

City Council Staff Report

November 6, 2019

Applicant: Rhett Robinson

Location: 2680 South 1600
West

Prepared by: Brian Tucker,
Planner

Public Hearing: Y

Zone: A-2, GC-1

Attachments:

1. Application
information.
2. Zoning Text.
3. PC Minutes.

REQUEST

Consideration of an Ordinance to rezone approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to Industrial and Manufacturing (I&M-1).

BACKGROUND AND PROJECT DESCRIPTION

The subject property is approximately 10.9 acres in size and is located south of the Olsen sheep farm. The site has frontage on Highway 89, and the train tracks run along its west side. The site is triangular in shape, narrowing as HWY 89 begins to veer toward Spanish Fork Canyon. Approximately 2.5 acres of the site is currently zoned General Commercial (GC-1) with the remaining 8.4 acres zoned Agricultural-Residential (A-2)

The applicant is requesting to rezone the entire property to Industrial and Manufacturing (I&M-1). The applicant has submitted a concept plan showing the existing home as a future office, a future sports facility building, a building with two industrial offices and outdoor storage. The sports facility building would likely be used primarily as rental space for indoor sports team practices.

The property owner is currently using the property as a landscaping stone storage yard and is allowing the use of the southern portion of the property as a storage area for a landscaping company. These uses are not allowed in the A-2 zone and the City has sent a violation letter to the applicant.

The rezone application is the first of a number of steps the applicant needs to take to bring the property into compliance. Future steps would include site plan, project plan and subdivision approvals as well as project improvements with curb, gutter, and sidewalk installation as well as landscape screening. If the City Council does not approve the rezoning of the property to I&M-1, the outdoor storage will be required to be removed from the site.

EVALUATION

General plan amendments and rezone requests are considered legislative actions. The City Council generally has broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community, and is supported by city ordinances and policies.

Mapleton City Code Section 18.12.010.B provides the following list of guidelines to be used in reviewing amendment requests:

1. *Public purpose for the amendment in question.*
2. *Confirmation that the public purpose is best served by the amendment in question.*
3. *Compatibility of the proposed amendment with general plan policies, goals, and objectives.*
4. *Potential adverse effects to the city by creating "leapfrog" development or areas away from the existing "core" or center of the city.*
5. *Potential of the proposed amendment to hinder or obstruct attainment of the general plan's articulated policies.*
6. *Adverse impacts on adjacent landowners.*
7. *Verification of correctness in the original zoning or general plan for the area in question.*
8. *In cases where a conflict arises between the general plan map and general plan policies, precedence shall be given to the plan policies.*

General Plan & Zoning: The general plan land use map is meant to demonstrate the City's long-term vision for how properties may develop over time. When a request for a rezone is submitted, the general plan is intended to help determine whether the request is consistent with the long-term vision for development in a particular area. When a rezone request is not consistent with the general plan, the Planning Commission and City Council must determine if the general plan still accurately reflects the desired development pattern for the area. If it does still reflect the desired pattern, the rezone request should be denied, but if it does not, or there is justification for another designation, the general plan should be amended as part of the rezone approval.

While the property currently is zoned A-2 and GC-1, the general plan designation for the site is Industrial and Manufacturing. The general plan states the following regarding this designation:

"The purpose of the Industrial and Manufacturing designation is to provide areas for light and heavy industrial activities which have a more intense land use than those in the General Commercial designation. Uses characteristic of the designation are commercial, storage facilities, warehousing, manufacturing and retail industrial businesses. The site and building design shall fit with the general rural character of the community by incorporating attractive facades and landscaping, and shall not cause threats to the public health, safety, or welfare."

The requested rezone to I&M-1 is consistent with the general plan. The site is a logical location for an I&M-1 zone with the train tracks on its western boundary and Highway 89 on its eastern boundary. The I&M-1 zone does allow for outdoor storage with certain conditions regarding site

obscuring fencing and landscape screening. A sports facility as proposed in the concept plan is also a permitted use in the zone.

Concept Plan: MCC Chapter 18.12.010 requires the applicant to submit a concept plan with the rezone application. The purpose of the concept plan is to provide a general vision for how the applicant intends to develop the property. Section 18.72.050 contains additional requirements for rezone requests in the I&M-1, including a preliminary project plan showing existing and proposed buildings, parking and access, conceptual signage, landscaping and preliminary elevations showing the general appearance of the proposed buildings. The code indicates that if a final project plan is not submitted within 1 year of the rezone decision, that the City may take action to rezone the property back to its previous zone.

The applicant has submitted a conceptual site plan. The plans do not include formal elevation drawings or landscaping yet because the plan is still conceptual in nature. The intended use of the property in part as an outdoor storage yard is clear, but the sports facility is still conceptual. The applicant is requesting that the zoning be changed so that they can continue to work with the City to bring the current operations up to code.

The Council may consider the following options:

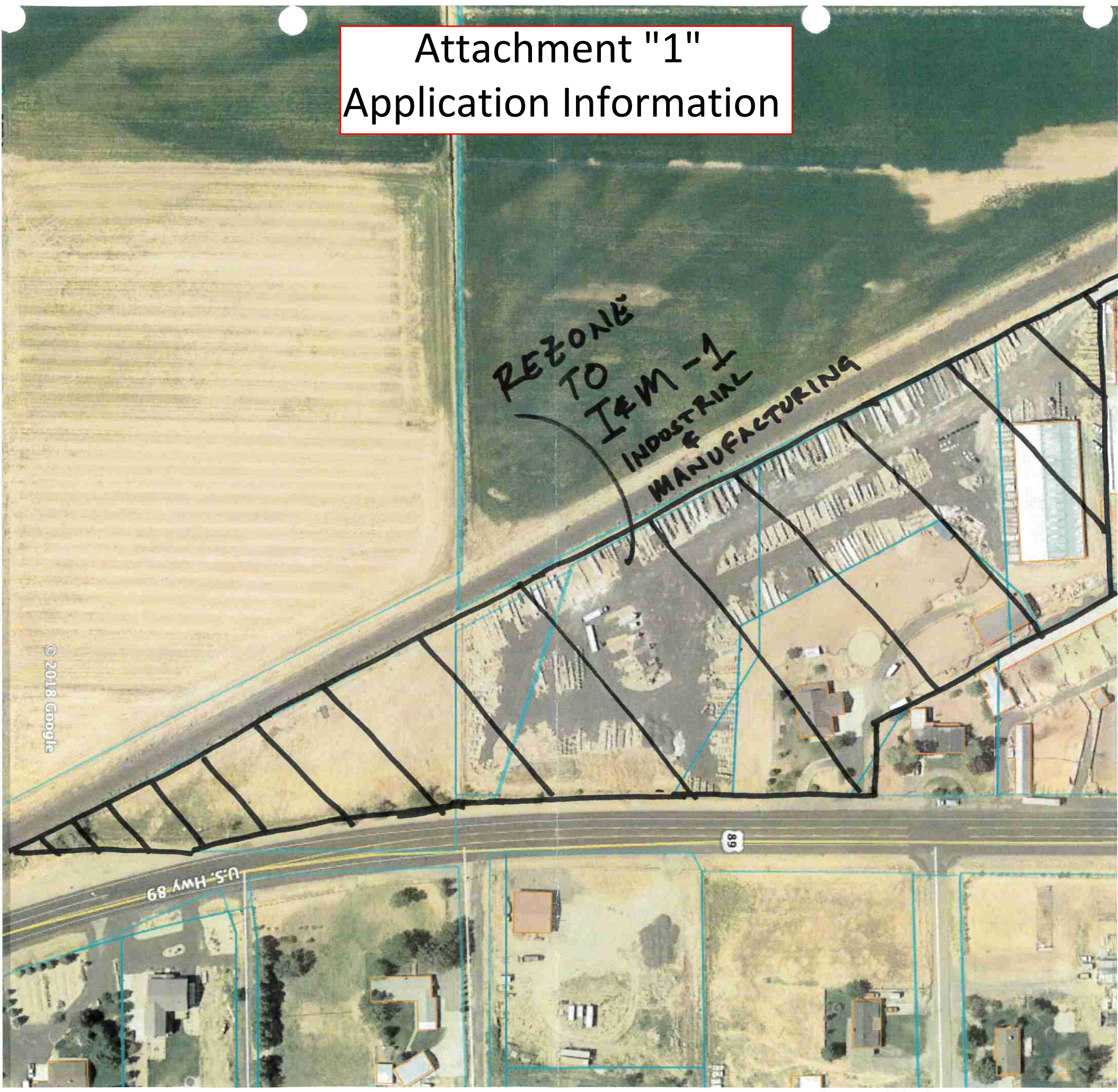
- 1) Continue the application until the applicant has a more defined development plan.
- 2) Approve the rezone request with the following conditions to address the current illegal business uses on the site:
 - The applicant shall apply for, and receive final City approval for site plan/project plan for the outdoor storage component by no later than May 29, 2020.
 - If final approval from the City is not obtained by May 29, 2020, the applicant shall cease and desist all business activities on the site and shall remove all outdoor storage items, vehicles, equipment and any other business related items.
 - Within 30 days of final approval, the applicant shall post a bond to ensure the installation of required street improvements, fencing and landscape buffering required for outdoor storage.
 - The project may be phased, however the area indicated as “future development” must be kept free of equipment, construction materials, refuse and any other items that are not native to the parcel. “Future Development” areas must be kept in a state of compliance with City Code.
- 3) Deny the application and direct staff to take enforcement action on the existing illegal uses.

STAFF RECOMMENDATION

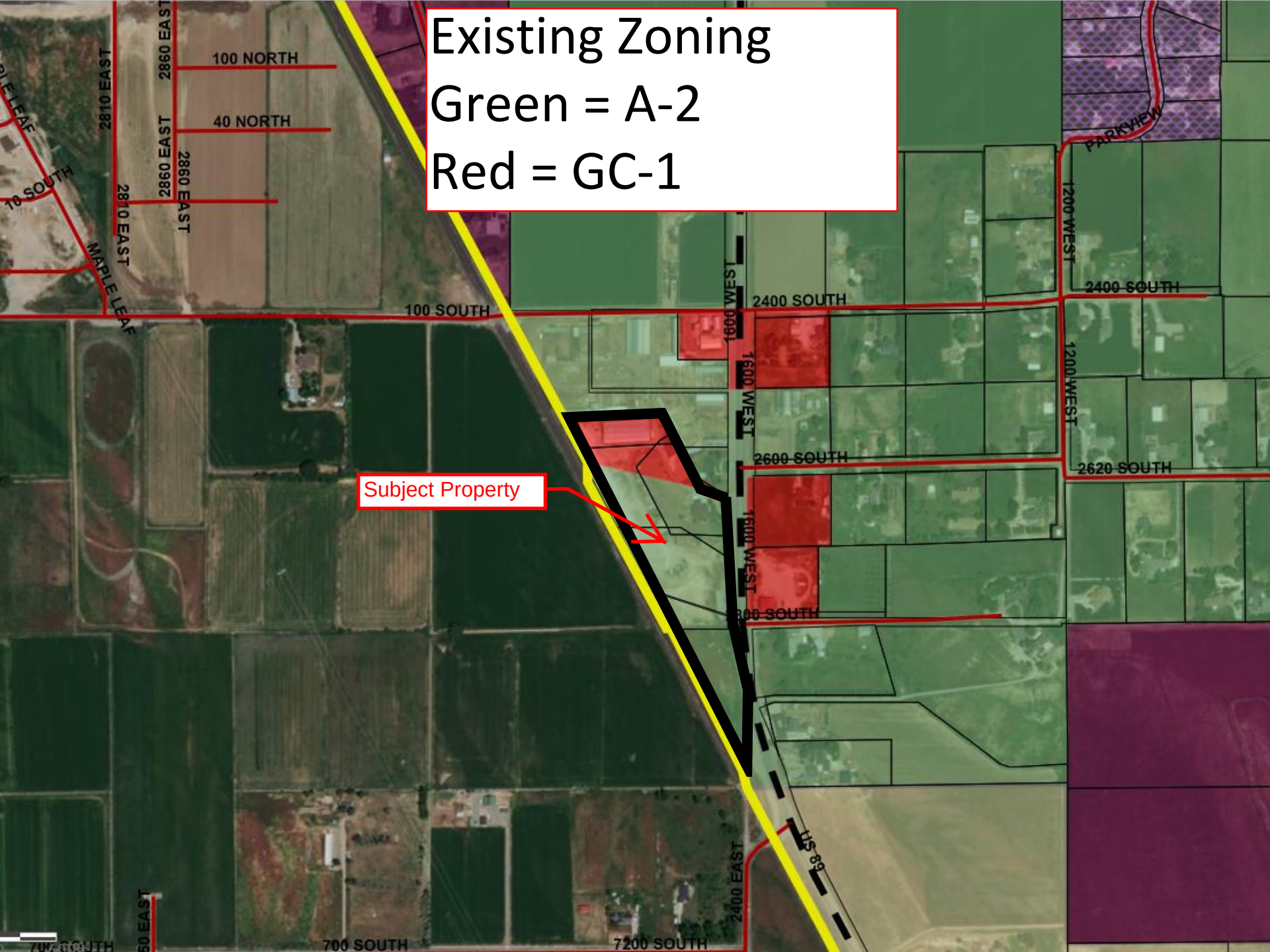
Staff recommends option 2 to more quickly move towards compliance, but could also support option 1.

Attachment "1"

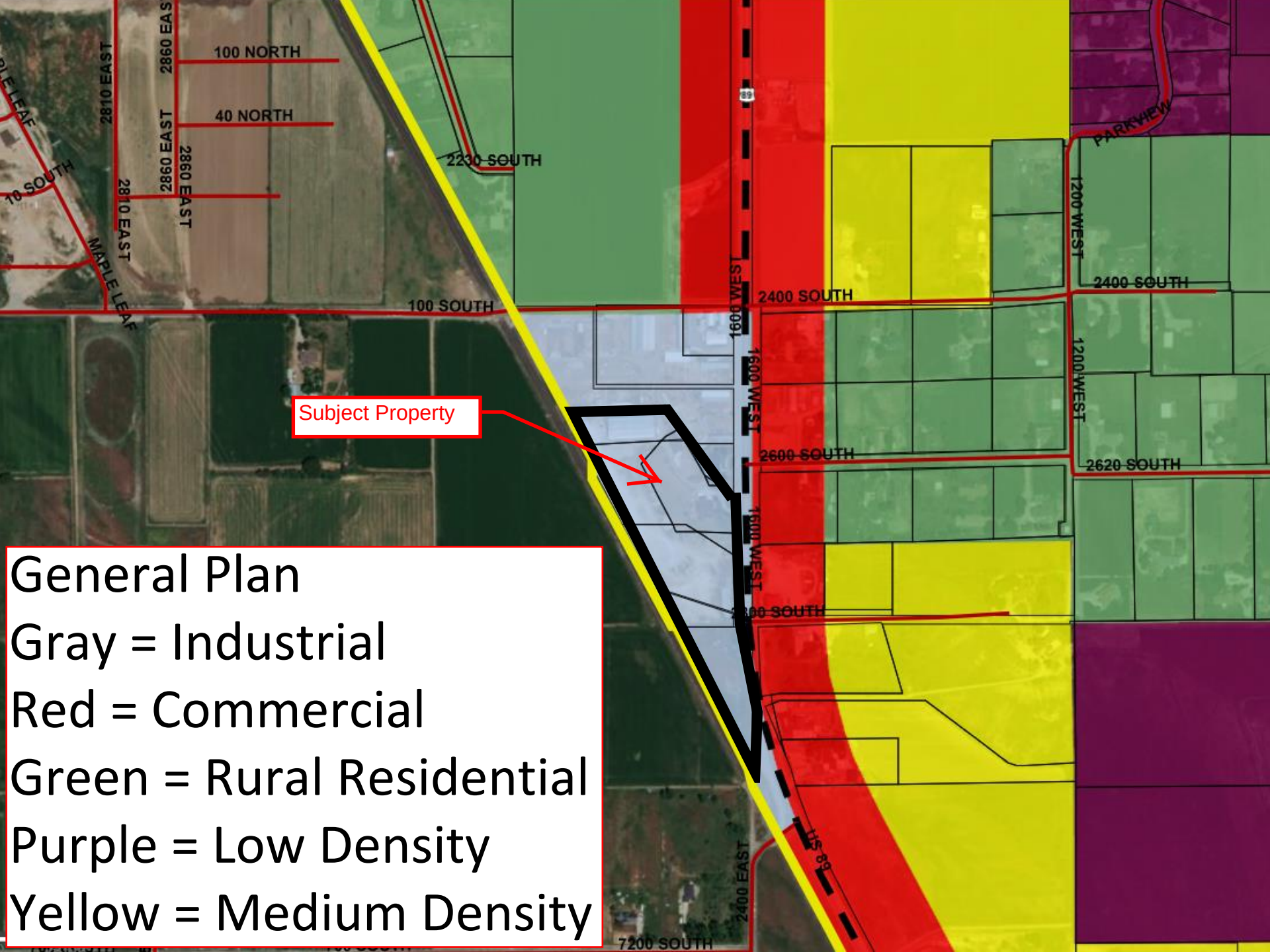
Application Information



Existing Zoning
Green = A-2
Red = GC-1



Subject Property



Subject Property

General Plan
Gray = Industrial
Red = Commercial
Green = Rural Residential
Purple = Low Density
Yellow = Medium Density

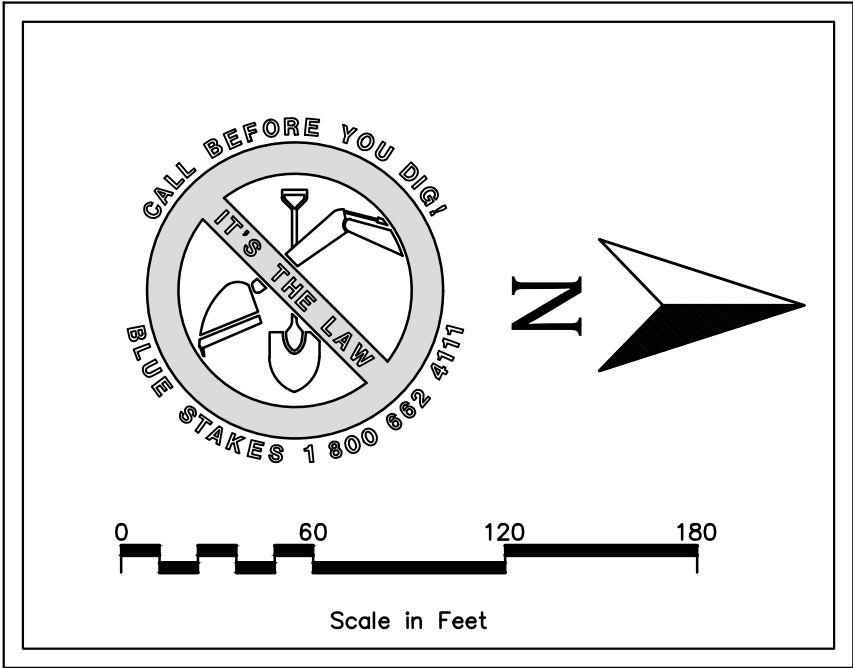


LEGEND

LOT LINES (PROPERTY)	---
EXISTING CURB AND GUTTER	==
PROPOSED CURB AND GUTTER	===
STRIPING	----
BUILDING SETBACK	-----
LANDSCAPE SETBACK	-----
EXISTING BUILDING	----
EXISTING FENCE	-----x-----
TOP BACK OF CURB	TBC
FINISHED FLOOR ELEVATION	FFE
LANDSCAPE AREA	[Pattern]
CONCRETE AREA	[Pattern]
DRAINAGE ARROWS	///

- UDOT NOTES
- UDOT RESERVES THE RIGHT, AT ITS OPTION, TO INSTALL A RAISED MEDIAN ISLAND OR RESTRICT THE ACCESS TO A RIGHT-IN OR RIGHT-OUT AT ANY TIME.
 - WORK ON THE UDOT RIGHT-OF-WAY IS SEASONALLY RESTRICTED FROM OCTOBER 15 TO APRIL 15.
 - ROW WORK: WORK IS NOT ALLOWED ON THE RIGHT-OF-WAY DURING THE AM/PM PEAK TRAFFIC HOURS (6:00-9:00AM AND 3:30-6:00PM). ADDITIONAL WORK RESTRICTIONS OR MODIFICATIONS MAY BE IMPOSED AT THE TIME OF THE ENCROACHMENT PERMIT.
 - REPLACE ALL PAVEMENT MARKINGS IN KIND (TAPE WITH TAPE AND PAINT WITH PAINT). INSTALL ALL PAINT LINES WITH PERMANENT PAINT APPLICATION PER UDOT SPECIFICATION 02765. PAINT MUST HAVE AT LEAST 6 MONTHS LIFE AS DETERMINED BY UDOT'S PERMITS OFFICER.
 - ALL NEW PAVEMENT WORDS, ARROWS AND SYMBOLS MARKING WITHIN THE RIGHT-OF-WAY SHALL BE PRE-FORMED THERMO PLASTIC. ALL LETTERS, ARROW AND SYMBOLS SHALL CONFORM WITH THE "STANDARD ALPHABET FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS" ADOPTED BY THE FEDERAL HIGHWAY ADMINISTRATION.
 - ALL SIGNS INSTALLED ON THE UDOT RIGHT-OF-WAY MUST BE HIGH INTENSITY GRADE (TYPE IX SHEETING) WITH A B3 SLIP BASE. INSTALL ALL SIGNS PER UDOT SN SERIES STANDARD DRAWINGS.
 - BEFORE COMMENCING WORK ON THE STATE HIGHWAY, THE GENERAL CONTRACTOR IS REQUIRED TO OBTAIN AN ENCROACHMENT PERMIT FROM THE APPLICABLE REGION'S PERMITS OFFICE BEFORE WORKING WITHIN THE STATE RIGHT-OF-WAY.
 - NO ROAD CUTS ALLOWED ON THIS JOB.
 - FOR ALL UTILITY TAPS (ROAD CUTS), USE FLOWABLE FILL PER UDOT'S CURRENT MIX DESIGN (50-150 PSI) UDOT SPEC. 03575.
 - ALL UTILITIES WITHIN THE PAVED SURFACE MUST BE BORED.
 - FOR EXCAVATIONS OUTSIDE OF THE ROADWAY, BACK FILL WITH UDOT APPROVED GRANULAR BORROW AND ROAD BASE. COMPACTION PER UDOT SPEC. 2056 AND 2721.
 - OWNER, DEVELOPER, AND/OR THE CONTRACTOR IS REQUIRED TO HIRE AN INDEPENDENT COMPANY FOR ALL TESTING WITHIN THE UDOT RIGHT-OF-WAY.
 - OWNER, DEVELOPER, AND THE CONTRACTOR ARE RESPONSIBLE FOR ANY DAMAGE TO THE UDOT RIGHT-OF-WAY THAT MAY BE DIRECTLY OR INDIRECTLY CAUSED BY THE DEVELOPMENT ACTIVITY.
 - TRAFFIC SIGNAL INSTALLATION OR MODIFICATION REQUIRES A SEPARATE WARRANTY BOND ONCE THE WORK HAS BEEN COMPLETED AND ACCEPTED. THE PERMITTEE IS RESPONSIBLE FOR HIRING AN INDEPENDENT INSPECTION COMPANY TO PERFORM INSPECTION SERVICES FOR ALL SIGNAL WORK COMPLETED. FOR A LIST OF THE UDOT APPROVED CONTRACTORS AND CONSULTANTS CONTACT THE APPROPRIATE REGION'S TRAFFIC SIGNALS ENGINEER.
 - PARTIAL CONCRETE PANEL REPLACEMENT IS NOT ALLOWED. WHEN PANELS ARE REMOVED, THE ENTIRE PANEL IS REQUIRED TO BE REPLACED PER UDOT STANDARDS, SPECIFICATIONS, AND STANDARD DRAWINGS.
 - DOUBLE SAW CUT THE CONCRETE TO PREVENT THE SPALLING OF OTHER CONCRETE PANELS AND TO AVOID OVER CUTS. OVER CUTS AND SPALLS WILL REQUIRE FULL PANEL REPLACEMENT.
 - ALL ABOVE GROUND FEATURES INCLUDING UTILITIES (POLES, FIRE HYDRANTS, BOXES, ETC.) MUST BE RELOCATED OUT OF THE AASHTO CLEAR ZONE OR A MINIMUM OF 18" BEHIND CURB.

- GENERAL NOTES:
- CONTRACTOR TO NOTIFY BLUE STAKES PRIOR TO CONSTRUCTION
 - CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION
 - ALL PROPOSED WATER LINES TO HAVE A MINIMUM OF 5' OF COVER
 - ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
 - ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES TO BE REPLACED IN KIND.
 - SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
 - ALL WORK TO BE ACCORDING TO CITY STANDARDS.



BY

DATE

REVISIONS

NO.

PROJECT ENGINEER: LP

DESIGNER: DL

ELEVATE ENGINEERING

492 WEST 1200 NORTH
SPRINGVILLE, UT 84663
PHONE: (801) 718-5993
larvin@elevateeng.com

ELEVATE ENGINEERING

US HWY 89
UDOT PLAN

2800 SOUTH & US HWY 89

PROFESSIONAL ENGINEER

04/2019
10864737
LARVIN POLLOCK
STATE OF UTAH

SHEET:

C-1

DATE:

Sep 04, 2019

Attachment "2"

I&M Zoning Text

Chapter 18.72

I&M-1 INDUSTRIAL AND MANUFACTURING ZONE

18.72.010: PURPOSE AND INTENT:

18.72.020: PERMITTED USES:

18.72.025: CONDITIONALLY PERMITTED USES:

18.72.030: SITE PLAN APPROVALS:

18.72.040: LOTS, BUILDINGS, YARDS, AND OPEN SPACES:

18.72.050: PROJECT PLAN APPROVALS:

18.72.060: UTILITY REQUIREMENTS:

18.72.070: SPECIAL PROVISIONS:

18.72.010: PURPOSE AND INTENT:

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. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

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.

Agriculture.

Assembly use.

Cafes and delis, subject to the design standards found in [chapter 18.92](#) of this title.

Car wash.

Child care, commercial.

Clinic, animal.

Commercial convenience store.

Commercial parking lot.

Commercial repair services.

Comprehensive mental care treatment.

Construction/contractor offices (no storage or fuel pumps).

Drive-through restaurant.

Entertainment center.

Financial institutions.

Gas station.

Gas station, cardlock fueling station.

Gas station with vehicle repair.

Machine shop.

Manufacturing, light.

Office, general.

Office, intensive.

Office, medical.

Outdoor storage.

Parks.

Pawn shop.

Recreation facility, commercial.

Recreation facility, public.

Restaurant.

Retail and service commercial.

School.

Sewage pumping stations.

Sports facilities.

Vehicle assembly.

Vehicle-related use.

Vehicle rental.

Vehicle repair.

Vehicle sales (minor).

Veterinary hospital.

Warehouse/distribution. (Ord. 2018-08, 6-6-2018, eff. 6-28-2018)

18.72.025: CONDITIONALLY PERMITTED USES:

A. Conditions: Uses must be compatible with the intent of this zone. The conditions imposed upon these uses must fall under one or more of the following categories:

1. Conditions relating to safety for persons and property;
2. Conditions relating to health and sanitation;
3. Conditions relating to environmental concerns;
4. Conditions relating to compliance with the General Plan or special characteristics of the zoning district;
5. Conditions relating to performance, specifically the developer's ability to complete the project;
6. Conditions relating to traffic circulation and parking;
7. Conditions relating to aesthetics, based on adopted design standards.
8. Compatibility with existing 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:

Agribusiness.

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/Diesel Pumps And Fuel Storage Tanks", of this title.

3. Outdoor stored items shall not exceed ten feet (10') 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.

Salvage yard.

Storage yard. (Ord. 2018-08, 6-6-2018, eff. 6-28-2018)

18.72.030: SITE PLAN APPROVALS:

All proposed new development within the I&M-1 Zone shall be required to submit a site plan, which complies with all the requirements listed in section [18.72.040](#) of this chapter. Said site plan shall be conditionally approved by the Planning Commission. As a means of mitigating potential safety hazards or significant adverse visual impacts, the Planning Commission may require the installation of landscape features or peripheral landscape screens. Where landscaping is required the site plan shall, in addition to all other elements, contain a landscape plan showing the locations of landscape areas, the location and types of all proposed plantings and other landscape features, and the location of required sprinkler systems. The Planning Commission may also require additional fencing requirements, changes to the parking lot and traffic flow. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

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 forty feet (40') as defined in section [18.08.010](#) of this title. (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

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 18.90](#) of this title. On collector or arterial streets, all of the front yard shall be landscaped in conformance to [chapter 18.90](#) of this title.
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 18.90](#) of this title.

3. Each lot in the I&M-1 Zone shall be required to have a fifteen foot (15') landscaped rear yard setback. 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 18.90](#) of this title.

B. Screening And Landscaping Requirements:

1. A 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. Said fence shall be masonry, vinyl, chainlink with closely prewoven 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 twelve inches (12") in height. 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 18.90](#) of this title. 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. (Ord. 2013-01, 1-15-2013, eff. 2-7-2013)

18.72.050: PROJECT PLAN APPROVALS:

Concurrent with any request to rezone property to the I&M-1 Zone; or if the property is currently zoned I&M-1, prior to any approval for a building permit, a preliminary project plan shall be submitted to and approved by the Mapleton City Planning Commission. Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing and proposed buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces as required by the Planning Commission, driveways and points of vehicular ingress and egress;

- C. A conceptual signing plan showing the location and size of typical signs;
- D. A conceptual landscaping plan subject to the requirements in [chapter 18.90](#) of this title showing planting materials to be used together with the location of fence, walls, hedges, and decorative materials;
- E. Preliminary elevations of the buildings showing the general appearance and types of exterior materials to be used.
- F. Accessory structures less than five hundred (500) square feet in size shall be approved by the Planning Director as long as the structure does not encroach on any of the required parking or required landscape areas. Furthermore, building additions less than five hundred (500) square feet shall also be approved by the Planning Director so long as they meet the aforementioned criteria, and as long as the addition does not physically alter the character of the building. Accessory buildings and additions shall be architecturally compatible with the main structure, including exterior building materials and colors.
- G. Prior to the construction of any building or structure in the I&M-1 Zone, a final project plan shall be submitted and approved by the City Council, after a recommendation from the Planning Commission. Said project plan shall be drawn to scale and shall contain all required information designated on the application checklist. The Planning Commission may require a traffic study be submitted prior to a final project plan recommendation.
- H. Any failure to submit a final project plan within one year of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void, and the Planning Commission may also take further action to rezone the property as per section [18.12.010](#) of this title. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

18.72.060: UTILITY REQUIREMENTS:

All buildings used for human occupancy shall provide for culinary water and domestic sewage disposal. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

18.72.070: SPECIAL PROVISIONS:

Where the use of activity is one which requires the prior approval of other local, State or Federal review agencies, evidence of such approval shall be submitted to the City as part of the application documents. (Ord. 2004-30, 11-3-2004, eff. 12-1-2004)

Attachment "3"

MAPLETON CITY PLANNING COMMISSION MINUTES September 26, 2019

PRESIDING AND CONDUCTING: Chairman Therin Garrett

Commissioners in Attendance: Jake Lake
Rich Lewis
Jesse McLean

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

Minutes Taken by: April Houser, Executive Secretary

Chairman Therin Garrett called the meeting to order at 6:00pm. An Invocation and Pledge of Allegiance was given.

Alternate Commissioners Jake Lake and Rich Lewis were seated as voting members.

Item 1. Planning Commission Meeting Minutes – September 12, 2019.

Motion: Commissioner Lewis moved to approve the September 12, 2019 Planning Commission Meeting Minutes.

Second: Commissioner Lake

Vote: Unanimous

Item 2. Consideration of a request for a Conditional Use Permit to establish a ranch lot for one new home on a 5-acre parcel located at approximately 1400 South and 1500 East. The applicant is David Broadbent, JB Brookside Ranch LLC.

Commissioner McLean wanted some clarification on this request. **Sean Conroy**, Community Development Director, then went over the Staff Report for those in attendance. There is an easement in place that allows for access to the property. If there was a conflict with the property owners involved in this easement it would be a civil matter. Staff's evaluation would show that it complies with the Ranch Lot Ordinance. There was a letter provided from Cary Oman regarding Lonnie and Rixa Oman's concern with the recorded easement. **David Broadbent**, the applicant, stated that they litigated this easement for 2 year. To avoid a court hearing Mr. Broadbent stated that the Oman's elected to sign the easement. Sean did have a conversation with Cary Oman about this item and the reasonings why staff was recommending approval, prior to the meeting this evening.

Motion: Commissioner Lake moved to approve the Conditional Use Permit to establish a ranch lot for one new home on a 5-acre parcel located at approximately 1400 South

Planning Commission Minutes – September 26, 2019

Mapleton is going away. She feels the applicant is trying to get their rezone through before the General Plan is updated. **Johnny Haas** is worried about the additional traffic this type of development could bring into the area. He likes the rural feel of Mapleton. **Chris Vincent** lives just east of this property. He loves the open space in Mapleton. Mr. Vincent hopes people remember that Mapleton is known for open space, and that we keep that heritage. Chris would prefer something with less traffic. **Richard Dart** feels the applicant is giving proposals that have not been very well clarified. He would hope that those making the decisions would not jump into anything until there are more concrete proposals for the property. No additional comments were given, and the Public Hearing was closed.

Commissioner McLean wanted to clarify for those in attendance the reasoning for the General Plan. When we think about property owners and property rights the General Plan is in place to help meet the long-term vision of development in a particular area. **Commissioner Lake** asked for clarification as to the design standards from General Commercial to Industrial & Manufacturing. Those of the General Commercial have higher design standards on them that would likely be more desirable to those living or passing by the area once developed. **Commissioner Lewis** feels there are logical areas to put commercial and Highway 89 would be one of those areas. The General Commercial zoning would protect the esthetic along Highway 89. **Chairman Garrett** feels the overall benefits of the rezone would have a positive impact. He feels there should be a restriction that would not allow for businesses to operate 24/7. He would be in support of keeping the zoning as is until the General Plan update takes place. Commissioner Lake feels the General Plan update could keep the area the same with Industrial & Manufacturing, and that the developer has a right to request this rezone at this time. Sean stated that the General Plan is typically the standard for possible development so those purchasing property get some direction as to what could come in around them or on their property in the future.

Motion: Commissioner McLean move to recommend approval to the City Council for a rezone of approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to Industrial and Manufacturing (I&M-1).

1. No business in the General Commercial Zone be allowed to operate 24 hours per day, 7 days per week.

Second: Commissioner Lewis

Vote: 3:1:0 with Commissioner Lewis, McLean and Lake voting aye and Chairman Garrett voting nay desiring the General Plan to be updated before moving forward with this zoning request.

Item 4. **Consideration of a request to rezone approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to Industrial and Manufacturing (I&M-1).**

Commissioner McLean recused himself from this item as the company he works for may potentially construct the buildings being proposed on the property.

Brian Tucker, Planner, went over the Staff Report for those in attendance. This property is located directly south of Item 3 on the agenda this evening. Historically this property has been generally vacant over the years. With the current operations taking place on the property, and the

violations that it has under current zoning, the applicant has come forth with this rezone request tonight. The proposed uses are all plausible if the rezone takes place. Staff recommends approval of this rezone with a number of special conditions that were part of the presentation this evening. The first violation on the property was issued back in March 2017. The City will work with individuals as long as they are trying to work towards coming back in to compliance. **Commissioner Lewis** mentioned the possibility of zoning the property along Highway 89 to General Commercial, keeping it consistent with the previously recommended General Plan zoning along Highway 89. **Rhett Robison**, the applicant, was in attendance. He feels the Industrial Zoning would be more applicable due to the layout of the property and the abutting railroad tracks. There would be required screening standards around this area in either zone. Mr. Robison is trying to get in to compliance. The deadlines are new to him that are listed in the Staff Report, but he will try to stay in line with those.

Chairman Garrett opened the Public Hearing. **Brett Hansen** lives in this area and is not in favor of this request. He does not feel that someone should be able to do things in violation of the City Code, and then ask for a rezone to try and come into compliance. **Mike Nelson** asked if there were 2 owners on the property. Brian stated that Rhett Robison is the sole owner of the property, but 2 businesses are running out of the property right now. Brett Hansen wondered why a sports facility would go right in the middle of two businesses. He does not feel that the sports complex building would really be built. **Rhett Robison** stated that the Sports Facility would generate tax dollars for the City. **Commissioner Lake** was in favor of the Sports Facility but would like the elevation to be built to something that matches the standards of the General Commercial designation. **DeeDee Dart** asked if this would make a big metal building the focus of those entering into Mapleton from the south. No additional comments were given, and the Public Hearing was closed.

Chairman Garrett had the same feelings as he did with previous request. He has no problems with the Sports Facility, but has a hard time changing the zoning before the update to the General Plan takes place. **Commissioner Lake** feels this is a step in the right direction, and that it is a good fit with the layout of the land.

Motion: Commissioner Lewis moved to continue the rezone of approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to Industrial and Manufacturing (I&M-1) Zone.

Second: Commissioner Lake

Vote: Unanimous

Item 5. Adjourn.

April Houser, Executive Secretary

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MAPLETON CITY

PLANNING COMMISSION MINUTES

October 24, 2019

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PRESIDING AND CONDUCTING: Chairman Therin Garrett

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Commissioners in Attendance: Jake Lake
Rich Lewis
Golden Murray
Christy Nemelka

Staff in Attendance: Brian Tucker, Planner

Minutes Taken by: April Houser, Executive Secretary

Chairman Therin Garrett called the meeting to order at 6:00pm. An Invocation and Pledge of Allegiance was given.

Alternate Planning Commissioners Jake Lake and Rich Lewis were seated as voting members this evening.

Item 1. Planning Commission Meeting Minutes – October 10, 2019.

Motion: Commissioner Lake moved to approve the October 10, 2019 Planning Commission Meeting Minutes.

Second: Commissioner Murray

Vote: Unanimous

Item 2. Consideration of a request to rezone approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to Industrial and Manufacturing (I&M-1). A Public Hearing was held on this item on September 26, 2019.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The Public Hearing was held at the Planning Commission Meeting on September 26, 2019. A summary of the potential concept plan for the property was discussed. If a recommendation is given this evening the rezone will go to the City Council on November 6, 2019 for a final vote. A sporting complex building is an approved use in the I&M-1 Zone. **Commissioner Lewis** asked for clarification regarding the architectural standards in the I&M-1 Zone verse the GC-1 Zone. The feeling was to ensure that this area does not become an eyesore to those coming into Mapleton from the south. **Commissioner Lake** wondered if there could be a recommendation put on the rezone that the buildings along Highway 89 maintain an elevation requirement that is similar to the General Commercial Zone. Brian stated that there will need to be a non-opaque barrier, along with a landscape buffer, along the Highway. Commissioner Lewis felt this was a good location for light

Planning Commission Minutes – October 24, 2019

industrial, as is being proposed this evening. There are special conditions listed in the Staff Report that are recommended as part of the request this evening.

Motion: Commissioner Murray moved to recommend approval of an ordinance to the City Council rezoning approximately 10.9 acres of property located at approximately 2680 South and Highway 89 to the Industrial and Manufacturing (I&M-1) Zone with the special conditions listed below:

1. The applicant shall make an application for Site Plan approval no later than March 28, 2020.
2. If a complete application for Site Plan approval is not submitted by March 28, 2020, the applicant shall cease and desist all business activities immediately and remove all business-related equipment, materials and merchandise from the project area, and restore it to a state of compliance with City Code by April 28, 2020.
3. The applicant shall install landscaping, screening, parking and other required site improvements, as indicated by the approved site plan no later than September 28, 2020. The requirement does not include an obligation to construct new buildings.
4. If the landscaping, screening, parking and other required site improvements are not installed by September 28, 2020 the applicant shall cease and desist all business activities immediately and remove all business-related equipment, materials and merchandise from the project area, and restore it to a state of compliance with City Code by October 28, 2020.
5. The project may be phased, however the area indicated as “future development” must be kept free of equipment, construction materials, refuse and any other items that are not native to the parcel. “Future Development” areas must be kept in a state of compliance with City Code.

Second: Commissioner Lewis

Vote: 4:1:0 with Commissioners Murray, Lewis, Nemelka and Lake voting aye and Commissioner Garrett voting nay feeling the General Plan needs to be visited before voting on this item

Item 3. Adjourn.

April Houser, Executive Secretary

Date