

# City Council Staff Report

August 3, 2016

**Applicant:** Pam Elmer

**Location:** 1150 West  
1600 S

**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 General Plan amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from Agricultural Residential (A-2) to Residential-Minor Agricultural (RA-2) for approximately 17.25 acres located at approximately 1150 West 1600 South in Mapleton.

## BACKGROUND AND PROJECT DESCRIPTION

Located at approximately 1150 West and 1600 South are a 2.5-acre parcel owned by Pam Elmer and a 14.75-acre parcel owned by Mike Miner. The combined acreage of 17.25 acres is currently zoned A-2 but general planned for Medium Density Residential (MDR) on the western half and Low Density Residential (LDR) on the eastern half. The entire Elmer property is general planned LDR.

The applicant intends to create an additional building lot to the east of her current home at 1190 West 1600 South. Sufficient acreage and width exist to create an additional lot through a rezone to RA-1 or through the use of a TDR with the current A-2 zoning, however the home and detached garage are located to near the eastern property line to allow a 125' wide lot without requiring the garage to be torn down.

The applicant's brother, Mike Miner, owns the 14.75-acre property to the west and north of the Elmer home and his property is also zoned A-2 but is divided by two general plan designations along what would be the right of way for a future 1200 West. The property east of the potential 1200 West is general planned MDR while the property to the west of the potential right of way is general planned LDR.

As the applicant cannot develop her property in a legal way without tearing down the garage and as the adjoining property owner feels that the most reasonable development of his property is facilitated by development of the property into ½ and 1/3 acre lots, the applicants have applied to amend the General Plan designation of the entire property from the current MDR/LDR designations to MDR alone. Additionally, the applicants have applied to rezone the property from the current A-2 zone to the RA-2 zone, a zoning designation that is typical of the MDR general plan designation but not the LDR designation.

A conceptual subdivision of the two properties, if the general plan and zoning is amended as requested, could include 25 additional lots varying from 1/3 to ½ acre.

**EVALUATION**

**General Plan:** The General Plan currently indicates that the property east of the future 1200 West should develop in a low density manner and that the property located west of the future right of way should develop in a medium density manner. See Appendix A.

The General Plan Map and the Adopted Land Use Element, as applied to this area, envision a “Shopping Center Commercial” node on all four corners of the 1600 South and Hwy 89 intersection. Each corner was designated by the 2009 General Plan as appropriate for approximately 8 acres of commercial. To the east of these commercial nodes was an area extending to approximately the 1200 West area that was designated “Medium Density Residential” to act as a transition between the more rural eastern part of the City and the commercial nodes. To the east of the 1200 West corridor a “Low Density Residential” area was created to transition between the “Medium Density Residential” areas to the “Rural Residential” areas that are designated from the 800 West corridor all the way to the foothills.

The proposed General Plan Amendment is subject to the goals, policies and other applicable language of the Land Use Element. Goal #3 indicates that zoning changes must be consistent with the General Plan but that if “found to be beneficial to the community by the Planning Commission,” the General Plan Map may be amended.

Land Use Element Goal #5, Policy B states that “Mapleton City shall vigorously support its’ TDR ordinance.” This language has typically meant that zone changes that will still make use of the existing supply of TDR’s may be granted, when the rezone is supported by the General Plan Map. In this case the rezone of all 17.25 acres to RA-2 is not supported by the existing General Plan Map. The General Plan map would have to be amended for eastern portion to be rezoned to RA-2. The RA-1 designation is supported for the eastern portion of the project area. If the property, in its entirety is rezoned to RA-2, TDR’s would not be required to develop the property as the concept imagines.

**Rezone:** The MDR and LDR Land Use Designations are indicative of the RA-1 and RA-2 zones, respectively, rather than the current A-2 designation. As discussed above, the current General Plan Map indicates that the Medium Density designation is appropriate for the western half of the project area and that Low Density is the appropriate level of development for the eastern half. The MDR is indicative of an RA-2 zone designation and the LDR is indicative of the RA-1 zone designation.

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.*

Staff does not support the proposed general plan amendment and rezone as they are inconsistent with the general plan and would allow an increase in density without TDR's. However, Staff does support rezoning the western portion to RA-2 and the eastern portion to RA-1 for 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.
- 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.

The rezone of the eastern half of the property to RA-1 is further supported by the following General Plan Goal:

- 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.

**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.

**Concept Plan:** 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. Subdivision approval is required prior to any

land sales in accordance with MCC Chapter 17.

## **PLANNING COMMISSION DISCUSSION AND ACTION**

On July 14, 2016 the planning commission held a public hearing on the proposed amendments. A number of nearby residents attended the meeting and generally spoke against the proposed General Plan amendment and the Rezone, primarily due to either a perception that they lived in an area that would not include lots smaller than 1 acre or due to a general perception that 1/3 acre lots might hurt property values.

The planning commission, citing the current General Plan designations and the desire to see TDR's used when appropriate, recommended that the City Council deny the proposed General Plan Amendment but approve a Rezone in accordance with the current General Plan. This recommendation would result in the western portion of project area being zoned RA-2 and the eastern portion being zoned RA-1 with the TDR Overlay. The boundary line between the two zones is at approximately 1200 West and is exactly the same as the boundary line found on the General Plan Map.

## **STAFF RECOMMENDATION**

Adopt the attached Resolution.

Appendix A:  
Applicable General Plan Language.

The “Medium Density Residential” or MDR designation is described in the Approved General Plan Land Use Element as follows:

*“This designation shall have a minimum lot size of 14,500 square feet, but may include Planned Unit Development zones with overall densities of 12,000 square feet per unit with the use of TDRs. Planned Unit Development zones not utilizing TDRs shall not exceed densities of 14,500 square feet per unit. Uses characteristic of this designation primarily include single family dwellings. Twin homes may be included in Planned Unit Developments. Houses of worship shall also be included in this designation. Zones for Planned Unit Developments shall only be allowed in an area located between 800 North to 1600 South east of Highway 89 commercial corridor to 1100 West.”*

The “Low Density Residential” or LDR designation is described in the Approved General Plan Land Use Element as follows:

*“The characteristics of this category include low density single family homes with ample open spaces and setback requirements meant to provide adequate spacing between dwellings, and houses of worship. Developments will be designed to maintain a minimum lot size of one dwelling per acre. The clustering of homes is encouraged according to established criteria to maintain an open feel. 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. PRC zones are also permitted, with or without the use of TDRs. Since animals and agricultural uses are allowed in the area, new developments should be sensitive to the agricultural environment and be designed accordingly. 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. Pedestrian access by means of sidewalks, trails or paths should be provided by all new development along with parks and other recreational facilities.”*

The goals and policies of the Land Use Element most relevant to the application at hand, in the view of Staff, read as follows:

**“Goal #3: Preserve the integrity of the Land Use Element by requiring all developments and zone changes to be consistent with the General Plan.**

**Policy A:** *The Planning Commission will not recommend approval of any development or zone change which is inconsistent with the General Plan, nor will the City Council approve any zone change inconsistent with the General Plan.*

**Policy B:** *If a development or zone change is found to be beneficial to the community by the Planning Commission, the Planning Commission will recommend that the General Plan and Land Use Element be amended, through proper procedure, prior to approval of the development or zone change.”*

**“Goal #5: Encourage the transfer of TDR’s off the mountainsides.**

**Policy A:** *Mapleton City has adopted a transfer of development rights ordinance.*

**Policy B:** *Mapleton City shall vigorously support its’ TDR ordinance.”*

***“Goal #7: Preserve a peaceful, country, rural atmosphere.***

***Policy A:*** Strive for unity between individual development projects.

***Policy B:*** Locate development in configurations and in areas that will preserve and enhance open space character and a rural, agricultural atmosphere in the community.

***Policy C:*** All development within Mapleton City should recognize the open view amenities of Mapleton and should not degrade public views and vistas.

***Policy D:*** Continue support for the City Beautification Committee and involve them in community design or beautification issues or programs addressed in this element.

***Policy E:*** Retain rural features by way of open area, alternatives to curb, gutter, and sidewalk, planting strips, rail or log fences, trees, shrubs, etc.

***Policy F:*** Mapleton will distribute high density housing throughout the community in order to minimize the impact on Mapleton's rural character.”

## **RESOLUTION NO. 2016-**

### **A RESOLUTION TO APPROVE A REQUEST FOR A ZONING AMENDMENT OF SEVENTEEN AND ONE QUARTER ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1150 WEST 1600 SOUTH FROM AGRICULTURAL RESIDENTIAL (A-2) TO RESIDENTIAL-AGRICULTURAL (RA-1) WITH THE TDR-R OVERLAY ON THE EASTERN PORTION AND RESIDENTIAL - MINOR AGRICULTURAL (RA-2) ON THE WESTERN PORTION.**

**WHEREAS**, The City's General Plan indicates that property in this area west of the 1200 West corridor should develop in a "Medium Density Residential" manner; and

**WHEREAS**, The City's General Plan indicates that property in this area east of the 1200 West corridor should develop in a "Low Density Residential" manner; and

**WHEREAS**, The General Plan indicates that "Medium Density Residential" is indicative of 14,500 square foot and larger lots; 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 Minor-Agricultural (RA-2) zone is the zoning district that corresponds to "Medium Density Residential" development; 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 July 14, 2016.

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

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

This 3<sup>rd</sup> Day of August, 2016.

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Brian Wall  
Mayor

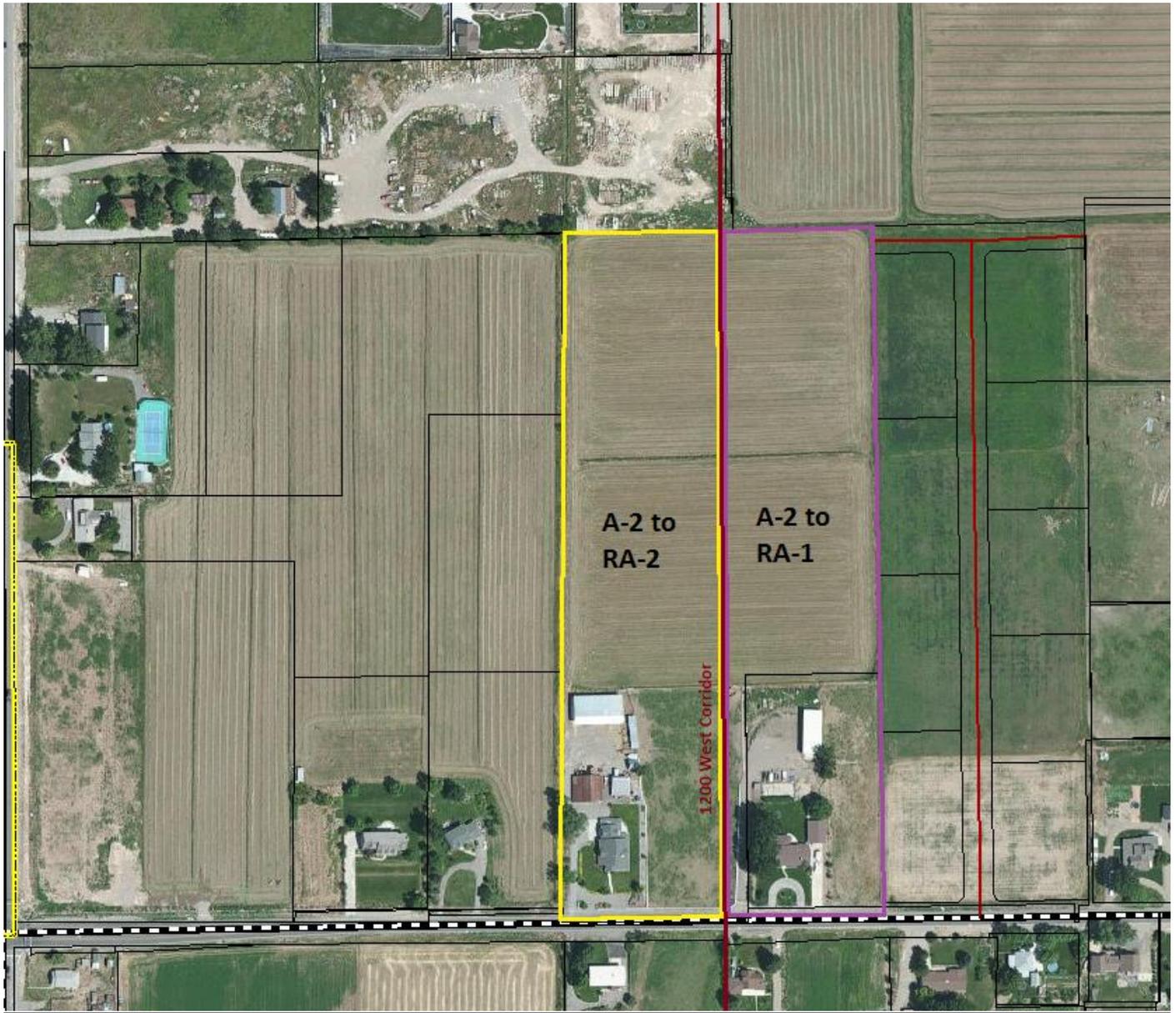
ATTEST:

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Camille Brown  
City Recorder  
**Publication Date:**  
**Effective Date:**

**Exhibit "A"**

Parcels: 27:001:0072 and 27:010:0106



1600 WEST

1000 SOUTH

1200 WEST

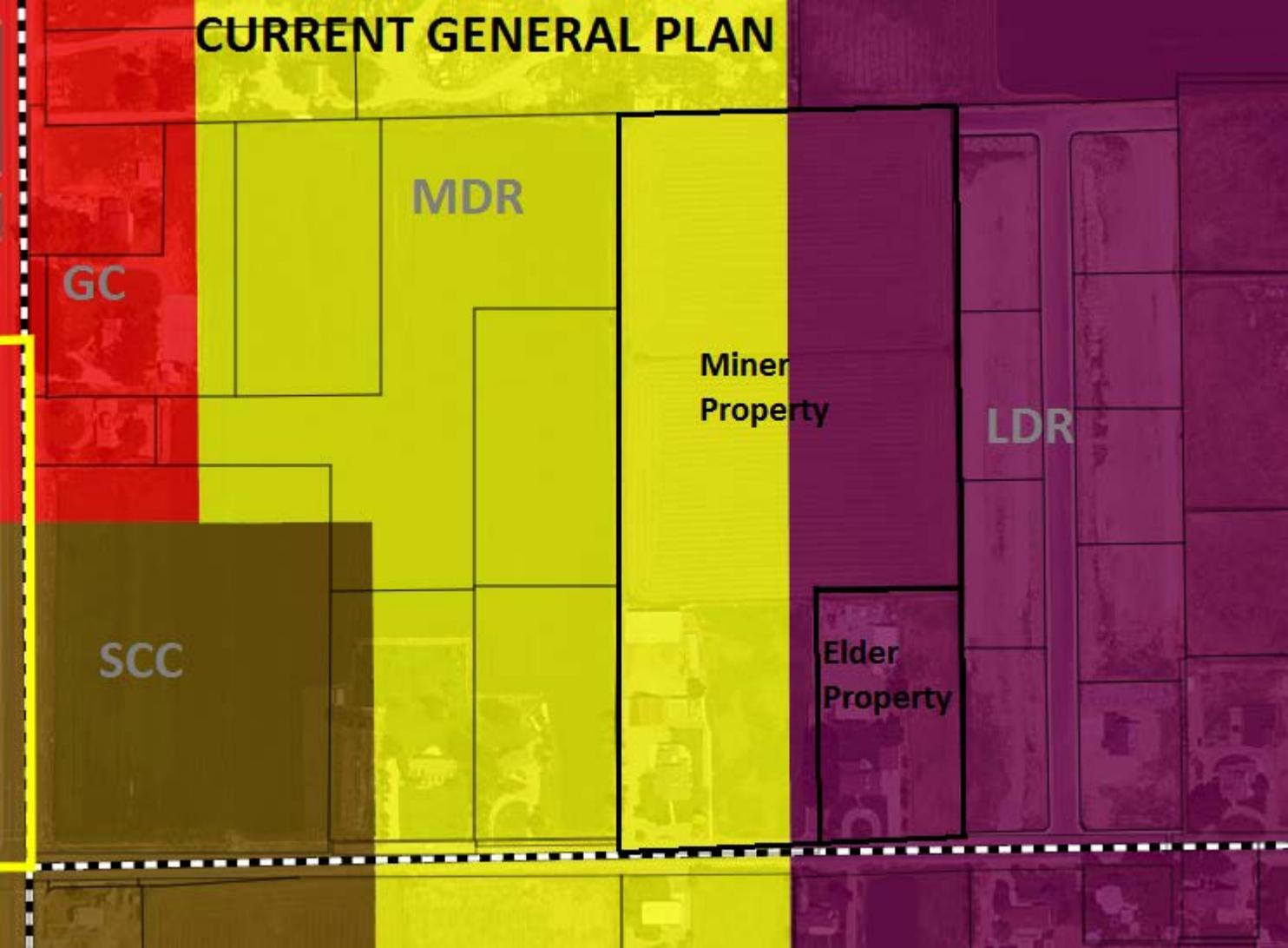
1800 SOUTH

**Miner  
Property**

**Elder  
Property**



# CURRENT GENERAL PLAN



GC

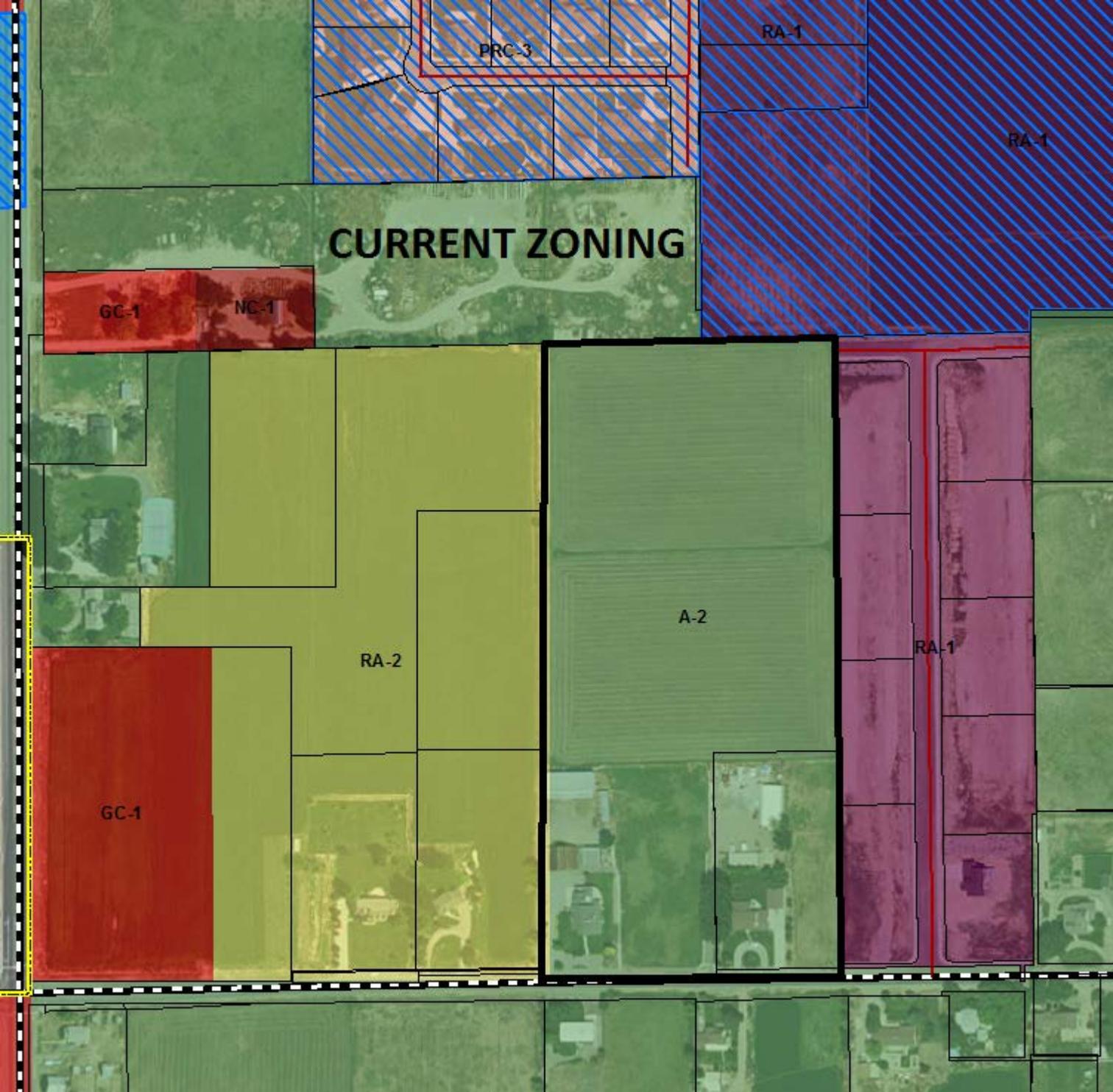
MDR

Miner  
Property

LDR

SCC

Elder  
Property



PRC-3

RA-1

RA-1

# CURRENT ZONING

GC-1

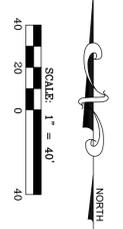
NC-1

A-2

RA-2

RA-1

GC-1



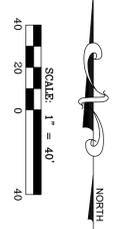
**LEI**  
 - A Utah Corporation -  
**ENGINEERS SURVEYORS PLANNERS**  
 3302 N. Main Street  
 Shannah Park, UT 84408  
 Phone: 801.798.9393  
 Fax: 801.798.9393  
 office@lei-eng.com  
 www.lei-eng.com

**NOT FOR CONSTRUCTION**

**MINER PROPERTY**  
**MAPLETON, UTAH**  
**CONCEPT 1 - TDR'S REQUIRED**

REVISIONS
1.
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5.

LEI PROJECT #  
**2016-0051**  
 DRAWN BY:  
**TJP**  
 CHECKED BY:  
**BTG**  
 SCALE:  
**1" = 40'**  
 DATE:  
**6/8/2016**



**MINER PROPERTY**  
**MAPLETON, UTAH**

**CONCEPT 2**

**NOT FOR CONSTRUCTION**

**ENGINEERS SURVEYORS PLANNERS**  
 3302 N. Main Street  
 Spanish Fork, UT 84660  
 Phone: 801.798.9393  
 Fax: 801.798.9393  
 office@lei-eng.com  
 www.lei-eng.com



**REVISIONS**

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3.	
4.	
5.	

LEI PROJECT #  
**2016-0051**  
 DRAWN BY:  
**TJP**  
 CHECKED BY:  
**BTG**  
 SCALE:  
**1" = 40'**  
 DATE:  
**6/8/2016**

83 lots without the use of TDR's. In cases where the property is in areas where the General Plan  
84 allows for a certain zone, the rezoning should be allowed to fall in line with the General Plan.

85  
86 **Motion:** Commissioner Murray moved to recommend approval to the City Council of an  
87 ordinance rezone to the Residential-Minor Agricultural (RA-2) Zone for  
88 approximately 2.5 acres, located at approximately 1022 East 1200 North.

89 **Second:** Commissioner Killpack

90 **Vote:** Unanimous

91  
92 **Item 4. Consideration of a General Plan amendment from Low Density Residential**  
93 **(LDR) to Medium Density Residential (MDR) and a rezone from Agricultural**  
94 **Residential (A-2) to Residential-Minor Agricultural (RA-2) for approximately**  
95 **17.25 acres located at approximately 1150 West 1600 South in Mapleton.**

96  
97 **Brian Tucker**, Planner, went over the Staff Report for those in attendance. This included the  
98 current General Plan Zoning in the area. The Land Use Element and the General Plan need to be  
99 looked at together when discussing this item. The Land Use Element does not specify 1200 West  
100 or 800 West as dividing lines. An amendment to the General Plan, in addition to a rezone, is what  
101 the applicants are requesting. The current General Plan Map does not support the rezone to RA-2  
102 Zoning. If rezoned to this zoning it would eliminate the use of Transferable Development Rights  
103 (TDR's). The question at hand is where will the Medium Density end and Low Density begin. If  
104 the RA-1 Zone is allowed, it would leave the ability for the use of TDR's. Brian went over the  
105 Pros and Cons to the amendment requested. The way Staff is proposing it, the use of TDR's could  
106 be used on the east property to get 1/2 acre lots and the west side property could have 1/3 acre lots  
107 without the use of TDR's. A letter was received from John Bennett, property owner to the north,  
108 requesting denial of this application. The current concept plan can be done whether approved as  
109 proposed or as staff would recommend. The only difference would be if TDR's are required or  
110 not to get the proposed lot sizes.

111  
112 **Gary Miner**, representing Pam Elmer, went over the history of the property. Their initial request  
113 was for a flag lot, but the City Ordinance does not allow for that. They are willing to adjust and  
114 adapt based on the Commission's vote this evening.

115  
116 **Chairman Lewis** opened the Public Hearing. **Larry Nobahara** has a concern with multi-plex  
117 housing happening behind his home. This property is not part of the request this evening. **Mike**  
118 **Miner** stated that he thought that property would be developed under 1/3 acre zoning. The General  
119 Plan has envisioned this area as 1/3 acre since 2009. **Ken Jensen**, lives in Pheasant View  
120 subdivision, respects the desire for the applicants to get the most out of their land. He has a concern  
121 with the lots in this area being developed with 1/3 acre zoning. Mr. Jensen feels it may set a  
122 precedence. **Allan Carlisle** lives in Breckenridge, and feels this would affect him. He thought  
123 that no lots less than 1-acre in size would be built by him. **Gary Miner** stood again, stating that  
124 this was not the initial direction they wanted to take. Mr. Jensen asked what the public benefit was  
125 allowing higher density. Brian went over the tax base, and the reasons behind the General Plan  
126 zoning. **Deborah Herbert** feels exceptions can be made, allowing 1/2 lots on the property after an

127 additional lot was created for Pam Elmer. The TDR Program is vigorously encouraged to be used.  
128 **Sandy Jensen** asked the difference between the previous item and the current item. Brian stated  
129 that it is the General Plan. No additional comments were given and the public hearing was closed.

130

131 **Commissioner Murray** went over the applicant's request and Staff's recommendation again, and  
132 wondered if the applicants were set on that zoning or if a RA-1 Zoning would be okay with them.

133 **Commissioner Schellenberg** does not feel that this request would fall under something that should  
134 change the Master Plan. He felt the 1100 West statement came from the Whisper Rock  
135 development a few miles north of this property. Medium Density would allow for properties to  
136 go down to 1/3 sizing, but does not mean they have to be that small. Keeping the requirement of  
137 TDR's in place would allow a buffering and keep the lots at a 1/2 or larger size. **Commissioner**  
138 **Killpack** agreed with these comments. Flag lots are not allowed, and there are no exceptions to  
139 that.

140

141 **Motion:** Commissioner Murray recommended the below to the City Council:

142 1. Denial of the proposed General Plan Amendment from Low Density  
143 Residential (LDR) to Medium Density Residential (MDR).

144 2. Approval of the rezone amendment request with the western half of the  
145 project area becoming RA-2 and the eastern half becoming RA-1 with  
146 Transferrable Development Right (TDR-R) Overlay, with the dividing  
147 line between the zones being the same as the dividing line of the General  
148 Plan designations.

149 **Second:** Commissioner Killpack

150 **Vote:** Unanimous

151

152 **Item 5. Request of an ordinance amending Mapleton City Code (MCC) Section**  
153 **18.84.440.D related to freestanding or yard mounted residential solar energy**  
154 **devices.**

155

156 **Brian Tucker**, Planner, went over the Staff Report for those in attendance. Currently solar panels  
157 are only allowed on roof tops. Staff feels there is enough request to have a conversation about  
158 ground mounted devices. In 2011 the ground mounted solar panels were intentionally prohibited.  
159 The proposed ordinances would allow for a ground mounted device when roof mounts are not  
160 recommended. Front yards would be prohibited, as well as easements or storm drain areas. The  
161 solar panels cannot exceed 5% of the lot area. The verbage is based largely on a Michigan  
162 ordinance. **Justin Speery** specializes in ground mount systems that has a special racking that will  
163 allow for very low profile systems. He was in attendance to talk about these types of systems and  
164 the interest people have in them. **Commissioner Schellenberg** is in favor of this. He would like  
165 wording added that when the system becomes inoperable or inefficient that it be removed.

166

167 **Chairman Lewis** opened the Public Hearing. No comments were given and the public hearing  
168 was closed.

169

## **RESOLUTION NO. 2016-**

### **A RESOLUTION TO APPROVE A REQUEST FOR A ZONING AMENDMENT OF SEVENTEEN AND ONE QUARTER ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1150 WEST 1600 SOUTH FROM AGRICULTURAL RESIDENTIAL (A-2) TO RESIDENTIAL-AGRICULTURAL (RA-1) WITH THE TDR-R OVERLAY ON THE EASTERN PORTION AND RESIDENTIAL - MINOR AGRICULTURAL (RA-2) ON THE WESTERN PORTION.**

**WHEREAS**, The City's General Plan indicates that property in this area west of the 1200 West corridor should develop in a "Medium Density Residential" manner; and

**WHEREAS**, The City's General Plan indicates that property in this area east of the 1200 West corridor should develop in a "Low Density Residential" manner; and

**WHEREAS**, The General Plan indicates that "Medium Density Residential" is indicative of 14,500 square foot and larger lots; 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 Minor-Agricultural (RA-2) zone is the zoning district that corresponds to "Medium Density Residential" development; 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 July 14, 2016.

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

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

This 3<sup>rd</sup> Day of August, 2016.

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Brian Wall  
Mayor

ATTEST:

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Camille Brown  
City Recorder

**Exhibit "A"**

Parcels: 27:001:0072 and 27:010:0106

