

MAPLETON CITY
PLANNING COMMISSION MINUTES
September 22, 2011

PRESIDING AND CONDUCTING: Jeff Hawkins

Commissioners in Attendance: Jared Bringhurst
Oscar Mink
Ryan Swanson
Mike Tippetts

Staff in Attendance: Matthew Brady, Planner I
Cory Branch, Planning Director

Minutes Taken by: April Houser, Executive Secretary

Chairman Hawkins called the meeting to order at 6:35pm. Jared Bringhurst led the Pledge and Mike Tippetts gave the invocation.

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

Item 1. Planning Commission Meeting Minutes – September 8, 2011.

Motion: Commissioner Mink moved to approve the September 8, 2011 Planning Commission Minutes.
Second: Commissioner Tippetts
Vote: Unanimous

Item 2. Paul Rimington requests approval of a Home Occupation Permit for *Raging Storm Kenpo Karate*, located at 960 North 1600 West in the RA-2 Zone.

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. Home Occupations that involve visiting clients require Planning Commission approval. The applicant meets the square footage requirement. An email was received from Jim and Mary Fojtek prior to the meeting stating that they are in favor of this Home Occupation being approved and did not have any objections. There was discussion about if on-street parking should really be prohibited, and it was felt it should not.

Paul Rimington, applicant, stated that he has plenty of off-street parking, but would enjoy being able to utilize the street for parking if needed. Derald Olsen, Fire Inspector, said this type of Home Occupation would need 35 square feet of space per student, which is not an issue. Discussion took place about the traffic cones that use to be up in the area. Paul felt that most people just disregarded them when they were there. He is currently hoping to do two classes two nights per week and then increase classes as the Home Occupation grows. Mr. Rimington hopes that this will grow and he can purchase the vacant building across the street and hold the classes there.

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

Motion: Commissioner Tippetts moved to approve Paul Rimington's Home Occupation Permit for *Raging Storm Kenpo Karate*, located at 960 North 1600 West in the RA-2 Zone, with the conditions listed below:

1. Applicant must pass an inspection from the Fire Inspector.
2. Maximum occupancy for the Home Occupation under International Fire Code shall be determined by the Fire Inspector.
3. The applicant must abide by all other requirements set forth in Mapleton City Code 18.84.380: HOME OCCUPATIONS.

Second: Commissioner Mink

Vote: Unanimous

Item 3. Bud Harper requests to amend Title 18, Development Code, Part III; Zoning, Section 18.84.370(B), Residential Facility for Handicapped Persons, in order to allow residential facilities for persons with a disability as a permitted use in any zone where residential dwelling uses are permitted.

Cory Branch, Planning Director, stated that he has been working closely with Bud Harper on this text. The applicant has asked for this item to be continued to until the next Planning Commission meeting so he can gather some additional information from the State regarding this type of business. There is a State Code that allows for these types of facilities as a Permitted Use in residential zones so that they are not discriminated against. Occupancy by the state is based upon the square footage of the home. The State does not require a certain lot size for this type of use. It looks at the square footage of the home in which the business would be taking place in. **Chairman Hawkins** asked if there is any liability on the City in regards to this type of business. Cory stated that the City will have to work with concerned individuals as well as city and state requirements to deal with these types of issues. There were questions on exactly what types of individuals would fall under the title of "disability". The City Attorney recommends that the proposed text should follow closely with the State Code. **Commissioner Tippetts** felt that the Legislative representative for Mapleton (Mr. Gibson) should be invited to attend the meeting when this item will be discussed and possibly voted on. **Commissioner Mink** asked if the State was trying to supersede the City's rights. Cory stated that in this case it is requiring the City to allow for these types of businesses in residential areas. Chairman Hawkins felt the City should stick as closely to the State Code as possible, and felt the City should draft their own version of this proposed text. Commissioner Tippetts would like to hear from a Real Estate Agent on the likelihood of this type of business coming to Mapleton. **Commissioner Bringham** wondered if this would allow for Sex Offenders. Cory planned to look into this and report back to the Commission. Chairman Hawkins felt these should be a Permitted Use, not a Conditional Use. Matt stated that there is a pretty long list of case law over these types of businesses.

Chairman Hawkins opened the Public Hearing. **Cory Andersen** stated that this is a sensitive topic all around the State. As a citizen of Mapleton he has done a lot of research in regards to this type of business. He is torn on which side he would take. He feels there is a lot of good that comes from these types of homes. Mr. Andersen stated that a sex offender is not considered disabled. He felt that the facilities that come in under the radar are the ones to be concerned with, but did not feel that would happen in Mapleton, nor be something that Mr. Harper would be trying to operate. There is a lot of red tape that an applicant would need to go through in order to get approval from the State for these types of facilities. Other cities have put in an occupancy limit for these types of businesses, which the State supports. Commissioner Mink was in support of these types of facilities, but had a concern with them being located in residential areas. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Swanson moved to continue this item until the October 13, 2011 Planning Commission Meeting.
Second: Commissioner Mink
Vote: Unanimous

Item 4. Bud Harper requests to amend Title 18, Development Code, Part III; Zoning, Chapter 18.08, Definitions, in order to define residential facilities for persons with a disability.

This item was discussed in conjunction with Item 3 of the minutes for this evening.

Motion: Commissioner Swanson moved to continue this item until the October 13, 2011 Planning Commission Meeting.
Second: Commissioner Mink
Vote: Unanimous

Item 5. Mapleton City requests to amend Title 19, Impact Fees Procedures as it relates to the timing of the collection of impact fees.

Cory Branch, Planning Director, went over the Staff Report for those in attendance. The City has hired TischlerBise, Inc. to take a look at other possible Impact Fees, as well as our current ones, to determine what the City should be charging. **Commissioner Bringhurst**, as a contractor, was asked what his personal thoughts would be as a builder regarding when the Impact Fees should be charged. He felt charging the developer was easier for him since he does not need to add in this additional cost when bidding to build a home. **Chairman Hawkins** felt there would be issues if the ordinance was changed since lots could vary due to when the Impact Fees were or were not paid. He feels this would not be comparing apples to apples, since possible buyers may not be aware of the difference in these requirements when purchasing a lot. It has been discussed that the Sewer and Water Impact Fee could be required at time of Plat recording, where the Public Safety and Parks and Open Space Impact Fees could be collected at time of building permit. **Commissioner Mink** felt that the Pressurized Irrigation Impact Fee should be included with the Sewer and Water.

Chairman Hawkins opened the Public Hearing. **Cory Andersen** was asked if the Impact Fees slowed down the development of Whisper Rock Phase 1. He stated that they were going to do these 5 lots either way. His concern was that banks are not very willing to lend money to cover the cost of Impact Fees to a developer, especially since these costs are paid before a lot is ever sold. Mr. Andersen stated that Impact Fees are going to be paid one way or another. **Commissioner Tippetts** asked if anything was broken with this ordinance causing this amendment to come forward. A majority of the Commission felt that splitting up the collection times for Impact Fees was a good way to go. Staff would recommend this as well. No additional comments were given and the Public Hearing was closed.

Motion: Commissioner Tippetts moved to recommend approval to the City Council of an ordinance amending Title 19, Impact Fees Procedures as it relates to the timing of the collection of impact fees with the recommendation that the Water and Sewer Impact Fee be charged at the time of Final Subdivision Plat approval or Final Site Plan approval and the Parks & Open Space and Public Safety Impact Fees be collected at the time of Building Permit.
Second: Commissioner Mink
Vote: Unanimous

Item 6. Mapleton City requests approval of an update to the Moderate Income Housing Element of the General Plan.

Matthew (Matt) Brady, Planner I, went over the Staff Report for those in attendance. Staff is recommending this item be discussed in order to give some direction on the Moderate Income Housing Element of the General Plan, and continue the item to a later date. **Commissioner Tippetts** asked why the City was responsible for getting available housing for those making 80% of the Gross Median Income for Utah. Commissioner Bringhurst questioned why the State would care about Moderate Income Housing. **Chairman Hawkins** feels that the City would currently be relatively in line with this requirement. Commissioner Tippetts felt Staff should research this so we can see where we sit and then come back before the Commission.

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

Motion: Commissioner Swanson moved to continue this item until the October 13, 2011 Planning Commission Meeting.

Second: Commissioner Bringhurst

Vote: Unanimous

Item 7. Adjourn.

Motion: Commissioner Bringhurst moved to adjourn the meeting at 8:30pm.

Second: Commissioner Tippetts

Vote: Unanimous

April Houser, Executive Secretary

Dated:

Jeff Hawkins, Planning Commission Chairman

Dated:

Cory Branch, Planning Director

Dated: