

Erda Planning Commission Minutes

9/12/2023 – 7:00 pm

Erda City Office-Fire Station

Call to Order 7:00PM

1. Roll Call

- a. Mark Gull, Clyde Christensen, Russ Brimley, Diane Sagers, Jerry Hansen, Kathleen Mallis
- b. Cory Warnick- Excused Absence
- c. Jennifer Poole-City Recorder, Rachelle Custer-City Planner

2. Pledge and Prayer

- a. Diane led the pledge of allegiance
- b. Jerry led the prayer

3. Approve Minutes from 8/22/2023

- a. Diane moved to approve the meeting minutes from 8-22-23, Mark seconded the motion.
- b. Voting was unanimous to approve the meeting minutes
- c. **Meeting minutes from 8-22-23 Approved**

4. Public Comment

- a. Anita Kummer- I contacted Jenn the recorder yesterday about the new car dealership going in on the end of Cimmaron. It is a complete eye sore, it's not representative of the other properties. It was a beautiful property, and I know it's now a business and zoned for that, but it's not like Bargain Buggies or Tooele Valley MotorSports, it's a junkyard. It makes it look awful. I just don't think it should be there and there is a lot of people that I know that feel the same way. It deters from the feel of Cimmaron way and the properties down there. I know of other people on Cimmaron I just feel that with the quality of items he has there it should not be out in front, and that when people stop there to look at cars they are parking on the street. I don't know if there is anything that can be done there.
- b. Mark- Can you give me a better idea of what you mean eye sore? I get that it's not new cars, and that it's a bit of a different market.

- c. Anita - I think that because there is a home there and it's the first thing you see coming off the highway, perhaps he can put it on the property behind the home. Jenn said that you discuss these types of things and that I should come and share.
- d. Mark- That is what we are trying to quantify tonight what we should allow with other similar properties. If there are things that the tenant is doing that we can restrict to make it acceptable. We can't take away his right to run a commercial business that the property is zoned for.
- e. Anita- Can he run it more in the back or on the HWY 36 side, or facing that way?
- f. Diane- We do have a lot to discuss on this, thank you for coming and making comments.
- g. Diane moved to close public comment, Kathleen seconded the motion
- h. Voting was unanimous to close public comment.
- i. **Public Comment Closed**

5. Legislative Items – Public input

- a. **Amendment to Erda Land Use Code 17-5-3.2 Commercial table of uses** to clarify Automobile Dealerships.
 - a. Rachelle Custer- Currently in our land use code table 17-5-3 it talks about automobile sales taking place entirely in an enclosed building. We already have a definition on our code of an automobile dealership (reads code) . My recommendation is that we change D and get rid of it. We've added a few items in the code. 1. All repair work shall be completed within an enclosed building 2. Vehicles on premise that are being prepped for sale must be behind a screened fence. 3. All vehicle parts shall be in an enclosed building. One of the items that we could add is that the automobiles on display should be on an impervious surface.
 - b. Kathleen- Do we know if the person in Cimarron is leasing or purchasing?
 - c. Rachelle- He is leasing. We have notified him that he is not able to operate and that he needs a building permit for the container he has on the property.
 - d. Diane- I think the impervious surface is important, we don't want them leaving something for the next resident.
 - e. Mark- I think we like the idea of having people with small business succeed. But I don't know that we should tailor everything to them. I think we need to really think this out for the long term interest of

Erda. Maybe we do need a CUP on this as it's not always a cut and dry answer.

- f. Rachelle- A mitigating factor I can think of on this is the 45 ft site zone.
 - g. Russ- I really would hate to see this continue down to Erda way, we want professional businesses and for it to look nice.
 - h. Diane- I think we add that item and keep what you've added to the code, and discuss making it a Conditional Use.
 - i. Mark- You could see from Anita's comment that she had no issue with the business on the south. Perhaps that should be the model we look for.
 - j. Russ- So are you saying you'd like conditional use and go case by case?
 - k. Mark-Yes I think conditional use is good and we can address it case by case.
 - l. Diane-If this is always a CUP could we run into people say well you let him do it why not me?
 - m. Rachelle- There will always be findings from engineers that would tell you things to be aware of.
 - n. Russ- I do want to point out that if we do go with the impervious surface it will most likely put them out of business. That is something to be aware of.
- i. Open Public Hearing
- a. Diane opened the public hearing
 - b. Derald-I do not think the government should pick winners and losers. The idea that the government comes in and puts in regulations that would determine who succeeds and who doesn't. I struggle with that. We talk about impervious surfaces, should the nursery across the street have to have all of their items on an impervious surface? What about the car guy? I heard about repairing indoors? Are we going to make everyone do that? What about the farmers and their tractors will they have to fix that indoors? I struggle when we start to limit people's property rights and destroy their dreams.
 - c. Diane-I agree with you on property rights, but I don't think they are the same. This car dealer can harm the ground.
 - d. Rachelle- That's why we have zoning districts, so they can perform those activities in those areas.

- e. Jerry- I grew up as a mechanic, I wasn't here I only listened. I don't think they are going to be making repairs outside. I think if he's doing repairs in a certain area that has that solid surface I think that's fine.
- ii. Close Public Hearing
 - a. Mark moved to close the public hearing, Clyde seconded the motion.
 - b. Voting was unanimous to close the public hearing.
 - c. **Public Hearing Closed**
 - d. Rachelle-Jerry you're saying as long as it's behind a fence you're not concerned about that?
 - e. Jerry-Yes. On the west side is where he has all of the cars that aren't working and on the east side he has the ones that do. I think it just needs to be managed better.
 - f. Mark- I think we've been pretty proactive about this in considering the persons rights and their neighbors rights.
 - g. Rachelle-So for automobile dealerships as a whole do we want all automobile repairs to be done in an enclosed building or just behind a screened fence?
 - h. Jerry- I would like it to be in a building.
 - i. Rachelle- On cars getting prepped for sale to be behind a fence?
 - j. Diane-Yes
 - k. Rachelle- Having to be on an impervious surface?
 - l. Mark-I love the thought of it, but not the practicality of it.
 - m. Russ- I am of the same opinion on that.
 - n. Kathleen- In regards to the surface, at the race track the gravel surface was really taken care of. But the people now not so much.
 - o. Rachelle-So make it a conditional use and leave the three additional conditions I proposed?
 - p. Mark- Motioned to make a recommendation for approval based on the three changes that we made here, and that it be a conditional use, Russ seconded the motion
 - q. **ROLL CALL VOTE: Kathleen- Yes, Jerry-Yes, Diaine-Yes, Mark-Yes, Clyde-Yes, Russ-Yes**
 - r. **Motion to recommend these changes to the City Council PASSED**

- b. **Erda Estates Development.** Erda Estates is seeking extensions under the following requirements of Chapter 9 Planned Unit Development (Tooele County) Preliminary Plan Extension per code 9-6(7) Subject to an extension of time granted by the planning commission.
- a. Rachelle- If you're okay we'll tag all of these together. The developers are working on combining these two developments into a development agreement. The developers are concerned that their timelines will lapse while they are working on this development agreement. The Developers, the City Council and attorneys feel that an extension would be a good solution to these concerns to give the appropriate time needed to make the development agreement the best it can be for Erda City. They didn't give a specific time frame on this ask. We can do six months, or we can do a a year.
 - b. Derald- I am here hand in hand with the City Council in asking for this extension. The longer you give the longer it takes for anything to happen on this property.
 - c. Rachelle- I just don't want to not give them the time needed to try and get the best outcome.
 - d. Craig- There was a 4 vote in favor 1 abstain to give all the time that was needed for this. There was an idea of a tolling going into effect until this passes or fails. But I think a year extension may do it.
 - e. Mark- So right now we have it up at the end of March of 2024? So if we give the agreement it would be 18 months. I am in more favor of giving the time needed. I'm in favor of people being proactive and I think we've seen that.
 - f. Clyde- When we met 3 weeks ago you said you'd be getting us a concept plan this time do you have that?
 - g. Diane- I'm in favor of giving the time to do it right.
 - h. Jerry- I think we need to give the extension. If a year is what's needed.
 - i. Mark- I would ask is there anyone not in line with the year extension? I would like to hear that.
 - j. Russ- For me if we aren't going to get closer to the original plan with the larger lots I don't think we would move forward on this.
 - k. Jerry moved to extend the Erda Estates Development PUD an additional year from the original extension, ending on April 11th 2025, Diane seconded the motion
 - l. **ROLL CALL VOTE: Russ-Yes, Clyde-Yes, Mark-Yes, Diane-Yes, Jerry-Yes, Kathleen-Yes**

m. Vote 6-0 Extension of Erda Estates Development PUD PASSED

- c. **Erda Estates Development.** Erda Estates is seeking extensions under the following requirements of Chapter 9 Planned Unit Development (Tooele County) CUP Extension code 9-7(5) However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further hearing.
- a. Jerry moved to extend the Erda Estates Development on a CUP an additional year from the original extension, ending on April 11th 2025, Mark seconded the motion
 - b. **ROLL CALL VOTE: Russ-Yes, Clyde-Yes, Mark-Yes, Diane-Yes, Jerry-Yes, Kathleen-Yes**
 - c. **Vote 6-0 Extension of Erda Estates Development CUP PASSED**
- d. **Tealby Village Development.** Tealby Village Development is seeking an extension under Chapter 9 Planned Unit Development (Tooele County) Preliminary Plan Extension 9-6(7) Subject to an extension of time granted by the planning commission.
- a. Diane moved to extend the Tealby Village Development PUD an additional year from the original extension, ending on April 25th 2025, Mark seconded the motion
 - b. **ROLL CALL VOTE: Russ-Yes, Clyde-Yes, Mark-Yes, Diane-Yes, Jerry-Yes, Kathleen-Yes**
 - c. **Vote 6-0 Extension of Tealby Village Development PUD PASSED**
- e. **Tealby Village Development.** Tealby Village Development is seeking extensions under the following requirements of Chapter 9 Planned Unit Development (Tooele County) CUP Extension code 9-7(5) However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further hearing.
- a. Diane moved to extend the Tealby Village Development CUP an additional year from the original extension, ending on April 25th 2025, Jerry seconded the motion
 - b. **ROLL CALL VOTE: Russ-Yes, Clyde-Yes, Mark-Yes, Diane-Yes, Jerry-Yes, Kathleen-Yes**
 - c. **Vote 6-0 Extension of Tealby Village Development CUP PASSED**

- f. **Copper Cove Development Agreement.** Development agreement combining Erda Estates PUD and Tealby Village PUD under one development agreement.
- a. Rachelle- You do have a draft copy of the development agreement for your review as well as the concept plan.
 - b. Derald-To update you the city has signed a vested rights letter so that we weren't jeopardizing any of our rights with this development agreement. Purpose of the development agreement is to combine Erda Estates and Tealby Village into one plan. It provides additional commercial space, which is key for the city. It centers on the corner of Hwy 36 and Erda Way. It would put all of the ground between Thompsons Smokehouse and the school as commercial. It would also get rid of a very problematic chapter 9. Here is our suggested starting point of the concept plan. I know that you'd asked if we could eliminate those ag preservation areas and add that land to other lots. I spoke with the engineer, and he said that we needed to have those storm water retention areas, we can't get rid of that. The development agreement is giving the city almost double the amount of commercial then it had before.
 - c. Mark-I don't think there is any doubt that would be very beneficial for the city.
 - d. Clyde- I think we need to get rid of that buffer zone and add it to those lots.
 - e. Jerry- The original number was 328 and this is 402?
 - f. Derald - Erda Estates was approved at 328, and Tealby Village was 72 that gets us to 402.
 - g. Jerry- Well we look at it this way, they sold that area to Excelsior and there were 50 homes in that area that to us was lost with the sale. We don't mind if you add those other 24 homes into that 328.
 - h. Mark- Anything we can do to minimize the unused space would be what I would like to see.
 - i. Diane- So the largest lots are a third acre?
 - j. Derald- That is correct. I've heard some feedback that we went the wrong direction. We went away from town homes and made them all single family homes.
 - k. Mark- I think there was feedback that we would rather have the multi homes like a 4 plex instead of those garden lots. I think it comes down to Derald is what we are doing with the amount of units. That is key.

- l. Derald- I hear when you say when Excelsior bought that property those units went away. We see it a little differently. It's a give and take. What are we bringing so that you'll let us have our units? We are giving a lot more commercial space.
- m. Mark- What is more valuable to you? Residential or Commercial? To me I think the commercial has a higher dollar value to you than residential as a developer. I see this as a win for you.
- n. Derald- You are right that commercial space may be more valuable but also what can I sell right now? I can sell homes, but I might not be able to sell the commercial for 10-20 years. So it is more valuable but when. It's not cut and dry that commercial is more valuable than residential.
- o. Mark- I feel that by allowing you to swap and allow this we are giving you a benefit.
- p. Derald- So let's wack off 30 units, I don't think you'll be able to tell a single difference. I don't see the purpose to take off units just to take them off. Although I see the total logic of if we sold the area then those units are gone. But that isn't how Chap 9 works.
- q. Mark- The point is, it sets the density of what is allowed there. I think the feeling from the last meeting was that we could come to an arrangement with some reasonableness on both sides.
- r. Derald- Erda Estates was 2.3 units per acre, and Tealby Village was 1.67 units per acre.
- s. Mark- So the 3 biggest considerations are, 1-get rid of the green space and add it to the lots, 2-minimize the green space and only keep what you have to, and 3-remove the homes that were lost with the sale of Excelsior.
- t. Diane- The thing that worries me about this neighborhood is there are no parks or places in this neighborhood for kids to play.
- u. Derald- When I was there before the Planning Commission they wanted the ag preservation, but I've also heard from the city that they aren't interested in having a parks and rec apartment to maintain any parks.
- v. Clyde- You've said that these will be under an HOA right. So if there was an HOA they could take care of those parks.
- w. Derald- You're right. So what would you like done with the Excelsior portion?
- x. Jerry- You'd need to stick to the approved density of 1.67 so only 46 lots that come over from Tealby Village.

- y. Derald- The thing I struggle with is we can put in townhomes. But I think it wouldn't fit what you're looking for.
- z. Rachelle- I think it depends on the type of seller. The multi-family homes are more for rent clientele and the single family homes are more for purchase clientele.
- aa. Derald- The struggle with just adding it to the lots is the water. Having enough water for them.
- bb. Jerry- If you just added that 50 feet to those lots it would make them ½ acre lots and they could have those farm animals that we were talking about.

6. Comments from Commissioners

- a. None were made

7. Adjournment

- a. Jerry moved to adjourn the meeting, Clyde seconded the motion
- b. Voting was unanimous to adjourn the meeting
- c. **Meeting adjourned**

Pursuant to the Americans with Disabilities Act, Individuals needing special accommodations should contact Jerry Hansen @ 435-830-1244

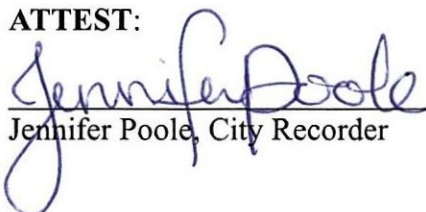
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

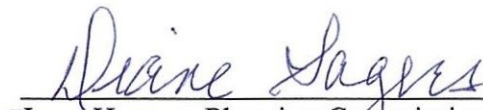
Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Planning Commission this 26th day of September, 2023.

ERDA

ATTEST:


Jennifer Poole, City Recorder


~~Jerry Hansen~~, Planning Commission ~~Vice~~-Chair
Diane Sagers