

# Planning Commission Staff Report

June 13, 2019

## Item 5

**Applicant:** Mapleton City**Location:** Approximately  
350 E 1600 N**Prepared by:** Sean Conroy,  
Community Development  
Director**Public Hearing:** Y**Zone:** R-2**Attachments:**

1. Application  
information.
2. Potential  
Nonconformities.

### REQUEST

Consideration of a request to amend the General Plan Land Use Designation from High Density Residential (HDR) to Medium Density Residential (MDR) and the zoning from Residential (R-2) to Residential-Minor Agricultural (RA-2) for approximately 50 acres of land located at approximately 350 East 1600 North.

### BACKGROUND AND PROJECT DESCRIPTION

In 1972 the City Council approved a zone change from A-2 to R-2 for 83 acres on the north side of the Mapleton. In 1976 the first phase of the Maplewood subdivision was recorded in this area consisting of 24 lots. Since that time four more plats have been recorded bringing the total number of lots to 60 on approximately 50 acres, all zoned R-2. The lots range in size from approximately ¼ acre to over two acres. The lots are primarily developed with single-family detached homes but there is one twin home in the development as well.

On May 21, 2019 a petition was submitted to the City that had been signed by 34 of the home owners requesting a zone change from R-2 to RA-2 (see attachment “1”). The intent is to change the general plan designation and zoning to more accurately reflect the character of the area.

### EVALUATION

**General Plan:** The general plan land use map is meant to demonstrate the City’s long-term vision for how properties may develop over time. The designation for this property is High Density Residential (HDR). Since all but two of the lots have been developed, and most of the lots are larger than what typically might be expected in a high density area, it seems appropriate to designate this area as Medium Density Residential (MDR).

**Zoning:** The existing R-2 zone has a minimum lot size of 10,000 square feet per lot with at least 80 feet of frontage on a city road. The R-2 zone allows for single-family detached dwellings, twin homes and duplexes. The RA-2 zone, which is being requested, has a minimum lot size of 14,500 square feet with at least 100 feet of frontage on a city road and does not allow twin homes or duplexes.

If the RA-2 zone is approved for the entire neighborhood, approximately 15 lots primarily along 1600 North, will not comply with the minimum lot size, minimum frontage and/or use limitations (see attachment “2”). These lots would be considered nonconforming.

A legal nonconforming lot is defined in Mapleton City Code (MCC) Chapter 18.20.025 as a lot or parcel of real property that:

- A. Legally existed before its current zoning designation;*
- B. Has been shown continuously on the records of the Utah County Recorder as an independently existing piece of property; and*
- C. As a result of subsequent zoning changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirement of the zone where the lot is located.*

MCC Chapter 18.20.060 then indicates the following regarding legal nonconforming lots:

- A. Continuation: A nonconforming lot may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this title, subject to the provisions of this section and any other applicable provision of this chapter.*
- B. Residential Zones: A new dwelling may be constructed on a legally established lot which is nonconforming as to area and frontage provided the dwelling conforms to all other requirements of this title and other applicable codes.*

While a legal nonconforming lot typically has the same rights as a legal conforming lot, it is generally not good practice to create nonconformities. Staff is supportive of the rezone request from R-2 to RA-2 for the majority of the neighborhood, but is not supportive of changing the zoning for the section of the neighborhood that would become nonconforming. Since all of these lots except for one are already developed, there seems to be little reason to rezone these lots and create nonconforming status.

### **STAFF RECCOMENDATION**

Recommend approval of the general plan amendment and rezone request to the City Council from RA-2 to R-2 with the exception of the lots from 15 East to 460 East along 1600 North.

Attachment "1"  
Application Information

As citizens of Mapleton living on 1700 North and on the North side of 1600 North, between Main St. and 740 East, we wish to have our property zoning changed to better reflect the current land use in our zone. The zoning should be changed from R-2, which is Mapleton's highest density zone, to RA-2.

34 home owners. A majority of the 55 homes.

Name	Address	Phone #	Signature	Property Owner
Jermy Jackson	706 E 17		19-0551	Jermy Jackson
Catherine Watson	570 E 1700 N		[Signature]	Catherine Watson
Sepp Packard	467 E 1700 N		[Signature]	Sepp Packard
Emily Packard	467 E 1700 N		[Signature]	Emily Packard
David Paxman	423 E 1700 N		David Paxman	David Paxman
Kathy Paxman	423 E 1700 N		Kathryn Paxman	same
Jeremy Congdon	625 E 1700 N		[Signature]	Jeremy Congdon
Kimberly Congdon	625 E 1700 N		[Signature]	Kimberly Congdon
GRAIG TAYLOR	420 E 1700 N		[Signature]	GRAIG YES
Kirk Parkinson	391 E 1700 N		[Signature]	YES
Andrew Tresscott	391 E 1700 N		[Signature]	yes
Janell Dunn	75 E 1700 N		Janell Dunn	yes
ROGER CUMMINGS	203 E 1700 N		[Signature]	YES
Mary Tresscott	675 E 1700 N		[Signature]	Brandon Tresscott
BRANDON TRESSCOTT	675 E 1700 N		[Signature]	BRANDON TRESSCOTT
GARY NELSON	443 E 1600 N		Gary Nelson	GARY NELSON
Aida Nelson	443 E 1600 N		Aida Nelson	Aida Nelson
Judith Everett	421 E 1600 N		Judith Everett	Judith Everett
Gordon Harkness	242 E 1700 N		[Signature]	yes
Ryan Swanson	166 E 1700 N		[Signature]	yes

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Name	Address	Phone #	Signature	Property Owner
Claudia Vinton	662 E 1700 N		Claudia Vinton	Yes
Richard Vinton	"		Richard Vinton	Yes
Cheryl McKinney	480 E 1700 N		Cheryl McKinney	Yes
LADICE MCKINNEY	480 E 1700 N		Ladice McKinney	Y
Angela Silva	1652 N 740 E		Angela Silva	Y
Richard Silva	1652 N 740 E		Richard Silva	Y
Nicole Walker	537 E 1600 N		Nicole Walker	Yes
Dallan Walker	537 E 1600 N		Dallan Walker	Yes
Sue Roper	615 E 1600 N		Sue Roper	Yes
Bobby Roper	"		Bobby Roper	Yes
Robert Jensen	655 E 1600 N		Robert Jensen	Yes
Ellen Jensen	655 E 1600 N		Ellen Jensen	Yes
James Watson	570 E 1700 N		James Watson	Yes
Grace Nay	1651 N 740 E		Grace Nay	Yes
Kurt Nay	1651 N 740 E		Kurt Nay	Yes
Sarah Hendershot	376 E 1700 N		Sarah Hendershot	Yes
Sarah Hendershot	376 E 1700 N		Sarah Hendershot	Yes
Joleen McQueen	334 E 1700 N Merapleton		Joleen McQueen	Yes
Daphne Law	157 E 1700 N		Daphne Law	Yes
Pratt Law	157 E 1700 N		Pratt Law	Yes
DAVID LONG	82 E 1700 N		David Long	Yes
LISA LONG	82 E 1700 N		Lisa Long	Yes
Gill Long	555 E 1700 N		Gill Long	Yes
Joseph Burt	401 E 1600 N		Joseph Burt	Yes

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Name	Address	Phone #	Signature	Property Owner
<del>Jerry Jackson</del>	<del>706 E 17</del>		<del>19-0551</del>	<del>[Signature]</del>
<del>Collette Weston</del>	<del>570 E 1700 N</del>		<del>[Signature]</del>	<del>[Signature]</del>
<del>Sen Packard</del>	<del>467 E 1700 N</del>		<del>[Signature]</del>	<del>Sen Packard</del>
Emily Packard	467 E 1700 N		[Signature]	Emily Packard
David Paxman	423 E 1700 N		David Paxman	David Paxman
Kathy Paxman	423 E 1700 N		Kathryn Paxman	Same
Jeremy Congdon	625 E 1700 N		[Signature]	Jeremy Congdon
Kimberly Congdon	625 E 1700 N		[Signature]	Kimberly Congdon
GRAIG TAYLOR	420 E 1700 N		[Signature]	CRAI YES
Kurt Parkinson	391 E 1700 N		[Signature]	YES
<del>Garth Peterson</del>	<del>381 E 1700 N</del>		<del>[Signature]</del>	<del>YES</del>
Janell Dunn	75 E 1700 N		[Signature]	YES
ROGER CUMMINGS	203 E 1700 N		[Signature]	YES
Mary Tinscott	675 E 1700 N		[Signature]	Brandon Tinscott
<del>Brandon Tinscott</del>	<del>675 E 1700 N</del>		<del>[Signature]</del>	<del>Brandon Tinscott</del>
GARY NELSON	443 E 1600 N		[Signature]	GARY NELSON
Aida Nelson	443 E 1600 N		[Signature]	Aida Nelson
Andie Everett	421 E 1600 N		[Signature]	Andie Everett
Tanya Houston	597 E 1600 N		T. Houston	[Signature]
Dewey Houston	597 E 1600 N		[Signature]	Dewey Houston

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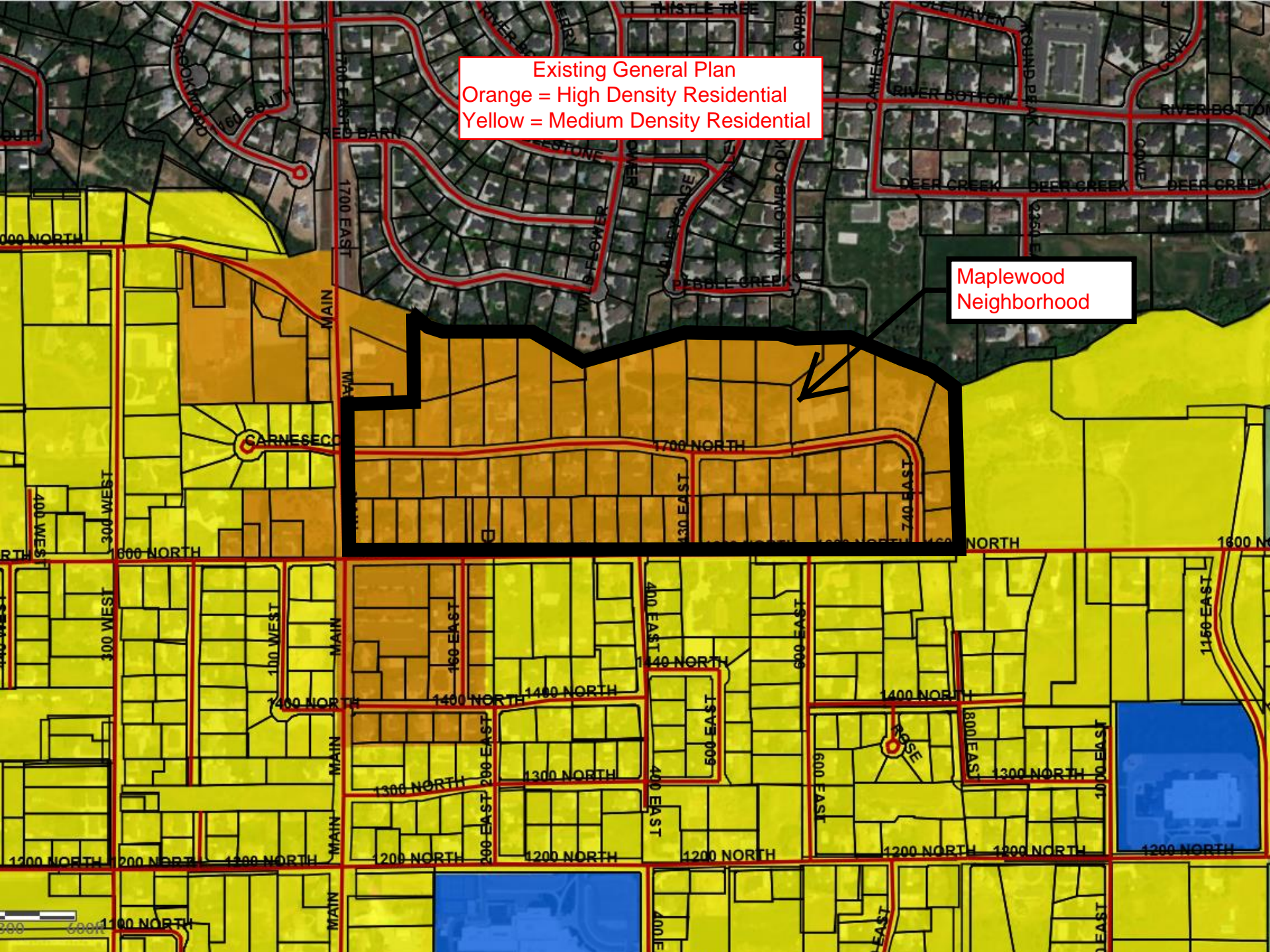
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Existing General Plan  
Orange = High Density Residential  
Yellow = Medium Density Residential

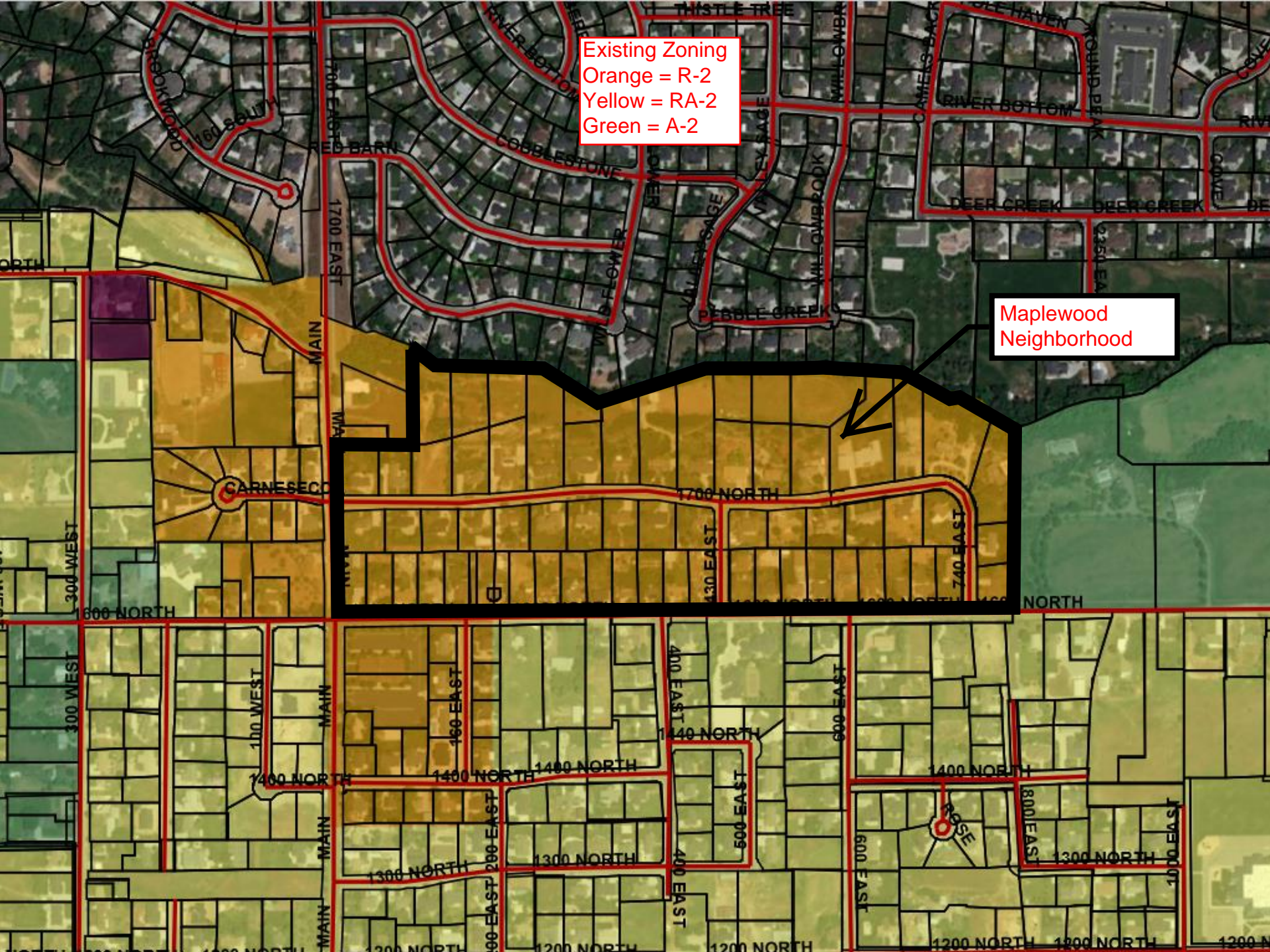
Maplewood  
Neighborhood





Existing Zoning  
Orange = R-2  
Yellow = RA-2  
Green = A-2

Maplewood  
Neighborhood





Staff recommended rezone area

Area to be rezoned to RA-2

1700 N

705.88 ft

857.74 ft

1600 N

Area to remain as R-2. Red dot signifies a lot that would become nonconforming if rezoned to RA-2



**POTENTIAL NONCONFORMITIES CREATED BY A REZONE TO RA-2**

**Lots that have less than the required 100' of frontage in the RA-2 zone**

**Address**

57 E 1600 N  
95 E 1600 N  
123 E 1600 N  
147 E 1600 N  
201 E 1600 N  
205 E 1600 N  
235 E 1600 N  
243 E 1600 N  
263 E 1600 N  
375 E 1600 N  
385 E 1600 N  
395 E 1600 N  
421 E 1600 N  
430 E 1640 N  
430 E 1610 N

**Lots that have less than the required 14,500 sq ft of lot area in the RA-2 zone**

**Address**

201 E 1600 N  
205 E 1600 N  
430 E 1640 N  
430 E 1610 N

**Lots that contain a twin home that is not allowed in the RA-2 zone**

**Address**

201 E 1600 N  
205 E 1600 N