

Mapleton City Planning Commission Staff Report

Meeting Date: February 13, 2013

Item: 2

Applicant: Hobble Creek & Associates

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Location: 1042 N HWY 89 (Parcel # 26:058:0011)

Zone: GC-1

REQUEST

Consideration of a request for a Conditional Use Permit to reopen a service station that includes a fast food restaurant in the General Commercial (GC-1) Zone.

BACKGROUND AND PROJECT DESCRIPTION

The subject site is approximately 30,492 square feet in size (.7 acres) and is developed with a 2,978 square foot commercial building. In 1999 the City approved a conditional use permit (CUP) and a project plan for a new service station at the subject location. The service station also included a fast food component, most recently a Polar King. The gas station has been out of use for several years.

The applicant is requesting a CUP to reopen the gas station. A new fast food component is also proposed, however, a tenant has not yet be selected. The applicant is not proposing any changes to the project site.

EVALUATION

Use: The project site is located in the General Commercial (GC-1) zone. Service stations are listed as a conditional use in this zone. Restaurants are listed as a permitted use. Assuming a conditional use complies with adopted City standards, it must not be denied unless it is shown that that the anticipated detrimental effects of a use cannot be substantially mitigated by the proposal. MCC Chapter 18.64.035 states that conditions imposed upon conditional uses must fall under one or more of the following categories:

- Safety for persons or property;
- Health and sanitation;
- Environmental concerns;
- Compliance with the General Plan;
- Performance (bonding);
- Traffic circulation and parking; and
- Aesthetics.

The site was previously developed specifically for the proposed use. Staff has not identified any anticipated detrimental effects that cannot be mitigated. The use will occupy a building that has been vacant for some time. Staff supports the proposed use. The conditions outlined below are consistent with MCC Chapter 18.64.035.

Parking: The project site has fourteen (14) existing parking spaces. MCC Chapter 18.84.870 outlines the on-site parking requirements for this zone. The code requires one (1) parking space for each five fixed seats or per 70 square feet of restaurant space (not including kitchen, food preparation areas) if no fixed seats are proposed. The code also requires three (3) spaces per 1,000 square feet of floor area for the retail portion of the building. MCC Chapter 18.84.870(k) states that in the event that two (2) or more uses occupy the same building lot, or parcel of land, the total requirements for off street parking shall be the sum of the

requirements of the various uses computed separately.

Based on the square footage breakdown of the building, the service station is required six (6) parking spaces and the restaurant is required eight (8) spaces for a total of fourteen (14) spaces. The site currently complies with the parking requirement.

Screening & Landscaping: MCC Chapter 18.64.050 requires a landscape buffer and indicates that the Commission may require a masonry wall between commercial and residential properties. The property to the east contains a single family dwelling and there is an existing landscape buffer and wall between the properties.

The code also requires a minimum of fifteen (15) trees per acre, or approximately 11 trees for this site. There are no trees currently on the site. Staff has added a special condition to address this issue.

RECOMMENDATION

Approve the application with the attached findings and conditions.

ALTERNATIVE ACTIONS

1. Approve the application with revised conditions.
2. Deny the application.
3. Continue the application with a request for changes/additional information.

SPECIAL CONDITIONS

1. The applicant shall obtain a business license prior to opening for business.
2. The applicant shall obtain a permit from the Utah County Health Department prior to opening the restaurant.
3. The applicant shall submit a landscape plan for the project in compliance with MCC Chapter 17.15. The plan shall include a minimum of 11 trees, which shall be of at least one inch (1") caliper, measured three feet (3') from the ground.
4. Prior to opening for business, the applicant shall submit a signage plan. All proposed signage shall comply with MCC Chapter 18.86.040.
5. The maintenance and operation of the fuel tanks shall comply with the requirements of MCC Chapter 18.84.210.
6. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of an amended use permit by the Planning Commission.
7. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
8. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.
9. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition.

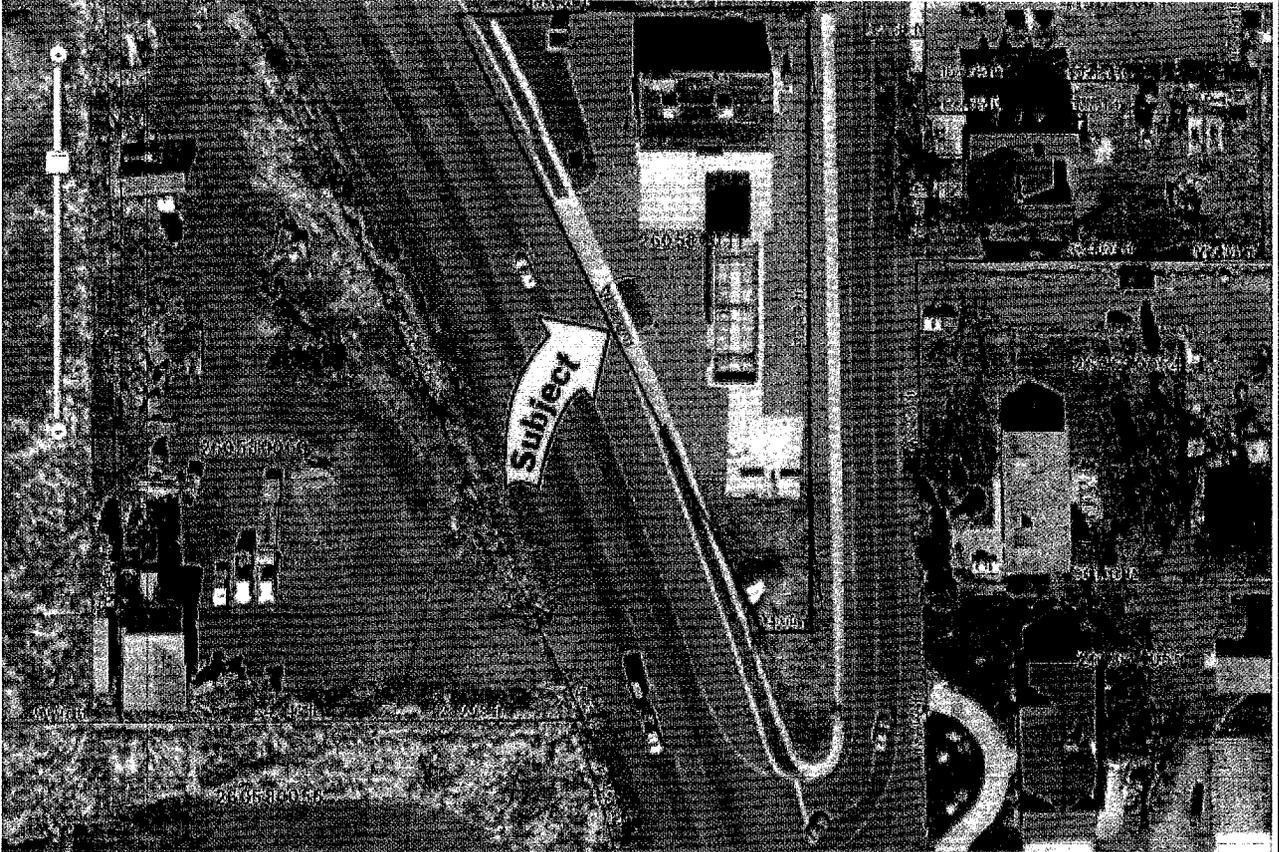
ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

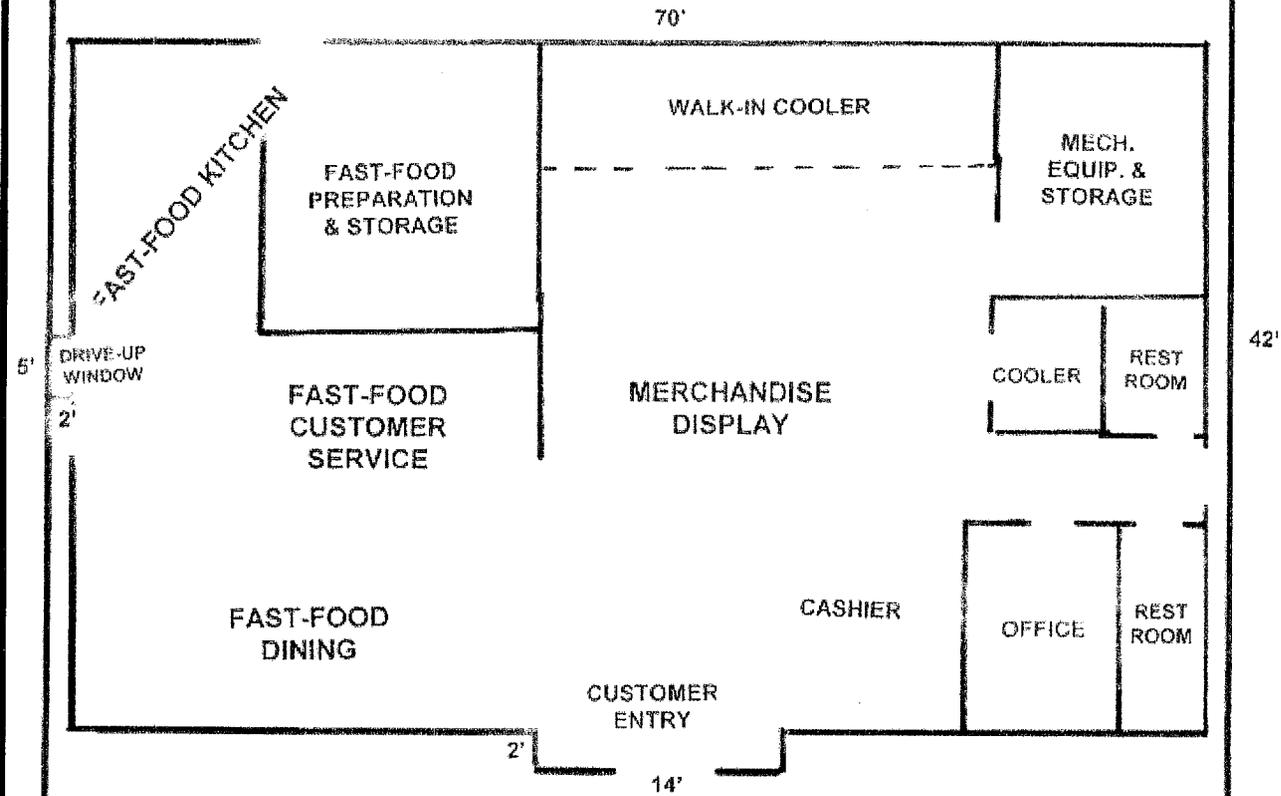
Standard Conditional Use Permit Findings

No.	Finding	
1.	The proposed use will not be in conflict with the City's General Plan.	✓
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✓
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✓
4.	Granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.	✓
5.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓
6.	The proposed use will not be injurious to public health, safety or welfare.	✓
7.	Any special conditions included in the permit are consistent with MCC Chapter 18.64.035.	✓

**AERIAL
VIEW**



BUILDING SKETCH



BUILDING SIZE:
 $42 \times 70 = 2940$
 $2 \times 14 = 28$
 $2 \times 5 = 10$
TOTAL 2,978 SQ. FT

Current Subject Building Views



GURNEY & ASSOCIATES

REAL ESTATE APPRAISERS

Current Subject Canopy Views

