

Mapleton City Planning Commission Staff Report

Meeting Date: December 13, 2012

Item: 3

Applicant: Mapleton City

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Council Action Required: Yes

REQUEST:

Consideration of a request from Mapleton City to amend Mapleton City Code (MCC) Chapter 18.72: I&M-1 INDUSTRIAL AND MANUFACTURING ZONE to add provisions allowing for construction /contractor offices, outdoor storage areas and outdoor fuel tanks and pumps, and to amend MCC Chapter 18.84.010: LOCATION OF GASOLINE PUMPS.

PROJECT DESCRIPTION:

1. Staff is proposing an ordinance amendment to allow construction/contractor offices as a permitted use in the I&M-1 Zone.
2. Staff is proposing that construction/contractor offices that included outdoor storage areas and/or gasoline/diesel pumps and fuel storage tanks be only allowed with a conditional use permit and only for those parcels fronting on Highway 89.
3. Staff is proposing some modifications to the general requirements relating to site improvements in the I&M-1 Zone.
4. Finally, staff is proposing an ordinance amendment to MCC Chapter 18.84.210: LOCATION OF GASOLINE PUMPS modifying the requirements for the installation of gasoline/diesel pumps and fuel storage tanks.
5. The proposed amendments are outlined in attachments "1" and "2".

FINDINGS OF FACT:

1. Mapleton City Code 18.72.010: PURPOSE AND INTENT states: *"The I&M-1 industrial and manufacturing zone is specific to areas of the city as identified on the Mapleton City general plan map. The I&M-1 zone shall not be applied to areas designated on the general plan map as "commercial" or any other uses. The primary purpose of the I&M-1 zone is to allow for general "cottage industry" activities such as warehousing and incidental office space, light manufacturing, minor industrial uses and heavier commercial uses not allowed in the GC-1 zone."*
2. The I&M-1 Zone does not currently list construction/contractor offices neither as a permitted use nor as a conditional use.
3. The Planning Commission reviewed this proposal on 9/27/2012 and again on 10/18/2012.
4. Several members of the public spoke during the public hearing on 10/18/2012 and expressed concerns, particularly if the proposed amendments would apply to the property located generally at 890 N 2000 W.
5. At the meeting on 10/18/12 the Planning Commission also raised some concerns and continued the item to a future meeting.

STAFF ANALYSIS:

1. Staff concludes that construction/contractor offices fall within the intent of *"minor industrial uses and heavier commercial uses"*, and are generally common in similarly zoned light industrial areas in other cities.
2. Staff concludes that onsite fueling tanks for company vehicles are often an integral part of a viable construction company and other light industrial uses.
3. Staff concludes that in addition to the other setback and landscaping requirements of the I&M-1 Zone, it is necessary to have additional controls relating to the placement of fuel storage tanks to protect the public health, safety, and welfare. Staff has coordinated with Derald Olsen, Mapleton City's Fire Inspector, to draft an ordinance designed to allow gasoline/diesel pumps and fuel tanks while not jeopardizing the public health, safety, and welfare.
4. Staff concludes that the general site improvement standards for the I&M-1 Zone need to be modified to eliminate existing inconsistencies, regardless of what type of use is on a neighboring property.
5. Staff is sympathetic to many of the concerns raised by the public at the previous meeting, particularly regarding traffic and safety impacts on adjacent residential properties. For this reason, staff has revised the proposed amendments to limit the use of construction/contractor offices that include gasoline/diesel pumps and storage yards to parcels that have frontage and access on Highway 89.

STAFF RECOMMENDATION:

Recommend that the City Council adopt the proposed amendments to the Mapleton City Code as described in attachments 1 and 2.

ALTERNATIVE ACTIONS:

1. Recommend adoption of the proposed amendments with additional revisions.
2. Recommend denial of the proposed ordinance amendment to the City Council. Reasons for denial should be stated in the motion.
3. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENT #1

Chapter 18.72 I&M-1 INDUSTRIAL AND MANUFACTURING ZONE

(Changes shown in ~~strikeout~~ and underline. Only those sections being amended are included in this attachment)

18.72.020: PERMITTED USES:

The following principal uses are permitted in the I&M-1 zone. Uses not specified as a permitted use or a conditional use as defined in section 18.72.025 of this chapter, shall be considered "prohibited" in the I&M-1 zone. The uses below are permitted on individual lots or commercial condominium projects as defined by title 17, chapter 17.03, "Condominiums", of this code.

Construction/Contractor Offices (no storage or fuel pumps).

18.72.025: CONDITIONALLY PERMITTED USES:

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.

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

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 Pumps) of this title.
3. Outdoor stored items shall not exceed 10 feet 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.

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 thirty feet (30').

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 chapter 17.15 of this code. On collector or arterial streets, all of the front yard shall be landscaped in conformance to 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 chapter 17.15 of this code. ~~Side yards on corner lots shall be required to meet the same front yard standards unless the setback is to a primary building, in which the required setback shall be reduced to twenty feet (20').~~
3. Each lot in the I&M-1 Zone shall be required to have a fifteen ~~Fifteen~~-foot (15') landscaped rear yard setback ~~for any uses abutting a residential zone or residential use.~~ 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 chapter 17.15 of this code.

B. Screening And Landscaping Requirements:

1. ~~A decorative wall at least 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 which lie immediately adjacent to any residential zone. Said wall fence shall be masonry, vinyl, chain link with closely pre-woven vinly 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 12 inches in height. In areas where there are no existing residential uses, the zone or future zone will be residential. The planning commission may allow landscape screening in lieu of a wall or in combination with a smaller wall.~~ 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 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.

ATTACHMENT #2

18.84.210: LOCATION OF GASOLINE / DIESEL PUMPS AND FUEL STORAGE TANKS:

~~Gasoline / diesel pump islands shall be set back not less than eighteen feet (18') from any street line to which the pump island is vertical and twelve feet (12') from any street line to which the pump island is parallel and not less than twelve feet (12') from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve feet (12') from any street line, nor closer than ten feet (10') from any side or rear property line. All construction shall comply with the fire prevention code of the municipality and all applicable federal and state regulations. All gasoline/diesel pumps and fuel storage tanks, shall comply with all requirements of Mapleton City Code, the current version of the International Fire Code, the current version of the National Fire Protection Association codes, and any applicable regulations of the State of Utah and Federal Regulations. In case of conflicting provisions in any of the above-listed regulations, the most strict regulations shall apply. The following standards also apply:~~

- A. All gasoline / diesel pumps and fuel storage tanks shall be located no further than 500 feet, but no closer than 75 feet to a fire hydrant. The hydrant must be accessible from the abutting public street.
- B. Fueling yards must be accessible to the Fire Department by crash gate, key, or entry code.
- C. Above ground fuel storage tanks must have a 25-foot clear radius from combustible materials, storage areas, parking/backing areas, and buildings on the same lot, and shall have 50-foot setback from any property line.
- D. Above ground fuel storage tanks shall have a maximum height of 20 feet.
- E. All underground fuel storage tanks and associated pump islands must have a minimum setback of 20 feet from a property line and adjacent buildings.
- F. The maximum number of above ground or underground fuel storage tanks on a lot shall be 2 separate tanks with a maximum capacity of 10,000 gallons each.
- G. A sight-obscuring fence of six feet (6') in height shall be required surrounding the fuel storage tanks and associated vehicle fueling areas, except in the case of a commercial service station when the sight-obscuring fence around the fueling area shall not be required. All required fencing shall be masonry, vinyl, chain link with closely pre-woven 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 12 inches in height. The fenced area must have either a hard surface or compacted gravel surface.

- H. A primary and secondary containment is required for all fuel storage tanks and each must hold 100% of the capacity of the fuel storage tanks. The primary containment shall be a double-wall tank. The secondary containment shall be an impermeable diked area. The diked area shall include a sump with an oil-water separator to collect rain water, and the sump shall be surrounded by an impermeable underground barrier. The sump shall include means to remove the water periodically by pumping when filled. The sump shall not be connected to any sewer, storm drain, or other outlet. The pumped water shall be tested for contaminants and disposed of as directed by the Fire Inspector.
- I. Dispensing shall be from a listed pump, drawing from the top of the tank. Gravity discharge tanks are prohibited. The dispensing location may not be less than 20 feet from any building, property line, or fixed sources of ignition. Tank openings, pipes, and valves shall be arranged to prevent siphoning.
- J. An overfill prevention system shall be provided for each tank. During tank filling operations, the system shall:
1. Provide an independent audible or visual alarm signal for notifying the person filling the tank that the fluid level has reached 90% capacity.
 2. Automatically shut off the flow of fuel to the tank when the quantity of liquid in the tank reaches 95% capacity. For a rigid-hose fuel delivery system, an approved means shall be provided to empty the fill hose into the tank after the automatic shutoff device is activated.
- K. When a fuel storage tank and pumps are out of service for 90 days or more:
1. Flammable or combustible liquids shall be removed from the tank.
 2. All piping, including fill line, gauge opening, vapor return and pump connections shall be capped or plugged and secured from tampering.
 3. Vent lines shall remain open and operable.
- L. If an above ground tank and pumps are out of service for 1 year or more, the tank and pumps shall be removed.
- M. When removing a tank and pumps:
1. Flammable and combustible liquids shall be removed from the tank and all piping.
 2. Piping at the tank openings shall be disconnected when no longer used.
 3. All underground piping shall be removed.

4. Tank openings shall be capped or plugged, leaving a 0.125-inch to ¼-inch-diameter opening for pressure equalization.

5. Tanks must be purged and inerted prior to removal.

6. All exterior above-grade fill and vent piping shall be permanently removed. Exception: Piping associated with bulk plants, terminal facilities and refineries. Disposal methods for tanks shall be disposed of in accordance with federal, state and local regulations.