



# MAPLETON UTAH

## PLANNING COMMISSION MINUTES

July 8, 2021

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**PRESIDING AND CONDUCTING:** Vice-Chairman Rich Lewis

**Commissioners in Attendance:** Jake Lake  
Rich Lewis  
Lewis Nuttall  
TJ Uriona

**Staff in Attendance:** Brian Tucker, Planner

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

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Vice-Chairman Rich Lewis conducted the meeting. He called the meeting to order at 6:00pm. Alternate Commissioners Lewis Nuttall and TJ Uriona were seated as voting members this evening.

**Item 1. Planning Commission Meeting Minutes – June 10, 2021.**

**Motion:** Commissioner Lake moved to approve the June 10, 2021, Planning Commission Meeting Minutes.  
**Second:** Commissioner Nuttall  
**Vote:** Unanimous

**Item 2. Planning Commission Meeting Minutes – June 24, 2021.**

**Motion:** Commissioner Lake moved to approve the June 24, 2021, Planning Commission Meeting Minutes.  
**Second:** Commissioner Nuttall  
**Vote:** Unanimous

**Item 3. Consideration of a request for a Home Occupation to operate a Montessori Preschool at 1226 South Main Street in the Agricultural Residential (A-2) Zone.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. This was approved back in 2016, but the applicants never started the business at that time. Due to the approval expiring, they are back for approval again with some changes from their previous request. There are a couple different things in the application that is important to discuss. One is fencing along the front yard. The applicants have stated that they plan to install a rod iron fence along the front of the property. It was felt that the fencing should likely be installed around the front yard to keep the children from having access to the animals and farm equipment on the property. The second

concern is the request for 18 children per session. The reason being is the amount of traffic and parking in the area along a busy street. The applicant has proposed an optimistic schedule for having children dropped off and picked up. Staff felt the 6-car rule, which includes the property owner vehicles, can be allowed to park on the property at any one time. **Commissioner Rich Lewis** asked why the applicant never moved forward with their application when it was approved back in 2016. **Tyson Bell**, the applicant, stated that they did not have the money for fencing at that time. They would like the children to interact with the farm animals, as that is part of a Montessori Preschool. The area where equipment is currently located was abutting Mr. Bird's property. The Bell's have fenced that area off so the children will not be able to access it. The children will mainly be preschool age, but occasionally there will be older children that could attend if desired. **Commissioner Lake** asked what size area is available for 18 children within the confines of the home. The applicants have operated this type of business in Provo and Springville, now hoping to move it to Mapleton. **Commissioner Uriona** asked if the city has ever put size limits on these types of businesses. Brian does not recall having any in-home preschool or childcare request this larger number of students. There may be occupancy limitations regarding the number of children allowed at one time in a certain room size.

**Motion:** Commissioner Lewis moved to approve the Home Occupation to operate a Montessori Preschool at 1226 South Main Street in the Agricultural Residential (A-2) Zone with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. Drop offs and pick-ups shall be controlled by the license holder such that the business complies with the requirement that no more than 6 cars, including those owned by the property owner, may be parked at the home at any one time. The maximum number of children is limited by the maximum parking requirement.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton City.
4. With exception of activities that are clearly incidental and secondary to the business, the home occupation shall be conducted within the confines of the structure.
5. No signs shall be placed on the property without a sign permit.
6. Violations of the terms of the use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
7. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.
8. The property be revisited in 6 months to assess the number of students and the safety of the property.

**Second:** Commissioner Lake

**Vote:** Unanimous

**Item 4.** **Consideration of a request for a Home Occupation to operate an in-home tanning salon at 1538 North 900 West in the Residential-Minor Agricultural (RA-2) Zone.**

**Motion:** Commissioner Lake moved to approve the Home Occupation to operate an in-home tanning salon at 1538 North 900 West in the Residential-Minor Agricultural (RA-2) Zone with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. The Home Occupation shall be conducted within the confines of the structure.
3. No signs shall be placed on the property without a sign permit.
4. The business shall be operated on a 'by appointment only', one customer at a time basis. Drop in customers are not permitted.
5. Mapleton City Police and Fire Department approvals are required.
6. 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.
7. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

**Second:** Commissioner Nuttall

**Vote:** Unanimous

**Item 5. Consideration of a request for a Home Occupation permit for Heidi Brady to operate an esthetics salon at 1427 North 1250 East in the Residential-Minor Agricultural (RA-2) Zone.**

**Motion:** Commissioner Lake moved to approve the Home Occupation permit for Heidi Brady to operate an esthetics salon at 1427 North 1250 East in the Residential-Minor Agricultural (RA-2) Zone with the conditions listed below:

1. The applicant shall obtain a business license prior to opening for business.
2. The applicant shall maintain a copy of the esthetician license on file with Mapleton City.
3. The home occupation shall be conducted within the confines of the structure.
4. No signs shall be placed on the property without a sign permit.
5. The business shall remain a 'by appointment only' basis.
6. Mapleton City Police and Fire Department approvals are required.
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.

**Second:** Commissioner Nuttall

**Vote:** Unanimous

**Item 6. Consideration of a request for a Variance to decrease the Side Corner Yard Setback requirement from 30 feet to 20 feet for a lot located at 415 South 1200 West.**

**Brian Tucker**, Planner, went over the Staff Report for those in attendance. When the new middle school was being proposed, the school district put in the remaining full width improvements along 400 South that was not already in existence. This parcel was owned by someone other than the school district, which became a lot as part of the development in this area. The subject lot is .70 acres, so it meets the minimum width and area requirements. There is a requirement for a 30' setback on corner lots, 10' and the interior side, and 25' on the rear. On corner lots the rear yard

is considered that which faces opposite of the front door. The applicant has stated that they are having a hard time finding a house plan that they like which would fit inside the building envelope of the property. Brian went over the 5 criteria that the Utah State Code requires to be met to grant a variance, which was also listed out in the Staff Report. With regards to the 5 criteria staff feels the applicant does not meet 3 of these criteria and recommends denial of the variance request. **Commissioner Lewis** asked if we have ever had a similar request to this. Brian stated that he does not remember one.

**Christina Curtis**, the applicant, feels a different conclusion has been made. The unique circumstance with this lot is that it does not have a park strip on the one side, which changes the setback requirement. The narrowest lot in the area is 107' wide with a park strip that allows for an 80' wide home due to setback allowances. This is a difference of 5' on the width sizes of the 2 lots but allows for an 18' wider home than this lot would allow. They knew the developer had little say over the size and shape of the development after the improvements were installed. The builder already has the house plan the property owners would like to build, which would fit within the 20' setback. They do not believe the surrounding homes would be negatively impacted by allowing the variance to this lot. Christina reiterated that they feel the property is unique and peculiar, and that the approval of this variance would be beneficial to all involved. **Commissioner Lake** asked which street the applicant is asking for a variance on, which is 400 South. The property line is at the back of the sidewalk on this property. **Commissioner Lewis** asked if the Curtis family owned the lot. Christina stated that they did not. They were asking for this variance as part of their due diligence before the purchase of the property.

**Brian** stated that there are standards that must be met to approve a variance, so if all these standards are not being met, by law the variance should not be approved. **Commissioner Uriona** asked if 400 South was always on the Transportation Master Plan. Staff stated that it was. **Christina Curtis** asked if there could be a little leeway, even if it's not the full 10' variance, they would be appreciative. **Commissioner Lake** stated that there are a lot of home that could fit within the current building envelope. He does not feel the costs to change a house plan would be considered a hardship. There are lots of areas in Mapleton that have, or do not have, park strips so the fact that there may not be others without them in this area does not matter. Though the Planning Commission wishes the applicants could build their dream home on this lot, they did not feel all 5 criteria were being met to grant the variance.

**Motion:** Commissioner Uriona moved to deny the request for a Variance to decrease the Side Corner Yard Setback requirement from 30 feet to 20 feet for a lot located at 415 South 1200 West feeling that not all the 5 criteria for granting variances could be met.

**Second:** Commissioner Nuttall

**Vote:** Unanimous

**Item 7. Adjourn.**

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April Houser, Executive Secretary

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Date