Jones
Rich Lewis
Golden Murray
Keith Stirling

Staff in Attendance: Gary Calder, Engineering Director
Sean Conroy, Community Development Director
Matthew Brady, Planner I

Minutes Taken by: April Houser, Executive Secretary

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

Alternate Commissioner Golden Murray was seated as voting member.

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – October 18, 2012.

Motion: Commissioner Gappmayer moved to approve the October 18, 2012 Planning Commission Minutes.
Second: Commissioner Murray
Adjourn: Unanimous

Item 2. Christie Ellis requests approval of a Home Occupation Permit for Christie Ellis L.M.T. / Body Works Massage, a massage therapy and spa services business, located at 1954 West Yarrow Drive in the SDP-1 Zone.

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. All Home Occupations that have clients visiting the home are required to receive approval from the Planning Commission. The SDP-1 Zone within Harvest Park has some narrow street widths. This requires that all Home Occupations in this zone utilize off-street parking only. Matt also stated that the inspection with the Fire Inspector is still pending.

Christie Ellis, applicant, stood to answer questions for anyone that had them. The Commission felt her letter was precise and had no questions for her.

Chairman Bringhurst opened the Public Hearing. **Alan Nielsen** had a problem with allowing businesses in a residential area. He feels it is a bad precedence and wonders where it will stop, stating that this is suppose to be a residential neighborhood. Matt stated that there are a number of stipulations in

the Home Occupation code that regulates noise, clients visiting the home, etc. If these requirements were to be broke the permit could be revoked. No additional comments were given and the Public Hearing was closed.

Commissioner Jones lives in Harvest Park and stated that she feels there is sufficient parking in this area of the subdivision consistent with having only one client at a time. She feels it can comply with the ordinance as it is written.

Motion: Commissioner Jones moved to approve Christie Ellis' Home Occupation Permit for Christie Ellis L.M.T. / Body Works Massage, a massage therapy and spa services business, located at 1954 West Yarrow Drive, with the conditions listed below:

1. The applicant shall pass an inspection by the Fire Inspector.
2. The applicant shall comply with all of the requirements of Mapleton City Code 18.56A.030: PERMITTED USES and Mapleton City Code 18.84.380: HOME OCCUPATIONS.

Second: Commissioner Stirling

Vote: Unanimous

Item 3. Brian T. Gabler, agent for Ivory Homes, requests Preliminary Plat approval of Breckenridge Estates Subdivision, a 9-lot subdivision, located generally at 1030 West 1600 South, in the RA-1 Zone.

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. In 2008 a previous owner of the property received Final Plat approval from the City Council for a 9-lot subdivision. Since then the City's Master Street Plan has been updated. The current proposal on the table tonight is by Ivory Homes who now proposes to do the main road down the middle of the property. Previously the road was shown on the east side of the property. Ivory Homes will also be coordinating with UDOT regarding the improvements along their portion of the development on 1600 South and are proposing to install a hammer head at the end of 1200 South. Staff has reviewed the proposal and recommends approval of the Preliminary Plat with the condition that they meet at recommendations listed in the Development Review Committee Minutes of October 16, 2012. The improvements going in along 1600 South will consist of widening the asphalt along the width of this development and installing sidewalk, curb and gutter. The original plan called for long deep narrow lots. This plan makes the lots square with more of a maintainable configuration. There is enough acreage there to make each lot at least 1-acre in size. A Geotechnical Report has been received. The City Engineer is in the process of reviewing it and making sure the water table issue is addressed. **Gary Calder**, City Engineer, stated that the homes will be built at grade and fill placed on the street so that the driveways will be built up. The developer is proactive with this issue and wants to make sure there are no future problems. Daylight basements are what the developer is leaning towards doing on these homes.

Brad Mackay, with Ivory Homes, said they have tried for years to find some ground here and this is their first successful land purchase. They rarely do 1-acre lots but feel this is a good area for them and they are excited about developing here. They wanted to create more space between the homes so that is part of their reasoning for putting the road down the middle of the property. They can also bring in some fill and put in daylight basements. The footings will sit at grade above the ground water, with the road being elevated. They will be ramblers and two-story homes with daylight basements. They will still need to meet the 30' or less height to the mid-point of the roof. Mr. Mackay stated that the peak was about 6.5'. This way they can tie into the sewer on 1600 South. They will also be piping the ditch on the property. Matt stated that the top of curb is usually where they base the height off of.

Chairman Bringhurst opened the Public Hearing. **Ron Jensen** said he liked the original road plan along the east side of the property. Doing it as proposed with the street down the middle of the property would land lock him. He said the biggest percentage of the ditch does not currently drain. No one is responsible of the ditch, since it was installed due to the swamp area many years ago. The drainage off of Triple Crown goes to this area. If you put a road with fill in there it will fill up with water and push the road over. Ground water is a big issue in this area. The road on the east side seems more logical, so Mr. Jensen is opposed to this proposal. He has a well outside his house and he pumped it all summer. Everyone has little surface wells in this area. Mr. Jensen feels it would hurt him tremendously if the road goes in down the middle of the property verse the east side. The drainage needs to be addressed and will not go out unless a lift station and drainage pipe is put in. **Brian Bills** has a concern with the road being moved as it will land lock his property as well. He said there are such things as good neighbors and bad neighbors and if they do not put the road on the east side there will be issues. He would like a road going into his property there. **John Jackson** owns the property to the east of this development. He said there is no way to understand how the water works unless you go out there and watch it. This is the low point of town and he would like some security that ensures if the ground water goes onto his property there would be someone besides himself liable to take care of it. Mr. Jackson feels that putting the homes two feet into the ground would protect the homes going in, but that it does not protect the current residents living in this area. With the new Maple Mountain High School there are a great deal of people who travel along 1600 South. He feels that widening 1600 South along with width of this property does not seem logical. He also stated some concern with the power poles that do not line up as well. Bringing up the ground 6'-7' seems like there would be existing homes located next to elevated homes, which would not be esthetically pleasing. John Jackson also wanted to make sure this development fits in with the City's Vision Statement. Gary stated that there are two retention basins on this property. **Commissioner Jones** asked how the city bases the number of retention pond required for each project. Gary stated that it is calculated based upon a 100 year storm study. **Rob Eastman** said he is concerned with that much dirt going in and having the road built up that high. He was pumping water out of his house as quick as he could this past year. He would love for some protection if his place fills up with water. **Raymond Roberts** is not opposed to having a nice development in this area and stated that Ivory Homes builds nice houses. He has a couple real serious issues having the road configuration as it is right now. He feels the larger back lot adds to a more open space area that could be used for what Mapleton is, which is kind of a country style area. All of these property owners gave up land for the street when it was proposed along the east side of the property. If you create this development with the road down the middle you will land lock some properties in the area. Last year he did not water his back field and still had standing water on it. He stated that the ditch is not a source of water, but a collection place for it. The ditch in the area is just collecting water and it is just evidence of the water that is already there. There were property owners who agreed with the previous owner giving an easement on his property allowing the sewer easement along 1200 South. The easement was granted and this was their only request to have the road on the east side of the property. They did not want the sewer going in somewhere else, or requiring the road going in to be built up. The only purpose of this street would be to meet the request of this development, and he has a concern with building up the street. He feels it should be done as it was already approved, since it injures the owners who already gave up land before as part of a Boundary Line Agreement. Commissioner Jones asked what happens to the concessions given with the prior subdivision approval. Matt stated that it would be a civil issue since these were done between the previous owners and property owners, apart from the city. Mr. Roberts stated that it was Bruce Rees who represented these property line adjustments with the prior approval of this property. No one wants to be land locked in this area, and those Boundary Line Adjustments were done with the assumption the road would go in on the east side of the property. **Brad Mackay**, with Ivory Homes, stated that there are no recorded Boundary Line Agreements on the east side of the property. They want to put the road where they are proposing feeling it would be a better suit. There have been no discussions between Ivory Homes and the current adjacent property owners. Ivory Homes was not aware of any prior arrangements and this is how they want to configure it. He stated if the adjacent property owners want to pay for half of the road they would

consider shifting it, but how they are proposing to do the development is the way they desire to do so. Matt stated that a road could still go in on the adjacent property owners parcels if and when they develop in the future. **Commissioner Gappmayer** asked who owns the ditch on the property. Gary stated that it is the Dry Fork Drainage that goes from Mapleton, down to Springville, and into Spanish Fork on out to Utah Lake and it is not currently owned by any in particular individual. Mapleton City does not have a Storm Drain System so it is basically a drain. To interrupt that water flow would be against State Code. It is being piped, because it was approved for that with the last approval. Gary stated that the Geotechnical Report has been submitted as far as the original study done with the previous proposed development of the lot. There is not a large concern with it since the applicant is proposing to build the homes up. The City does know that there has been ground water on the service in this area. On 1200 South it was mentioned the street would be 6.5' above grade, which is not the case. The street will actually dip back down to natural grade so there will not be a big expense to tie into this street. Gary stated that the retention basins are designed to retain storm water, not ground water. Ground water will stabilize over time and Gary stated that they are fulfilling the requirements to maintain the drainage that the city would require. **Commissioner Murray** asked for clarification as to if this development will cause additional water on the surrounding areas. Gary stated that it will stabilize, and that this development will not increase the water table problem in this area from what is already there. There is no collection system that will catch the water that drains off the back of the lots. Legally you are allowed to get cross drainage and the applicant has met the requirements to handle this development. Commissioner Murray felt the property owners to the east should have their road designed before moving forward with this property. Gary stated that it is not the developer's responsibility to meet the requests of the surrounding property owners. The development of property and road locations should be put together by the property owners. There is a potential illegal lot split that could be land locked in this area, but Gary stated that it is not Ivory Home's problem to fix this issue. **Commissioner Lewis** stated that it sounded like a majority of the residents would be thrilled with the development if the street went down the east side of the property. Ivory Homes would still desire to have the road down the middle of the property. Commissioner Jones wanted acknowledgment about her concern of the water level in this area. If this is developed and the surrounding properties are flooded, are there consequences due to the building. Ivory Homes purchased the property from the bank under a Short Sale. Mr. Eastman stated his concern again with the possible increased risk to his home flooding, and worried about this development sending water towards his home. Gary stated again that this development will not change the level of ground water in the area. The water out of the detention basins goes down 800 South towards Holley Pond west towards Wal-Mart in Springville, eventually ending up in Utah Lake. Mr. Jensen wondered if there would be a guarantee that if this ditch is piped it will drain. So many people are pumping in to it currently, and said that it is filled up at least every 3 years or so with the ground water being pumped off of the property in these areas. Gary stated that it is a 24" RCP pipe that is being proposed with no perforations in it. The plan is that this pipe be put in a flow line at the two ends of this property at the entrance and the exit. Gary is waiting for the Geotech Report to help address if the RCP can be open piped or not. **Commissioner Stirling** asked if there was a street plan that showed proposed and future roads in this area. Matt stated that there were some connections from 800 South going west and beyond. One thing about the Transportation Master Plan is that it is not intended to preclude other roads that could be installed. The main purpose for it is to list out the major roads that should be put in throughout the city. No additional comments were given and the Public Hearing was closed. Commissioner Gappmayer asked staff if the applicant had met all requirements given by the City. Gary stated that this is the Preliminary Plat and currently those issues have been met.

Motion: Commissioner Lewis moved to approve the Preliminary Plat for the Breckenridge Estates Subdivision, a 9-lot subdivision, located generally at 1030 West 1600 South with the condition that the applicant resolve all items listed in the Development Review Committee (DRC) Minutes of October 19, 2012 stating that we as a Planning Commission have to approach these logically and without emotion. That being said

Commissioner Lewis thinks that the applicant is a bad neighbor and has not considered very well what is going on. When asked why the applicant changed the road location he said because he wanted to and basically that moving the road from the east side to the middle he was keeping the neighbors from getting a free road.

Second:

Commissioner Murray

Vote:

4:2:0 with Commissioners Murray, Gappmayer, Lewis and Bringhurst voting aye and with Commissioners Jones and Stirling voting nay. Commissioner Jones stated that she is an advocate for people's property right but candidly her concern lies with the water even though the development meets all requirements of the City. Commissioner Stirling stated that besides land locking their neighbors on 800 West, Ivory Homes is creating a visual anomaly by building their homes on a six foot berm or pedestal. Residents may also inherit potential litigation due to accidental egress of water.

Item 4. 2013 Planning Commission Meeting Schedule

Motion:

Commissioner Gappmayer moved to approve the proposed 2013 Planning Commission Meeting Schedule.

Second:

Commissioner Jones

Vote:

Unanimous

Item 5. Adjourn.

Motion:

Commissioner Lewis moved to adjourn the meeting at 7:50pm.

Second:

Commissioner Gappmayer

Vote:

Unanimous

April Houser, Executive Secretary

Date: