**Planning Commission Minutes**

**Tuesday March 27, 2018**

The meeting was called to order at 7:00 p.m. by Commission Chair Trevor Wood. Commission Members attending: Art Adcock, Jessica Tolman, Trevor Wood, Michelle Sperry, and Kyle Francom.

Others present: Community Development Director Jason Bond, and GIS Technician Drew Hoffman.

**Invocation/Inspirational Thought:**

Commission Chair Wood shared an inspirational thought.

**Pledge of Allegiance:**

Commissioner Adcock led the pledge of allegiance.

**Public Forum:** Commission Chair Wood opened the Public Forum at 7:02 p.m. and closed it at 7:03 p.m.

**Home Occupation Ordinance Amendment:**

Mr. Bond gave an overview of the proposed amendment for the home occupation ordinance. He explained that the public hearing requirement was met at the last Planning Commission Meeting. He stated that the Planning Commission is not making a final decision tonight, but rather giving a recommendation to the City Council.

Mr. Bond explained that the proposed language clarifies that any business related activities will be required to have a Santaquin City Business License, even if they have a business license in a neighboring City. The City Attorney has reviewed the proposed language. This amendment is also proposing to remove satellite businesses from the list of prohibited businesses in Santaquin.

Commissioner Francom asked for clarification on minor versus major home occupations. Mr. Bond explained that minor home occupations are approved by staff. If a business doesn’t meet minor home occupation standards, then it would be classified as a major home occupation. major home occupations must be reviewed by the Planning Commission and granted a conditional use permit.

Mr. Bond explained that there is a loophole in the current ordinance that has allowed business related activities to take place within a residential neighborhood because the business is licensed in another City.

**Public Comments:**

Jennifer Durrant addressed the commission. She shared photos with the Planning Commission of trucks parked around Santaquin City that are not meeting business license requirements. (See photos attached) She stated that her family feels that they have been targeted for parking their dump truck on their property. They have both an office, and a business license in Provo. They have abided by City

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Ordinance, and have never been cited. She believes the proposed ordinance would affect people who bring their vehicles home from their jobs. She clarified that they don’t conduct business out of their home, or have clients come to their home.

David Wride explained that he lives across the street from the dump truck. He stated that the exhaust has filled his garage on multiple occasions. The noise from the truck has also woken up his children early in the morning. He said that business related traffic including trailers and other trucks come to the home sometimes, multiple times a day. He explained that the trucks are worked on out in front of the residence including welding which is not screened. He stated that he feels that the residential aspect of the neighborhood is in jeopardy.

Gwen Wride explained that she is upset and discouraged by this situation. She is concerned about the truck backing out near a fence and the lack of visibility the driver has. She stated that the starting and idling of the truck has been an issue waking up her children between 6 and 7 a.m. They feel they can’t open up their windows at different times of the day due to the exhaust. Mrs. Wride also stated that welding in the front yard is dangerous.

Randy Wood explained that he owns Mission Plumbing in Orem Utah. He plans on registering his business in Santaquin as he has recently moved here. He is a small business who doesn’t have the money to build an extra garage, etc. He explained that if he can’t park his vehicle at his home, he won’t be able to provide fast service after hours. He believes it is important for businesses to be licensed in the City. But he also believes that trucks build communities and shouldn’t be over regulated.

Randy Smith stated that he has parked his work truck in front of his home for 40 years, and his neighbors have lived across the street from him without any issues. He stated that he believes dump trucks aren’t as noisy, and don’t create as much exhaust as a pick up. He explained that he maintains the road next to his home where he parks his truck, and he doesn’t see trucks as anything but a benefit to Santaquin. He clarified that he doesn’t conduct truck maintenance at his home.

Marilynn Ross explained that she lives across the street from Mr. Smith. She stated that she has never had any issues with exhaust from the truck bothering her.

Cory Crabb shared his concern that having a dump truck parked next door devalues property. He also stated that big equipment such as dump trucks make an area appear more industrial, and shouldn’t be allowed in a residential neighborhood.

Paula Smith stated that she sees Santaquin as a rural community, and doesn’t see how big equipment devalues property. She explained that she works in real estate and that information isn’t used to determine home value. If homeowners want their neighborhood a certain way, she believes they should move to an area with an HOA. She also stated that parking equipment away from one’s home isn’t feasible, because of the greater risk for theft.

Mr. Wride clarified that he moved to a residential neighborhood not to a rural area. He explained that if the vehicle was only used to commute he wouldn’t be here tonight.

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Commission Chair Wood asked that residents keep their comments on topic as they started to discuss other non-related issues.

Courtney Durrant lives in the house where the dump truck is parked and stated that it has never woken her up. She also stated that her dad is a careful driver.

Doug Rohbock asked that collateral damage isn’t made for small businesses, because their jobs depend on it. He explained that he is a mechanic and certified clean burn diesels have clean emissions.

Elaine Huntsman stated that she lives next to the home where the dump truck is parked, and she has been woken up from the noise.

Jennifer Durrant clarified that they respect the noise ordinance and don’t start their vehicle before 6 a.m. The truck doesn’t idle for longer than 10 minutes. She pointed out that their neighbors haven’t communicated with her family about these issues and she wishes that they would.

Lamar Hower explained that he owns and operates a home business. He has seen the impacts of very large trucks, and feels that they should be regulated according to their size.

James Rohbock stated that he thinks that noise rather than truck size is the main issue. He believes that the current 8-foot requirement for minor home occupations isn’t realistic.

Commission Chair Wood asked that all comments are held while the Commission discusses this issue and closed the public comments at 7:57 p.m.

Commission Chair Wood asked for clarification regarding commuter trucks. Mr. Bond explained that the proposed amendment is for minor home occupations. The major home Occupation ordinance is not being changed. Mr. Bond recommended that the Planning Commission look at the proposed language. He explained that this ordinance is not addressing commuter vehicles, but rather defining business related activities.

Mr. Bond explained that code enforcement issues are usually worked out on their own. They are usually only brought to the attention of the City on a referral basis, and there are times when the ordinance needs to be enforced.

Commission Chair Wood explained that commuting on its own isn’t a business related activity. However, if business related activities are taking place then this amendment would allow those activities to be held under the same requirements as a Santaquin City Business.

Commission Chair Wood stated that he thinks truck size requirements for minor home occupations should be looked into further in a different amendment.

Commissioner Sperry agreed that business related activities need to be regulated in order to protect Citizens. Commissioner Francom stated that he is concerned about over regulating. Commission Chair

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Wood stated that this amendment is not making regulations stricter, but rather broadening the application.

Commissioner Adcock stated that he feels that the minor home occupation language needs to be reviewed. Mr. Bond explained that if a vehicle doesn’t meet the minor home occupation requirements it will be considered a major home occupation. The applicant will submit a conditional use permit request; the Planning Commission will then review the business for possible impacts. The Commission also looks at mitigating the impacts rather than denying the application. Commissioner Francom stated that he doesn’t want to deter small businesses from being run in the City.

Commissioner Sperry asked what the weight of a dump truck is. Resident Steve Durrant stated that it is around 24,000 pounds.

Commission Chair Wood stated that he feels that the amendment is headed in the right direction by broadening the application rather than making the regulations stricter. He thinks if there are over regulations in the ordinance it should be addressed separately.

The Commission outlined their outstanding concerns; They don’t want to limit the opportunity for home occupations who use a large truck, and they want to ensure that the ordinance is applied fairly without increasing regulations.

Mr. Bond explained that the Planning Commission’s recommendation is respected by the City Council. However it’s hard to include all concerns in their motion. Residents attending can contact City Council Members, attend the meeting etc. to communicate their opinions to the City Council since they make the ultimate decision.

Commissioner Francom asked if additional fees are charged for a major home occupation. Mr. Bond explained that there is a 175-dollar conditional use review fee applied to any conditional use permit. Commissioner Francom suggested that box trucks are added as an exception in the motion. Commission Chair Wood stated that he doesn’t see a clear delineation between the impacts of box trucks versus diesel trucks. The Commission talked about defining the size of box trucks. Resident Randy Wood informed them that standard service box trucks are between 14-16 feet long and approximately 14 feet high.

Mr. Bond asked if the commission would like to see a box truck exception in the minor or major home occupation ordinance. The Commission agreed that it should be included in the minor home occupation ordinance.

**Motion:**

Commissioner Adcock motioned to forward a positive recommendation to the City Council, for the Home Occupation Ordinance Amendment. With the condition that the Council looks at the concerns expressed tonight by business owners and residents. And that the City Council consider including standard size box trucks as a minor home occupation. Commissioner Sperry seconded.

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Roll Call:

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Tolman Aye

Commissioner Wood Aye

Commissioner Adcock Aye

The vote passed 5 to 0.

**Centennial Park Subdivision:**

Mr. Bond explained that this development has already received site plan approval, and the first building is almost complete. The developer is now asking to create a subdivision so these units can be sold individually.

Mr. Bond explained that building one originally had a 10-foot setback. He stated that subdivisions usually give the City a right of way however, if the right of way is given there won’t be enough frontage for building one. Mr. Bond stated that staff’s recommendation is to leave the set back as is and not take the right of way. The City will still require a public access easement for the sidewalk, while maintaining the code. The DRC will grant final approval.

Commission Chair Wood asked if buildings 2 and 3 can be built without subdivision approval. Mr. Bond explained that buildings 2 and 3 will move forward without subdividing, but as rentals only. The applicant has requested to subdivide so the units can be sold individually.

Mr. Bond explained that the ground floor of building two will be commercial space. The development will have 32 residential units and 4 commercial spaces. Commissioner Tolman asked if the parking in front of building two is commercial parking only. Mr. Bond explained that it will be for the whole unit. Mr. Bond explained that since the original site plan was approved under the old ordinance the parking requirements weren’t as strict.

Tyrell Gray from Millhaven Homes explained that ownership will help insure the quality of the development. Commissioner Adcock asked where are the access points are. Mr. Gray stated that there is one access of off 300 West. Commissioner Adcock asked if it has been approved by the Fire department. Mr. Bond explained that the Fire chief is on the DRC and the units all have sprinklers.

Gayle Charlesworth who lives on the corner across from the Centennial Park Subdivision addressed the Commission. He is concerned that there isn’t enough parking, and it will spill out onto the road. Mr. Bond explained that the ordinance has changed since site plan approval was granted for this project.

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Because this development falls under the previous ordinance the City is looking for creative ways to mitigate parking impacts. Mr. Charlesworth stated that his fence has been damaged from construction and hasn’t been fixed. Mr. Gray asked to speak to Mr. Charlesworth after the meeting to discuss his fence.

Mary Pinkham lives to the East of Centennial Park Subdivison. She asked if the HOA will take care of the sidewalks and asked about snow storage. Mr. Bond explained that the HOA will take care of the common space. She asked who will maintain the sidewalk in front of the commercial spaces along 300 West. Mr. Bond explained that the property owners in this case business owners will take care of the sidewalk maintenance. Ms. Pinkham stated that she doesn’t believe that there is enough parking even under the previous ordinance requirements. Mr. Bond confirmed that there are 65 parking spaces planned for these units. Mr. Gray explained that there are also 10 parallel parking spots along 300 West.

Mr. Gray explained that the City Council plans to widen 300 West and the parallel parking spots will become horizontal parking spots.

**Motion:**

Commissioner Francom motioned to forward a positive recommendation to the City Council for the preliminary approval of the Centennial Park Subdivisions. With the condition that the public access easement is maintained to ensure that the 10-foot setback requirement is met. Commissioner Tolman seconded.

Roll Call:

Commissioner Sperry Aye

Commissioner Francom Aye

Commissioner Tolman Aye

Commissioner Wood Aye

Commissioner Adcock Aye

The vote passed 5 to 0.

**Planning Commission Business:**

**Approval of Minutes:**

Commissioner Adcock motioned to approve the minutes from March 13th. Commissioner Sperry seconded. The vote was unanimous in the affirmative. Commissioner Francom abstained from voting because he wasn’t at the previous meeting.

Mr. Bond told the commission that the grocery store is moving forward and that no onsite work is being done currently.

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Mr. Bond informed the Commission that the City Council passed the Tot Lot Recommendation with a few minor changes. They changed the number of lots that require a tot lot to 8 instead of the proposed 10. They also changed the discrepancy between 50 and 60 feet to 60 feet, and they clarified that the public park must have a tot lot.

Mr. Bond asked if additional Land use training is desired. Commissioner Sperry asked if it will be the same information. Mr. Bond stated that he would like to have training done annually. He explained to the Commission that he is happy to address questions with additional trainings or info if needed.

**Adjournment:**

Commissioner Adcock motioned to adjourn at 9:28 p.m.

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Trevor Wood, Commission Chair Kira Petersen, Deputy Recorder