

MAPLETON CITY
PLANNING COMMISSION MINUTES
October 13, 2016

PRESIDING AND CONDUCTING: Chairman Lewis

Commissioners in Attendance: Therin Garrett
Golden Murray
Thomas Quist
Justin Schellenberg
Keith Stirling

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

Minutes Taken by: April Houser, Executive Secretary

Chairman Lewis called the meeting to order at 6:30pm. An invocation and Pledge of Allegiance was given.

Items are not necessarily heard in the order listed below.

Item 1. Planning Commission Meeting Minutes – September 22, 2016.

Motion: Commissioner Schellenberg moved to approve the September 22, 2016 minutes.

Second: Commissioner Murray

Vote: Unanimous

Item 2. Consideration of a Variance to the front setback requirement for an existing home on a corner lot at 290 East 600 North, parcel #26:064:0330

Brian Tucker, Planner, went over the Staff Report for those in attendance. Up until 2014 this lot was considered an interior lot. In April 2014 the *Meadows at Mapleton* Subdivision was developed, which turned the layout of this lot into a corner lot. The owners of the home would like to do an addition, which would go into the now 30' side yard setback. Variances are governed by State Code 10-9a-702, where there are 5 criteria that need to be met in order to gain a variance, and is something that is very rarely granted. These criteria were discussed with the Planning Commission. It was Mapleton City and the developer that created this side yard setback issue with the approval of the *Meadows at Mapleton* subdivision. The 250 East street was the most logical road to be installed in this area. The Planning Staff recommends approval of the variance request with the findings listed in the Staff Report this evening. **Commissioner Schellenberg** just wanted

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to confirm that the site triangle was not being affected by this addition, which Brian stated that it was not.

Motion: Commissioner Murray moved to approve a Variance to the front setback requirement for an existing home on a corner lot at 290 East 600 North, parcel #26:064:0330, with the following findings:

1. Prior to the dedication of 250 East, the home at 290 East 600 North was an interior lot that conformed with all of the minimum setback requirements of the R-2 Zoning District.
2. The dedication of 250 East was in accordance with Mapleton City Code and furthered the Transportation Plan by creating a greater degree of street interconnectivity.
3. As a result of governmental action, the home at 290 East 600 North was no longer a conforming interior lot, but rather a legal, non-conforming corner lot. This set of special circumstances are a rarity within the City.
4. The change in the nature of the lot was not a result of actions taken by owners of the home at 290 East 600 North and was therefore not self-imposed.
5. The non-conforming nature of the west setback of the home, a circumstance created by forces external to the property owner, created an unreasonable hardship with respect to the ability to add to the home in a rational manner. The ability to expand one's home, in a reasonable manner and in accordance with the required setbacks, is a fundamental property right that was taken from the homeowner through no fault of their own.
6. The owner does not gain any economic advantage through the granting of the variance. The status quo is restored.
7. The granting of the variance serves the public interest when a fundamental property right, removed from the property by external forces, is restored to the property. The restoration does not come at the cost of negatively affecting the General Plan, does not conflict with the spirit of the zoning ordinance, and results in a fair and just restoration of a previously held right.
8. The second floor addition that extends 3' (4' with the eave) into the setback from 250 East is an allowable projection into the front yard setback, if the applicant decides to move forward with the addition in this area.
9. The application fee paid by the applicant for the variance request should be refunded.

Second: Commissioner Stirling

Vote: Unanimous

Item 3. Consideration of an ordinance amending Mapleton City Code Chapter 18.84.370.B related to requirements for residential facilities for persons with a disability.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This section of the code relates to Residential Care Facilities. The City Attorney is recommending one amendment to this code, which would strike out “*has a history of criminal conviction...*”. The Planning Commission would be a recommending body to the City Council on this item.

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

Motion: Commissioner Stirling moved to recommend approval to the City Council of an ordinance amending Mapleton City Code Chapter 18.84.370.B related to requirements for residential facilities for persons with a disability.

Second: Commissioner Murray

Vote: Unanimous

Item 4. Consideration of an ordinance amending Mapleton City Code Chapters 18.28.050, 18.32.050, 18.36.060, 18.44.050 and 18.48.050 related to front yard setback requirements in the A-2, RA-1, RA-2, R-1-B and R-2 Zones.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This is really a clean-up item to fix an issue that we see come up more and more. The setback is currently measured from the property line. This would make a 20’ setback from the sidewalk, allowing vehicles to park in the driveway without impeding into the sidewalk area for pedestrians. **Commissioner Schellenberg** felt the setback should be 25’ instead of 20’.

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

Motion: Commissioner Schellenberg moved to recommend approval to the City Council of an ordinance amending Mapleton City Code Chapters 18.28.050, 18.32.050, 18.36.060, 18.44.050 and 18.48.050 related to front yard setback requirements in the A-2, RA-1, RA-2, R-1-B and R-2 Zones, with the proposal to change the 20’ setback to 25’ from back of sidewalk.

Second: Commissioner Garrett

Vote: Unanimous

Item 5. Consideration of a Resolution to apply the Open Space and Parks zoning designation to the following City owned facilities: North Park, Mapleton City Park, City Pressurized Irrigation Pond, Wing Point Park, Eagle Rock Park, Harvest Park and Clubhouse and Ira Allen Park.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This item came about when the City took over the Harvest Park Clubhouse. The property is still zoned in the SDP-1 Zone, so the City felt our parks should be zoned to Open Space and Parks on all these City owned areas throughout the City.

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

Motion: Commissioner Garrett moved to recommend approval to the City Council of a Resolution applying the Open Space and Parks zoning designation to the following City owned facilities: North Park, Mapleton City Park, City Pressurized Irrigation Pond, Wing Point Park, Eagle Rock Park, Harvest Park and Clubhouse and Ira Allen Park.

Second: Commissioner Murray

Vote: Unanimous

Item 6. Adjourn.

April Houser, Executive Secretary

Date