

**Adopted Minutes
May 3, 2006
Planning Commission**

Agenda review at 6:30 p.m. by Dave Anderson.

The meeting was called to order at 7:00 p.m. by Chairman Bradford.

Commission Members Present: Chairman Paul Bradford, Sherman Huff, Del Robins, Sharon Miya, Dave Lewis, Tedd Scott

Staff Members Present: Dave Anderson, *City Planner*; Kimberly Robinson, *Deputy Recorder*; Chris Thompson,

Citizens Present: Dave Grotegut, Peter Barnett, Mike Christianson, Kimberly Dewey, Gary Stone, Chris Salisbury, C. Finley, David Simpson, Mike Christianson,

The pledge of allegiance was lead by Commissioner Robins.

Chairman Bradford introduced Dave Anderson the new City planner.

Minutes

Commissioner Huff made a **motion** to approve the minutes of July 6, 2005. Commissioner Robins **seconded** and the motion **passed** all in favor.

Chairman Bradford noted the minutes of April 5, 2006 were not ready for review and they would be put on the next agenda.

PUBLIC HEARING

Commissioner Robins made a **motion** to open the Public Hearing at 7:06 p.m. Commissioner Scott **seconded** and the motion **passed** by a roll call vote all in favor.

Ordinance Changes

Mr. Anderson gave an overview of the proposed ordinance changes.

Commissioner Huff directed recommendation be given on each proposed item instead of the proposal as a whole.

Mr. Anderson described a summary of the items proposed for change.

The Commission directed staff to review the minimum setbacks in residential zones and bring some options back to the Commission at the June meeting.

Discussion was made regarding sound walls and what specifications are required to be a designated sound wall.

Commissioner Robins made a **motion** to recess the public hearing at 7:14 p.m., until later in the meeting. Commissioner Lewis **seconded** and the motion **passed** all in favor.

Ensign Bickford Zone Change

Mr. Anderson explained the proposed zone change eliminating the I-3 zone completely, and zoning the current property designated as an I-3 zone to I-1 zoning.

Commissioner Robins made a **motion** to resume the public hearing at 7:22 p.m. Commissioner Lewis **seconded** and the motion **passed** all in favor.

Mr. Anderson explained the zone change would enable a wider variety of uses for the property. He also stated it was staffs intent to initiate a General Plan amendment along with this zone change for the area.

Mr. Barnett, general manager of Ensign Bickford Company, stated they support the zone change and the change in the general plan and look forward to working with the City.

Commissioner Robins asked how long they would be continuing to handle explosives on the property.

Mr. Barnett replied they will be conducting business through Memorial Day and then they will work with the state to meet the closure requirements.

Commissioner Robins expressed his concern that changing the zoning designation would hinder the company's work.

Mr. Barnett replied if the change will hinder their work they would like the City to hold the zone change until they get the clean up and decontamination process completed.

Commissioner Huff asked why the Commission couldn't eliminate the I-3 zone and make it a non-conforming use in the I-1 zone.

Mr. Anderson noted any legal, operating uses, would be allowed to continue on the property because the I-1 zone would not create an area of non-conforming use.

Commissioner Huff requested the elimination of the I-3 zone, allowing Ensign Bickford to finish the clean up until completed.

Commissioner Lewis agreed to eliminate the I-3 zone, as long as Ensign Bickford is able to take care of what they need to.

Commissioner Miya agreed the City should allow them to finish what they started. She feels if changing the zoning will be a problem the Commission should continue this proposal until Ensign Bickford is ready for the change to take place.

Mr. Anderson stated the Commission would not need to take any specific action in their motion allowing Ensign Bickford to be a non-conforming use.

Commissioner Robins made a **motion** to give the City Council positive recommendation for the Ensign Bickford property located at approximately 1800 south Highway 6, subject to the following findings and conditions:

1. Elimination of the I-3 zone aligning this property with the future general plan and it would not detrimentally impact the surrounding areas or companies during clean up efforts.

Commissioner Huff **seconded** and the motion **passed** with a roll call vote all in favor.

Commissioner Robins made a **motion** to recess the public hearing at 7:36 p.m., until later in the meeting. Commissioner Miya **seconded** and the motion **passed** all in favor.

STAFF REPORTS

Mapleton Bench Annexation

Mr. Anderson explained there are many different properties involved with this annexation. Staffs direction is to make a positive recommendation for the annexation and zoning for the Mapleton Bench Annexation.

One reason for the annexation deals with future construction of the high school. The properties are located within the growth boundaries and are consistent with the general plan. The proposed annexation has met all requirements for annexation. The City has not received any comments dealing with this annexation. It is proposed to be annexed with an R-1-12 zoning designation.

Mr. Anderson stated the concept plans show single family lots and the only formal application received so far has been a preliminary plat.

Mr. Anderson asked that upon annexation, completion of the three trails should be included in the agreement.

Discussion was made regarding the location and completion of the access roads to the high school.

Commissioner Robins stated he feels the high school is in trouble if this property is not annexed.

Commissioner Lewis supports this annexation as long as the trails and road requirements are met.

Commissioner Huff said the property will eventually develop and as a Commission they need to stay ahead of the development.

Commissioner Lewis requested a change in the requirements adding language stating trails and roads will be completed within two years.

Chris Thompson stated the trails will need to be constructed along with the street development.

Commissioner Miya asked why they want to impose a timeline on the trails construction.

Commissioner Lewis stated he would like to see a timeline set for completion of roads and trails.

Commissioner Miya directed that no time requirement be designated for the trails completion as long as it is built in accordance with the development of the properties.

Mr. Simpson explained the reasoning for zoning it an R-1-12 designation. They may develop townhomes on the north side of the property.

Mr. Anderson discussed the options available in the R-1-12 zoning as the applicant has requested, or the commission may require a different zoning designation if they choose.

Discussion was made regarding the different zoning designations that allow town homes and twin homes to be constructed.

Commissioner Huff offered an alternative option with the trails system, requiring property for the trails systems to be deeded to the city as part of the annexation to ensure trails system completion.

Discussion was made concerning the ownership of the properties.

Mr. Anderson noted an annexation agreement will be created for this annexation.

Commissioner Lewis expressed his concern deeding trails to the City and that the City could end up building the trails at their expense in the end.

Mr. Simpson said the trail system will be completed with the development of the properties. He can see no need to deed the trail property to the City.

Commissioner Huff said he doesn't want the city to put infrastructure in until the development is complete.

Commissioner Lewis said he wants the trails completed before the school is done.

Commissioner Miya said she agrees about the concerns expressed wanting to ensure the trails are installed before the high school is in operation.

Commissioner Robins feels these are all good points and concerns but he does not think they can add stipulations on the trails until the development is presented.

Commissioner Huff cautioned that in the past the City has had to purchase property to install the trail systems.

Commissioner Robins asked how tabling this item would affect the development. Mr. Simpson said it would cause a problem setting back the development. He requested the Commission move this to the City Council enabling the project to move forward.

Commissioner Huff said his concern in the future he doesn't want to have problems with the trails.

Commissioner Lewis feels if they are willing to install trails at time of development that would be sufficient. He does not want to require a time frame for trail completion prior to development of the properties.

Commissioner Huff requested to forward the recommendation to the City Council and in the mean time recommend Option "A" and include "with the city council considering having the property deeded based on the advise of legal council".

Mr. Grotegut explained his property will be surrounded with development, he does not have the cash or time to develop and he feels he does not want to commit himself to install trails on the property until he is ready to develop. Mr. Grotegut plans to develop after development has already been created around him.

Mr. Anderson reminded the Commission the City is not obligated to annex properties, if the owners are unwilling to meet the requirements.

Commissioner Miya said she feels the fair and reasonable requirement is to require a trail to be completed when development occurs.

Commissioner Robins made a **motion** to recommend that the City Council approve the proposed Mapleton Bench Annexation with an R-1-12 zoning designation subject to the following conditions:

1. That the development meets the City's construction and development standards.
2. That the master planned trails be constructed with the development of the properties.
3. That 130 north be constructed within two years.

Commissioner Miya **seconded** and the motion **passed** by a roll call vote all in favor.

Amherst Meadows Preliminary Plat

Mr. Anderson explained this plan was previously presented as a re-zone. He then explained the difference in zoning for the adjacent lots and why the lot sizes are smaller. Mr. Anderson listed the conditions required such as the lots meeting city requirements, a temporary turnaround constructed, the masonry wall constructed on 2300 east, the ditch on the north side shown as piped, a signed agreement with the Smit family dealing with the canal.

Ms. Dewey clarified questions regarding the lot sizes and the temporary turnaround. She also noted they are working on an agreement for usage of the ditch.

Mr. Stone stated the City attorney recommended a culvert be added to the plat, if the agreement is made they can bring it to the attorney and not have to put the conduit in.

Commissioner Robins thanked Ms. Dewey for holding a neighborhood meeting. Ms. Dewey stated the majority of the questions were regarding fencing, and cost of lots, she did not see any big concerns expressed.

Chairman Bradford stated he feels good about the proposed development.

Commissioner Lewis made a **motion** to give Amherst meadows, located at 2300 East 1300 South, a positive recommendation subject to following conditions:

1. That the project meet the construction and development standards.
2. That the plans show the ditch on the North side as piped.
3. They get the redlines and phasing to the electric department so they can design the system.
4. That they provide a temporary turnaround on the lots at the end of the road to the Finley property.
5. That they construct a masonry wall on 2300 East.

Commissioner Huff **seconded** the motion and the motion **passed** by roll call vote all in favor.

Olivia Cove Subdivision Waiver

Mr. Anderson explained the zoning was changed from an R-1-9 to R-1-6 designation. He noted the zoning is different than those surrounding the property. It was also noted the applicant will have to get UDOT approval for the entrance onto the highway.

The Electric Department expressed concern about the location of the Junction box.

It was stated an agreement had been signed by the applicant.

Commissioner Miya asked regarding the upkeep for the driveway and if the property owners will be the ones responsible to maintain the driveway. Mr. Dallin replied that it would be the owners responsibility, he will be adding landscaping in the front. Mr. Dallin will be getting the right of way from UDOT for the driveway entrance.

Commissioner Robins expressed his appreciation for the hard work Mr. Dallin has put in.

Commissioner Miya said she feels the project looks good.

Commissioner Lewis made a **motion** to approve the Olivia Cove Subdivision located at 1190 East Canyon Road subject to the following conditions:

1. Access onto Canyon Road will be at a straighter angle.
2. That they work with the Electrical Department on the placement of the junction box.
3. The applicant must obtain UDOT approval.

Commissioner Robins **seconded** and the motion **passed** by a roll call vote all in favor.

A short recess was taken at 8:49 p.m.

Commissioner Robins made a **motion** to resume the public hearing at 8:55 p.m.

Commissioner Lewis **seconded** and the motion **passed** all in favor.

Ordinance update

Commissioner Lewis asked for clarification on the license fee, also to add shall “be” issue “d” also take out item 12 in the table it is redundant, cities are not allowed to enforce manufactured housing restrictions and it should be looked into.

Commissioner Lewis excused himself early at 8:59 p.m.

Chairman Huff asked that the proposed changes be addressed one item at a time.

Mr. Anderson explained some of the changes are changing the title references to reflect the correct references within the code.

The repealing of the I-3 zoning district was discussed.

Commissioner Miya asked for reasoning why the lot sizes were changed. Mr. Anderson explained that in the past the lots were created at 9,700 feet and the change will correct the building issues they are experiencing.

Discussion was made regarding side set-back requirements. Chairman Bradford would like to see a requirement of at least 15 feet between buildings. Commissioner Robins expressed his concerns regarding the topic, and feels comfortable as long as there is a 10 foot setback on one side of each property line.

The Commission was in agreement they do not want to see 5 foot set-backs allowed. They were in agreement to eliminate the 5 foot setbacks, and recommended to change the set-back requirement to 10 feet.

The Commission requested staff to research the other affects of changing the setbacks.

Commissioner Miya requested item #12 be stricken, and replaced with the #5 footnote.

The Commission requested staff look into the manufactured homes requirements and if the roof pitch can be changed they can do so.

Commissioner Robins expressed his concern with the allowable wind farm placement. He then asked what had changed because of the placement of the wind farms. He also stated he has no problem with the agreement laid out. He feels there is no valid reason to change this that he can see. He feels this is a reaction to public clamor. He requested the commission strike this proposed change. Commissioner Huff agreed. Commissioner Scott agreed. Commissioner Miya stated with the change in the economy and ways to get other goods she feels this change would be short sighted to do at this time.

Chairman Bradford said he is in favor of leaving the wording the way it was before the proposed change.

Commissioner Huff stated that the property may never be developed, it is up to this Commission to make changes without public clamor and he is opposed to the proposed change.

Commissioner Scott is opposed to making the change because the public was originally involved in the process when it started.

Commissioner Robins stated he felt this subject had due process and should not be changed.

Commissioner Miya proposed the Commission direct staff not to make the proposed change.

Sound wall requirements and standards were discussed.

Mr. Anderson explained that if this ordinance passes staff would create a definition for sound walls and list the requirements involved.

Commissioner Robins made a **motion** to table this item until the issues spoken of in this meeting are addressed and keep the public hearing open for addressing the issue. Commissioner Huff **seconded** and the motion **passed** all in favor.

Chairman Bradford requested that some suggestions be made regarding landscaping and it be brought back to the Commission for review.

Commissioner Robins made a **motion** to close the public hearing. Commissioner Miya **seconded** and the motion **passed** all in favor at 9:30 p.m.

Adjournment

Commissioner Miya made a **motion** to adjourn the meeting at 9:31 p.m. Commissioner Scott **seconded** and the motion **passed** all in favor.