

MAPLETON CITY
PLANNING COMMISSION MINUTES
October 9, 2008

PRESIDING AND CONDUCTING: Vice-Chairman Skip Tandy

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

Commissioners not in Attendance: Oscar Mink

Staff in Attendance: Cory Branch, Planning Director

Minutes Recorded by: April Houser, Executive Secretary

Call to order

Vice-Chairman Tandy called the meeting to order at 6:30pm. Jared Bringhurst led the Pledge and Bill Bleggi gave the invocation.

Items below are not necessarily in the order they appear.

Item 1. Planning Commission Meeting Minutes – August 28, 2008.

Motion: Commissioner Pratt moved to approve the August 28, 2008 Planning Commission Meeting Minutes as corrected.

Second: Commissioner Thomsen

Vote: Unanimous

Item 2. Lynn Patterson requests the status of “nonconforming” on parcel #26:067:0066 located generally at 665 North 1600 East. The subject property is located in the A-2 (Agricultural-Residential) zone.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The applicant is asking for “nonconforming” status to legitimize his lot. A Zone Verification has been done on the parcel, and was provided to the Planning Commission and Applicants prior to the meeting this evening. The Planning Commission needs to determine the interpretation as to whether an illegal lot split is only the fault of the grantor, or if it would also include the grantee.

Previous “nonconforming” requests that have been granted were to applicants who had no part of the creation of the illegal lot split. Cory feels that the key topic is the ownership in regards to the creation of the deed – was the Patterson’s involved in that or were they strictly the grantees? **Lynn and Paulette Patterson** stood and gave a presentation they had made for those in attendance. They have lived in Mapleton for the past 18 years. They appreciate the Planning Commission being comprised of residents who can look at each item case by case. Mr. Patterson hopes the Commission is able to judge their honest intent, which took place back in 1990 when they purchased their land here in Mapleton. They gave a brief history on the previous ownership of the land. Paulette Patterson stated that Mr. Broderick, when the lot was split and the Patterson’s purchased the home, gave his daughter the back portion of the property to build. It was later found that the daughter could not build on the property since it did not meet the street frontage requirement. Mr. Patterson talked with Mr. Broderick about the splitting of the property back in 1990. Mr. Broderick stated that he was not aware that the splitting of the property was done illegally. Back then he was not aware of the subdivision requirements, and did not have an agent helping with the selling of the home. The Patterson’s do not feel anyone knowingly participated in the creation of the illegal lot. They listed the 3 options they feel they were given on how to fix this problem by Mapleton City, which are listed below:

1. File a lawsuit against Mr. Broderick regarding his selling to them of an illegal lot back in 1990 or to purchase the property from the Pugh’s, which is not for sale at this time.
2. Apply to the Board of Adjustment for a variance.
3. Come before the Planning Commission and request “nonconforming” status.

Commissioner Elkington was seated as a voting member at this time.

Mr. Patterson gave some history on previous “nonconforming” requests in the City. The Patterson’s lot sits on a $\frac{3}{4}$ acre parcel with 136 feet of frontage. Cory Branch stated that Mapleton City is not notified when Warranty Deeds are recorded within the City limits. The home was built back in 1962, however the illegal lot split was done in 1990. **Commissioner Bringhurst** appreciated the applicant coming in to try and fix this illegal lot split. In the future the applicants would like to add on to their home, but without receiving approval on this request, they would not be able to do so. **Vice-Chairman Tandy** opened the Public Hearing. **LaVar Cardon** stood and stated that he concurs with the Patterson’s presentation. He would encourage that a rigorous inner agency agreement be pursued so that any transaction that involves a city would be approved by the city prior to the recording. No additional comments were given and the Public Hearing was closed. **Commissioner Thomsen** stated that because of lax record keeping and enforcement of codes up until the middle to late 1990’s, many like problems arose. For that reason he feels the illegal split should not be blamed upon the grantees, the Patterson’s. Prior to the meeting Commissioner Thomsen spoke with Marvell Broderick, whom he knows personally, regarding the illegal lot split. He feels Mr. Broderick had no intentions of doing this illegally, and was not at all aware at the time that the split would be a problem. **Commissioner Maingot** feels that the creation included both parties, but felt that the grantor was more responsible having more to gain with the illegal lot split. He was uncomfortable with the back portion of the property being legalized as “nonconforming” if the Patterson’s were to receive approval this evening. Commissioner Thomsen felt there had been no intent of dishonesty when the lot was split back in 1990.

Motion: Commissioner Thomsen moved to approve the status of “nonconforming” on parcel #26:067:0066 located generally at 665 North 1600 East, Mapleton.
Second: Commissioner Bringhurst
Vote: Unanimous

Item 3. *(Continued August 28, 2008)* **Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations, regarding storage of trash, abandoned, wrecked, or junked vehicles, and blocking or impeding public streets, sidewalks, and park strips.**

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The Commission went through the proposed Ordinance Amendment one section at a time. Some of the Commissioners felt there should be a better definition of “vehicles”, and what “inoperable” would consider. It was felt that the vehicles should not be stored on private or public property. A carport would be considered as an “open area”. The permanent storage of trash containers shall be screened and meet the setback requirements of the zone. **Vice-Chairman Tandy** opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Pratt moved to continue an Ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations, regarding storage of trash, abandoned, wrecked, or junked vehicles, and blocking or impeding public streets, sidewalks, and park strips, in order to see the suggested changes before making a recommendation of the Ordinance amendment to the City Council.
Second: Commissioner Thomsen
Vote: Unanimous

Item 4. **Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations regarding residences for persons with a disability.**

Staff has asked for a continuance of this item.

Motion: Commissioner Pratt moved to continue indefinitely an Ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations regarding residences for persons with a disability.
Second: Commissioner Thomsen
Vote: Unanimous

Item 5. Adjourn

Motion: Commissioner Elkington moved to adjourn the meeting at 9:00pm.
Second: Commissioner Maingot
Vote: Unanimous

April Houser, Executive Secretary

Dated:

Skip Tandy, Planning Commission Vice-Chairman

Dated:

Cory Branch, Planning Director

Dated: