

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
Jerry Jackson	706 E 17		19-0551	Jerry Jackson
Catherine Watson	570 E 1700 N			
Sean Packard	467 E 1700 N			Sean Packard
Emily Packard	467 E. 1700 N.			Emily Packard
David Paxman	423 E 1700 N			David Paxman
Kathy Paxman	423 E 1700 N			Kathryn Paxman same
Jeremy Congdon	625 E 1700 N			Jeremy Congdon
Kimberly Congdon	625 E 1700 N			Kimberly Congdon
Craig Taylor	426 E. 1700 N.			Craig Taylor YES
Kurt Parkinson	391 E. 1700 N.			Yes
Mark Parkinson	381 E. 1700 N			Yes
Janell Dunn	75 E. 1700 N			Janell Dunn Yes
Roger Cummins	203 E 1700 N			Roger Cummins Yes
Mary Truscott	1675 E. 1700 N.			Mary Truscott Brandon Truscott
BRANDON TRUSCOTT	675 E. 1700 N.			BRANDON TRUSCOTT
GARY NELSON	443 E. 1600 N			GARY NELSON
Ada Nelson	443 E 1600 N			Ada Nelson
Judith Everett	421 E 1600 N			Judith Everett
Gordon Harkness	2012 E 1700 N.			Gordon Harkness
Ryan Swanson	166 E 1700 N			Ryan Swanson

Name	Address	Phone #	Signature	Property Owner
Charita Vinton	662 E 1700 N		Charita Vinton	Yes
Richard Vinton	"		Richard Vinton	Yes
Cheoyi MelKunay	480 E 1700 N		Me MelKunay	yes
LADIES MERCINNAY	480 E. 1700 N.		LADIES MERCINNAY	4
Angela Silva	1652 N 740 E		Angela Silva	?
Richard Silva	1652 N 740 E		Richard Silva	Yes
Nicole Walker	537 E 1600 N		Nicole Walker	Yes
Dallan Walker	537 E 1600 N		Dallan Walker	yes
Sue Roger	615 E. 1600 N.		Sue Roger	Yes
Bobby Roger	↓		Bobby Roger	Yes
Robert Jensen	655 E 1600 N		Robert Jensen	Yes
Ellen Jensen	655 E 1600 N.		Ellen Jensen	Yes
James Wilson	570 E 1700 N		James Wilson	Yes
Grace Nay	1651 N. 740 E.		Grace Nay	Yes
Kyrt Nay	1651 N. 740 E.		Kyrt Nay	Yes
Stephanie Hendershot	376 E. 1700 N.		Stephanie Hendershot	Yes
Sarah Hendershot	376 E. 1700 N.		Sarah Hendershot	yes
Jolene M. Duen	334 E. 1700 N. Mapleton		Jolene M. Duen	yes
Daphne	157 E 1700 N		Daphne	Yes
Patrice Lee	157 E 1700 N		Patrice Lee	Yes
DAVID Long	82 E 1700 N		DAVID Long	Yes
LISA Long	82 E 1700 N		LISA Long	Yes
Alli	555 E 1700 N		Alli	Yes
Joseph Burch	421 E 1600 N		Joseph Burch	Yes

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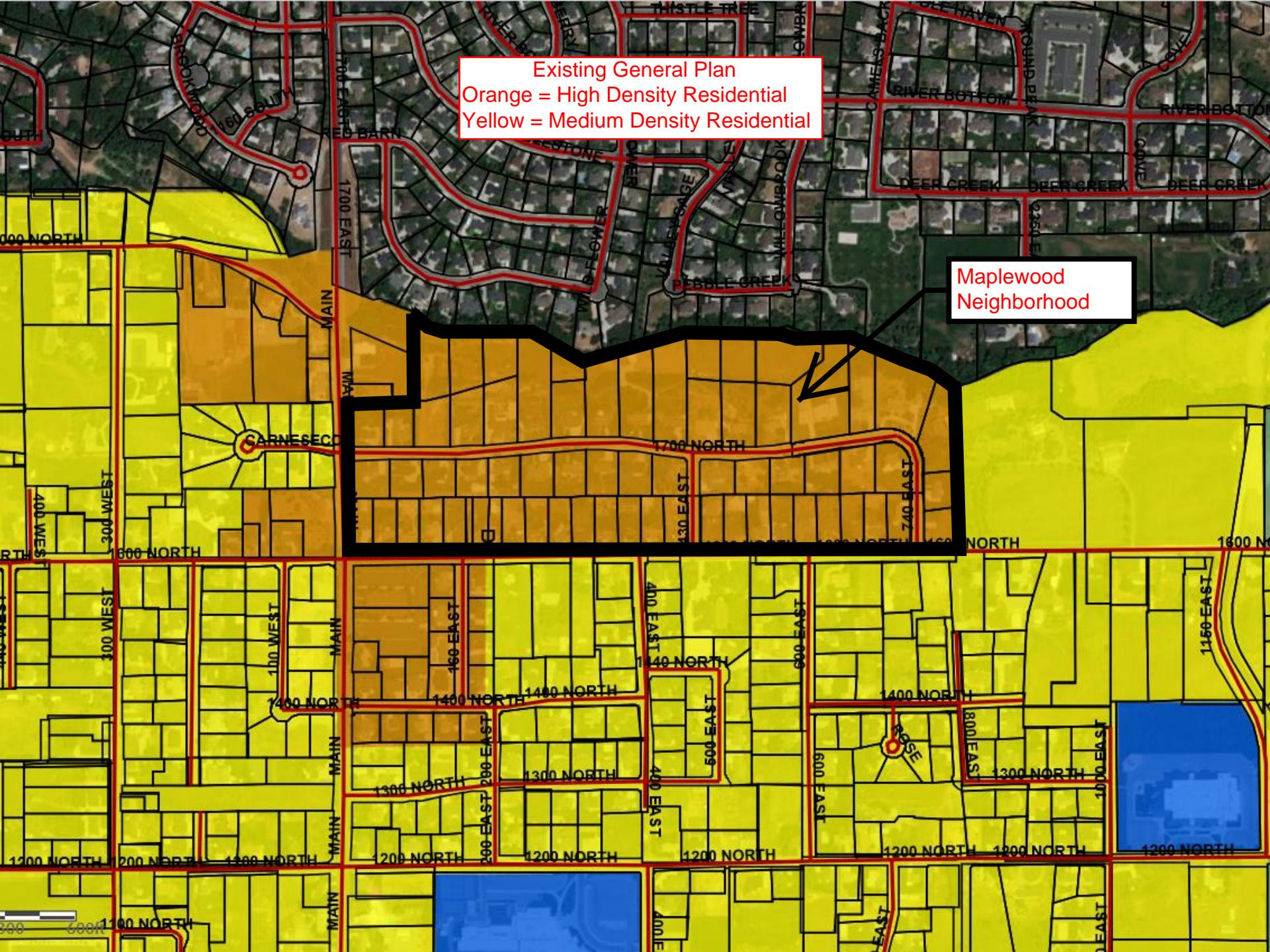
Name	Address	Phone #	Signature	Property Owner
Jerry Jackson	706 E 17		19-0551	Jerry Jackson
Catherine Watson	570 E 1700 N			
Steph Jackson	467 E 1700 N			Steph Jackson
Emily Packard	461 E. 1700 N.		OMW	Emily Packard
David Paxman	423 E 1700 N		David Paxman	David Paxman
Kathy Paxman	423 E 1700 N		Kathy Paxman	Same
Jeremy Congdon	625 E 1700 N		Jeremy Congdon	Jeremy Congdon
Kimberly Congdon	625 E 1700 N		Kimberly Congdon	Kimberly Congdon
Deans Taylor	420 E. 1700 N.		CRW, YES	
Kurti Parkerson	391 E. 1700 N.			Yes
Mark Johnson	381 E. 1700 N		Mark Johnson	Yes
Janelle Dunn	75 E. 1700 N		Janelle Dunn	Yes
Roger Cummins	203 E 1700 N		Roger Cummins	Yes
Mary Truscott	675 E. 1700 N.		Mary Truscott	Brandon Truscott
Brandi Truscott	675 E. 1700 N.		Brandi Truscott	Brandi Truscott
Gary Nelson	443 E. 1600 N		Gary Nelson	GARY NELSON
Ada Nelson	443 E 1600 N		Ada Nelson	Ada Nelson
Judith Everett	421 E 1600 N		Judith Everett	Judith Everett
Tanya Houston	597 E 1600 N		T. Houston	T. Houston
Dewey Houston	597 E 1600 N		Dewey Houston	Dewey Houston

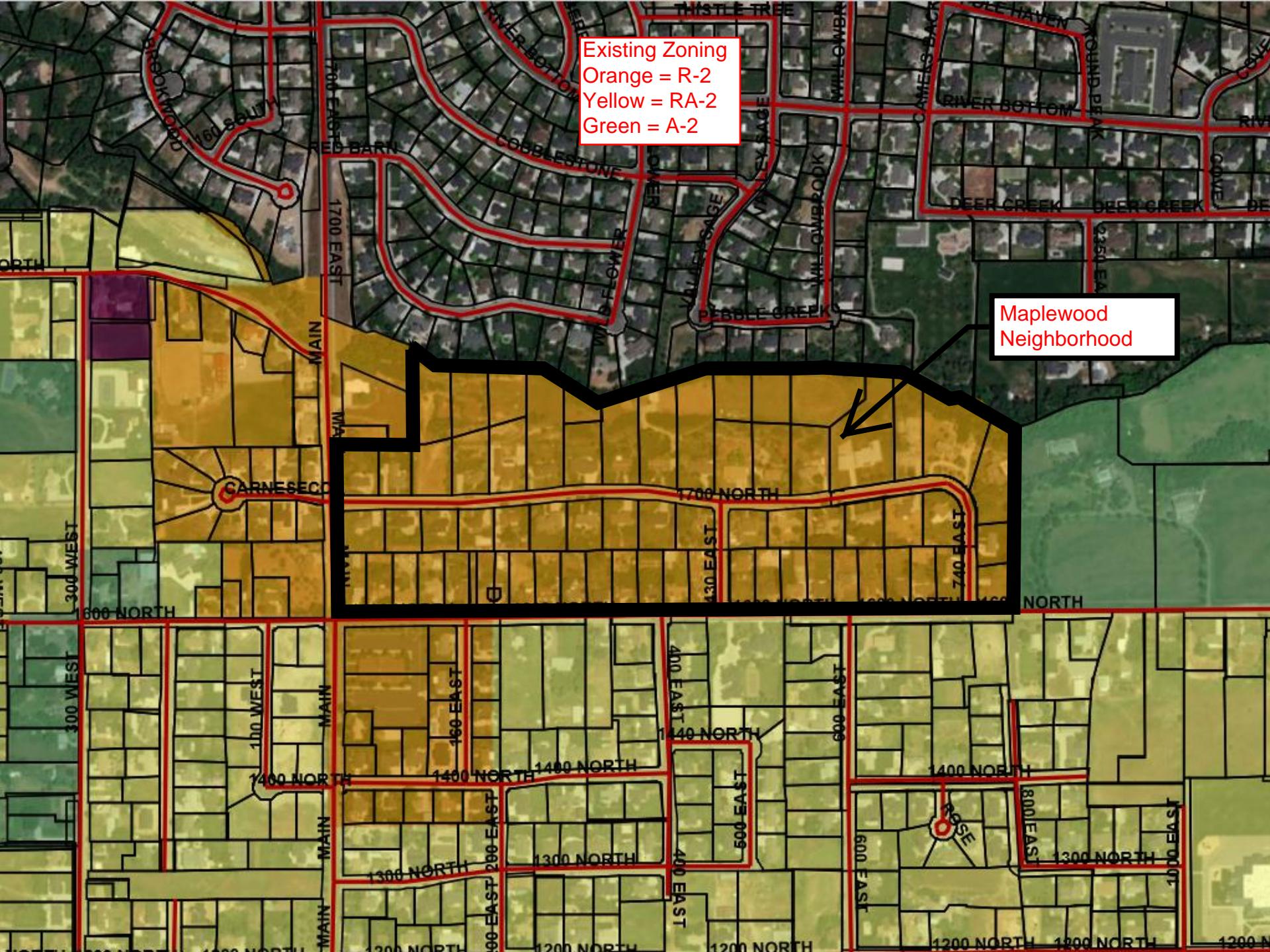
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POTENTIAL NONCONFORMITIES CREATED BY A REZONE TO RA-2

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