



## PLANNING COMMISSION MEETING MINUTES

TUESDAY FEBRUARY 27, 2018

The meeting was called to order at 7:02 p.m. by Commission Chair Trevor Wood. Commission Members attending: Kylie Lance, Art Adcock, Jessica Tolman, Trevor Wood, and Devin Bloomfield.

Others present: Community Development Director Jason Bond, City Manager Ben Reeves, City Engineer Norm Beagley, Aaron Jensen Blue Ox Development.

### **Invocation/Inspirational Thought:**

Commissioner Adcock shared an inspirational thought.

### **Pledge of Allegiance:**

Commissioner Lance led the pledge of allegiance.

**Public Forum:** Commission Chair Wood opened the Public Forum at 7:05 p.m. and closed it at 7:05 p.m.

### **Public Hearing- Preliminary review of Orchards East (G-1, A-11 and Apple Grove Apartments) located at approximately 100 East and Ginger Gold Road.**

Mr. Bond explained that the first phase of this development includes 63 lots. Original approval was given through a development agreement at the beginning of 2017. He explained that this proposal meets the densities for the development agreement. A total of 265 units were approved in this agreement. (See attached map for development overview)

Commission Chair Wood explained to the residents in attendance that the primary purpose is to review the developer's proposal, and to make sure it complies with City Code, and the development agreement.

### **Public Hearing:**

#### **Commission Chair Wood opened the public hearing at 7:10 p.m.**

Resident Nicole Conklin asked if the increased traffic this development will bring has been addressed. She asked if there will be a light installed on Center Street, as well as additional amenities.

Mr. Bond stated that a traffic study was conducted in the Fall of 2017. Mr. Reeves explained that residents have expressed a desire to have a light on Center Street. A study is conducted once a year to see if the traffic warrants a street light. Mr. Reeves clarified that the City plans to submit this year's request in the Month of August when Apple Valley Elementary is open, so the study will include increased traffic. He stated that a light not being warranted means that it doesn't meet U-dot standards.

Mr. Bond addressed Ms. Conklin's questions regarding additional amenities. He stated that amenities will be implemented during phasing. He explained that the first phase doesn't include amenities. Mr. Bond stated that the amenities will be privately owned open space. Mr. Reeves clarified that under a development agreement certain densities were agreed upon because of the amenities that will be provided.

Resident Josh Healey stated that he moved into his home in November of last year, he said that he wouldn't have purchased his home had he known that apartments were being built nearby. He is concerned that these apartments will cause his home to lose equity. He is also worried about the area becoming unsafe and dilapidated in the future. Mr. Healy asked how the City will ensure that this area doesn't become rundown.

Mr. Reeves explained that the City tries to address that issue in several ways. The development agreement does this by not concentrating too much of one density in an area. Another way is holding construction to a higher quality of masonry and architectural elements. Open space, amenity requirements, and transportation plans also help ensure the quality of the development. Mr. Reeves explained that the City also works with the developer to establish the CC&R's for long term maintenance. Mr. Reeves stated that the City tries to balance the protection of everyone's property rights including residents and developers.

Resident Lynn McClain expressed concern that the contractors won't finish this development and the amenities won't be installed. He asked if there will be a bond taken to ensure that this doesn't happen.

Mr. Reeves explained that bonds are in place for each development to ensure that the improvements will be installed. Bond money will be used to finish these amenities if the developer pulls out.

Ms. Conklin asked who monitors the CC&R's. She also asked if the City plans to bring a grocery store and additional amenities due to the planned growth. Commissioner Lance replied that HOA boards are often used to enforce the CC&R's. Mr. Reeves explained that the City is moving forward with a grocer to bring a grocery store to the City.

Commissioner Tolman asked if there is a proposed timeline for this project. Mr. Bond explained that once they receive final DRC approval the timeline begins. He stated that the timeline is usually based on the developer but there are approval expirations if needed.

Resident Mark Conklin stated that he lives off of Center Street. He explained that his neighbor couldn't attend tonight's meeting, but asked him to ask if the developer or the City is planning to install a fence on Center Street. Mr. Jensen explained that the development doesn't have plans for a fence, and City staff confirmed that they don't have plans to install a fence either.

Mr. Aaron Jensen a representative from Blue Ox Development addressed questions regarding phasing. He explained that the first phase that will be developed are 3 plats of single family residential homes. They are developing the single family homes first for access reasons. He stated that after those are constructed the splash pad and club house will be installed.

Mr. Conklin asked Mr. Jensen how many units the apartments will have. Mr. Jensen explained that there is a total of 60 units in the 3 apartment buildings. Each apartment building will be a 3 story, 12 unit building.

Commission Chair Wood asked what kind of parking will be provided. Mr. Jensen stated that the parking will be both covered and open. Mr. Reeves explained that the East side will fall under the new parking ordinance, which will require more parking. Mr. Bond clarified that parking wasn't defined in the development agreement, and that's why it will be based off of the new ordinance. Mr. Jensen explained that the developer will base their parking plan off of feedback from DRC.

Commissioner Lance asked Mr. Jensen who currently controls the HOA covenants and enforcement. Mr. Jensen explained that the developer controls the HOA, and they will transfer that to the property owners when they own the majority of the development.

Mr. Bond explained that the Architectural Review Committee will review the design of the apartments to ensure that they meet City Ordinance requirements.

Mr. Conklin asked what way cars will be entering the Elementary School. Mr. Beagley explained that there will be 3 different access points.

**Commission Chair Wood closed the public hearing at 7:45 p.m.**

Mr. Bond explained that this is a preliminary review for the Planning Commission to give a recommendation to the City Council. After receiving City Council approval, final approval from DRC will be required.

Commissioner Lance asked how the Townhomes to the East will abut to the single family homes and where the front door will be located. Mr. Bond stated that he believes that the townhomes will face 100 east. He explained that the townhomes haven't been designed yet.

Commissioner Lance asked if traffic has been taken into account to ensure that that it won't be too heavy for the two inlet and outlet access points. Mr. Bond explained that the inlets and outlets meet current City standards. He stated that the increased traffic on Center Street will need to be looked at closer.

Commissioner Bloomfield asked if there will be multiple access points in addition to Center Street. Mr. Bond stated the City is working with the developer to fix Ginger Gold Road and provide connection. Commissioner Bloomfield asked if Royal Land Drive will connect to 200 East. Mr. Beagley stated that it will in the future.

Commissioner Adcock asked who is operating the rock crushing operation to the North, and how long it will continue. Mr. Jensen stated that the developers were working there temporarily to facilitate better roads in the development.

Resident Josh Healey asked how apartments will affect the value of their homes. Commissioner Lance explained that the value of a home won't be compared to an apartment. If the apartments are unsightly it could affect neighboring home's value. Commissioner Lance stated that she doesn't see a reason for concern because the HOA will help maintain the apartments.

**Motion:** Commissioner Adcock motioned to forward a positive recommendation to the City Council for Orchards East, based on the fact that it meets the development agreement. With the conditions that the phasing of the subdivision is done to provide two points of fully improved access to each phase of the subdivision. And that the applicant completes all necessary final review processes, and approvals as required by Santaquin City Code. Commissioner Bloomfield seconded.

**Roll Call:**

Commissioner Adcock	Aye
Commissioner Bloomfield	Aye
Commissioner Wood	Aye
Commissioner Tolman	Aye
Commissioner Lance	Aye

The vote passed 5 to 0.

**Public Hearing- Final review of Shepherd's 3 lot plat located at approximately 200 West and 400 South.**

Mr. Bond explained that this is a proposal to subdivide the property on the corner of 200 West and 400 South. He clarified that although this appears to be a standard subdivision it is technically classified as infill because of the reduced frontage on lot 3. For this project the Planning Commission is the Land Use Authority. City Council will review this in the context of deferring the infrastructure requirements to a later time.

Mr. Bond stated that all 3 lots meet the frontage and square footage requirements. There is an existing cinder block building currently on the property, which meets setbacks for lot 2.

Mr. Bond stated that staff's recommendation is to approve the Shepherd 3 lot plat, with the condition that a deferral agreement is approved by the City Council.

Commission Chair Wood asked how deferral agreements are enforced. Mr. Reeves explained that infrastructure such as curb and gutter need to take place a whole block at a time. In a deferral agreement the owners accept responsibility to participate in those improvements at the time that the City moves forward with the project.

**Commission Chair Wood opened the Public Hearing at 8:02 p.m.**

Resident Curt King asked if the existing home will be removed. Mr. Bond explained that the home will remain, and that new lot lines allow the structure to stay and be in compliance with the subdivision.

**The Public Hearing was closed at 8:04 p.m.**

Commissioner Adcock asked if the Planning Commission has the authority to approve the infill. Mr. Bond explained that the infill standards in the City Code allow for the reduced frontage requirement. Mr. Reeves clarified that all of the lots are buildable. Commissioner Adcock asked how the owners will be made aware of the agreement. Mr. Bond explained that the deferral agreement will be included in the development agreement.

**Motion:** Commissioner Lance motioned to approve Shepherd's 3 lot subdivision, with a condition that a deferral agreement is approved by the City Council for the further instillation of the required improvements. Commissioner Adcock seconded.

**Roll Call:**

Commissioner Adcock	Aye
Commissioner Bloomfield	Aye
Commissioner Wood	Aye
Commissioner Tolman	Aye
Commissioner Lance	Aye

The vote passed 5 to 0.

**Public Hearing- Home Occupation ordinance amendment.**

Mr. Bond explained that the City Council has asked the Planning Commission review this issue. The City Council feels that the residential aspect of a neighborhood could be in jeopardy because of business related activities being conducted there.

Mr. Reeves explained that a particular instance showed a loop hole in the City code. City Council expressed concern that residents who have a business license in another City, but conduct work related activities at their homes are not held to the same standards that Santaquin City businesses are. Mr. Reeves stated that the City Council believes that all businesses should be held to the same standards and would like to remove this loophole.

Mr. Bond explained that he has provided language for the Planning Commission to work from. He stated that the City attorney has not yet reviewed these changes. The proposed amendment is located in the current Home Occupation Business License Ordinance 10-12-2. The proposed changes are as follows:

- Clarifying the language in 10-12-2 to read "...furthermore any further business related activities happening at a residence that would be contrary to the characteristics of the underlying zone will require that the property owner responsible for the business related activities to obtain a Santaquin City Business License." "...or business related activity."
- Removing the language that prohibits satellite offices in 10-12-4E.

- Adding the word or in 10-12-5E to read as "...business related vehicles owned, or operated by residents of the dwelling."

**Commission Chair Wood opened public hearing at 8:13 p.m.**

Resident Jennifer Durrant stated that she feels that this ordinance amendment is a direct target to her family. She pointed out that other residents will also be affected by this change. She explained that their work vehicle is on their property, and not parked on the street. The only work performed on their truck is for normal maintenance issues. She stated that Police Officers, and City Officials have talked to them about City Ordinances, and that they have complied with every ordinance. Including not starting the vehicle before 6 a.m. and not idling for more than 10 minutes. Ms. Durrant explained that this is a commuter vehicle, and there isn't other business related storage on the property. They have a business license in a neighboring City where they conduct their business.

She asked that the following questions be answered: Why is her family being singled out, what is the process for this amendment, how will similar situations be monitored, and what is the time frame for this amendment?

**The public hearing was closed at 8:18 p.m.**

Mr. Bond explained that this is a legislative action which requires a public hearing at the Planning Commission, with a recommendation to the City Council. It will then be the City Council's ultimate decision. The time frame would be dependent on meeting schedules. Mr. Reeves explained that enforcement will be applied as issues come to the attention to the Police Department. He explained that a new position in the Police Force is being created to address code enforcement.

Mr. Bond stated that the Council feels that the standards are already in place for large trucks, etc. They want to require a business license for business related activities that impact neighborhoods. Mr. Reeves explained that the City Council's desire is to create fundamental fairness between those who have a Santaquin Business License and those who don't.

Resident Steve Durrant asked what standards they are not currently being held to. Mr. Reeves explained that the City standards for businesses differ from basic City Ordinances. This requirement would hold all business related activities to the same standards. Commission Chair Wood asked if the Durrant's are familiar with the existing business license ordinance language. Ms. Durrant stated that their main concern with it is concealing the vehicle.

Commissioner Tolman asked what the new ordinance language entails. Mr. Reeves explained that the City's goal is to create a harmonious use of the zone. By respecting individual property rights as well as the rights of the entire zone. Commission Chair Wood asked how business related activities will be defined. Mr. Reeves explained that the Council is looking for input on the language.

Commissioner Wood stated that he would like to further understand the ordinance. Mr. Bond stated that the City attorney will also offer input on the amendment. Defining business related activities is the main

priority. Commissioner Lance asked what the hours of operation for a business in Santaquin are. Mr. Bond stated that they are 6 a.m. to 8 p.m.

**Motion:** Commissioner Adcock motioned to table the Home Occupation Ordinance Amendment giving staff direction to clarify the definition of business related activity. Commissioner Bloomfield seconded. All in favor in the affirmative.

This amendment will be discussed at the next Planning Commission Meeting on March 13<sup>th</sup>.

**Tot Lot Requirement for multifamily unit's amendment.**

Mr. Bond recommended that this be tabled since he was unable to address the ordinance language.

**Motion:** Commissioner Lance motioned to table the Tot Lot Requirement discussion. Commissioner Adcock seconded. The vote was unanimous in the affirmative.

**Discussion regarding the modification of setbacks for accessory buildings and fencing.**

Mr. Bond asked the Planning Commission for their thoughts on this issue since it was discussed at the last meeting.

Mr. Bond gave a summary of the previous meeting's discussion.

The Planning Commission discussed the various aspects of this issue including, fence height, accessory building height, safety, and aesthetics. Mr. Bond suggested that building height, fencing, and setbacks be drafted into a new separate ordinance.

Commissioner Adcock asked what the issue is, if the current ordinance has been working.

Commissioner Bloomfield clarified that City Code currently requires any accessory structure over 200 square feet to have a building permit. Commission Chair Wood suggested that any accessory building over 200 square feet is treated like a conditional use permit.

Commissioner Lance suggested that the setbacks for accessory buildings on a corner lot be tied to the size of the building. For example, any accessory building under 200 square feet would have a lesser setback. While anything 200 square feet or larger would have greater setback requirements.

The Commission agreed that 3 foot setbacks on a corner is not large enough. Commissioner Adcock suggested that the setbacks for buildings smaller than 200 square feet be reduced to 10 feet rather than the current 25-foot requirement. The Planning Commission agreed that 10 feet from the property line would be a good setback for accessory buildings on a corner lot that are smaller than 200 square feet.

Mr. Bond stated that he will create new language that reflects the setbacks for accessory buildings on a corner lot being tied to the size of the accessory building.

**Motion:** Commissioner Adcock motioned to table the discussion of the modification of setbacks for an accessory building. Commissioner Lance seconded. The vote was unanimous in the affirmative.

**Approval of Minutes:**

**Motion:** Commissioners Bloomfield motioned to table the minutes from Feb 13<sup>th</sup>. The vote was unanimous in the affirmative.

Commissioner Lance asked City staff if they were aware of a change in State Law regarding conditional use terms. Mr. Reeves replied that they are aware of it.

Mr. Bond told Commission Chair Wood that he appreciated his input on the bylaws, and encouraged all Planning Commission members to provide feedback on the bylaws.

Mr. Bond stated that he will schedule a training for the Planning Commission now that Commission Member Tolman has been appointed.

Commissioner Lance asked if the watershed meeting was applicable to the Planning Commission. Mr. Bond stated that flood mitigation specific to the East bench was discussed. Mr. Beagley explained that they hope to construct more basins within the next year. He stated that the storm drain plan is separate.

Commissioner Adcock asked how the Recreation Remodel is going. Mr. Bond stated that the final completion date is May 31<sup>st</sup>.

Commissioner Adcock asked if Commissioner Lance has been reappointed to the Commission. Mr. Bond replied that the reappointment hasn't occurred yet.

Commissioner Lance stated that she has heard that the grocer has obtained a parcel. Mr. Reeves explained that things are moving forward with the grocery store.

**Adjournment** Commissioner Lance motioned to adjourn at 9:44 p.m.