

# Planning Commission Staff Report

August 27, 2015

## Item 5

**Applicant:** James Couevas

**Location:** Approx. 400 N & 300 W

**Prepared by:** Sean Conroy,  
Community Development  
Director

**Public Hearing:** Yes

**Zone:** CC-1

**Attachments:**

1. Application information.
2. General Plan Map and Excerpts.

### REQUEST

Consideration of a request to amend the General Plan from Central Business District to High Density Residential and the zoning from Central Commercial (CC-1) to Residential (R-2) for a 3.35 acre parcel located at approximately 300 West and 400 North.

### BACKGROUND AND PROJECT DESCRIPTION

The applicant owns a 3.35 acre parcel located at approximately 300 West and 400 North, across the street from City Hall. Several years ago the applicant was working on a commercial development proposal for the site. However, due to the downturn in the economy the project never moved forward. The applicant has had the property for sale and has been unable to find any interest in the property as a commercial parcel.

The applicant is requesting that the City amend the General Plan designation from commercial to residential and the zoning from Central Commercial (CC-1) to a residential zone. The applicant has not indicated what residential zone would be preferable. The adjoining property to the north is zoned residential (R-2).

### EVALUATION

**Rezone:** 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.”*

MCC Chapter 18.12.010.B outlines the guidelines that shall be used to determine whether or not a rezone request is in the interest of the public and is consistent with the general plan. The guidelines are outlined below followed by a staff response:

*1. Public purpose for the amendment in question.*

**Response:** As Mapleton grows, the demand for commercial property will also likely grow. The General Plan identifies the area around City Hall as a potential small central business district. It is important that the City protect opportunities for future commercial growth to occur. The Commission should determine if zoning the property residential serves a higher public purpose than would protecting the property for future commercial growth.

2. *Confirmation that the public purpose is best served by the amendment in question.*

Response: See #1 above.

3. *Compatibility of the proposed amendment with general plan policies, goals, and objectives.*

Response: The request to rezone the property from commercial to residential is inconsistent with the General Plan, which is the reason the applicant is requesting a general plan and zone amendment.

4. *Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*

Response: This application does not raise concerns regarding "leapfrog" development.

5. *Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*

Response: The purpose of the Central Business District designation in the General Plan is to:

“...create a commercial area centered around the Public Facilities areas encompassing the city center building. This area is designed to be an island of commercial uses near the historic center of Mapleton, in close proximity to public uses, which encourages a friendly atmosphere for pedestrians...”

The subject parcel is a key component to the central business district area and rezoning it would obstruct the attainment of the general plan’s goal of having a central business area around the city center.

6. *Adverse impacts on adjacent landowners.*

Response: The applicant has not indicated which residential zone he would prefer. If the Commission is supportive of the proposed amendment, staff would recommend that the property be zoned R-2, which would be consistent with the surrounding residential zoning. Staff does not think that the R-2 allows for duplexes and townhomes and a density of approximately four units per acre. This could lead to a slightly more dense development than adjacent developments.

7. *Verification of correctness in the original zoning or general plan for the area in question.*

Response: The accuracy of the zoning boundary is not in question with this application.

8. *In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

Response: N/A

Staff notes that economic viability is not a guideline identified in the ordinance for evaluating potential rezone requests. If the Commission does not support the requested rezone, it could recommend that the Council work with applicant to determine if the City could provide any incentives that might help the development potential of the site.

**STAFF RECOMMENDATION**

Recommend that the request be denied.

# The Couevas Family Trust

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Mapleton Planning Commission  
Mapleton City Council  
125 W. Community Center Way  
Mapleton, Ut. 84664

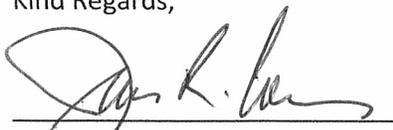
Please accept and consider the enclosed application for the rezoning of the described parcel adjacent to your Mapleton City Office Building.

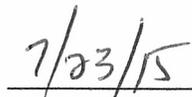
The subject Parcel was originally purchased in June of 2006 (originally 3 separate Parcels), when I had several partners including a Developer. We expended significant effort, time and cost in the creation of Architect Plans, Drawings and the re-zoning requirements as we had a vision, along with input from the Mapleton City Manager at that time, that there was significant demand and interest in a commercial development in Mapleton City. The Mortgage was held by America West Bank who failed and went into Receivership with the FDIC and I was forced to assume the total financial responsibility of this Parcel with a note being extended to the only two remaining partners. Then we experienced the crash of 2008 and shortly after the note was executed with the remaining partners they quit making payments forcing me to foreclose.

I have been attempting to sell this Parcel at a break-even position for a number of years and have yet to receive a single offer or proposal from anyone that may be interested in doing a Commercial Development on this site. My Family's continued ownership of this Property and the financial obligations involved have become a significant burden on our Family as I am now entering into the Retirement phase of life. We have had some indication that there may be interest and demand for a Residential Development on this site and therefore I sincerely hope that the Planning Commission and City Council carefully consider and approve this request for Re-Zoning.

Please let me know if you require any additional information to assist in your decision.

Kind Regards,

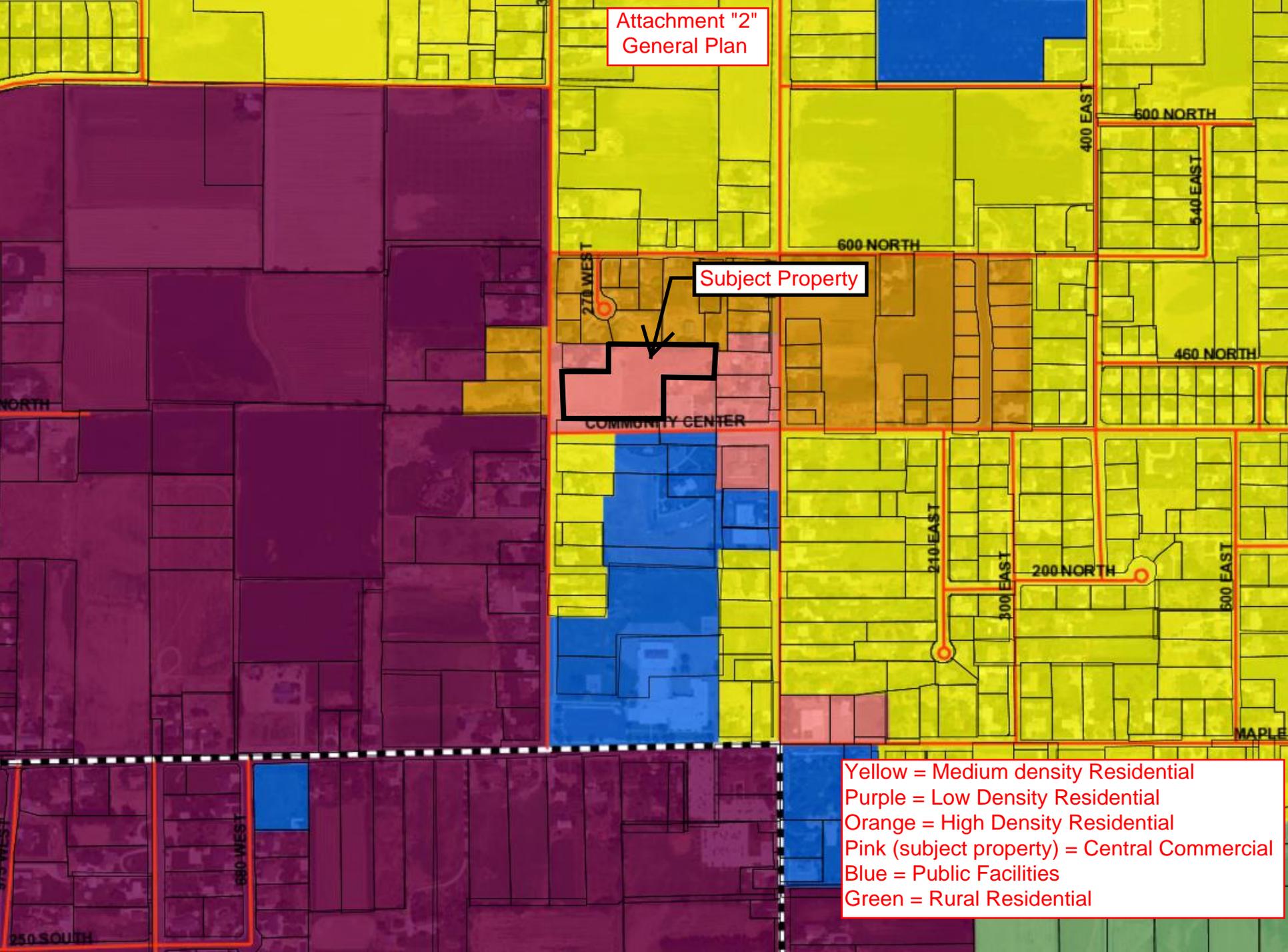
  
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James R. Couevas, Trustee  
The Couevas Family Trust

  
\_\_\_\_\_  
Date

Encl: Zoning Map/General Plan Map Amendment Application  
Application Fee \$450 Check # 6082



Attachment "2"  
General Plan



Subject Property

COMMUNITY CENTER

Yellow = Medium density Residential  
Purple = Low Density Residential  
Orange = High Density Residential  
Pink (subject property) = Central Commercial  
Blue = Public Facilities  
Green = Rural Residential

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## **7. Central Business District (Equivalent to the CC-1 Zone)**

The purpose of the Central Business District Designation is to create a commercial area centered around the Public Facilities areas encompassing the city center building. This area is designed to be an island of commercial uses near the historic center of Mapleton, in close proximity to public uses, which encourages a friendly atmosphere for pedestrians, with adequate parking which does not detract from the streetscape. The types of retail will be limited to neighborhood-type commercial uses. The design shall follow "heritage" streetscape guidelines that reflect early Utah architecture, be pedestrian friendly, and will create a community gathering place. The Central Business District area roughly includes the area between Main Street and 300 West and Maple and 400 North.