



MAPLETON

UTAH

PLANNING COMMISSION MINUTES

October 22, 2020

PRESIDING AND CONDUCTING:	Chairman Jesse McLean
Commissioners in Attendance:	Christy Nemelka Lewis Nuttall TJ Uriona
Staff in Attendance:	Sean Conroy, Planning Director
Minutes Transcribed By:	April Houser, Executive Secretary

Chairman Jesse McLean called the meeting to order at 6:00pm. Alternate Commissioners Lewis Nuttall and TJ Uriona were seated as voting members this evening.

Item 1. Planning Commission Meeting Minutes – October 8, 2020.

Motion: Commissioner Nuttall motioned to approve the October 8, 2020 Planning Commission Meeting Minutes.
Second: Commissioner Uriona
Vote: Unanimous

Item 2. Consideration of a request for a Conditional Use Permit to operate a Vacation Rental for David Broadbent located at 1255 South 1500 East.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. **Commissioner Uriona** recused himself from this item since he is an adjacent property owner by this request. Sean stated that all 3 Commissioners would need to vote the same way in order for the item to pass since 3 people are required for a quorum. If they do not all vote the same way the item will need to be continued until more commissioners can be in attendance. The property includes zoning that is A2 and CE-1. The applicant has a building permit for a 14-bedroom home which he received back in August of this year. The application has been around quite some time. Last June the applicant and the adjacent property owner who share the rights to the easement that is used to access this property came to an agreement which allowed Mr. Broadbent to bring this request back before the Planning Commission. There are 3 property owners that share the larger pond in this area that is referred to in the Staff Report. State law says that the Land Use Authority, which would be the Planning Commission in this case, shall approve a Conditional Use Permit if reasonable uses are proposed, or can be imposed to mitigate any

possible detrimental effects. Once an ordinance is adopted, and an applicant can meet those standards, state law says that the Land Use Authority is required to approve the item. Sean went over the current ordinance in place requiring Short-Term Rental Conditional Use Permits. The Zoning Ordinance does not particularly address occupancy. The applicant has agreed to not exceed 34 people staying at the facilities between both the home and cottage at any one time. Those staying at the facilities are not allowed to enter the pond at any time unless an agreement to do so can be obtained between all of the individuals who share ownership of it. Staff recommends approval with the conditions that are listed in the Staff Report. **Chairman McLean** asked for some context on how this request coincides with the August 13, 2020 Planning Commission Meeting where the Planning Commission recommended approval of an ordinance to the City Council that would eliminate Short-Term Rentals as an allowed Conditional Use in the A2 Zone. Sean stated that the City Council felt Reception Facilities and Short-Term Rentals should remain an allowed Conditional Use in the A2 Zone, but no vote was taken on the item. This application pre-dated that ordinance amendment request so it would not be held to whatever conditions may come from it. **Commissioner Nemelka** asked for clarification on if there is a minimum of a 2-night stay, and Sean stated that there was. Sean stated that Conditional Use Permits typically run with the land. After reviewing it with legal staff it is felt that the applicant should be able to move forward with their request even though they are building a new structure on the property after tearing down the previous home on the lot.

Chairman McLean invited the applicant to speak. **Brent Bateman** spoke to represent the applicants. He appreciates Staff's help in working with them on this. This project can contribute and make Mapleton a better place. It would not have a huge affect on traffic, and most of the adjacent property owners live further away from the home. This project will not feel like a hotel. The Broadbent's plan to use this home mainly for personal use. They plan to hold family activities here, and to possibly rent it out to other families when needed to help cover the costs of the new home now being constructed on the property. Their current home does not have space for their entire family to gather so they hope to use this home for reunions and gatherings, and then to rent it out occasionally to offset costs. This property has been in the Broadbent family for over 50 years, and they plan to keep it a beautiful place for people to gather. The home and cottage will both be part of the short-term rental. Down the road the Broadbent family may retire here. **Chairman McLean** asked how the City was to know if the lake is being utilized by the family verse visitors of the short-term rental facility. Brent Bateman stated that the rental contract could be reviewed to see this is being met. The Commission could recommend how they would like to address this, but that information will be part of the rental agreement. **Commissioner Nemelka** asked if there is a problem how close the Broadbent's live where they could come address the issue before needing the City to get involved. Mr. Bateman stated that there are plenty of family members who live close by that could help address issues. They do not want to get in trouble, or to have the property damaged, so they want to ensure everything is kept nice. They understand that they will have to suffer the consequence of any issues do arise. **David Broadbent**, the property owner, stated that there will be swimming in the upper pond, along with a swimming pool that is going in, so there shouldn't be any need for those visiting the property to swim in the larger pond area. Sean stated that one condition they may want to consider is having the Broadbent's contact the City when they plan to have a large personal family gathering where they will be utilizing the larger pond, since as part owners they are allowed to do so. That way any possible complaints could be addressed if needed. Chairman McLean stated that the Commission can

approve the request or ask for additional feedback if they wanted to continue the item until additional Commissioners could be in attendance. **Commissioner Nuttall** asked if there were different allowances for the short-term rental use verse personal family gatherings. Sean stated that the personal family gatherings would be allowed to hold functions as any resident in Mapleton can in their own home. The stipulations put in place for the Conditional Use Permit would only pertain to those that fall under Short-Term Rentals. There is an extensive camera system on the property that will give the Broadbent's access to see what is happening at all times. If something takes place they can be used as evidence to figure out what happened. The Fire Department has visited the site to ensure a fire truck can turn around in this area if needed. Sean stated that the noise ordinance would limit loud events outside after 10pm. Staff would recommend the item move forward if the Commission feels okay with moving forward. The main concerns are what conditions need to be added to the approval of the Conditional Use Permit. Commissioner Nemelka asked if a Conditional Use Permit runs with the land which Sean stated that it did. Chairman McLean asked how the City knows if the Conditional Use Permit were to be abandoned. Sean stated that the Business License would likely not be renewed, which would be a reason to abandon the Conditional Permit Use. What decisions are made on this item this evening would not necessarily pertain to future Short-Term Rentals as this application falls under the old ordinance. Sean asked the applicant if they would be opposed to having the Conditional Use Permit expire if the property were to be sold. David Broadbent felt family would keep the home, but if it were to be sold to a non-family member the Conditional Use Permit could expire. Brent Bateman felt that in theory something like this could take place if the home were sold to a non-family member. It was mentioned that a condition could be added that directed Staff to come up with something that would take care of this if and when needed. A simple email could be sent to Staff when family events take place that contain 20 or more family members that stay for more than 2 nights. Sean did not feel this needed to be part of the conditions of approval but could be done as a good gesture by the applicant.

Motion: Commissioner Nemelka moved to approve the Conditional Use Permit with the below special conditions:

1. The application shall comply with MCC Section 18.28.010 related to short-term rentals.
2. The maximum occupancy for the main residence shall be 28 and the maximum occupancy of the cottage shall be six, for a total maximum occupancy of 34. All advertisements and contracts for the short-term rental of the property shall make the maximum occupancy limitations clear.
3. Occupants of the short-term rental shall be prohibited from swimming, kayaking or otherwise entering the water of the hared pond unless an agreement for a more expansive use is reached with the majority owner(s) of the shared pond.
4. The Conditional Use Permit would expire upon sale or transfer of the property to someone that is not a family member or relative.

Second: Commissioner Nuttall

Vote: Unanimous

Item 3. Consideration of an amendment to the Future Land Use Map of the General

Plan for properties located at 1320 West and 1548 West 2400 South from the Low Density Residential to Rural Residential.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The current General Plan Designation would allow for potential ½-acre lots with the use of Transferable Development Rights (TDR). The two property owners would prefer their parcels to go back to Rural Residential which would match the subdivisions to the south and east of these lots.

Chairman McLean opened up the Public Hearing. No comments were given, and the Public Hearing was closed.

Motion: Commissioner Uriona moved to recommend approval to the City Council for the amendment to the Future Land Use Map of the General Plan for properties located at 1320 West and 1548 West 2400 South from the Low Density Residential to Rural Residential.
Second: Commissioner Nuttall
Vote: Unanimous

Item 4. Consideration of a request to apply a TDR-Receiving Site Overlay to a property located at 350 West 2000 South and the review of a Preliminary Plat for the Allan Farm Subdivision.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The Allan Family owns 3 parcels in this area and want to split off one lot for a family member. The rest of the land will stay undeveloped at this time. The way this lot is laid out it will not affect future development layouts in this area. The Hillcrest and Triple Crown at Mapleton subdivisions in this area all have similar lot sizes and zoning. It will require the use of 1 TDR.

Chairman McLean opened up the Public Hearing. No comments were given, and the Public Hearing was closed. The lot will allow future roads in this area to line up when the remaining property is developed. **Sean** stated that the applicant will be required to install improvements in front of this lot.

Motion: Chairman McLean moved to recommend approval to the City Council for a TDR-Receiving Site Overlay to a property located at 350 West 2000 South and the review of a Preliminary Plat for the Allan Farm Subdivision.
Second: Commissioner Nemelka
Vote: Unanimous

Item 5. Adjourn.

April Houser, Executive Secretary

Date