

Mapleton City Planning Commission Staff Report

Meeting Date: November 13, 2014

Item: 4

Applicant: Mark & Lori Sheranian

Location: A-2 Zones

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: A-2

REQUEST

Consideration of recommendations to the City Council regarding an amendment to Mapleton City Code (MCC) Chapter 18.28.040 allowing wedding reception facilities as a conditional use in the Agricultural-Residential (A-2) zone.

BACKGROUND AND PROJECT DESCRIPTION

The applicants own approximately 135 acres of land that includes property in the A-2 zone and the CE-1 zone. The property is developed with a single family residence and a barn. The primary access to the residence is from Quite Meadow Lane, just off of 1600 North. The property also has access off of 1200 North. The applicants are interested in holding wedding receptions on their property. They feel the scenic and secluded location would be an ideal setting for such a use. The nearest residence to their residence is approximately 400 feet and the nearest residence to their barn is approximately 800 feet.

The applicants had a discussion with the City Council on October 7, 2014 on their request to hold wedding receptions. The Council was generally supportive of the concept for the proposed property, but wanted to ensure that a draft ordinance addressed potential impacts of a similar use on other A-2 properties (see attached minutes).

The proposed ordinance would allow a wedding reception facility as a conditional use on properties in the A-2 zone that met specific standards. These standards are discussed in the evaluation section below.

EVALUATION

General Plan & Zoning: Most properties in the A-2 zone have a General Plan land use designation of Rural Residential. The General Plan states the following:

*“The objectives in the RR Category are to protect and preserve the natural environment, encourage the continued use of agricultural land for agricultural purposes, **discourage commercial and industrial uses, and other uses...**”*

Mapleton City Code (MCC) Chapter 18.28.020 states the following regarding the purposes and objectives of the A-2 zone:

A. The A-2 agricultural-residential zone has been established as a zone in which the primary use of the land is for agricultural and livestock raising purposes. Land within this zone is characterized by residential estates, open fields, ranches, and farms devoted to the production of food, fiber, animals, and general agricultural uses.

B. Representative of the use within this zone are large residential estates, barns, corrals, row crops, and the raising of livestock.

C. The objectives in establishing the A-2 agricultural-residential zone are:

- 1. To protect and encourage the continued use of agricultural land within the zone for agricultural purposes and to discourage the preemption of agricultural land for nonagricultural purposes;*
- 2. To **discourage commercial and industrial uses**, and any other use which tends to thwart or mitigate the use of the land for agricultural purposes;*

Both the General Plan and the A-2 zone discourage commercial uses, but do not prohibit them. The City Council has the discretion to allow some commercial uses if it determines the uses are compatible with the intent of the zone. For example, the A-2 zone already allows for commercial greenhouses, commercial equestrian riding arenas, residential healthcare facilities and short-term rentals.

Mapleton City Code (MCC) Chapter 18.12.010 states the following regarding zoning amendments:

“For the purpose of establishing and maintaining sound, stable, and desirable development within the city, it is declared to be the public policy that amendments shall not be made to the planning and zoning title and map except to promote more fully the intent of this title and the Mapleton City general plan or to correct manifest errors.”

The Planning Commission should discuss whether a wedding reception facility would be an appropriate conditional use in the A-2 zone.

City Discretion: The review of a proposed zoning text amendment is considered a legislative decision. Legislative decisions are offered great deference by the courts. As long as the decision is “reasonably debatable” that it advances the general welfare, it will typically be upheld by the courts if challenged. The Commission and City Council **can** rely on public support or opposition in arriving at their decisions.

Proposed Ordinance Conditions: Most commercial uses in a residential or agricultural setting may include the potential for traffic, safety, noise, and community character impacts. A wedding reception facility certainly has the potential of producing a significant amount of traffic over a short period of time, and noise related to traffic, the wedding activities and from having a large group of people in one small area. The proposed ordinance attempts to address these concerns. The proposed conditions are outlined below followed by a brief staff response.

- A. The facility shall be located on a legal lot of record of five (5) acres in size or larger with at least 300 feet of frontage on an approved public or private road.*

Response: This requirement is meant to ensure that lots that qualify for a wedding reception use have sufficient size and width to act as a buffer between adjacent properties. It appears that approximately 48 parcels in the City could meet this requirement, but approximately 25 of those are currently vacant.

- B. The facility shall be accessory to a legally established single-family dwelling on the same parcel.*

Response: This requirement is meant to ensure that the wedding reception use is ancillary or secondary to the single family use. This will prohibit a property from being developed exclusively for wedding receptions, which likely would lead to a more significant amount of business and disturbance to the area.

- C. No more than six (6) weddings shall be permitted per calendar month.*

Response: This requirement is also designed to ensure that the use is ancillary to the single-family use of a property and limit potential impacts on neighboring properties.

D. Wedding events shall conclude by no later than 10:00 p.m.

Response: Complaints are more likely to occur the later an event occurs into the night. This requirement is meant to ensure that events conclude at a reasonable hour.

E. No amplified music shall be permitted outside an enclosed building.

Response: Amplified music has the potential to travel great distances. This requirement will limit potential noise impacts.

F. Off street parking shall be provided at a rate of one space per 200 square feet of floor area for the facility. If weddings are not held indoors, the Planning Commission shall determine the amount of parking to be required. A site plan shall be submitted with a proposed parking and circulation plan.

Response: This requirement will protect against parking and congestion issues that could occur if adequate on-site parking was not provided.

G. An enclosed wedding reception facility shall be classified as an Assembly Group (A-2) Occupancy type for the purposes of the International Building Code. All requirements of an A-2 occupancy shall apply.

Response: This requirement alerts potential operators of the building code requirements that are designed to protect the health and safety of the users.

H. A business license shall be required.

Response: This allows the City to track a business and collect applicable tax revenue.

I. A building and fire inspection shall be required prior to issuance of a business license.

Response: This requirement will ensure that requirement “G” is followed and that the facility is safe for operation.

J. Failure to comply with the standards of this section and/or conducting the wedding reception facility in a manner constituting a disturbance of the peace or creating a menace to the public health, safety, morals or welfare may result in a revocation of the conditional use permit by the Planning Commission. For the purposes of this section, the disturbing the peace ordinance in section 9.12.040.A of this code shall include any disturbances between the hours of 10:00 p.m. to 7:00 a.m.

Response: This requirement allows the Planning Commission to revoke the conditional use permit if problems continue to occur.

K. The applicant shall agree, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any appeal, claim, suit or other legal proceeding related to the operation of the conditional use.

Response: This requirement protects the City from potential lawsuits and should act as motivation for the operator to ensure that the facility is operating properly.

OPTIONS

- 1) Recommend that the Council adopt the attached ordinance;
- 2) Recommend that the Council adopt the attached ordinance with amendments;
- 3) Recommend that the Council not adopt the attached ordinance and outline findings for denial; or
- 4) Continue the review of the ordinance with a request for changes and/or additional information.

ATTACHMENTS

1. Applicant's information.
2. Draft Ordinance.
3. City Council minutes dated 10/7/14.

Attachment "1"

September 18, 2014

Dear Sean

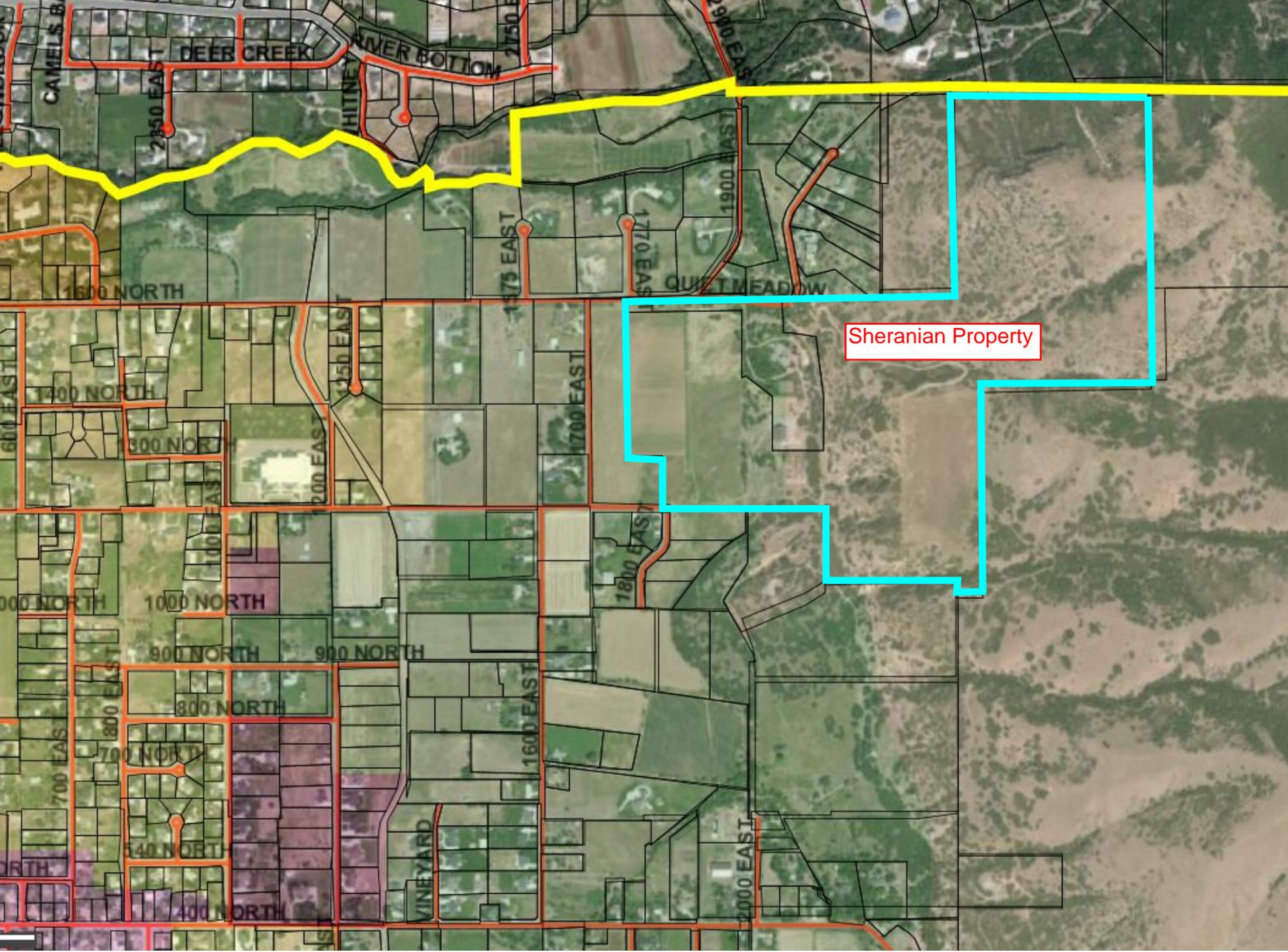
We appreciated you meeting with us today. You are always so knowledgeable and helpful and prepared with all the information that we need. We would appreciate the opportunity to present a proposal at the next meeting if possible. We would also like a work session with the City Counsel, per your recommendation, to see how they feel about this, before we spend money on fees.

What we are proposing is that we be allowed to have wedding receptions at our barn. We need to make a few improvements inside the barn in order for it to be nice enough for a reception. We already have a fire sprinkling system in place. The receptions would be mostly to the North and East of the barn, and barely, if at all visible to anyone in Mapleton but us. The barn is set back from the road quite far, about 900 feet from the nearest home, and has more than adequate parking, for all our needs on site, about 600 feet from the nearest resident. The entrance would be on our driveway that enters from 1200 North. We believe that we would have about 4 to 5 weddings a month if things went well.

We feel that this would go along well with Mapleton City's vision, and a benefit to citizens who may like their reception in a lovely, rural setting, that is close by. Any improvements to the outside of the barn, such as grass, low wood fences, new paint etc. would just beautify the area. We would appreciate your consideration. I don't know the language of what we want done, but I am sure you do, so maybe fill that part in for us.

Thank you so much.

Lori and Mark Sheranian



Sheranian Property

QUIET MEADOW

House

Barn



House



Barn



Attachment “2” Proposed Ordinance

18.28.040: CONDITIONAL USES (A-2 Zone)

Wedding Reception Facilities that comply with the follow:

- A. The facility shall be located on a legal lot of record of five (5) acres in size or larger with at least 300 feet of frontage on an approved public or private road.
- B. The facility shall be accessory to a legally established single-family dwelling on the same parcel.
- C. No more than six (6) weddings shall be permitted per calendar month.
- D. Wedding events shall conclude by no later than 10:00 p.m.
- E. No amplified music shall be permitted outside an enclosed building.
- F. Off street parking shall be provided at a rate of one space per 250 square feet of floor area for the facility. If weddings are not held indoors, the Planning Commission shall determine the amount of parking to be required. A site plan shall be submitted with a proposed parking and circulation plan.
- G. An enclosed wedding reception facility shall be classified as an Assembly Group (A-2) Occupancy type for the purposes of the International Building Code. All requirements of an A-2 occupancy shall apply.
- H. A business license shall be required.
- I. A building and fire inspection shall be required prior to issuance of a business license.
- J. Failure to comply with the standards of this section and/or conducting the wedding reception facility in a manner constituting a disturbance of the peace or creating a menace to the public health, safety, morals or welfare may result in a revocation of the conditional use permit by the Planning Commission. For the purposes of this section, the disturbing the peace ordinance in section 9.12.040.A of this code shall include any disturbances between the hours of 10:00 p.m. to 7:00 a.m.
- K. The applicant shall agree, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any appeal, claim, suit or other legal proceeding related to the operation of the conditional use.

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**MAPLETON CITY
CITY COUNCIL MINUTES
OCTOBER 7, 2014**

5 **PRESIDING AND CONDUCTING:** Mayor Brian Wall

6

7 **Members in Attendance:** Ryan Farnworth
8 Scott Hansen
9 Jim Lundberg
10 Mike Nelson- attended the meeting electronically
11 Jonathan Reid

12

13 **Staff in Attendance:** Cory Branch, City Administrator
14 Camille Brown, City Recorder
15 Gary Calder, Public Works Director/City Engineer
16 Stacey Child, Parks and Recreation Director
17 Sean Conroy, Community Development Director
18 Dean Pettersson, Police Chief/Public Safety Director

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21 **Minutes Taken by:** Camille Brown

22

23 Mayor Wall called the meeting to order at 7:00 pm Cl. Reid gave the invocation and Cl. Farnworth
24 led the Pledge of Allegiance.

25

26 **OPEN FORUM:** No comments were made

27

28 *The Agenda Items were not heard in the same order as shown below:*

29 **Item 1. Approval of City Council Meeting Minutes –September 16, 2014**
30 **Motion:** Cl. Lundberg moved to approve the September 16, 2014 City Council Minutes.
31 **Second:** Cl. Reid seconded the motion.
32 **Vote:** Passed 5:0

33

34 **ACTION ITEM:**

35 **Item 2. Consideration of an appeal of the Planning Commission’s decision to**
36 **approve a home occupation permit for a ‘Special Occasion’ dress rental and**
37 **consignment business located at 208 South 680 West with a condition that the**
38 **business must operate by appointment only.**

39 Sean Conroy, Community Development Director, reviewed the staff report for those in
40 attendance. This residence is located in the RA-1 zone. The applicant has applied for a home
41 occupational license for dress rental and consignment store for special events. This item was
42 taken to the Planning Commission and it was approved with the condition that customers must
43 make an appointment to come to the business. The applicant has appealed the condition to allow
44 by appointment only to be withdrawn.

45

46 Shiela Gibson, applicant, provided a parking plan and has encouraged people to carpool if
47 necessary. If more than 6 cars come to the business, they are offering a free drink voucher to the
48 Holiday Oil in Mapleton so that they can get a drink and then return within a short period of time
49 once the other vehicles have left. She also provided pictures of the boutique which outlined the
50 floor plan of the business. The floor plan is not very big and only has 3 dressing rooms. She
51 stated that there is not room for more than 3 to 4 people to be in the boutique at one time. The
52 hours of operation are on Thursday, Friday and Saturday for 3 hours each day. Karen Shultz,
53 business partner of Shiela Gibson stated that they are not looking for different hours, they want
54 to keep it small. Shiela stated that most of their clientele is during September, December,
55 February and April based on high school dances.
56

57 Cl. Lundberg inquired about the reference to consignment vs. rentals. Ms. Gibson stated that the
58 consignment portion is so that girls who have dresses hanging in their closets, may bring them to
59 the boutique given them the opportunity to recoup some of the money they spent on the dress.
60 The public hearing was opened and no comments were made.
61

62 **Motion:** Cl. Farnworth moved to grant the appeal and remove the appointment only condition
63 of this request.

64 **Second:** Cl. Hansen seconded the motion.

65 Cl. Nelson Aye

66 Cl. Farnworth Aye

67 Cl. Lundberg Aye

68 Cl. Hansen Aye

69 Cl. Reid Aye

70 **Vote:** Passed 5:0
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72 **DISCUSSION ITEM:**

73 **Item 3. A discussion regarding a potential zoning text amendment to allow wedding 74 receptions as a conditional use in the A-2 Zone**

75 Sean Conroy, Community Development Director reviewed the staff report for those in
76 attendance. He further stated that there could be possible conditions such as being accessory to
77 the single-family use, minimum lot size (possibly 2-5 acres), comply with building & fire code
78 requirements, frequency of use, and adequate on-site parking.

79 Sean Conroy stated that it would make sense to have it in the A2 zone, instead of residents
80 applying for rezoning. If you require rezoning then there could be a problem with people
81 thinking that the city is spot zoning certain areas.

82 Cl. Lundberg stated that he is not generally opposed to this kind of use. It would definitely need
83 to be within the 5 acre property limit, a time limitation should be put in place, and it would be
84 important to define reception in order to avoid all source of parties.

85 Mark and Lori Sheranian, applicant, stated that their property is very hard to see from the road.
86 They would like to make improvements so the land is more attractive for weddings. They believe
87 this would be an asset for Mapleton City and it would be a nice place for weddings. Mark stated
88 that he is in favor of strict conditions to the proposal. He believes that the property could hold up
89 to 100 cars and he does not think that this would be a traffic hazard as to where he is proposing
90 to have the entrance to the property off of 1200 North.
91

92 **Vartan Ouzounian- 12 Quiet Meadow Lane**, stated that the only thing that he is concerned
93 about is the traffic that would come through Quiet Meadow Lane. He believes that it could make
94 things difficult in this area.

95 Mark Sheranian stated that Quiet Meadow Lane is the entrance to his property. He feels that the
96 traffic would come straight up 1200 North to get to where the barn is located. He also stated that
97 they would improve the road coming up to the property with a road base material.

98 Cl. Reid questioned if having cars drive on the gravel road would create problems with the new
99 environmental standards. Gary Calder stated that there would not be an issue with a gravel road.

100 **Gary Peterson- 25 Quiet Meadow Lane**, stated that he has spoken with all the home owners on
101 Quiet Meadow Lane and all but 2 of the homeowners have issues with this proposal. He is not
102 prepared tonight to list the issues that most neighbors have. He would like to submit his concerns
103 to both the City Council and the Sheranians.

104 Mark Sheranian stated that he wants to be good neighbors and this discussion was to get a feel
105 from the council as to their thoughts and ideas.

106 **Cindy Griffin, 1700 East** stated that this is a beautiful property that she gets to look at every
107 day. During the summer they had a great carnival, but the noise came straight to her home and it
108 was not pleasant. She wants to be good neighbors, but she does not want noise to be an issue. If
109 there was an event every week she would be concerned.

110

111 **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

112 **Gary Calder** reported that the pressurized irrigation is on from April 15th to October 15th and it
113 may be on longer this year if the weather continues to be warm. It takes about one week to drain
114 the main lines. He also stated that there has been some discussion about the water coming from
115 the EBCO wells and in the summer 100% of this water is used. He further stated that they have
116 begun to drain the pond and it is going down about a half foot a day. This is done so that when it
117 freezes the city will not have the issue of people getting in and trying to ice skate.

118 Within the last week, most of you may have heard that Eagle Mountain had an issue of
119 contaminated water. Security measures with the wells and tanks within our city are in place.

120 These precautions are put in place to distract people from vandalism and other types of damage.

121 **Chief Pettersson** stated that if you hear something and want to know more about it, please ask
122 him.

123 **Cl. Hansen** stated that he attended a meeting with Spanish Fork and Springville with regards to a
124 potential multi recreation center. It was discussed that Nebo School District also be involved in
125 this. Springville City is going to look into the feasibility cost of a center and the share would be
126 based on the population size.

127 **Cl. Reid** stated that there may be more heard about this, but a dog died from drinking the water
128 at the Lindon Marina. The Utah Lake Commission will be reporting on this within the next few
129 days. He also stated that there has been a high water table in Silver Leaf Subdivision. There are
130 individuals that have been pumping a lot of water and some have had water in their homes.

131 **Stacey Child** reported that soccer will finish this week and flag football will finish up in 2
132 weeks. Volleyball and girls basketball will begin within the next week.

133

134 **CLOSED MEETING:**

135 **Motion:** Cl. Farnworth moved to close the regular meeting and open a closed meeting
136 pursuant to U.C.A. §52-4-205 for the purpose of discussing land negotiation and
137 pending and potential litigation.