

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
November 13, 2014

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**PRESIDING AND CONDUCTING:** Chairman Rich Lewis

**Commissioners in Attendance:** Golden Murray  
Justin Schellenberg  
Keith Stirling

**Staff in Attendance:** Sean Conroy, Community Development Director  
Brian Tucker, Planner

**Minutes Taken by:** April Houser, Executive Secretary

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Chairman Lewis called the meeting to order at 6:30pm. Rich Lewis gave the invocation and Golden Murray led the Pledge of Allegiance.

*Items are not necessarily heard in the order listed below.*

Alternate Commissioner Justin Schellenberg was seated as a voting member this evening.

**Item 1. Planning Commission Meeting Minutes – October 23, 2014.**

**Motion:** Commissioner Murray moved to approve the October 23, 2014 Planning Commission Minutes.  
**Second:** Commissioner Schellenberg  
**Vote:** Unanimous

**Item 2. Consideration of a request for a Home Occupation to operate an iron art manufacturing business in the Residential-Agricultural Zone (RA-1).**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. This item was originally discussed at a previous meeting, but the item was continued since the applicant was not in attendance. A concern is the accessory building being located more than 15 feet away from the home. It is currently being proposed in a detached building approximately 21 feet away. If the requirements and stipulations cannot be met within the confines of the code, Staff would recommend denial.

**Mark Johnson**, applicant, stated that there are trees in the way that keep him from modifying the detached building. He does have an enclosed carport attached to the home that he could utilize instead of the proposed detached structure, if it were preferred. **Commissioner Schellenberg** asked for more detailed information on what exactly Mr. Johnson is hoping to do with this Home Occupation. Brian stated that if the carport was fully enclosed it could potentially meet the code; however he does not believe that the property as is would. Mark stated that the property does have some grassy areas around it, and could possibly get dry during the summer months.

**Chairman Lewis** opened the Public Hearing. No comments were given and the Public Hearing was closed. Brian stated that there are no neighbors within at least 100 feet of the home. Sean stated that the ordinance could be brought back when there is no application pending, if the Commission desired to do so, addressing the distance allowed from the dwelling unit to the detached accessory structure where the proposed Home Occupation is being requested.

**Motion:** Commissioner Stirling moved to deny the request for a Home Occupation to operate an iron art manufacturing business in the Residential-Agricultural Zone (RA-1) for the reason listed below:

1. The business cannot be located within a permissible structure or mitigated by reasonable conditions.

**Second:** Commissioner Murray

**Vote:** Unanimous

**Item 3. Consideration of a request to waive the requirement that improvements be installed as part of the platting of a metes and bounds lot located in the Agricultural-Residential (A-2) Zone.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. Staff does support this waiver request. It is unlikely that the City is going to install improvements any time in the foreseeable future. It is difficult to determine at this time what improvements this area would see, how these improvements would be installed, and which improvements would be done. **Commissioner Schellenberg** asked if the property owner would be required to give street dedication at this time. Brian stated that the City will ask for the Right-of-Way (ROW). **Commissioner Murray** asked what would happen if the City required the swel type improvements as have been approved on other lots in these types of zoning areas.

**Mike Klauck**, representing the applicant, had no comments to add, and hoped to get started on the project as soon as possible.

**Chairman Lewis** opened the Public Hearing. **Tim Kriser** asked if the property owner was required to put in or bond for the improvements. Brian stated that they would be assessed a certain amount at the time the City required the improvements. Mr. Kriser does not understand why the applicant does not need to bond for the improvements, and Sean stated that the ordinance was updated allowing these types of requests and that Mr. Kriser is also welcome to make this type of request. **Sandra Buckley** has horses in the area and agrees with the waiver request this evening. **Frank Murdock** stated that there is an active ditch in front of this property and wanted to make sure the City is aware of that. No additional comments were given and the Public Hearing was closed.

**Motion:** Commissioner Stirling moved to approve a request to waive the requirement that improvements be installed as part of the platting of a metes and bounds lot located in the Agricultural-Residential (A-2) Zone.

**Second:** Commissioner Murray

**Vote:** Unanimous

**Item 4. Consideration of recommendations to the City Council regarding an amendment to the Mapleton City Code (MCC) Chapter 18.28.040 allowing wedding reception facilities as a Conditional Use in the Agricultural-Residential (A-2) Zone.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. The applicants own approximately 135 acres of property. It is in a secluded location, and a discussion item was held with the City Council recently, and most seemed to be supportive of this request. The

application requires an amendment to the A-2 Zone. The City Council wanted to ensure that this type of Conditional Use Permit, if allowed, be restricted to these types of areas. Tonight the Commission is not approving or denying the Home Occupation, but only recommending direction to the City Council for the proposed ordinance amendment. The primary questions are if the wedding reception type use is appropriate or not in the A-2 Zone. Sean went over the proposed amendments, which would help ensure these are an accessory use to a single family home. There is very broad discretion that the Commission and Council would have to approve or deny this proposed amendment.

**Lori Sheranian**, applicant, would like to be able to play the outside music if it was not bothersome to residents in the area. They would like a stipulation on the ordinance that would prohibit alcohol from being served. Mrs. Sheranian would also like to be able to utilize the center up to 8 times per month if possible. They do not want any issues with the neighbors, and would make sure to mitigate any concerns immediately. The applicants would like the ability to use the Conditional Use Permit for any type of events that would be appropriate in this area.

**Chairman Lewis** opened the Public Hearing. **Jeremy Johanson** has been a DJ for over 25 years and feels these concerns can easily be addressed by the correct angling of speakers. **Donna Anderson** has been reading about this type of business and would suggest that the City look at other ordinances from local cities to ensure all possible concerns are being mitigated. **Gary Petersen** lives by the applicant and has no concerns with this request being approved. **Mike Griffin** would like the speakers faced east on the property, feeling that it would not cause any issues for local home owners in the area. **Mark Sheranian** stated that they are willing to do whatever they need to in order to mitigate any issues to those around the property. No additional comments were given and the Public Hearing was closed.

Sean stated that the noise issues could be addressed on a case by case basis. **Commissioner Murray** suggested that the ordinance amendment proposal change the wording from 'Wedding Receptions' to 'Reception Events', and to allow for approximately 2 events per week. **Chairman Lewis** reopened the Public Hearing again. **Jeremy Johanson** stood for a second time and stated that typically most events like these are wrapping up by 10:30pm. **Lori Sheranian** said that if the event were to go past 10pm, all events could be required to go indoors. **Mark Sheranian** stated that the area in the barn that would be utilized for this Conditional Use Permit (CUP) would be approximately 5000 square feet. The ordinance would need to state that 1 parking stall would be required per 200 square feet of building space. No additional comments were given and the Public Hearing was closed for the second time.

**Motion:** Commissioner Murray moved to recommend approval to the City Council regarding an amendment to the Mapleton City Code (MCC) Chapter 18.28.040 allowing wedding reception facilities as a Conditional Use in the Agricultural-Residential (A-2) Zone, with the recommendations below:

1. The term 'Wedding Reception Facilities' be changed to 'Reception Facilities'.
2. 1 parking stall required per every 200 square feet of structure space.
3. Eliminate the amplified music requirement.
4. 2 events allowed per week, not to exceed 8 events per month.

**Second:** Commissioner Stirling

**Vote:** Unanimous

**Item 5.** **Consideration of recommendations to the City Council on a request to amend the General Plan and rezone approximately 60 acres of land from A-2 to RA-1, to place a Conservation Easement on approximately 18 acres and to approve a Concept Plan and Development Agreement for a 53 unit development. The applications are L. Douglas Smoot and M. Duane Horton.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. The property is 78 acres in size with 53 lots being proposed. These lots would range from 1/2 acre to 2 1/2 acres in size. The development would include some parks and open space areas. There would also be a pedestrian trail connecting to the adjacent development. The clustering provision would allow for protection in the flood plain areas on the property. The City has gone to great lengths to preserve the hillside from being developed. If the applicants would have went forth with the Transferable Development Right (TDR) Program they would have previously received anywhere from 18-30 TDR Certificates. The hillside would be very difficult to develop, although not impossible. The applicant is proposing 28 acres of open space in their Concept Plan. If no zone change was approved the property would allow for up to 36 lots. If TDR's were obtained they could get approximately 66 lots on the property. The vast majority of homes in the area within 1/3 mile are 1 acre or less in size. This is a legislative decision, and the Commission can certainly accept the public comments as part of their decision making this evening. Staff does want the Commission to be very comfortable with this item and the recommendations they give. The average in this proposal would be 1 lot per acre in overall density.

**Doug Smoot**, applicant, owns this property jointly with Mr. Duane Horton. They purchased these parcels between 1972 and 1979. Mr. Smoot grew up in Springville, and has a fond regard for Mapleton. The property has been farmed under greenbelt status during this time. Mr. Smoot gave a presentation to those in attendance. They have been working on the clustering option for over 2 years now. 32% of the property in their proposed plan would be parks and open space areas. They feel their proposal would make for an attractive development. A Geotechnical Report was done on the property in February 2014, dividing the property in to 3 areas; the bench, sloping property and flat areas.

**Chairman Lewis** opened the Public Hearing. **Tom Ewell** owns the property to the south. They are concerned about water availability and pressure. They are not connected to the pressurized irrigation system, and currently have very low water pressure. Sean stated if this request got approved as proposed someone would have to come forward with a plat and a water study would be required to ensure all water concerns are addressed. Mr. Ewell is delighted with the Conservation Easement, but does have some concerns with the 1/2 lot size. **Craig Murdock** felt the east side was desired to remain rural, and that the Mission Statement was put in place to do so. Mr. Murdock has concerns with the water pressure as well. He has a concern with the pressure issue in this area as it currently is, let alone if these additional lots are developed. **Brian Lambert** served on the Planning Commission and City Council in years past and stated that the A-2 Zone was to preserve the rural atmosphere in this area. If this development was approved this would be destroyed, and would be going against the General Plan. He urged the Commission to deny this request. **Morris Warren** stated that Mr. Smoot has been a friend of his for years. He does not care if this item is approved if all the issues are resolved. He has lived in Mapleton for 75 years, and personally seen this property flood 2 times in his lifetime. He hopes they make plans to handle this water concern. **Rick Maingot** asked if the streets were allowed as part of the overall acreage, and Sean stated that the streets and right-of-ways are taken out of the acreage total. Mr. Maingot stated that if the property can be developed within the zoning ordinance it should be approved, however the more we go higher density the more problems the City will have with infrastructure. Rick does not feel the clustering option is necessary. **Ben Gardner** objected to this request and agreed with Mr. Lambert's comments. Sean stated that this item, if approved, would not set precedence. This item is very different, and the Commission can discuss this. **Bernell Taylor** owns the 'old lake' that Mr. Warren spoke to as the flood areas. He would prefer the property be approved without the rezone if at all possible. **Gary Petersen** read a letter to those in attendance stating his opposition to this request. **Liz Mac** agrees with Mr. Petersen. She came here for the open space and feels things have quickly started changing. She bought in a 2.5 acre area and is realizing she may not be here forever because this is not what she bought into. Mrs. Mac feels Mapleton is turning into Springville very quickly. **Mark and Lori Sheranian** concurred with the others comments. They moved here for the A-2 Zone, and worked very hard to preserve this. They do not agree with the TDR program, but feel that horse is already out of the barn.

They expect the City and Council to first and foremost lookout for the residents currently living here. They ask the Commission and Council to stop any future density by rezoning this. The rezoning is not for this area. Lori stated that those on the Taylor property are so upset that they can hardly speak. Their property value is going to plummet because they are no longer surrounded by larger lots. She hopes it remains in its current zoning. **Commissioner Murray** felt we were giving 2 things in exchange for the CE-1 Conservation Easement. He feels uncomfortable giving the applicant both the rezone and the clustering option. **Commissioner Schellenberg** asked if the clustering was a better direction, preserving the hillside, or allowing the 18 acres on the hillside to be developed. Sean stated that the CE-1 Zone would be difficult to be developed, but it is possible. Commissioner Schellenberg would tend to lean toward the surrounding zoning as a directive. If the rezone does not happen the developer could buy TDR's and develop the CE-1 Zone property, giving them the ability to have the density they are currently requesting. No additional comments were given and the Public Hearing was closed.

**Motion:** Commissioner Murray moved to recommend denial to the City Council for an ordinance amending the General Plan and rezone approximately 60 acres of land from A-2 to RA-1, to place a Conservation Easement on approximately 18 acres and to approve a Concept Plan and Development Agreement for a 53 unit development with the basis of overwhelming negative public comment regarding public community issues toward the request, that the City is giving a little too much up for the CE-1 Zone, and that the numbers do not seem to add up in regards to overall density.

**Second:** Commissioner Schellenberg

**Vote:** Unanimous

**Item 6. (Continued 10/23/14) Consideration of an ordinance amending Mapleton City Code Chapter 18.76.070.B to allow the use of Transferable Development Rights within previously platted subdivisions.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. This item was discussed at the previous meeting. The Commission had some additional concerns. Staff further reviewed this and found that approximately 70 lots could utilize this amendment. 35 lots are corner lots and 25 are vacant at this time. This would allow for greater use of the TDR's. Larger parcels are becoming more difficult to maintain. The cons would be the disruption of existing neighborhoods. Staff would suggest that lots do not impact the current neighborhoods, and would allow the Commission and Council to review these on a case by case basis. This is a recommendation to the City Council, and the Commission is not the final approval body on this request.

**Chairman Lewis** opened the Public Hearing. **Hayes Eldridge** supports this request, and supports providing more options for property owners. They currently use their additional property for hay, which is costing them more than it is worth. **Mark Sheranian** is against this proposal. He owns TDR's and would like to see the Commission and Council stick with the plan they originally formatted. If a person is not planning on staying a resident in Mapleton Mr. Sheranian would like the City to please consider the people that live here first. **John Pratt** is opposed to allowing TDR's in platted subdivisions. He feels the integrity of zoning in Mapleton is being pushed aside. They are not interested in Mapleton becoming like California, and feel that we need to keep our integrity in place while making these types of decisions. **Julie Hall** is opposed to this ordinance change. They did their research before they purchased their home, and chose it for this reason and feel it had with the larger lot sizes. This ordinance change would be unfair to those who already bought their lots. **Ben Gardner** is absolutely opposed to this. He feels these larger lots need to remain intact. **Jeremy Martin** feels these larger lots need to remain in place, and stated that 11 units of the 70 mentioned are in his current subdivision. **Paul Edmunds** feels that the staff is admirable, and that exceptions could be made. He appreciates the rural feel, but feels limited exceptions could be made. **Craig Murdock** is opposed to this amendment. We get the individuals that

move from the City and when they start to feel they do not want these larger lots they want to lower the density and profit off their acreage. **Andy Ball** is in favor of this request. He feels the previous item should be allowed for 1 acre lots. **James Loveless** supports the proposal. He does not think this will make the sky fall. **Sandra Buckley** stated that this lot would still be large, and that it is not going to impact the environment at all. She thinks these situations need to be done on a case by case basis. **Randy Clayton** has lived in the area for 25 years and has mixed emotions about this. He feels if the Commission and Council go by public support it should be fine. He would support it in his neighborhood, as long as curb and gutter were not installed or required. Mr. Clayton does not see it as a big change for Mapleton. **Morris Warren** feels that people in Mapleton have 2 acres and are allowing this property to go to weeds. He feels by doing this you set a precedence that would be positive, and that no one needs to do it that does not want to, and everyone should have the ability to choose what they do with their property. These larger lots are going from green fields to weed fields. **Lori Sheranian** thinks weed fields are beautiful. She feels it should be done on a case by case basis based off the neighboring residents. **Sharron Warren** supports this request in her neighborhood. She hopes the Commission will take that in to consideration. She does not understand why people do not work together, and feels this should be allowed to be developed by them with the use of TDR's. **Leslie Loveless** lives in this subdivision being discussed and does not feel if this amendment was approved that it would really affect that many parcels. Most properties have accessory structures on them that would keep them for having the acreage and frontage they need without tearing down buildings, landscaping, etc. **Julie Hall** stood again and stated that theses should be done on a case by case basis. No additional comments were given and the Public Hearing was closed.

**Motion:** Commissioner Schellenberg moved to recommend denial to the City Council for an ordinance amending Mapleton City Code Chapter 18.76.070.B to allow the use of Transferable Development Rights within previously platted subdivisions.

**Second:** Commissioner Murray

**Vote:** Unanimous

**Item 7. Adjourn.**

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April Houser, Executive Secretary

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Date