

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
November 12, 2009

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**PRESIDING AND CONDUCTING:** Chairman Oscar Mink

**Commissioners in Attendance:** Pam Elkington  
Rick Maingot  
Barbara Pratt  
Skip Tandy  
Leo Thomsen  
Alternate Jeff Hawkins  
Alternate Mike Tippetts

**Staff in Attendance:** Cory Branch, Planning Director  
Gary Calder, Engineering/Public Works Director  
Eric Johnson, City Attorney  
Matthew Brady, Planner I

**Minutes Recorded by:** Matthew Brady, Planner I

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Chairman Mink called the meeting to order at 6:30pm. Skip Tandy led the Pledge and Rick Maingot gave the invocation. Mike Tippetts was seated as a voting member. Jeff Hawkins was present, but not seated as a voting member.

*Items below are not necessarily in the order they were heard.*

**Item 1. Planning Commission Meeting Minutes – October 8, 2009**

**Motion:** Commissioner Tandy moved to approve the Planning Commission Meeting Minutes for October 8, 2009.

**Second:** Commissioner Elkington

**Vote:** Unanimous

**Item 2. Robyn Metler requests approval of a Home Occupation Permit for Red Robyn Preschool located at 425 East 1300 North in the RA-2 Zone.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. The Fire Inspector has not yet completed his inspection, and has requested in the past that the Home Occupation have a more direct access, such as the basement entrance. The Commissioners enquired as to whether there was a finished bathroom in the basement. **Steve Metler** stated that there is not, but there are 2 bathrooms on the main floor. **Robyn Metler** stated that she believes she has a good program set up. Steve Metler stated that the trailer in the driveway would be moved, and that there are handrails on the outside basement stairway. Robyn Metler stated that parents would not be parking at the home, just dropping off and picking up kids. The Commissioners discussed whether to require use of the backdoor, or leave the decision up to the Fire Inspector. **Cory Branch** read the ordinance regarding entrances. The

Commissioners discussed whether to require entrance from the rear. The public hearing was opened. No public comment was given. The public hearing was closed.

**Motion:** Commissioner Tandy moved to approve Robyn Metler's request for a Home Occupation Permit for Red Robyn Preschool located at 425 East 1300 North, with the 6 conditions of approval listed in the Staff Report:

1. Not more than 500 square feet shall be used for the home occupation.
2. The maximum number of vehicles to be parked outside the home shall be 6 at any one time.
3. Inspection for the home occupation must be passed by the Fire Inspector.
4. The proposed rear entrance must be approved by the Fire Inspector, otherwise the front door shall be used.
5. Occupancy limits shall not exceed those specified by International Fire Code, as determined by the Fire Inspector.
6. That the Applicant comply with all other requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS.

**Second:** Commissioner Tippetts  
**Vote:** Unanimous

**Item 3. Mapleton City requests to amend Title 17, Development Code, Part II; Subdivisions, Section 17.12.030, Streets and Roads; Right of Way Width and Section 17.12.040, Streets and Roads; Width of Pavement; Other Improvements regarding the width of right-of-way, width of hard surface material, and other required street improvements.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. **Commissioner Maingot** asked how this would impact subdivisions going forward. **Gary Calder**, City Engineer, stated that the Transportation Advisory Commission is working on a new Transportation Plan and Cross Sections, and these would dictate the street widths for subdivisions. Cory Branch said that the purpose of this amendment is to clean up inconsistencies within the subdivision code, and allow the standard cross sections and Transportation Plan to govern street and right of way widths and improvements. There are subdivisions that have been approved in the City that do not meet the standards listed in the subdivision code. The Commission discussed the merits of amending the code versus leaving the code as is. **Brent Sumsion** asked whether this amendment would allow a 24' wide hard-surfaced road. Gary Calder said any applicant can request any street standard. Mr. Sumsion stated that he opposed 24' wide roads, such as Harvest Park, because of traffic and pedestrian safety reasons. He opposes the text amendment if it allows a 24' wide street standard. The public hearing was opened. **Jim Lundberg** stated the he understands that notwithstanding adopted standards, someone can ask for modifications under the preliminary plat process. Cory Branch said that the City Engineer and Planning Commission would make a recommendation regarding roadways, but the City Council would make the final decision. Jim Lundberg had some concerns with the technical wording of the ordinance as shown in the Staff Report, to clarify that the City Council makes the final decision. Cory Branch stated that the intent is to give the City Council the final decision. The public hearing was closed. The Commission discussed the technical wording of the proposed ordinance amendment, and the merits of the wording as proposed. The Commissioners discussed whether to continue the item. Cory Branch recommended approving or denying the item tonight due to the following item regarding street cross sections being impacted by this item. **Eric Johnson**, City Attorney, stated that he recommends that all City bodies act in accordance with City ordinances, and that if this item is continued but item 4 is moved forward, that would be inconsistent with City Code. **Barbara Pratt** inquired as to how the different street standards are shown in the draft transportation plan. Gary Calder stated that the new map shows right of way widths for collectors and

other types of streets. **Eric Johnson** suggested some possible wording changes to the proposed ordinance, which the Commission discussed. **Skip Tandy** suggested additional changes.

**Motion:** Commissioner Tandy moved to recommend to City Council approval of an Ordinance amending Title 17, Development Code, Part II; Subdivisions, Section 17.12.030, Streets and Roads; Right of Way Width and Section 17.12.040, Streets and Roads; Width of Pavement; Other Improvements regarding the width of right-of-way, width of hard surface material, and other required street improvements, as follows:

1. Delete Section 17.12.030
2. Section 17.12.040: STREETS AND ROADS; WIDTH OF PAVEMENT; OTHER IMPROVEMENTS to read as follows:

**17.12.040: STREETS AND ROADS; WIDTH OF PAVEMENT; OTHER IMPROVEMENTS:**

(1) All streets within the City and adjacent to subdivisions shall be hard surfaced. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard adopted by the city council.

(2) As part of the preliminary plan review process, if approved by the city council, the curb, gutter, and sidewalk improvements otherwise required may be modified and specifically tailored to more effectively achieve the policies, goals, and objectives of Mapleton City. The modification shall be consistent with appropriate engineering measures to protect public safety and shall be made after the recommendation of the city engineer, the city staff, and the planning commission.

**Second:** Commissioner Thomsen

**Vote:** Unanimous, with the exception of Commissioner Tippets voting nay feeling cross sections should be put in where it states curb, gutter and sidewalk.

**Item 4.** *(Continued 10-8-09)* **Wendell A. Gibby requests to amend the Mapleton City Street Cross Section Standard Drawings in order to add new standard cross section drawings for hillside areas.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. **Gary Calder** discussed the traffic study by Horrocks Engineers, which was requested by the Planning Commission when this item was previously heard by the Commission. Horrocks Engineers is recommending that large trucks only approach Krissa Street from 1900 East, rather than from Maple Street, to lessen the effect of trucks swinging into the oncoming lane of traffic. In any case, there would be some overlapping of large trucks into the other lane as they go up and down the hill. Gary Calder also discussed the other recommendations of the traffic study. **Eric Johnson** also discussed section 15.45.130, which only applies to the CE-1 Zone. Dr. Gibby's property has been rezoned to PD-2, and thus this section no longer applies to this project. He then gave an overview of the history of the grading on the Gibby property and the associated court cases. **Wendell Gibby** gave a history of his property, and read from a geotechnical report from Earthtec Engineering, which recommended that development could occur with the implementation of appropriate recommended practices. He said that the state legislature got involved in the process, and this led to the agreement with the City to allow development of the property under the current zone. He feels that he still does not have the right to use his property as he wishes. He stated that early on the City had requested that he study an access from Maple Canyon, which he stated would have

cost him millions of dollars more to develop, and his engineers felt that this route would be much more unsafe than the currently proposed route. He also pointed out that the Whisper Rock Subdivision was recently approved with a narrower road width than he is proposing. He has imported topsoil so that he can reseed on Saturday. He has tried to eliminate some of the retaining walls from the plan where possible. He stated that he is willing to rough-in the road with a gravel surface, but no sewer or water lines off of Dogwood Drive as a secondary emergency access for the first phase if the City wants him to. He is only asking for a narrower street for the last few feet at the bottom of the hill where cars should be stopped or close to stopped. He also asked that he get an up or down vote. **Skip Tandy** asked Dr. Gibby whether he had revised his proposal from 54 lots to 47 lots. Wendell Gibby stated that he is trying to get finality; that he doesn't feel that the City has kept its part of the MOU, but that he feels it is time to bury the hatchet and move on. **Commissioner Mink** opened the public hearing, and excused himself from the meeting, seating Jeff Hawkins as a voting member of the Commission. **Jim Lundberg** expressed concerns with snow removal in the subdivision, especially where the snowplows must negotiate a turn while going up the hill off of Maple Street. **Commissioner Tandy** asked Gary Calder whether the City would need to do anything differently with this subdivision. Gary Calder stated that there would probably be more snow on the bench, and it would require more effort to clear, but that the City would not do anything differently with the subdivision. Jim Lundberg recommended that the Fire Chief and Ambulance personnel provide input on whether their trucks and ambulances can get up these slopes in the wintertime. He also stated that in section 15.45.130, the heading applies to the CE-1 zone, but that the language of the section mentions any 30% slopes, not exclusively slopes within the CE-1 zone. **Brent Sumsion** stated that double-belly trucks would most likely be used in construction, due to cost savings for construction. He also expressed concerns with disposal of snow, and that the sidewalks would be unusable for several months of each year. He expressed safety concerns with the narrowing of the road at the Maple Street intersection. He believes the width of the road should be as wide as a collector street. **Patrick Hagen** stated that he is concerned with the Fire Chief deferring judgment to the City Engineer on the subdivision. He would like to have reports from the Fire Chief and the Police Chief. **Commissioner Maingot** stated that the grade of the road was already determined at the time of the Preliminary Plat approval. **Commissioner Tandy** asked whether the Fire Chief is required to sign the subdivision plat. Cory Branch stated that he does not sign the plat. Patrick Hagen also stated concerns over the City's liability having to snow plow the property. **Lewis Bankhead** stated that he appreciates the Planning Commission and stated that he understands that the job of the Planning Commission is to make sure developments meet City Code. He expressed concern with the alignment of the sidewalk dead-ending into the Graham property with no provision for its extension. He is also concerned with the change in the design of the Maple Street intersection from preliminary plat to final plat. He is also concerned with drainage at the bottom of Maple Street. **Kevin Gurr** stated that contractors would not bring in double-belly trucks into the subdivision, because they are so difficult to turn around. He is not concerned with the dead-end of the sidewalk into the Graham property because there are no sidewalks in the surrounding neighborhood. He stated that contractors are responsible and will do what is needed to make sure they are acting safely. He believes that the snow will melt quickly near Maple Street because the sun shines on the hillside. Skip Tandy says he lives nearby and disagrees and believes the snow will take longer to melt since it is on the bench. Kevin Gurr stated that the snow plows should not have a problem plowing the streets. **Dee Thatcher** stated that the preliminary plat showed a standard road coming into Maple Street, and now the plans do not show this. He is concerned with the safety of the intersection. He is concerned that the City will settle their problems with Dr. Gibby but will have some terrible lawsuits due to accidents. He feels that standards should not be lessened now just because they have been lessened in the past. **Evan Roundy**, representing his mother, stated that Dr. Gibby had only proposed a 76'-wide road through his family's property, and that that much width was not acceptable to his family. The public hearing was closed. Wendell Gibby stated that the City plows Maple Canyon road up to the water tank in the winter. He is baffled by Mr. Lundberg's comments about grading. He feels that it does not apply to the PD-2 zone. He stated that there are no sidewalks abutting his development, and he is providing a sidewalk. He pointed out that Dogwood Drive was once wider and was narrow. He stated that he asked

for a 76'-wide cut area across the Roundy property in order to have a standard-width road and necessary cut slopes, not a 76'-wide road. He stated that the traffic study shows that the amount of traffic for the subdivision is acceptable, and shows 1 car every 1 ½ minutes. He asked for an approval or denial vote. **Commissioner Thomsen** asked Staff whether they recommend approval of the cross sections with the conditions recommended in the traffic study. Cory Branch responded affirmatively. Commissioner Tandy asked Gary to address storm drainage issues with sumps. Gary Calder discussed the drainage issues. **Commissioner Hawkins** stated that he is concerned that the Maple Street entrance should not be considered a standard but should be considered an exception.

**Motion:** Commissioner Tippets moved to recommend approval to the City Council of an Ordinance amending the Mapleton City Street Cross Section Standard Drawings in order to add 2 new standard cross section drawings for hillside areas as outlined in the application, with 4 conditions:

1. Proper entrance signing and striping to be done.
2. Trucks shall not enter from Maple Street, but shall enter from 1900 East.
3. Stop sign shall be added at the southbound approach of 1900 East.
4. Two accesses required during the development of the project; 1 temporarily being graveled until that phase is completed.

**Second:** Commissioner Thomsen

**Vote:** Aye – Commissioners Tippets and Thomsen

Nay – Commissioners Elkington, Hawkins, Maingot, Pratt, and Tandy

**Commissioner Maingot** stated that he does not believe that the City owes Dr. Gibby to allow him to bottleneck a road, and that it would cause traffic problems, especially with the grades involved. He does not believe the City Council would have approved the preliminary plat with the bottleneck road. He believes the Transportation Advisory Commission should study this issue and that residents on Maple Street and 1900 East should be notified. He would like the radiuses of the curves studied further. He is also concerned that section 15.45.130 should be amended if there is a question over its interpretation. He also believes that the adjacent property owners should be worked with over the sidewalk alignment, and the width of the road.

**Motion:** Commissioner Maingot moved to continue an Ordinance amending the Mapleton City Street Cross Section Standard Drawings in order to add new standard cross section drawings for hillside areas, to continue the item so that the Transportation Advisory Commission can study the issues and give their recommendations.

**Second:** Commissioner Elkington

Eric Johnson stated that he is unclear as to when the item would be continued to. Cory Branch stated that the Applicant is at a point where he disagrees with the City's position, is agreeing to disagree, and that if the item is continued to the Transportation Advisory Commission, it could take up to 4 months for the item to get back to Planning Commission. Gary Calder stated that the Transportation Advisory Commission only meets once a month, and Staff would also need time to research the issues as requested. Wendell Gibby and Trudy Gibby expressed frustration over the possibility of continuance. Dr. Gibby said that he would have to continue to solve his problems through litigation. They then left the meeting before a vote was taken on the motion of continuance. Commissioner Thomsen stated that he wants to bring closure to this item and move it on to the City Council. Commissioner Tippets asked Eric Johnson whether the City has an obligation under the MOU to move this item on. Mr. Johnson wanted to have a firm date of continuance, rather than an open date of continuance. Commissioner Maingot amended his motion to continue the item to January 28, 2010.

**Vote:** Aye – Commissioners Elkington, Maingot and Pratt  
Nay – Commissioners Hawkins, Tandy, Thomsen and Tippetts

**Motion:** Commissioner Hawkins moved to recommend denial to the City Council of an Ordinance amending the Mapleton City Street Cross Section Standard Drawings in order to add new standard cross section drawings for hillside areas, for the following reasons: the proposal is substandard and creates safety issues, and there are better ways to deal with the entrance to the subdivision.

**Second:** Commissioner Tippetts

**Vote:** Aye – Commissioners Elkington, Hawkins, Pratt, Tandy, Thomsen, Tippetts  
Nay – Commissioner Maingot feeling that the cross section amendment should be continued.

**Item 5.** *(Continued 10-8-09)* **Wendell A. Gibby requests Final Plat approval of Freedom Vista Subdivision, Plats “A”, “B”, “C”, and “D” (54 lots proposed), on property located generally at 2000 East Maple Street. The subject property is located in the PD-2 (Planned Development - 2) zone.**

**Cory Branch**, Planning Director, went over the Staff Report for those in attendance. **Commissioner Maingot** stated that he believes that most of the issues from preliminary plat have not been addressed, even though Dr. Gibby has had two years to work on it, and that the item should be continued. Cory Branch stated that if the item is continued, the Applicant may be back in a few months agreeing to disagree, and the item has been continued once already. **Commissioner Pratt** stated that these conditions are not only ones recommended by Staff, but also the City Council. She pointed out that the second sheet on Plat “D” shows the 54-lot configuration, instead of 47, and expressed her concern that the applicant was no longer in attendance to answer any of the Commission’s questions. Cory Branch stated that Staff is recommending correcting that. Commissioner Pratt is concerned that an “easement” to the Roundy property is not the same as a right of way to the Roundy property. Cory Branch stated that Dr. Gibby has refused to stub to the property to the north, though that Staff has asked him to on a number of occasions. **Commissioner Thomsen** stated that little has been done by the Applicant to even try to correct the conditions of DRC and City Council. The public hearing was opened. **Lewis Bankhead** states that the Applicant needs to meet the conditions of the City Council, and that basic conditions are not yet being met. He stated that as a developer, developers are expected to meet the conditions of DRC, and that Dr. Gibby should be held to that standard. He is concerned that the fault lines have not yet been shown on the plat or plan sheets. **Evan Roundy** stated that he wants a stub access to his family’s property, because they would like to be able to develop the property eventually. **Jim Lundberg** stated that he is concerned with a possible conservation easement recorded on the City’s property to the south where the cul-de-sac is proposed. **Brent Sumsion** stated that he wonders why the plan is even being considered with so few conditions met. Cory Branch stated that state code requires that if an applicant demands to be heard, he must be heard. **Ed Shaw**, of Boss Engineering, stated that he wants to provide information and answer questions as best he can. He stated that the MOU does not mention fault lines. He said that plat approval requires that a trail easement be granted. He does not know whether this means the preliminary or final plat approval. He also stated that upon the rezone and plat approval, a waterline easement has to be provided. He stated that he has designed the stub to the Roundy property, and has put it on the drawings several times, but Dr. Gibby has requested that he remove it each time before submittal to the City. He stated that up to tonight he will be available to answer questions on the project. The public hearing was closed.

**Motion:** Commissioner Maingot moved to continue to February 25, 2010 the request for Final Plat for the Freedom Vista Subdivision, Plats “A”, “B”, “C”, and “D” (54 lots proposed), on

property located generally at 2000 East Maple Street to allow the Applicant time to satisfy the conditions of the City Council laid out in Resolution.

**Second:** Commissioner Pratt  
**Vote:** Aye – Commissioners Elkington, Maingot, Pratt, Tandy, Thomsen  
Nay – Commissioners Hawkins and Tippetts with no reason given.

**Item 6. 2010 Planning Commission Meeting Schedule.**

There was a question of the April 8<sup>th</sup> meeting not being shown on the 2010 schedule. This might have been because of Spring Break for the schools. Cory Branch will look into it and report back.

Cory Branch also discussed the meeting on 11/17/09 regarding the Ensign-Bickford property, which was cancelled because the Applicant, Jack Evans, wants to postpone the item.

**Item 7. Adjourn**

**Motion:** Commissioner Tandy moved to go into closed session and ended the regular meeting at 10:35pm, pursuant to UCA 54-5-205 to discuss reasonably eminent litigation.  
**Second:** Commissioner Tippetts  
**Vote:** Unanimous

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Matthew Brady, Planner I

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Dated:

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Skip Tandy, Planning Commission Vice-Chairman

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Dated:

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Cory Branch, Planning Director

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Dated: