

**MAPLETON CITY**  
**PLANNING COMMISSION MINUTES**  
March 10, 2016

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**PRESIDING AND CONDUCTING:** Chairman Rich Lewis

**Commissioners in Attendance:** Therin Garrett  
Sharee Killpack  
Thomas Quist – arrived at 6:35pm  
Golden Murray  
Justin Schellenberg

**Staff in Attendance:** Sean Conroy, Community Development Director  
Brian Tucker, Planner

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

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Chairman Lewis called the meeting to order at 6:30pm. Golden Murray gave the invocation and Therin Garrett led the Pledge of Allegiance.

*Items are not necessarily heard in the order listed below.*

Alternate Commissioner Sharee Killpack was seated as a voting member this evening.

**Item 1. Planning Commission Meeting Minutes – January 28, 2016.**

**Motion:** Commissioner Murray moved to approve the January 28, 2016 Planning Commission Minutes.

**Second:** Commissioner Killpack

**Vote:** Unanimous

**Item 2. Consideration of a Preliminary Plat for the Whiting Cove subdivision consisting of 43 lots to be built in three phases, Final Plat approval for phase 1 consisting of 11 of the 43 lots, and a General Plan amendment and Rezone of approximately 2.5 acres from General Commercial (GC-1) to Residential-Minor Agricultural (RA-2). The applicant is Paul Whiting.**

**Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. The city has been in discussion with the Whiting's in the past regarding this property. There are 2 existing dwelling units that would be included in residential part of the development. There have been some discussions with grocers regarding this property, but they

*Planning Commission Meeting – March 10, 2016*

would not need the full amount of acreage for such a project. There are two egress/ingress streets along 1600 South. This project would eventually connect to development to the east. The sewer will have to flow to the north, so easements will have to be received in order to install this infrastructure. The City Council is the final vote for these items, with a recommendation from the Planning Commission. The corner portion of the property was rezoned commercial to ensure that this type of use was utilized. **Commissioner Killpack** was in favor of these requests.

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

**Paul Whiting**, the applicant, stated that currently they are just moving forward with the residential portion at this time. The challenge has been the ability to sell to a commercial buyer with the size that is there, of property. He feels if they can reduce the General Commercial (GC-1) Zoning, it will help with the future possibility for a grocer in the future.

**Motion:** Commissioner Murray moved to recommend approval to the City Council for the Preliminary Plat for the Whiting Cove subdivision consisting of 43 lots to be built in three phases, Final Plat approval for phase 1 consisting of 11 of the 43 lots, and a General Plan amendment and Rezone of approximately 2.5 acres from General Commercial (GC-1) to Residential-Minor Agricultural (RA-2), with the condition listed below:

1. The applicant shall address all outstanding items of the Development Review Committee (DRC) comments dated 2/23/16 prior to plat recording.

**Second:** Commissioner Garrett

**Vote:** Unanimous

**Item 3. Consideration of an application for a Home Occupation for a massage therapy business at 826 West 1900 North in the RA-2 Zone.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance, and the different types of products and services that are being proposed. Most advertising will be done through social media and word of mouth. The Home Occupation would be on a 1/3 acre lot. There will be client visits, with a manufacturing aspect to it, which is the reason for the Planning Commission reviewing the proposal this evening. There has been a problem in this area of the city with fats and oils clogging the sewer lift stations in the area. Due to this concern the Public Works Department is requiring a grease trap in the home, or other equipment that will protect the sewer and water system. Aside of this, there are the typical requirements for the Home Occupation.

**Sharalyn Backus**, the applicant, stated that there is not a lot of product being created. She estimates that approximately 10 lbs a year will be made.

**Motion:** Commissioner Schellenberg moved to approve the Home Occupation for a massage therapy business at 826 West 1900 North in the RA-2 Zone, with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. The business shall operate on an appointment only basis to minimize the amount of traffic and on street parking associated with the business.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. The applicant shall maintain a copy of their current massage therapist license with the City.
5. With the exception of activities that are clearly incidental and secondary to the salon use, the home occupation shall be conducted within the confines of the structures.
6. No signs shall be placed on the property without a sign permit.
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 will install a grease trap or other equipment necessary to protect sewer and water infrastructure as directed by Mapleton City's Public Works Department unless it can be demonstrated to Public Works Director that such a grease trap or other equipment is unnecessary.

**Second:** Commissioner Murray

**Vote:** Unanimous

**Item 4. Consideration of an appeal to a Zoning Verification determination of “not a zoning lot” for property at 1220 East 1200 North.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. The property is near Hobble Creek Elementary. In 2006 the city recorded a Certificate of Non-Compliance because the property was split without proper approvals. This recording was done so that property owners could be made aware of the non-compliance. The current issue was brought to light when the applicant made a request for solar panels. When this permit was applied for the Notice of Non-Compliance was found, and a Zoning Verification was done on the property. It was determined that Zoning Lot Status was not given on the property, which does not allow for any building permits to be pulled on the property. Brian went over the history of the property back to 1993. At that time the property met all zoning requirements. A Warranty Deed was recorded in 2002, which is when the problem was created. In this case parcel 26:066:0108 had 418' of frontage, and 26:066:0109 was left with 0' of frontage. The conclusion reached was that both parcels lacked the required acreage and frontage required in the zoning. The history of building

permits issued on metes and bounds lots was discussed for those in attendance. This lot is neither a legal lot of record nor a legal non-conforming lot of record. The city is clear that this is an illegal lot. There are two questions here; is the staff's zoning verification correct and the second is, if the applicant should be able to obtain a building permit. **Commissioner Schellenberg** wondered if a solar panel permit would really fall under a building permit, or something similar to a fence permit. Brian stated that it would not be easy to make these properties legal. The applicants would have to work with the other lot owner, Mike Klauck, to resolve the problem both properties face. There is an inconsistency in what individuals are able to record through the County, and what ensures these recordings meet zoning and building requirements. It was mentioned that MCC 17.02.030 be applied to new structures and MCC 18.20.060.E pertain to existing structures. Commission Schellenberg asked if these types of requests could be done on a case by case basis. Brian felt that every scenario did not need to be determined tonight, but that similar requests would be done similar to the outcome of this item.

The **Scoma's** just stated that they hope the Commission will allow them to install the solar panels.

**Motion:** Commissioner Murray moved that the Planning Commission's determination was that Ordinance MCC 18.20.060.E referenced existing structures, which would allow the applicant to install Solar Panels on the home.

**Second:** Commissioner Killpack

**Vote:** Unanimous

**Item 5. Adjourn.**

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April Houser, Executive Secretary

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Date