

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
August 28, 2008

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**PRESIDING AND CONDUCTING:** Chairman Oscar Mink

**Commissioners in Attendance:** Jared Bringhurst  
Pam Elkington  
Rick Maingot  
Barbara Pratt  
Skip Tandy  
Leo Thomsen  
Bill Bleggi (Alternate)  
Steve Roden (Alternate)

**Staff in Attendance:** Cory Branch, Planning Director  
Matthew Brady, Planner I

**Minutes Recorded by:** April Houser, Executive Secretary

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**Call to order**

Chairman Mink called the meeting to order at 6:30pm. Lisbeth Edmunds led the Pledge and John Roylance gave the invocation.

*Items below are not necessarily in the order they appear.*

**Item 1. Planning Commission Meeting Minutes – July 10, 2008.**

**Motion:** Commissioner Tandy moved to approve the July 10, 2008 Planning Commission Meeting Minutes as corrected.

**Second:** Commissioner Thomsen

**Vote:** Unanimous

**Item 2. Rebecca E. Brown requests approval of a Home Occupation Permit for Bumble Bee Preschool, located generally at 929 East 400 North in the R-1-B Zone.**

**Matthew Brady (Matt)**, Planner I, went over the Staff Report for those in attendance. The applicant is proposing to use the basement entrance of the home for the Preschool. The applicant plans to help the children to their cars when class is over. **Commissioner Tandy** felt that using the access in the basement would help keep the look of a single family residence. Those dropping off and picking up of the students will do most of their parking in front of the home,

not in the driveway. **Commissioner Roden** offered to give the applicant all of his signs, etc. from his previous Preschool that he and his wife used to operate. Mrs. Brown has given the parents to those attending the preschool written driving directions so they will come from the west when dropping off and picking up their children. **Chairman Mink** opened the Public Hearing. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Tandy moved to approve Rebecca E. Brown's Home Occupation Permit for the Bumble Bee Preschool, located generally at 929 East 400 North in the R-1-B Zone, with the conditions listed below:

1. ADA grab bars must be installed in the basement bathroom.
2. Occupancy of the preschool shall not exceed one person per 35 square feet of net floor space, as per building code. This counts adults and children. Net floor space shall not count tables or other furniture, and shall be determined by the Chief Building Official.
3. The "Finished Room w/Sink" shall be used for ingress and egress only, and shall not be used for regular preschool activities. Preschool activities shall be limited to the Preschool Room, Bathroom, and hallway between the two rooms to comply with Mapleton City Code 18.84.380(D)(3).
4. The applicant must be licensed with the State of Utah.

**Second:** Commissioner Elkington

**Vote:** Unanimous

**Item 3. Lisbeth Edmunds requests Preliminary and Final Plat approval of Sommer Estates Subdivision, Plat "A" (3 lots proposed), located generally at 630 North 1600 East. The subject property is located in the A-2 (TDR-R) Zone.**

**Matthew Brady (Matt)**, Planner I, went over the Staff Report for those in attendance. He also gave a brief history of the public discussion held between the Transportation Committee and Planning Commission prior to the meeting this evening. Staff is concerned about not having a stub into the adjacent properties, due to potential development of the Smoot property in the future. The City Attorney reviewed the problem in regards to the illegal lot split back in 1989. Both property ownerships have changed hands since that illegal split took place. Due to this the City Attorney does not believe the ½-acre lot that was illegally split off needs to be tied to this proposed subdivision. Staff is proposing that Attachment #2, with the proposed stubbed street, be approved. The applicant will be required to surrender one Transferable Development Right (TDR) Certificate to the City prior to recording if the subdivision is approved. **Commissioner Pratt** asked if there was a fire hydrant on 1600 East. Staff felt that there was a hydrant in front of the Hughes' home, but would verify with Engineering to ensure there is one within 250' of the proposed subdivision. **Kris Childs**, Contractor, stated his role in building the Edmunds home for them. He gave a history of the Edmunds home building process. During the process of applying for a building permit, the topic of developing the property came up. The cul-de-sac proposal was then brought forth. All of the utilities, minus pressurized irrigation, have already been installed on the property under the design of the cul-de-sac layout. The applicant had a concern with moving some of the utilities to meet the request of the Public Works Department, where the utilities have already been installed. **Chairman Mink** asked if there was a financial

liability to either the Edmunds or the City in regards to this project. **Cory Branch**, Planning Director, stated that it's the "cart before the horse game". He does not feel that the City is liable for the utilities being installed prior to receiving approval of the Subdivision. Mr. Childs agreed that the Public Works Department was very helpful through the process, and that hind sight is 20/20. The applicant felt that the City Council was giving them a different direction than that of Staff, leading them to believe that the cul-de-sac would be preferred. With all of the issues that the applicants could face putting in a thru street instead of a cul-de-sac, they may just move forward with a private driveway to their new home; no longer purchasing a TDR from the City, surrendering water shares, and paying the fees that could all be beneficial to the City. Kris Childs asked for an explanation as to why the water meter was shut off and locked. Matt stated that the condition of the basement home on the proposed Lot 1 being demolished had not yet taken place. The Edmunds were denied water to their new home for about one month until they had demolished the underground home on Lot 1, at which time the water was turned on to the new home. **Commissioner Tandy** asked if any of the properties surrounding the Edmunds parcel would be landlocked if the Edmunds were to install a cul-de-sac. Staff told him that they adjacent properties would not be landlocked if a cul-de-sac were installed. There was a four month delay between the applicant's November 2007 and March 2008 Development Review Committee Minutes, where the applicant was then directed to install a thru street. During this four month delay, the time was spent working with the City Attorney in regards to the illegal property split that took place back in 1989 by prior owners of the property, and what would be required in regards to it. Commissioner Tandy asked staff how they felt about the property not being developed at all. Cory stated that the applicants have brought forth fare comments. He also said that if the lot were to remain in tack, it would blend in with its surroundings, as the lots in Mapleton are larger for the most part. Kris Childs stated that he was never made aware that there were concerns with the cul-de-sac layout until all of the utilities had been installed. **Commissioner Maingot** asked if the applicants would be willing to install curb, gutter and sidewalk in front of the ½ lot that was illegally split off back in 1989, if they were allowed a cul-de-sac. Matt stated that it is not staff's opinion to require the applicants to install infrastructure on any parcels that are not part of this proposed subdivision. The sewer and water is currently stubbed off the straight part of the proposed cul-de-sac for Lots 1 and 2. Chairman Mink opened the Public Hearing. **Royal Rose**, feels that a cul-de-sac should be allowed. He does not feel we need a grid street layout in Mapleton. **Matt Wilkinson** wondered if any properties would be landlocked if the street was to be installed as a cul-de-sac, which was reiterated again that they would not. He did not feel that a thru street should be required. A letter was read to those in attendance from **R. Lavor and Marilyn Cardon**, which was provided prior to the meeting to be read in their absence. A copy was made as part of the Planning Commission packet for this evening. He would prefer a cul-de-sac to be installed. No further comments were given and the Public Hearing was closed. Kris Childs proposed that if they could do a 60' cul-de-sac as drawn, without modifications to Lot 2 and no Boundary Line Agreement with the Bagley's, the Edmunds would be happy to put in the improvements in front of the Stubbs' home. Matt feels that the Boundary Line Agreement is more important than the improvements in front of the Stubbs' home. There is approximately a 4' overlap between the Right-of-Way (ROW) and the Bagley's parcel. Commissioner Pratt felt that her understanding in her history on the Planning Commission was that in the A2 Zone streets would be developed as needed. Commissioner Tandy felt the cul-de-sac should remain at 62'.

**Motion:** Commissioner Tandy moved to approve the Preliminary and Final Plat of the Sommer Estates Subdivision, Plat "A" (3 lots proposed), located generally at 630 North 1600 East as shown in Attachment 1, with the conditions listed below:

1. That the sewer and water laterals be at a 90 degree angle on Lot 2 to maintain the lines locating the sewer at 3+00 and water at 2+90. Staff to work with applicant requiring only minor changes where possible.
2. 62' cul-de-sac radius required as per Mapleton City Standard Drawing S-03.
3. Corner pedestrian ramp on Page CN-2 should show the approved APWA Plan #235 example F.
4. Pressurized Irrigation service installed to Lot 3.
5. Bonding required upon Final approval of the site plan.
6. Items 2, 3, 5 & 6 from the Development Review Committee (DRC) Minutes of June 11, 2008 be met, which are listed below:
  - a. As stated in the DRC Minutes of November 29, 2007, March 26, 2008, April 16, 2008, and May 14, 2008. There appear to be parcel overlaps and/or gaps with all of the parcels to the south and east (26:068:007, 26:068:0076, 26:066:0077, 26:068:0045, and 26:068:0049). Please submit copies of remaining boundary line agreement(s) for Staff review. These need to be done in order to meet Mapleton City requirements.
  - b. Setback lines on the plat are not necessary. These may be deleted. They are not correct according to Mapleton City zoning standards. If you wish to keep them on the plans, contact Mapleton City staff for the correct setbacks.
  - c. One (1) Transferable Development Right Certificate must be surrendered to the City before the subdivision is recorded.
  - d. Submit requested materials and revised drawings for Development Review Committee to include 2 sets (24x36), 3 sets (11x17), 1 CD containing .DWG and .PDF files of the plans.
7. Lots 1 & 2 not to be less than a minimum of 1-acre in size.

**Second:** Commissioner Pratt

**Vote:** 6:1:0 with Commissioners Mink, Tandy, Pratt, Thomsen, Elkington and Bringhurst voting aye and Commissioner Maingot voting naye with the reason that he wished to continue the item in order to work out some issues with the plat as provided before being brought back before the Planning Commission.

**Item 4.** **Allen Clawson requests Preliminary and Final Plat approval of Clawson Subdivision, Plat "F" (2 lots proposed), located generally at 652 East 1600 North. The proposed subdivision includes a vacation of Lot 1 of Tony Gonzalez Subdivision, Plat "A". The subject property is located in the RA-2 Zone.**

**Matthew Brady (Matt),** Planner I, went over the Staff Report for those in attendance. There was a concern with mailboxes that are located in front of the proposed new lot. These mailboxes

do not service those of the Clawson's, or their proposed new lot. All Development Review Committee (DRC) concerns have been met. **Allen Clawson**, applicant, does not feel the issue with the mailboxes is a problem. He will work with the neighbors to get that resolved. Mr. Clawson had a concern with the secondary water bonding requirement for the mains that they are being asked to do on both 600 East and 1600 North. The frontage area would benefit approximately 7 homes in the area, which he feels is ridiculous since his proposal only includes one new lot. Matt stated that there are a lot of dry secondary water lines in the City. It is a requirement for developers to install this line when developing. Mr. Clawson was okay with installing it proportional to his 2-Lot subdivision, but felt what the city was requiring was not appropriate. **Commissioner Bleggi** did not feel it was fair to make the applicant install the secondary water line as they are asking along 600 East and 1600 North. The applicants are hoping to sell the home they live in now and build on the new parcel. **Commissioner Tandy** asked if the applicant could do an Irrevocable Letter of Credit for the secondary water bond. Matt felt the City would prefer a cash bond. **Chairman Mink** opened the Public Hearing. **Royal Rose**, neighbor of the Clawson's, supports the subdivision. Mr. Rose felt that Mr. Clawson should not be required to bond for more than 2/7<sup>th</sup> the cost of the secondary water line, or his portion of the property in that area, as it would not be fair for him to do so. No additional comments were given and the Public Hearing was closed.

**Motion:** Commissioner Pratt moved to approve the Preliminary and Final Plat of the Clawson Subdivision, Plat "F" (2 lots proposed), located generally at 652 East 1600 North. The proposed subdivision includes a vacation of Lot 1 of the Tony Gonzalez Subdivision, Plat "A", with the condition listed below:

1. That the applicant be required to bond for his proportionate share of the Pressurized Irrigation System along his property only, based on the fact that there is no Pressurized Irrigation System currently in the area.

**Second:** Commissioner Tandy

**Vote:** 5:2:0 with Commissioners Bringhurst, Elkington, Thomsen, Pratt and Tandy voting aye and Commissioners Mink and Maingot voting naye feeling that the mailbox concern should be addressed in subdivision's conditions of approval.

**Item 5. Nathan Simpson requests Preliminary and Final Plat approval of The Preserve at Mapleton Subdivision, Plat "A" Amended, which includes a vacation and amendment of The Preserve at Mapleton, Plat "A". The proposed subdivision is located generally at 1600 South and Preserve Drive and is in the PRC-4 and CE-1 Zones.**

The staff and applicant asked for a continuance of this item.

**Motion:** Commissioner Tandy moved to continue Nathan Simpson's request for the Preliminary and Final Plat of The Preserve at Mapleton Subdivision, Plat "A" Amended, which includes a vacation and amendment of The Preserve at Mapleton, Plat "A".

**Second:** Commissioner Elkington

**Vote:** Unanimous

**Item 6.**        (Continued July 10, 2008) Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations.

This item was continued.

**Motion:**        Commissioner Elkington moved to continue an Ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations.

**Second:**       Commissioner Bringhurst

**Vote:**            Unanimous

**Item 7.**        **Adjourn**

**Motion:**        Commissioner Tandy moved to adjourn the meeting at 9:45pm.

**Second:**        Commissioner Elkington

**Vote:**            Unanimous

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April Houser, Executive Secretary

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Dated:

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Oscar Mink, Planning Commission Chairman

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Dated:

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Matthew Brady, Planner I

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Dated: