

MAPLETON CITY
PLANNING COMMISSION MINUTES
June 9, 2016

PRESIDING AND CONDUCTING: Chairman Rich Lewis

Commissioners in Attendance: Therin Garrett
Thomas Quist
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. Rich Lewis gave the invocation and Justin Schellenberg led the Pledge of Allegiance.

Items are not necessarily heard in the order listed below.

Commissioner Quist was seated as voting member this evening.

Item 1. Planning Commission Meeting Minutes – May 12, 2016.

Motion: Commissioner Garrett moved to approve the May 12, 2016 Planning Commission Minutes.
Second: Commissioner Quist
Vote: Unanimous

Item 2. Consideration of an application for a Home Occupation for a Montessori Preschool business at 1226 South Main Street in the RA-1 Zone.

Brian Tucker, Planner, went over the Staff Report for those in attendance. There will be up to 8 children at a time that range in age from 3-6 years old. Staff went over the applicable standards for Home Occupations. The City did receive a certified letter from Kory Bird regarding safety concerns he had. This letter was part of the packet for this evening. The recommended conditions of approval discussed, as well as possible alternative actions the Planning Commission could take, were also included. **Commissioner Schellenberg** asked if the property was already being utilized as a Pre-School. Staff stated that they cannot confirm if it is or not, but if it was it would need to stop immediately, as no license has yet been issued.

Tyson Bell, the applicant, went over some scenarios that have taken at their home. He stated the screens will be put back in place on the windows. The previous homeowners told the Bell's that they were not aware of any bat feces in the home, as was mentioned in Mr. Bird's letter. This is their third year operating as a Montessori Preschool in Provo, Springville and now Mapleton. The Fire Chief will be required to inspect the home before approvals are given.

Kory Bird is the source of the certified letter. His greatest concern as a neighbor is the fencing. He has removed Mr. Bell's children from the street a couple of times. Mr. Bird has no problems with an in-home business, but has a problem with his observations over the past year as the Bell's neighbor and worries there will be a child injured on this property if the Home Occupation is approved. Brian went over the State Requirements for Preschools that operate for less than 4 hours at a time. **Commissioner Schellenberg** and **Commissioner Quist** felt a fence would be logical since the property abuts a state highway, and the safety of the children is very important.

Motion: Commissioner Schellenberg moved to approve the application for a Home Occupation for a Montessori Preschool business at 1226 South Main Street 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.
8. Other conditions as circumstances may warrant based on legitimate concerns for health, safety and public welfare.
9. The play area of the property be adequately fenced prior to license issuance in order to ensure the safety of the children on-site.

Second: Commissioner Quist

Vote: Unanimous

Item 3. Consideration of Preliminary Plat approval for the Nemelka Lane Subdivision consisting of nine lots at approximately 900 South Nemelka Lane, Final Plat

approval for Phase 1 consisting of five lots and the application of a Transferable Development Right Receiving Site Overlay Zone (TDR-R) to the property.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The property is 11 acres in size. Plat A will consist of 5 lots in 1 acre or more in size with the use of Transferable Development Rights (TDR's). The proposed lots comply with all zoning and subdivision standards. The hammerhead would have to be installed with hard packed gravel at minimum.

Chairman Lewis opened the Public Hearing. **Gary Williams**, the property owner to the south, stated that they have no intention of developing their property at this time. Mr. Williams objects to the original proposal, as it would affect how they plan to utilize their property in the future. Gary is not comfortable with the future phase being tabled at this time, and would ask the Commission to be cautious of what they approve. **Dave Nemelka**, the applicant, is here to help the William's feel less threatened. They will not install a stub road if the William's do not want it. Mr. Nemelka feels like a cul-de-sac could work. As it relates to the water line, Dave feels the William's should have access to the pond water until secondary water is installed along Nemelka Lane. This is the next step forward in trying to get the property sold and ease some of the anxiety of the neighbors. Phase 2 cannot take place until the current vacation rental home sells, allowing the applicant to split up the 5 acres that is required to continue its operation. Brian feels that staff believes a cul-de-sac could work. **Sean Machen** owns the home built on Lot 2 of the Ben Peay subdivision. He wondered what the current 11' of property where the Nemelka's access their home would be turned into if this development was approved. Mr. Nemelka is more than happy to meet with the Machen's to work out any concerns they have. Gary Williams stated that there is a section of property owned by all the property owners in this area that has never been cleaned up, and felt this would be a good time to take care of that. No additional comments were given and the public hearing was closed.

Commissioner Schellenberg felt a workable drawing should be submitted in regards to the hammer head in order to ensure it is only a temporary solution. Brian understands the concern, but does not know of another workable solution aside of what is being proposed today. It was felt easements should be shown, which Brian stated that it is in fact indicated on the plans.

Motion: Commissioner Schellenberg moved to recommend approval to the City Council for the Preliminary Plat for the Nemelka Lane Subdivision consisting of nine lots at approximately 900 South Nemelka Lane, Final Plat approval for Phase 1 consisting of five lots and the application of a Transferable Development Right Receiving Site Overlay Zone (TDR-R) to the property with the conditions listed below:

1. All outstanding items of the Development Review Committee (DRC) dated May 5, 2016 related to Plat A prior to recording.
2. A preliminary plat of Phase 2 be provided showing the proposed cul-de-sac by the time it is reviewed by City Council.
3. Plat B be tabled at this time.

Second: Commissioner Garrett

Vote: Unanimous

Item 4. Consideration of Preliminary Plat approval for the Emerald Estates Subdivision Plats “C” and “D” consisting of 19 lots located at approximately 1000 South and 800 West, and Final Plat approval of Plat C consisting of 10 of the 19 lots.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The property was formerly known as the Larsen parcel. This would be a continuation of the Emerald Estates project. The project consists of 17 one (1) acre lots and 2 half (½) acre lots. The lots do comply with the minimum lot sizes. The development requires the applicant to address the connection for 1200 South and 1200 West. Discussions will need to take place with the adjacent property owner where a portion of the street will need to be installed. One Transferable Development Right (TDR) would be required in order to develop as proposed. Plat C would develop the full street cross section on 980 West.

Chairman Lewis opened the Public Hearing. **Raymond Roberts** has financial interest in the adjacent property. He wondered if 1200 South would be required, and what the width of that street would be. **Kolby Petersen**, the developer, feels comfortable that they will be able to address Mr. Roberts concerns. They plan to install a full street along 1200 South. The curve in 1200 South helps to line up the street with the Silverado subdivision. **Ron Jensen** would like to know how the City is going to take care of this flood plain? This is the lowest point in town, and he wonders how water is going to be taken care of. Dust control is another concern he has. Mr. Jensen would like to know the regulations on this. The City does not currently have a storm drain system so each developer is required to determine how they are going to mitigate storm water issues. The SWPPP is in place to mitigate any dust or mud issues that arise. Any concerns there would be handled by Scott Bird with Public Works. **Monica Wilkinson** owns the property to the south end of the development. She wondered if 1200 South would go through her property. She stated that they did not plan to develop their property any further. Mrs. Wilkinson had a concern with the street being continued through her property. **Jennifer Ewing** lives at the property to the north and wondered what is going to happen in front of their home since this development will put in full improvements to their south, and improvements are already installed to the north of them. Brian stated that he does not know what is planned in front of them at this time, but would bring it up with staff at their next Development Review Committee (DRC) meeting. Ron Jensen stated that Ivory Homes raised the road over 9’, which he did not feel was necessary. **Commissioner Schellenberg** stated that the City probably needs to do a better job at monitoring the profile of developments going in. No additional comments were given and the public hearing was closed.

Motion: Commissioner Garrett moved to recommend approval to the City Council for the Preliminary Plat for the Emerald Estates Subdivision Plats “C” and “D” consisting of 19 lots located at approximately 1000 South and 800 West, and Final Plat approval of Plat C consisting of 10 of the 19 lots with the conditions listed below:

1. All outstanding Development Review Committee (DRC) comments dated April 21, 2016 be address prior to plat recording.

2. The existing drainage concern be addressed.

Second: Commissioner Quist

Vote: Unanimous

Item 5. Consideration of Preliminary Plat approval for the Mapleton Grove subdivision consisting of 210 lots located at approximately 800 South Slant Road, and Final Plat approval for Plat “A” consisting of 74 of the 210 lots.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The subject property was recently annexed, and given an R-2 Zoning. A 6-acre park will be installed in 3 phases by the developer and dedicated to the city. DR Horton will finish off their section of Slant Road. The General Plan is High Density Residential allowing for up to 4 lots per acre. The applicant is proposing 2.5 lots per acre, so less than the allowed density for the zoning. **John Lintson**, with DR Horton, has silos on the property where the permanent parking will be installed, which is the reason for phasing of the park. Temporary parking will be installed on Phase 1. The reason for the long street is due to the City’s Transportation Master Plan. There will be a couple stop signs along the road, which should help mitigate traffic concerns.

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

Motion: Commissioner Quist moved to recommend approval to the City Council for the Preliminary Plat for the Mapleton Grove subdivision consisting of 210 lots located at approximately 800 South Slant Road, and Final Plat approval for Plat “A” consisting of 74 of the 210 lots with the conditions listed below:

1. The final annexation plat shall be recorded with the Utah County Recorder prior to the recording of Plat “A” of the subdivision.
2. All outstanding issues identified in the Development Review Committee (DRC) comments dated May 18, 2016 be addressed prior to plat recording.

Second: Commissioner Garrett

Vote: Unanimous

Item 6. Adjourn.

April Houser, Executive Secretary

Date