

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
July 14, 2011

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**PRESIDING AND CONDUCTING:** Jeff Hawkins

**Commissioners in Attendance:** Jared Bringham  
Brandon Finlayson  
Leslie Jones  
Rich Lewis  
Oscar Mink  
Ryan Swanson  
Skip Tandy – Arrived at 6:40pm  
Mike Tippets

**Staff in Attendance:** Matthew Brady, Planner I  
Eric Johnson, City Attorney

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

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Chairman Hawkins called the meeting to order at 6:35pm. Rich Lewis led the Pledge and Ryan Swanson gave the invocation.

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

Alternate Commissioner Brandon Finlayson was seated as a voting member this evening.

**Item 1. Planning Commission Meeting Minutes – June 23, 2011.**

**Motion:** Commissioner Mink moved to approve the June 23, 2011 Planning Commission Minutes.  
**Second:** Commissioner Tippets  
**Vote:** Unanimous

**Item 2. (Continued 6/23/11) Steven Jackson requests to rezone approximately 0.51 acres from R-2 to R-3 in order to construct a 4-plex on property located generally at 580 North 300 West.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. This item was originally discussed on May 12, 2011, where it was continued by the Commission in order for the applicant to work with Staff to come up with a Development Agreement. Matt went over the Development Agreement being proposed by the applicant, for those in attendance. **Commissioner Tandy** asked how the City felt about this rezone after receiving the proposed Development Agreement. Matt stated that the City still has the same concerns it had originally when denial of the rezone was recommended. **Commissioner Mink** had concerns with the time restraint of 1 year being put on the developer. **Commissioner Lewis** stated that he felt Bill West, owner of Knight West Construction, was okay with the rezone as long as improvements were made fairly quickly to improve the property. **Commissioner Tippets** feels that the city should always look towards approving things which will be positive changes to the community. Matt stated that the proposed 1 year time frame is fairly consistent

with other areas of the City Code. It was mentioned that the requirement of a bond could be added as part of the Development Agreement. **Chairman Hawkins** asked if there was enough history found to consider this a grandfathered use as a four-plex. Matt stated that as long as the building has been there only duplexes have been allowed. The building permit pulled back in the 1970's only shows the building as a duplex. Commissioner Tippetts felt the proposed landscape plan was a little extensive. He feels if the City wants the items on the landscape plan to be completed the applicant needs to have time to collect the revenue needed in order to complete them. Matt went over some the landscape plan details being proposed.

**Steven Jackson**, applicant, stated that the landscape plan was put together by Cory Branch and Matt Brady. He feels there are aspects that are a little overboard, namely the evergreen bushes and flower beds. Steven stated that there areas of the property that currently have a sprinkling system, and he's been working in his spare time to complete the remaining areas of property. Mr. Jackson stated that if this is what the City requires he will work heaven and earth to get it done. His concern is the finances to do it, and does not feel he will be able to complete it within a year. He feels if the City requires it he will do it, but he will need more than the 1 year stated timeframe. Commissioner Tippetts asked what the applicant felt he could reasonably have done within 6 months to a year. Steven stated that in 6 months he could definitely have the fence installed and driveway connected to the sidewalks and driveway. He can also complete trimming the trees, and other items like that, which can be done without financing. The sprinkling system and some of the base landscaping could also be completed. Mr. Jackson stated that none of the tenants wanted a fence, but he is aware that it was one of the main things Bill West wanted before he was willing to show his support for this rezone. Matt stated that John Allan expressed his disapproval of the rezone when it was first heard in May 2011. Steven would prefer to keep the driveway apron on the southwest of the property until the improvements are closer to being completed, at which time it would be removed and landscaped. Commissioner Mink stated that he remembers prior discussion to this item that the surrounding property owners were not going to be in support of this rezone unless a fence, and other improvements, was made to the property. Steven stated that a 3-plex could be a possibility if the City did not want to move forward with a four-plex at this time. Commissioner Mink wondered if the applicant was willing to make some immediate improvements to the property in order to help with the concerns from the adjacent property owners.

Chairman Hawkins opened the Public Hearing. No comments were given and the Public Hearing was closed.

Commissioner Mink suggested deleting the requirement of removing the evergreen shrubs. He feels the installation of additional concrete should be done immediately. He felt the tree trimming is already taking place and could be deleted as well. The fence should be installed immediately, around the entire property, due to the large concern from the neighboring property owners. The trees and removal of concrete pads could be deleted or deferred for the time being. The rolled sod should be done immediately cause of the cosmetic concern. The rock burier could be deferred at this time as well. Commissioner Tippetts agreed, and felt the park strip sprinkling system, sod and trees should be required since it is already part of the City Code requirements. Commissioner Tandy feels this will be a positive change for both the applicant and surrounding property owners. He feels if this rezone is recommended for approval to the City Council, that the reason for doing so should be stated as part of the motion. Chairman Hawkins felt that all the history we have on the building states that it is a duplex. Commissioner Tandy stated that the City did not have a full time inspector when this building was built, who would have the capability of supervising the installation of 4 gas meters, or other similar items, that have been installed on the building. Chairman Hawkins stated that the Commission has the responsibility of ensuring that there are no rezones done that are considered arbitrary or capricious. Requested spot zonings have taken place throughout the City in years past. More often than not these are for vacant parcels of land. Chairman Hawkins felt this could open up other duplexes in the City requesting to increase this density to a four-

plex in order to increase their revenue. He did not feel changing the zone on this parcel should take place just because the property could use some cleaning up and improvements to the building. Steven Jackson stated that there is documentation somewhere stating that the building is grandfathered in as a tri-plex. Matt stated that Staff is not aware of any such documentation. When the Jackson Hollow subdivision was approved and recorded a deed was put on this building stating that it was only a legal duplex. Matt stated that Staff does not feel there is enough evidence in place to consider this a non-conforming triplex or four-plex. He feels it was illegally used as a triplex. **Commissioner Swanson** felt the precedence this will set needs to be part of the rezone process for this building, and felt he did not know enough to make that decision. Commissioner Tandy stated again that he feels the history of the project, in regards to the recommendation, be made as part of the motion for this rezone. Commissioner Mink feels the courts would take a liberal position on this request, and felt that with it having four gas and electrical meters would lean towards the building being a four-plex.

**Motion:** Commissioner Tippetts moved to recommend approval to the City Council for an Ordinance rezoning of approximately 0.51 acres from R-2 to R-3 in order to construct a 4-plex on property located generally at 580 North 300 West, due to this building being constructed with four living units, gas meters and electrical meters and don't feel this offends surrounding property, with the recommendations listed below: 3:11:02

1. Include Exhibits A, B and C, with the following modifications to Exhibit B:
  - a. Remove tree and shrub requirements except those on east side.
  - b. Remove 4' wide planter strip and curb.
  - c. Remove sprinkling system requirement except on east strip.
  - d. Fencing is installed within 3 months of rezone being approved.
  - e. All improvements that have not been scratched off of the Landscape Design (Exhibit B) are completed within 1 year of rezone being approved.

**Second:** Commissioner Lewis

**Vote:** 7:1:0 with Commissioners Finlayson, Swanson, Lewis, Tippetts, Mink, Tandy and Bringhurst voting aye and Chairman Hawkins voting nay due to spot zoning and reasons of precedence.

**Item 3.            Brandon & Anna Finlayson request approval of a Home Occupation Permit for *Red Rooster Academy* (a preschool) located at 960 East 900 North in the RA-2 Zone.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. There is a Home Occupation in the home (Professional Home Solutions) currently, which is located in the basement. This is not a problem however with the square footage requirements, as shown in the plans. The City Code does not allow for any more than 6 cars onsite at any one given time, which the applicant stated should not be a problem since it is on a drop off and pick up basis.

**Anna Finlayson**, applicant, stated that she used to teach Kindergarten in Spanish Fork. She is excited to do this Preschool, and plans to hold classes on Monday, Wednesday and Friday each week. The cars will not be parking on the premises, only dropping off and picking up their students before and after preschool.

**Chairman Hawkins** opened the Public Hearing. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Tippetts moved to approve Brandon and Anna Finlayson's Home Occupation Permit for *Red Rooster Academy* (a preschool) located at 960 East 900 North, with the conditions listed below:

1. The total area used for both Home Occupations in the home shall not exceed 500 square feet.
2. The maximum number of vehicles to be parked outside the home shall be 6 at any one time.
3. Maximum occupancy for the preschool Home Occupation shall not exceed 8 students at a time, as per International Fire Code and the Fire Inspector.
4. That the Applicant comply with all other requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS.

**Second:** Commissioner Lewis

**Vote:** 7:0:1 with Commissioners Swanson, Lewis, Tippetts, Mink, Tandy, Bringhurst and Hawkins voting aye and Commissioner Finlayson abstaining.

**Item 4. Mapleton City requests to amend Mapleton City Code Title 18, Development Code, Park III, Zoning, Section 18.84.410: Owner Occupied Accessory Apartments in order to define what constitutes an internal connection within a home.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. Staff does not feel an internal connection should be considered through the garage only.

**Chairman Hawkins** opened the Public Hearing. No comments were given and the Public Hearing was closed.

**Motion:** Commissioner Tandy moved to recommend approval to City Council for an Ordinance amending Mapleton City Code Title 18, Development Code, Part III, Zoning, Section 18.84.410: Owner Occupied Accessory Apartments in order to define what constitutes an internal connection within a home.

**Second:** Commissioner Tippetts

**Vote:** Unanimous

**Item 5. Mapleton City requests to amend Mapleton City Code Title 18, Development Code, Park III, Zoning, Section 18.86: Signs, as it relates to regulating signage within the City in order to preserve public safety, prevent displacement of alternative land uses, and to foster an appealing cityscape.**

**Matthew (Matt) Brady**, Planner I, went over the Staff Report for those in attendance. The City Council has requested that Eric Johnson, City Attorney, prepare an Ordinance amending the current City Code as it relates to Signs. Matt mentioned that some clarification could be given to 18.86.020 (D2) as it relates to “related signage”. **Eric Johnson**, City Attorney, stated the clear vision areas apply to all signage throughout the City. **Commissioner Mink** asked if signs relating to Religious Events, etc. could be allowed if these amendments were made. Mr. Johnson stated that they would be allowed under the Temporary Signage section of the ordinance. Permanent signs are considered Land Use Signs, which can be regulated by the city in regards to size, location, materials, etc. However, the City can not regulate what a sign says, barring obscenities. Eric stated that this is a fairly simple ordinance. Anything that may identify a sign by its contents has been taken out of the ordinance. Larger signs are allowed in commercial areas compared to residential ones. There is very little case law in Utah as it relates to sign ordinances. **Chairman Hawkins** proposed that Matt walk through the ordinance one page at a time, and discussions can take place in regards to those sections if needed. Commissioner Mink felt if we were going to regulate the distance off the sidewalk that we should lean towards the generous side. **Commissioner Tandy** felt we should lean towards the side of safety and keep the distance more restrictive. Mr. Johnson stated that the City should adopt a Sign Ordinance that can withstand a Constitutional challenge, and gives us some means of protecting against inappropriate signage.

Discussion took place that the height of a sign in Commercial or Industrial Zones can be up to 30' in height, or higher, as not to exceed the height elevation of the building, which is currently 45' to the peak of the roof.

**Chairman Hawkins** opened the Public Hearing. **Steven Jackson** felt the 10' setback should possibly be addressed, particularly in regards to political signs. Steven felt if it is the property owner's sign on their lot, the sign should be able to be closer to the sidewalk. Mr. Jackson felt the safety issue could better be addressed. No additional comments were given and the Public Hearing was closed.

**Motion:** Commissioner Bringhurst moved to recommend approval to City Council for an Ordinance amending Mapleton City Code Title 18, Development Code, Park III, Zoning, Section 18.86: Signs, as it relates to regulating signage within the City in order to preserve public safety, prevent displacement of alternative land uses, and to foster an appealing cityscape, with the recommended changes listed below:

1. Section 18.86.030 (A2) to read:
  - a. Signage may be placed no closer than 10 linear feet from the back of the sidewalk or edge of road, 15 linear feet from the edge of the lot, and 15 linear feet from a neighboring lot, or whichever is more restrictive.
2. Section 18.86.020 (E) to read "thirty (30) days" instead of "sixty (60) days".
3. Section 18.86.030 (D) to be "16 square feet" instead of "32 square feet".
4. Section 18.86.040 (A2) to read:
  - a. Signage may be placed no closer than 15 linear feet from the back of the sidewalk or edge of road, 15 linear feet from the edge of the lot, and 15 linear feet from a neighboring lot, or whichever is more restrictive.
5. Section 18.86.040 to read:
  - a. All signage on a Commercial or Industrial lot shall be limited to a maximum elevation or height of 30 feet, or maximum height of building, whichever is greater.
6. Section 18.86.040:
  - a. New Sub-Section (A3) - Add paragraph addressing clear vision regarding street and driveway intersections.
7. Section 18.86.040 (D) to reflect the below:
  - a. Add wording pertaining to street facing free-standing signs.
  - b. To read "100 square feet" instead of "90 square feet".
8. Section 18.86.050 (B) Add - "...and inspections shall be required." to the end of the paragraph.
9. Section 18.86.050 (E) to read "150 days" instead of "120 days" and "30 days" instead of "60 days".
10. Section 18.86.050 (F) to read "Community Development Director" instead of "zoning administrator". This pertains to all areas of this Code.
11. Section 18.86.090:
  - a. Delete A-FRAME SIGN section.
  - b. Delete AWNING SIGN section.
  - c. Delete CANOPY SIGN section.
  - d. Delete PENNANT SIGN section.
12. Section 18.86.100 (A1) to read "Sign Permit Application" instead of "Sign Permit Request". This pertains to all areas of this Code.
13. Section 18.86.100 (A6) to read "be issued" instead of "issue".
14. Section 18.86.130 (B) to read "illegal" instead of "non-conforming".

15. Section 18.86.140 (B) to read “wear” instead of “ware”.

16. Section 18.86.150 (A) to read:

- a. A violation of this ordinance is punishable as a Class C misdemeanor. Add a cross reference to this Section.

**Second:** Commissioner Tandy

**Vote:** 7:1:0 with Commissioners Finalyson, Swanson, Lewis, Tippetts, Tandy, Bringhurst and Hawkins voting aye and Commissioner Mink voting nay stating that he agrees with all changes aside of Section 18.86.030 (A2) feeling it was too restrictive on the setback from the sidewalk and edge of road.

**Item 6. Mapleton City requests to amend Mapleton City Code Title 15, Buildings and Construction, in order to enact Chapter 15.06: Abatement of Dangerous Buildings as it relates to dangerous buildings which create an unjustifiable risk to the health, safety, and welfare of the public.**

**Eric Johnson**, City Attorney, went over the Staff Report for those in attendance. The City wants to add this section in order to have the power to lien properties that may cause some expense on the City’s side to make a property safe for surrounding property owners. **Chairman Hawkins** had a concern with this proposed Ordinance regarding the inclusion of weeds, junk vehicles, etc. Matt stated that this is not something the City takes lightly, and it will not be used very often. **Commissioner Mink** would like some safety provided to the property owner, by requiring multiple bids to be received in order to get the lowest price for the work being done. Eric stated that this is the case already with all aspects of code when it comes to work being provided for the City. Chairman Hawkins asked the Commission if they wanted to keep it to the dangerous buildings portions topic, or as is covering a wide range of topics to protect the City when costs are occurred to bring properties into compliance. Commissioner Mink was in favor of adopting the entire code as proposed. Eric stated that the Uniform Building Code is written more broad than Mapleton City wishes to enforce. Discussion took place about Section 17 and the \$25 per day portion. Commissioner Tippetts felt this section should remain as proposed.

Chairman Hawkins opened the Public Hearing. No comments were given and the Public Hearing was closed.

Commissioner Mink asked if this is more designed to protect the city, or is it equally set to protect both the City and the property owner. Eric stated that it is designed to enable to the City to protect property owners throughout the City from possible injury.

**Motion:** Commissioner Tandy moved to recommend approval to City Council for an Ordinance amending Mapleton City Code Title 15, Buildings and Construction, in order to enact Chapter 15.06: Abatement of Dangerous Buildings as it relates to dangerous buildings which create an unjustifiable risk to the health, safety, and welfare of the public, with the recommended change listed below:

1. Paragraph 2 to read “adopted by the State of Utah” instead of “adopting the Uniform Code for the Abatement of Dangerous Buildings 1997 Edition:”.

**Second:** Commissioner Mink

**Vote:** Unanimous

**Item 7. Adjourn.**

**Motion:** Commissioner Bringhurst moved to adjourn the meeting at 10:00pm.

**Second:** Commissioner Tippetts

**Vote:** Unanimous

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April Houser, Executive Secretary

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Dated:

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Jeff Hawkins, Planning Commission Chairman

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Dated:

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Matthew Brady, Planner I

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Dated: