

City Council Staff Report

December 2, 2015

Applicant: Ryan Larsen

Location: Between 800 and 1200 West at approximately 1100 South

Prepared by: Brian Tucker

Public Hearing Item: Yes

Zone: A-2

ATTACHMENTS

1. Resolution.
2. Proposed Project Layout.
3. Planning Commission Minutes.

REQUEST

Consideration of a Resolution to rezone approximately twenty (20) acres of property located between 800 and 1200 West at approximately 1100 South from Agricultural Residential (A-2) to Residential-Agricultural (RA-1) with the TDR Overlay.

BACKGROUND AND PROJECT DESCRIPTION

Located between 800 and 1200 West and between approximately 1000 and 1200 South is a 19.082 parcel owned by CWL Properties LLC. Ryan Larsen has made an application on behalf of CWL Properties to change the zone from the current A-2, requiring a minimum lot size of 2 acres to the RA-1 with the TDR-R Overlay, allowing ½ acre lots when a TDR Certificate is dedicated for every 2 lots. The property is General Planned for “Low Density Residential”, a designation generally synonymous with the RA-1 Zone.

The applicant intends to create a 34 lot subdivision with ½ acre lots with the dedication of 16 TDR Certificates. At completion the project would result in the widening of 800 West adjacent to the project, the extension of 1200 West to intersect with 1200 South and the extension of 1200 South to intersect with 800 West. The project would serve to connect the recently approved Emerald Estates project to the north with the Breckenridge Subdivision to the South.

EVALUATION

General Plan: The General Plan indicates that this property should develop in a low density manner. The characteristics of the “Low Density Residential” land use category indicated by the General Plan:

“Include low density single family homes with ample open spaces and setback requirements meant to provide adequate spacing between dwellings, and houses of worship. A higher density than one dwelling per acre may be allowed pursuant to a development agreement or with the use of “Transferable Development Rights” (TDR’s) and zone overlay of TDR-R. In order to allow animals and residential agricultural uses on all lots, lots smaller than 21,780 square feet should not be allowed, even with TDR’s or development agreements.”

The proposed rezone and subsequent development of a ½ acre lot subdivision are very much in line with this indication.

Rezone: The LDR Land Use Designation is indicative of the RA-1 zone rather than the current A-2 designation. As mentioned previously, the

General Plan indicates that Low Density is the appropriate level of development for this area and the LDR is indicative of the RA-1 zone.

The General Plan envisions this area as a transition between the Medium Density Residential to be located near 1600 West and the Rural Residential that will be located to the east all the way to the foothills. The RA-1 is the ideal zone for this transition.

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 as follows:

- 1. Public purpose for the amendment in question.*
- 2. Confirmation that the public purpose is best served by the amendment in question.*
- 3. Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
- 4. Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
- 5. Potential of the proposed amendment to hinder or obstruct attainment of the general plans articulated policies.*
- 6. Adverse impacts on adjacent landowners.*
- 7. Verification of correctness in the original zoning or general plan for the area in question.*
- 8. In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

It is staff's position that the requested Rezone is in the public interest and should be supported for at least the following reasons:

- General Plan Goal #3 indicates that *“all developments and zone changes to be consistent with the General Plan.”* The proposed zone change and development is consistent with the General Plan.
- General Plan Goal #5 *“Encourages the transfer of TDR's off the mountainsides.”* The proposed TDR-R Overlay Zone creates an opportunity to utilize TDR Certificates.
- The proposed rezone will lead to an infill of development in this developing area, facilitating neighborhoods rather than isolated projects. The road extensions and connections will facilitate the movement of pedestrians and local traffic, both essential elements of a sense of community.

- The proposed rezone and development have no more adverse effect on neighboring land owners than any of the developments in this area that have come before. The additional connectivity provided as a result of the proposed street connections will help to disperse traffic impacts to any one area.

Mapleton City Code: Section 18.76.030.C of the Mapleton City Code authorizes the use of TDR in conjunction with a rezone request to a number of the lower density zoning districts, including rezones to the RA-1 designation.

**Note: The concept plan included in this staff report packet indicates the manner in which the property could and likely will develop. This concept is included for informational purposes only and this item does not include concept or plat approval.*

Planning Commission Review: The Planning Commission reviewed this request on October 22, 2015. Two members of the public spoke during the public hearing. Comments were heard concerning the density of the proposed development, traffic, size of houses and the look of the area if the streets are as elevated as other projects in the area have been (see attached minutes). The Commission recommended that the City Council approve the rezone request.

STAFF RECOMMENDATION

Adopt the attached Resolution.

RESOLUTION NO. 2015-

A RESOLUTION TO APPROVE A REQUEST FOR A ZONING AMENDMENT OF APPROXIMATELY TWENTY ACRES OF PROPERTY LOCATED BETWEEN APPROXIMATELY 800 AND 1200 WEST AT APPROXIMATELY 1100 SOUTH FROM AGRICULTURAL RESIDENTIAL (A-2) TO RESIDENTIAL-AGRICULTURAL (RA-1) WITH THE TDR-R OVERLAY.

WHEREAS, The City's General Plan indicates that property in this area should develop in a "Low Density Residential" manner; and

WHEREAS, The General Plan indicates that "Low Density Residential" is indicative of 1 du/acre density and 2 du/acre density with the use of Transfer of Development Right Certificates; and

WHEREAS, The Residential-Agricultural (RA-1) zone is the zoning district that corresponds to "Low Density Residential" development; and

WHEREAS, the rezone request is in the public interest of the City as it will allow the property to develop as envisioned by the General Plan; and

WHEREAS, the Planning Commission, after having taken public comment, recommended approval of the request on October 22, 2015.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend the zoning designation from A-2 to RA-1 for a 20 acre parcel as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 2nd Day of December, 2015.

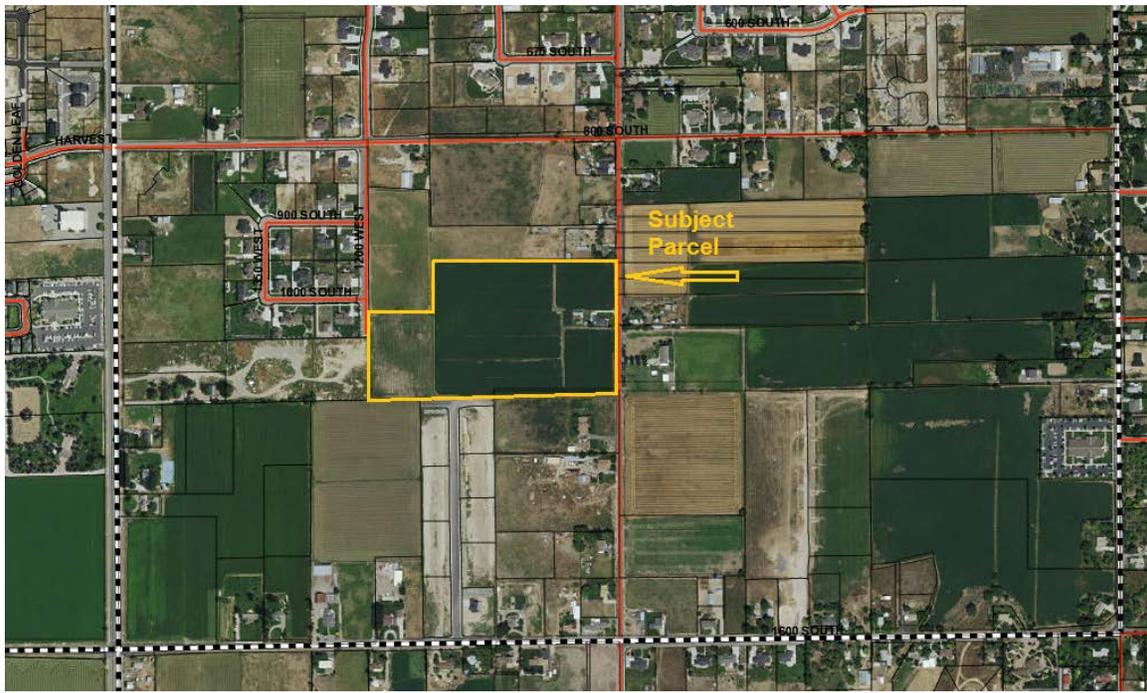
Brian Wall
Mayor

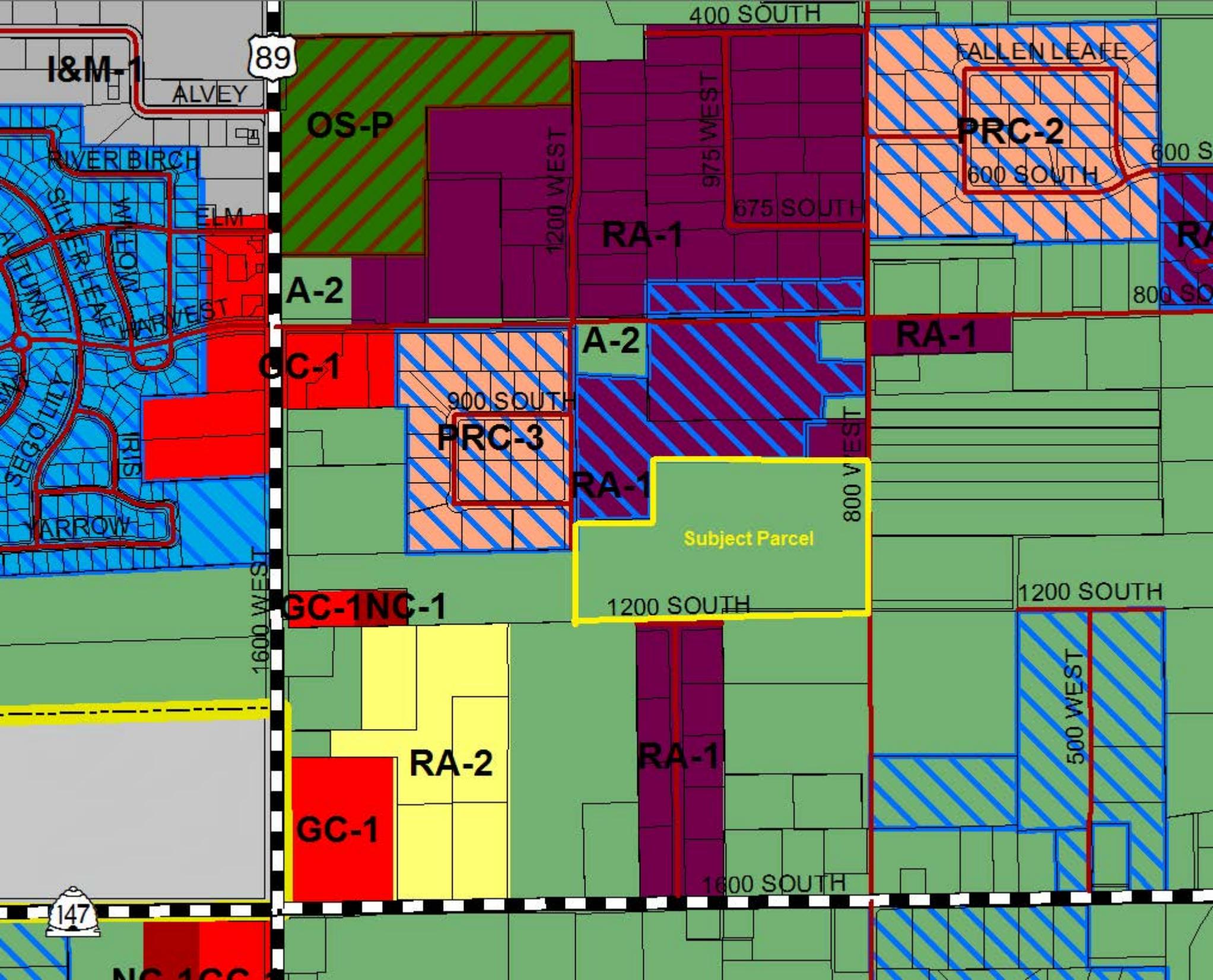
ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit "A"

Parcel: 27:001:0101





1
2
3
4
5
6
7
8
9
10
11
12
13

MAPLETON CITY

PLANNING COMMISSION MINUTES

October 22, 2015

14 **PRESIDING AND CONDUCTING:** Chairman Rich Lewis

15 **Commissioners in Attendance:** Golden Murray
16 Justin Schellenberg

17 **Staff in Attendance:** Sean Conroy, Community Development Director

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

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

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

21 **Item 1. Planning Commission Meeting Minutes – September 24, 2015.**

22 **Motion:** Commissioner Murray moved to approve the September 24, 2015 Planning Commission Minutes.

23 **Second:** Commissioner Schellenberg

24 **Vote:** Unanimous

25
26 **Item 2. Consideration of a request for an extension to preliminary plat approvals for the Mapleton Village and Twin Hollow Subdivisions consisting of 617 units in the Planned Development (PD-1) zone located at approximately 800 West and 4000 South. The applicants are Mesquite Presidio, LLC and Central Bank.**

27
28
29
30
31
32 **Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. This project includes about 300 acres of property. A Memorandum of Understanding (MOU) was approved back in 2007 with a zoning of PD-1. The Plat approvals were valid for 8 years, which will be up on December 4, 2015. The project includes 35% open space. The PD-1 Zone allows for the Planning Commission to give extensions, and staff is supportive of this request.

33
34
35
36
37
38
39 **Chairman Lewis** opened the Public Hearing. **Michael Graves** lives on Main Street, and has concern with rolling hill development where cities allow homes to be built where no infrastructure has been tested to ensure safety and longevity. Sean stated that the applicants have

40
41

42 done extensive engineering on the project, and that this is only in a Preliminary Phase. No
43 additional comments were given and the Public Hearing was closed. **Jesse Conway**, with LEI
44 Engineering, stated that it is a lot of product to work, and they would appreciate the 5 year
45 extension.

46
47 **Motion:** Commissioner Schellenberg moved to grant a five year extension to the
48 preliminary plat approvals for the Mapleton Village and Twin Hollow
49 subdivisions as approved on December 4, 2007 with the special conditions listed
50 below:

- 51 1. The conditions imposed as part of the December 4, 2007 approvals
52 shall continue to apply to the Mapleton Village and Twin Hollow
53 projects.
- 54 2. During the review of any final plat application, additional conditions
55 may be imposed to ensure that the application is consistent with
56 Mapleton City Code and other development standards.
- 57 3. The preliminary plat approvals shall expire on December 4, 2020
58 unless an extension has been granted by the Planning Commission.

59 **Second:** Commissioner Murray

60 **Vote:** Unanimous

61
62 **Item 3. Consideration of Preliminary and Final Plat approvals for the Union**
63 **Meadows Subdivision, Plat "A", consisting of sixteen lots located at**
64 **approximately 15 West 1600 North in the Residential Minor-Agricultural**
65 **(RA-2) zone.**

66
67 **Sean Conroy**, Community Development Director, went over the Staff Report for those in
68 attendance. The property is 7.4 acres in size. The development fronts on both Main and 1600
69 North streets. The applicant is requesting a 16 lots subdivision, with lots $\frac{1}{3}$ to $\frac{1}{2}$ acre in size. All
70 lots will front onto the interior street, keeping the current look along Main Street. The
71 development is consistent with the General Plan, RA-2 Zoning, Subdivision Standards and
72 Transportation Plans. Staff recommends approval of this item, which will go on to City Council
73 for approval.

74
75 **Chairman Lewis** opened the Public Hearing. **Jim Crane** lives at 1432 North 200 West. Their
76 back yard would be along some of the smaller lots of this development. He has a concern with
77 the water situation in Mapleton, and the fact that the cost is so high. He flood irrigates his back
78 yard and does not want to lose that option, nor have 3 water bills come to his house. Mr. Crane
79 wanted to ensure these lots were in line with the zoning, which staff stated that they were. Jim
80 also has concerns with smaller homes being built that may depreciate his property values. Sean
81 stated that the flood irrigation is provided by Mapleton Irrigation, and they would be over the
82 flood irrigating that he is referring to. The Commission and City will not take that right away
83 from him. Staff went over how the Mylar is signed by Mapleton Irrigation, and they ensure
84 water can continue being supplied to those utilizing it. **Michael Graves** owns property by this
85 proposed development. He is concerned with the esthetics of the homes not facing onto Main

86 Street, and how this will look. He likes this design, from what he can see. Mr. Graves has a
87 concern with the development being brought up to his property, and would hope that the fencing
88 bordering his property would be the same. He also wanted to ensure fencing was not installed
89 that would be sight obscuring. **Brian Prince**, with Ivory Homes, appreciates Staff's guidance on
90 this project. The grade will be raised to meet the requirement for a single family residential
91 elevation. They do not anticipate installing fencing around the property, but will have CC&R's
92 that restrict the types of materials allowed. Staff wants to make sure there is a uniform plan for
93 the fencing along Main Street. Ivory Homes would envision a masonry fence, far enough back
94 not to hinder the sight requirements, but allow the privacy the property owners would want. **Ben**
95 **Christensen** asked the width of the streets, and Sean stated that it is 36' of asphalt with 2'
96 planter strips on each side and a 5' sidewalk. He felt the road should angle to 1400 North, and
97 match the street width there. Mr. Christensen feels we make mistakes here in Mapleton when we
98 allow for narrower streets, but that overall the development seemed reasonable. No additional
99 comments were given and the Public Hearing was closed. **Commissioner Schellenberg** felt it
100 would be nice to eliminate allowing the fence to be installed right on the sidewalk. He felt a
101 couple feet for a buffer would be more suitable. Sean stated that it would require an ordinance
102 change in regards to Fencing Standards, and that it was something that could be looked at in the
103 future.

104
105 **Motion:** Commissioner Murray moved to recommend approval to the City Council for the
106 Preliminary and Final Plat for the Union Meadows Subdivision, Plat "A",
107 consisting of sixteen lots located at approximately 15 West 1600 North in the
108 Residential Minor-Agricultural (RA-2) zone with the findings and conditions
109 listed below:

- 110 1. Any outstanding issues raised in the Development Review Committee
111 (DRC) minutes dated October 5, 2015 shall be addressed prior to plat
112 recording.
- 113 2. Submit a plan for a uniform wall or high quality view obscuring fence
114 behind the sidewalk. Fencing along Main Street is prohibited except
115 for the approved wall or view obscuring fence.
- 116 3. Homes on lots 112, 113, and 114 will front on the interior street and
117 will not access Main Street directly.

118 **Second:** Commissioner Schellenberg

119 **Vote:** Unanimous

120
121 **Item 4.** **Consideration of a request to rezone approximately twenty (20) acres of**
122 **property located between 800 and 1200 West at approximately 1100 South**
123 **from Agricultural Residential (A-2) to Residential-Agricultural (RA-1) with**
124 **the TDR Overlay.**
125

126 **Sean Conroy**, Community Development Director, went over the Staff Report for those in
127 attendance. This property is next to the Emerald Estates subdivision that is currently being
128 developed. There is only a concept plan in place at this time. Most of the new developments in
129 this area have used the TDR-R Overlay. The project is consistent with the General Plan, goal

130 use of the TDR's and reasonable development layout. The City Council would be the approving
131 body on this item. Staff recommends approval of this request.

132
133 **Chairman** Lewis opened the Public Hearing. **John Ewing** lives to the north of the development
134 on 800 West and is concerned about the density of the proposed development. He worries about
135 traffic and feels it will change the look of the area if the streets are raised like those in the area
136 have been. **Jennifer Ewing** wondered what size homes they are planning to build on these lots.
137 Sean stated that this is just a concept plan, and that the Commission does not typically regulate
138 home sizes. No additional comments were given and the Public Hearing was closed.

139
140 **Motion:** Commissioner Schellenberg moved to recommend approval to the City Council of
141 an ordinance rezoning approximately twenty (20) acres of property located
142 between 800 to 1200 West at approximately 1100 South from Agricultural
143 Residential (A-2) to Residential-Agricultural (RA-1) with the TDR Overlay.

144 **Second:** Commissioner Murray

145 **Vote:** Unanimous

146
147 **Item 5. Adjourn.**

148
149
150 _____
April Houser, Executive Secretary Date

Pending Approval