



MAPLETON UTAH

PLANNING COMMISSION MINUTES

August 12, 2021

PRESIDING AND CONDUCTING: Chairman Jesse McLean

Commissioners in Attendance: Christy Nemelka
TJ Uriona

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

Minutes Transcribed by: April Houser, Executive Secretary

Chairman Jesse McLean conducted the meeting. He called the meeting to order at 6:00pm. Alternate Commissioner TJ Uriona was seated as voting member this evening.

Item 1. Planning Commission Meeting Minutes – July 8, 2021.

Motion: Commissioner Nemelka moved to approve the July 8, 2021, Planning Commission Meeting Minutes.

Second: Commissioner Uriona

Vote: Unanimous

Item 2. Consideration of a request to rezone approximately four acres of property from GC-1 to RA-2 located at approximately 600 North Highway 89.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. This is a 31-acre parcel. The western 4-acres abutting Highway 89 is zoned Commercial, with the remaining property in the RA-2 Zone. The original plan showed some potential commercial pads along Highway 89, but the applicant now wants to develop them as residential lots. This would allow for 9 lots under the proposed concept plan. There would be an entrance that would line up with the Sunrise Ranch access across Highway 89. This property is listed under the Flex Use of the General Plan, which gives the developer flexibility on using the property as Commercial or Residential. Staff is supportive of the rezone, and approval is recommended. **Commissioner Nemelka** asked if the subdivision going in north of the Canyon View Medical Center is listed as Flex Use on the General Plan as well. Sean stated that it is.

Ryan Johnson, the applicant, stated that they have looked at different development ideas for the property, and felt that residential was the best way to go.

Chairman McLean opened the Public Hearing. No comments were given, and the Public Hearing was closed. **Commissioner Nemelka** asked if there were any discussions of a traffic light going in here. Sean stated that there is a traffic light going in at 800 North.

Motion: Commissioner McLean moved to recommend approval to the City Council for a rezone of approximately four acres of property from GC-1 to RA-2 located at approximately 600 North Highway 89.

Second: Commissioner Uriona

Vote: Unanimous

Item 3. Consideration of a request for Preliminary Plat approval for the Whiting Fields Subdivision, an 11-lot subdivision, located at approximately 800 North 400 East in the RA-2 Zone.

Brian Tucker, Planner, went over the Staff Report for those in attendance. There is 7.36-acres on this development. This area is already zoned RA-2. The proposed lots range from 1/3-acre to 1/2-acre in size. It meets the standards of the RA-2 Zone, so Staff recommends approval of the subdivision this evening. **Commissioner Uriona** asked if the applicants ever discussed not doing a cul-de-sac that has 2 double-fronting lots. Sean stated if they were to optimize their allowed total number of lots, they may not have had double frontage ones, but with the larger lot sizes this is how it was laid out.

Jeremiah Maughn, the applicant, stated that he is one of the individuals who will build on one of the larger lots. The design is built around the request of the families who plan to occupy it. They have considered lots of different potential layouts, but with the desire to minimize the amount of street area this was the best design.

Motion: Commissioner Nemelka moved to approve the Preliminary Plat for the Whiting Fields Subdivision, an 11-lot subdivision, located at approximately 800 North 400 East in the RA-2 Zone with the condition that any outstanding issues raised in the Development Review Committee (DRC) minutes be addressed prior to plat recording.

Second: Commissioner McLean

Vote: Unanimous

Item 4. Consideration of a request for a Variance to decrease the Side Corner Yard setback requirement from 30 feet to approximately 10 feet for a lot located at 745 East Maple Street.

Brian Tucker, Planner, went over the Staff Report for those in attendance. The lot is .61-acres in size. A permit for an addition to the home was applied for back in September 2020, but it did not include any plans for the accessory structure. The applicant has since began construction on an accessory structure without applying for a building permit. State law is very cut and dry regarding the terms of allowing Variances. There are 5 criteria that must be met to get a Variance approved. Brian went over these criteria for those in attendance. Staff's evaluation is determined to be self-imposed, which can not be part of a Variance approval. There are no special circumstances that would justify the accessory structure being located where it currently is on the property. Staff recommends denial of the Variance request, and compliance of the accessory structure to be brought into compliance within 120 days. This would also require a building permit to build or relocate the structure on the property. **Commissioner Uriona** asked what the reason was for the setback requirement in place. Brian stated that there is a standard setback that one would expect to see when looking down the street. Another reason is to have a neighborhood that feels more open, and a setback in place for neighboring homes to know how close another property can build

a structure next to them. The accessory structure was brought to the City's attention when the Building Official came out to do an inspection on the addition and saw an accessory structure being constructed without a building permit.

Juli Erikson, the applicant, stated that they hired a contractor who misled them in regard to setbacks and permit requirements. They picked the location of the accessory structure because it would be hidden by the current landscape that was there. **Brian** stated that a corner lot is required to meet a 30' setback on both the front and side of the home that abuts the street. The applicant does not believe it impedes any line of sight where the building is currently located. They are currently dealing with several issues they have had with the previous contractor, in addition to the issue of this structure being built without a building permit. **Chairman McLean** stated that the decisions they make can set precedence. Allowing this could open future issues with not abiding to setbacks. **Commissioner Uriona** felt it was hard to allow it with the criteria in place.

Motion: Commissioner McLean moved to deny the Variance to decrease the Side Corner Yard setback requirement from 30 feet to approximately 10 feet for a lot located at 745 East Maple Street, with the requirements listed below:

1. Adopt the findings contained in the Staff Report and require the applicant remove or modify the accessory structure to comply with all setbacks of the RA-2 Zone within 120 days. If the applicant determines to relocate or modify the accessory structure a building permit shall also be required.

Second: Commissioner Uriona

Vote: Unanimous

Item 5. Adjourn.

April Houser, Executive Secretary

Date