

MAPLETON CITY
PLANNING COMMISSION MINUTES
July 14, 2016

PRESIDING AND CONDUCTING: Chairman Rich Lewis

Commissioners in Attendance: Therin Garrett
Sharee Killpack
Golden Murray
Justin Schellenberg

Staff in Attendance: Brian Tucker, Planner

Minutes Taken by: April Houser, Executive Secretary

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

Items are not necessarily heard in the order listed below.

Commissioner Killpack was seated as voting member this evening.

Item 1. Planning Commission Meeting Minutes – June 9, 2016.

Motion: Commissioner Garrett moved to approve the June 9, 2016 Planning Commission Minutes.
Second: Commissioner Murray
Vote: Unanimous

Item 2. Consideration of an application for a Home Occupation for a small group music instruction business at 1932 West Harvest Parkway in the SDP-1 Zone.

Brian Tucker, Planner, went over the Staff Report for those in attendance. Roselyn Ellsworth is the applicant. She is looking to teach music to children 8 and under with their parents. Class times will vary, and start before 7pm. Staff feels that allowing up to 6 families at a time is a reasonable amount. Brian went over the applicable standards for Home Occupations. Music businesses are not subject to daycare regulations. The standard conditions of approval for Home Occupations are proposed.

Motion: Commissioner Killpack moved to approve the application for a Home Occupation for a small group music instruction business at 1932 West Harvest Parkway in the SDP-1 Zone, with the below conditions:

1. The applicant shall obtain a business license prior to opening for business.
2. Drop offs and pick-ups shall be controlled by the license holder such that the preschool complies with the requirement that no more than 6 cars, including those owned by the property owner, may be parked at the home at any one time. The maximum number of children is limited by the maximum parking requirement.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. With the exception of activities that are clearly incidental and secondary to the preschool use, the home occupation shall be conducted within the confines of the structure.
5. No signs shall be placed on the property without a sign permit.
6. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the planning Commission.
7. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

Second: Commissioner Murray

Vote: Unanimous

Item 3. Consideration of a rezone to Residential-Minor Agricultural (RA-2) Zone for approximately 2.5 acres, located at approximately 1022 East 1200 North

Brian Tucker, Planner, went over the Staff Report for those in attendance. The total acreage is closer to 3.2 acres in size. These properties are across the street from Hobble Creek Elementary School. The intent is to put in 7 lots. 3 lots would be on 1000 East, and 4 lots on a future street. The General Plan calls for this area to be Medium Density Residential, which would allow for 1/3 acre lots. Brian went over the Guidelines for rezones and their consistency with the General Plan. The City Ordinance and City Engineer would direct that the applicant shall install the full street width on 1000 East.

Chairman Lewis opened the Public Hearing. **Roger Fowles** mother owns the property to the east. He wondered if the zone would affect the zoning of his mother's property and was told that it would not. No additional comments were given and the public hearing was closed.

Commissioner Schellenberg asked when the City wants to allow rezones to happen with or without the use of Transferable Development Rights (TDR's). He wonders at what point do we reduce the zone and when do we require the use of TDR's as part of the rezone process. In this case the General Plan shows the property as Medium Density Residential, which allows for 1/3 acre

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

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

Second: Commissioner Killpack

Vote: Unanimous

Item 4. 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.

Brian Tucker, Planner, went over the Staff Report for those in attendance. This included the current General Plan Zoning in the area. The Land Use Element and the General Plan need to be looked at together when discussing this item. The Land Use Element does not specify 1200 West or 800 West as dividing lines. An amendment to the General Plan, in addition to a rezone, is what the applicants are requesting. The current General Plan Map does not support the rezone to RA-2 Zoning. If rezoned to this zoning it would eliminate the use of Transferable Development Rights (TDR's). The question at hand is where will the Medium Density end and Low Density begin. If the RA-1 Zone is allowed, it would leave the ability for the use of TDR's. Brian went over the Pros and Cons to the amendment requested. The way Staff is proposing it, the use of TDR's could be used on the east property to get ½ acre lots and the west side property could have ⅓ acre lots without the use of TDR's. A letter was received from John Bennett, property owner to the north, requesting denial of this application. The current concept plan can be done whether approved as proposed or as staff would recommend. The only difference would be if TDR's are required or not to get the proposed lot sizes.

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

Chairman Lewis opened the Public Hearing. **Larry Nobahara** has a concern with multi-plex housing happening behind his home. This property is not part of the request this evening. **Mike Miner** stated that he thought that property would be developed under ⅓ acre zoning. The General Plan has envisioned this area as ⅓ acre since 2009. **Ken Jensen**, lives in Pheasant View subdivision, respects the desire for the applicants to get the most out of their land. He has a concern with the lots in this area being developed with ⅓ acre zoning. Mr. Jensen feels it may set a precedence. **Allan Carlisle** lives in Breckenridge, and feels this would affect him. He thought that no lots less than 1-acre in size would be built by him. **Gary Miner** stood again, stating that this was not the initial direction they wanted to take. Mr. Jensen asked what the public benefit was allowing higher density. Brian went over the tax base, and the reasons behind the General Plan zoning. **Deborah Herbert** feels exceptions can be made, allowing ½ lots on the property after an

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

Commissioner Murray went over the applicant's request and Staff's recommendation again, and wondered if the applicants were set on that zoning or if a RA-1 Zoning would be okay with them. **Commissioner Schellenberg** does not feel that this request would fall under something that should change the Master Plan. He felt the 1100 West statement came from the Whisper Rock development a few miles north of this property. Medium Density would allow for properties to go down to 1/3 sizing, but does not mean they have to be that small. Keeping the requirement of TDR's in place would allow a buffering and keep the lots at a 1/2 or larger size. **Commissioner Killpack** agreed with these comments. Flag lots are not allowed, and there are no exceptions to that.

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

1. Denial of the proposed General Plan Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).
2. Approval of the rezone amendment request with the western half of the project area becoming RA-2 and the eastern half becoming RA-1 with Transferrable Development Right (TDR-R) Overlay, with the dividing line between the zones being the same as the dividing line of the General Plan designations.

Second: Commissioner Killpack

Vote: Unanimous

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

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

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

Motion: Commissioner Schellenberg moved to recommend approval to the City Council of an ordinance amending Mapleton City Code (MCC) Section 18.84.440.D related to freestanding or yard mounted residential solar energy devices, with the below wording added:

1. Requirement that the system to be removed if inoperable or inefficient.

Second: Commissioner Murray

Vote: 3:2:0 with Commissioners Murray, Schellenberg and Lewis voting aye and Commissioners Killpack and Garrett voting naye; Commissioner Killpack feeling more visual pictures are needed, as well as information about ground mount systems and Commissioner Garrett feeling that our due diligence as a Planning Commission needs more time in studying the issue to figure out what restrictions are needed, how to accomplish them and to allow for more citizen input.

Item 6. Adjourn.

April Houser, Executive Secretary

Date