

# Mapleton City Council Staff Report

Meeting Date: June 17, 2014

**Applicant:** Brian Skinner

**Prepared by:** Brian Tucker, Planner

**Public Hearing Item:** No

**Location:** 2900 South Hwy 89

**Zone:** A-2

## **REQUEST**

1. The applicant is seeking advice as to the Council's willingness to rezone the property to the Industrial and Manufacturing Zone (I&M-1) to allow a contractor storage yard with a future steel building.
2. The applicant is seeking information about the Council's willingness to amend the Industrial and Manufacturing Zone text to allow an exception for property such as this where a natural or man-made obstacle creates a visual obstruction to the rear of a property.

## **BACKGROUND AND PROJECT DESCRIPTION**

The subject property is approximately 2.28 acres and is located in the area where Hwy 89 and the rail line converge at approximately 2900 South on Hwy 89. The applicant would like to purchase the property and create a contractor storage yard for his construction business. The applicant has suggested that initially he would fence and pave the southern 2/3 of the property and use it as outdoor storage. In the future the applicant may build a 50'X100' steel building as an extension of the construction business storage yard.

The applicant has submitted an application for both a rezone and a Conditional Use Permit for outdoor storage. The rezone application is not complete because a project plan has not been submitted for approval in accordance with Section 18.72.050. The project plan must contain: the location of all existing and proposed building and structures; the location of parking spaces, driveways and points of vehicular access; a conceptual signing plan showing the location and size of typical signs; a conceptual landscaping plan showing planting materials and the location of screening elements; and preliminary elevations.

Because submitting a complete application requires the applicant to spend a significant amount of money on engineering and landscaping plans, the applicant is hesitant to spend the money if the Council is not inclined to rezone the property or entertain the idea of an outdoor storage yard at this location. The applicant therefore is seeking information from and a discussion with the Council as to their willingness to allow this use at this location.

The I&M Zone requires a rear landscaped setback of 10 to 15 feet depending on the location of parking. This is intended to create a visual buffer for adjoining properties and uses. The rear of this property is bordered only by an elevated rail line that creates a visual buffer for uses on the other side of the tracks. With this in mind, the applicant is also seeking information about the Council's willingness to amend the Industrial and Manufacturing Zone text to allow an exception for property such as this where a natural or man-made obstacle creates a visual obstruction to the rear of a property.

## **EVALUATION**

**General Plan:** The General Plan indicates that the property is planned as a site for industrial or manufacturing uses. The applicant's requested rezone to the I&M-1 zoning designation would be consistent with the General Plan. The rezone request is consistent with the General Plan.

**Zoning:** The zoning map currently designates the property as Agricultural-Residential (A-2). If the property were to be rezoned to the Industrial and Manufacturing Zone the anticipated use, the contractor/construction office with outdoor storage is allowed as a conditional use. The ordinance does have certain requirements that

go with that use, including: a 10' height maximum on stored items; prohibitions on un-contained dirt/fill, manure/fertilizer, gravel/rocks and landscaping materials; a requirement that storage is neat and orderly; a prohibition on junk and junk cars; and a provision that empowers the Planning Commission to require additional conditions that are deemed necessary to ensure that the use does not become a nuisance. Visual barriers in the form of landscaped buffers and view obscuring fences are required for the side and rear yards.

With adequate conditions a contractor/construction yard with outdoor storage can be made to work within an area planned for relatively more intensive land uses.

**Visual Concerns:** Generally, among the greatest concerns with outdoor storage is the visual impact. As mentioned above there are requirements for landscaped setbacks and view obscuring fences along the side and rear property lines. There are no requirements for a view obscuring fence in the front of the property but as even a neatly kept outdoor storage yard has a visual impact the Planning Commission could require such a view obscuring fence.

One potentially problematic aspect of this potential use at this location is the idea of a storage yard being among the first things a person would see on the west side of Hwy 89 as they enter the city from the south. The property is situated at a somewhat lower elevation than the highway and when traveling from the south the property is prominent as the road turns from a northeasterly orientation to a northerly one.

The property can be landscaped and fenced in a manner that will largely mitigate this potential visual impact but the Council should be mindful of this concern as it deliberates this request.

**Rear Yard Landscaping:** As mentioned previously the I&M-1 Zone requires a rear yard landscaping buffer of 10' to 15', depending on the location of parking within the rear yard. This is intended to create a visual buffer and physical separation for adjoining properties and uses. In this circumstance the rear property line adjoins an elevated railroad track that creates both a visual buffer and a physical separation from other private property owners. In this area of the city there are a number of properties that are designated as Industrial on the General Plan and have the opportunity to make use of a reduction in or elimination of the requirement for a landscaped rear yard setback.

A reduction in or elimination of the required rear landscaped setback might be reasonable where a natural or man-made obstacle creates the desired physical and visual barrier.

### **ORDINANCE REQUIREMENTS**

Staff has highlighted the various requirements that will apply to the application if the Council is supportive of it moving through the process.

**Zone Change Review Criteria:** Mapleton City Code, Section 18.72.050 requires that a preliminary project plan be submitted concurrently with a rezone request. Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces as required by the planning commission, driveways and points of vehicular ingress and egress;
- C. A conceptual signing plan showing the location and size of typical signs;
- D. A conceptual landscaping plan subject to the requirements in title 17, chapter 17.15 of this code showing planting materials to be used together with the location of fence, walls, hedges, and decorative

materials;

E. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.

**Construction Yard Conditional Use Permit Requirements:** Construction/contractor offices including outdoor storage areas and/or gasoline/diesel pumps and fuel storage tanks shall be subject to the following requirements:

1. Outdoor storage and/or gasoline/diesel pumps shall be for company use only. No processing of materials or retail uses are permitted.
2. Gasoline/diesel pumps and fuel storage tanks shall be subject to the requirements of section 18.84.210, "Location Of Gasoline/Diesel Pumps And Fuel Storage Tanks", of this title.
3. Outdoor stored items shall not exceed ten feet (10') in height, and shall not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags or other individually sealed containers. Outdoor stored items shall be stored and maintained in a neat and orderly manner. No junk or junked vehicles shall be stored within the outdoor storage areas.
4. The proposed office shall have frontage and access off of Highway 89 (1600 West).
5. The planning commission shall have the authority to require additional conditions to avoid the creation of nuisances to adjacent properties and to protect the public health, safety, and welfare.

**Setback, Screening And Landscaping Requirements:** The following setback screening and landscaping requirements are required for all uses within the I&M-1 Zone:

A. Setbacks: The following setback specifications are required:

1. Thirty foot (30') front yard setback if parking areas are proposed or existing in front of the building or structure. Within the front yard setback, there will be a six foot (6') separation between the back of the curb and edge of the sidewalk (where required) nearest the curb. If the required parking areas are located on the side or in the back of the building or structure, then the front yard setback shall be no less than twenty feet (20'). Corner lots shall be considered a front yard, and all setbacks shall apply. On local streets, fifteen feet (15') of the front yard area shall be maintained in landscaping in conformance to title 17, chapter 17.15 of this code. On collector or arterial streets, all of the front yard shall be landscaped in conformance to title 17, chapter 17.15 of this code.
2. Except for corner lots, each lot in the I&M-1 zone shall be required to have a ten foot (10') landscaped side yard setback. The side yard shall be landscaped in conformance to title 17, chapter 17.15 of this code.
3. Each lot in the I&M-1 zone shall be required to have a fifteen foot (15') landscaped rear yard setback. If all of the required parking is located within a rear yard area, or in back of the building, then ten foot (10') landscaped setback shall apply. The rear yard shall be landscaped in conformance to title 17, chapter 17.15 of this code.

B. Screening And Landscaping Requirements:

1. A sight obscuring fence of six feet (6') in height shall be required along all side and rear property lines behind the front edge of the primary building. Said fence shall be masonry, vinyl, chainlink with closely prewoven vinyl privacy slats, or other closely equivalent materials approved by the planning commission.

The fence may be topped by a set of 3-strand barbed wire up to twelve inches (12") in height. The applicant must demonstrate that the landscaped screening will be sufficient to protect the future adjacent uses from noise, lights, glare, and other commercial or industrial nuisances.

2. All landscaped areas shall conform to title 17, chapter 17.15 of this code. Furthermore, the landscaping will contain ten (10) trees per acre, or a fraction thereof, and be at least one inch (1") caliper, measured three feet (3') from the ground.

3. All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setbacks. Any mechanical equipment located on the outside of the building must have a visual/noise barrier that completely surrounds the equipment and extends at least one foot (1') above the equipment.

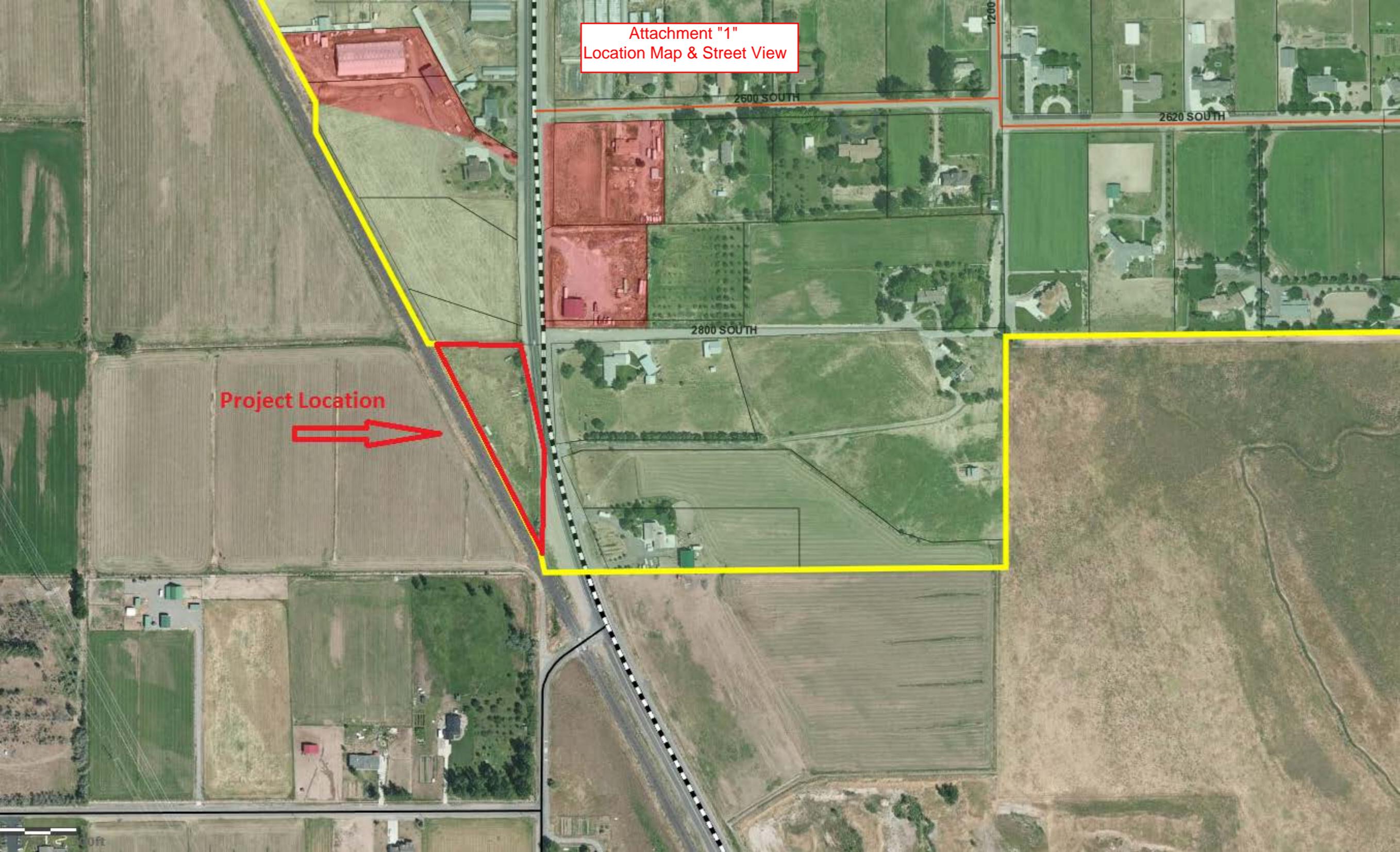
**RECOMMENDATION**

Advise the applicant as to the Council's willingness to allow an outdoor storage yard at the proposed location and if the Council is willing to create an exception to the rear yard landscaping requirements.

**ATTACHMENTS**

1. Location Map
2. Application information.
3. Relevant I&M Zoning District Text.

Attachment "1"  
Location Map & Street View



Project Location



2600 SOUTH

2620 SOUTH

2800 SOUTH

1200



Attachment "2"  
Application Information

City of Mapleton,

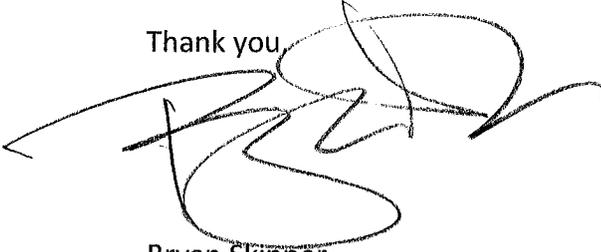
Thank you for considering my conditional use and general map amendment application.

I recently moved to Mapleton in 9/13. I have owned a home in Mapleton at 1805 S. Main St. since 1993. I purchased the property as a residence for my parents with the intention of relocating here someday myself.

I have owned and operated a swimming pool construction company in Southern California since 1980. After some research I have decided to start a similar business here in Utah.

My intention with regard to this property on highway 89 is for a place of business. I plan to fence the southern approximately 2/3 and erect a 50'x100' metal office/warehouse and pave the grounds. The north 1/3 will remain pasture land.

Thank you



Bryan Skinner

P.S. Questions or additional information.

H. 801-396-7913

C. 818-391-4085

Email [bskinner10@hotmail.com](mailto:bskinner10@hotmail.com)

CITY OF MAPLETON,

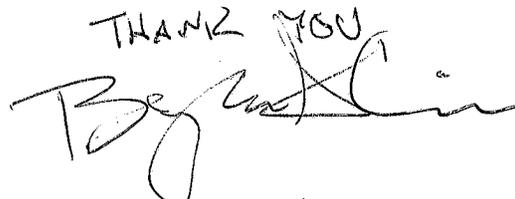
THANK YOU FOR CONSIDERING MY CONDITIONAL USE AND GENERAL MAP AMENDMENT APPLICATION.

I RECENTLY MOVED TO MAPLETON IN 9/13. I HAVE OWNED A HOME IN MAPLETON AT 1805 S. MAIN ST. SINCE 1993. I PURCHASED THE PROPERTY AS A RESIDENCE FOR MY PARENTS WITH THE INTENTION OF RELOCATING HERE SOMEDAY MYSELF.

I HAVE OWNED AND OPERATED A SWIMMING POOL CONSTRUCTION COMPANY IN SOUTHERN CALIFORNIA SINCE 1980. AFTER SOME RESEARCH, I HAVE DECIDED TO START A SIMILAR BUSINESS HERE IN UTAH.

MY INTENTION WITH REGARD TO THIS PROPERTY ON HIGHWAY 89 IS FOR A PLACE OF BUSINESS. I PLAN TO FENCE THE SOUTHERN APPROXIMATELY  $\frac{2}{3}$  AND ERECT A 50' X 100' METAL OFFICE/WAREHOUSE AND PAVE THE GROUNDS. THE NORTH  $\frac{1}{3}$  WILL REMAIN PASTURE LAND.

THANK YOU



P.S. QUESTIONS OR ADDITIONAL INFORMATION

H. 801 396-7913

C. 818 391-4085

EMAIL BSKINNER10@HOTMAIL.COM

A

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321'

PASTURE

2800  
50' x 70'

OFFICE + STORAGE  
50' x 100'  
BUILDING

AS  
MIN 10'

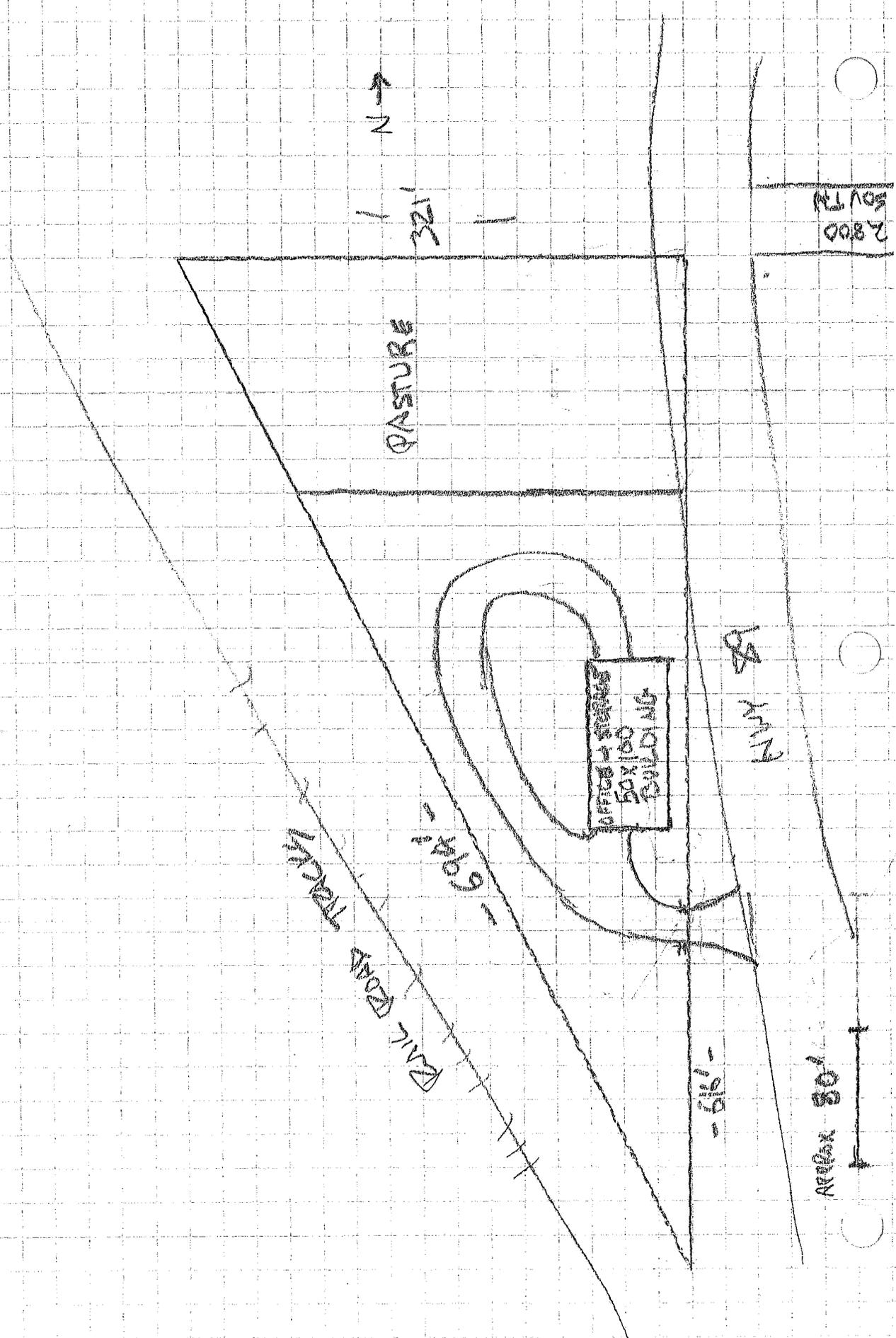
TRAIL

694'

ERIC ROAD

66'

APPROX 80'



## Chapter 18.72

### I&M-1 INDUSTRIAL AND MANUFACTURING ZONE

#### 18.72.025: CONDITIONALLY PERMITTED USES:

A. Conditions: Uses must be compatible with the intent of this zone. The conditions imposed upon these uses must fall under one or more of the following categories:

1. Conditions relating to safety for persons and property;
2. Conditions relating to health and sanitation;
3. Conditions relating to environmental concerns;
4. Conditions relating to compliance with the general plan or special characteristics of the zoning district;
5. Conditions relating to performance, specifically the developer's ability to complete the project;
6. Conditions relating to traffic circulation and parking;
7. Conditions relating to aesthetics. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

B. Plan Review: Prior to the city council's review of a conditional use permit, the applicant must have the plan reviewed by the development review committee and the planning commission. Any new project, and all new buildings within the I&M-1 zone shall be a conditional use. (Ord. 2013-01, 1-15-2013, eff. 2-7-2013)

C. Uses: The following is a list of conditional uses:

Agribusiness.

Automotive repair including brake and tire repair or services.

Billiards.

Childcare center.

Construction/contractor offices including outdoor storage areas and/or gasoline/diesel pumps and fuel storage tanks shall be subject to the following requirements:

1. Outdoor storage and/or gasoline/diesel pumps shall be for company use only. No processing of materials or retail uses are permitted.
2. Gasoline/diesel pumps and fuel storage tanks shall be subject to the requirements of section [18.84.210](#), "Location Of Gasoline/Diesel Pumps And Fuel Storage Tanks", of this title.
3. Outdoor stored items shall not exceed ten feet (10') in height, and shall not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags or other individually sealed containers. Outdoor stored items shall be stored and maintained in a neat and orderly manner. No junk or junked vehicles shall be stored within the outdoor storage areas.
4. The proposed office shall have frontage and access off of Highway 89 (1600 West).
5. The planning commission shall have the authority to require additional conditions to avoid the creation of nuisances to adjacent properties and to protect the public health, safety, and welfare.

Convenience store.

Dance halls.

Miscellaneous business services.

Restaurants. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004; amd. Ord. 2013-01, 1-15-2013, eff. 2-7-2013)

**18.72.030: SITE PLAN APPROVALS:**

All proposed new development within the I&M-1 zone shall be required to submit a site plan, which complies with all the requirements listed in section [18.72.040](#) of this chapter. Said site plan shall be conditionally approved by the planning commission. As a means of mitigating potential safety hazards or significant adverse visual impacts, the planning commission may require the installation of landscape features or peripheral landscape screens. Where landscaping is required the site plan shall, in addition to all other elements, contain a landscape plan showing the locations of landscape areas, the location and types of all proposed plantings and other landscape features, and the location of required sprinkler systems. The planning commission may also require additional fencing requirements, changes to the parking lot and traffic flow. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

**18.72.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:**

There is no minimum lot area requirement in the I&M-1 zone except as may be dictated by off street parking requirements, adequate circulation, and property site utilization. There will be a minimum of a seventy five foot (75') frontage on a public street. The maximum building height (including mechanical equipment) is forty feet (40') as defined in section [18.08.170](#) of this title. (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

A. Setbacks: The following setback specifications are required:

1. Thirty foot (30') front yard setback if parking areas are proposed or existing in front of the building or structure. Within the front yard setback, there will be a six foot (6') separation between the back of the curb and edge of the sidewalk (where required) nearest the curb. If the required parking areas are located on the side or in the back of the building or structure, then the front yard setback shall be no less than twenty feet (20'). Corner lots shall be considered a front yard, and all setbacks shall apply. On local streets, fifteen feet (15') of the front yard area shall be maintained in landscaping in conformance to [title 17, chapter 17.15](#) of this code. On collector or arterial streets, all of the front yard shall be landscaped in conformance to [title 17, chapter 17.15](#) of this code.
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**B. Screening And Landscaping Requirements:**

1. A sight obscuring fence of six feet (6') in height shall be required along all side and rear property lines behind the front edge of the primary building. Said fence shall be masonry, vinyl, chainlink with closely prewoven vinyl privacy slats, or other closely equivalent materials approved by the planning commission. The fence may be topped by a set of 3-strand barbed wire up to twelve inches (12") in height. The applicant must demonstrate that the landscaped screening will be sufficient to protect the future adjacent uses from noise, lights, glare, and other commercial or industrial nuisances.
2. All landscaped areas shall conform to [title 17, chapter 17.15](#) of this code. Furthermore, the landscaping will contain ten (10) trees per acre, or a fraction thereof, and be at least one inch (1") caliper, measured three feet (3') from the ground.
3. All mechanical equipment shall be located within or on the side of the building or on the roof with parapet walls and not within the required setbacks. Any mechanical equipment located on the outside of the building must have a visual/noise barrier that completely surrounds the equipment and extends at least one foot (1') above the equipment.

**C. Parking And Driveway Access:** Parking will be required to be in compliance with section [18.84.270](#) of this title. Parking areas will be screened from adjacent roads with landscaped berms. There shall be no parking allowed in any required landscaping area. Driveways shall not encompass more than thirty percent (30%) of a required front or side yard. Drive access for parcels or lots located along any state highway shall be limited to the adjoining side street if present. Otherwise one curb cut and driveway access will be permitted regardless of what would be allowed by the Utah department of transportation, however, the stricter requirement shall apply.

**D. Drainage:** All lot drainage shall be retained on site. (Ord. 2013-01, 1-15-2013, eff. 2-7-2013)

**18.72.050: PROJECT PLAN APPROVALS:**

Concurrent with any request to rezone property to the I&M-1 zone; or if the property is currently zoned I&M-1, prior to any approval for a building permit, a preliminary project plan shall be submitted to and approved by the Mapleton City planning commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces as required by the planning commission, driveways and points of vehicular ingress and egress;
- C. A conceptual signing plan showing the location and size of typical signs;
- D. A conceptual landscaping plan subject to the requirements in [title 17, chapter 17.15](#) of this code showing planting materials to be used together with the location of fence, walls, hedges, and decorative materials;

- E. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.
- F. Accessory structures less than five hundred (500) square feet in size shall be approved by the planning director as long as the structure does not encroach on any of the required parking or required landscape areas. Furthermore, building additions less than five hundred (500) square feet shall also be approved by the planning director so long as they meet the aforementioned criteria, and as long as the addition does not physically alter the character of the building. Accessory buildings and additions shall be architecturally compatible with the main structure, including exterior building materials and colors.
- G. Prior to the construction of any building or structure in the I&M-1 zone, a final project plan shall be submitted and approved by the city council, after a recommendation from the planning commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The planning commission may require a traffic study be submitted prior to a final project plan recommendation.
- H. Any failure to submit a final project plan within one year of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void, and the planning commission may also take further action to rezone the property as per section [18.12.010](#) of this title.

**18.72.060: UTILITY REQUIREMENTS:**

All buildings used for human occupancy shall provide for culinary water and domestic sewage disposal.