

**MINUTES OF THE
WASATCH COUNTY
JSPA PLANNING COMMISSION
AUGUST 22, 2023**

PRESENT: Vice Chair Mark Hendricks, Commissioner Ray Whitchurch, Commissioner Robert Holmes, Commissioner Craig Hahn, Commissioner Peter Meuzelaar.

EXCUSED: Chair Bill Redkey.

STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney; Rick Tatton, Court Reporter.

PRAYER: Commissioner Ray Whitchurch.

PLEDGE OF ALLEGIANCE: Led by Vice Chair Mark Hendricks and repeated by everyone.

Vice Chair Mark Hendricks called the meeting to order at 3:00 p.m. and welcomed those present. Vice Chair Mark Hendricks also indicated that all the Commissioners are present with the exception of Chair Bill Redkey who is excused. The record should further indicate that the JSPA Planning Commission is meeting in the Wasatch County Council Chambers located in the Wasatch County Administrative Building, located at 25 North Main, Heber City, Utah 84032. Vice Chair Mark Hendricks then called the first agenda item.

APPROVAL OF THE MINUTES FROM THE APRIL 20, 2023 MEETING

Motion

Vice Chair Mark Hendricks made a motion to approve the minutes for April 20, 2023 as written.

Commissioner Robert Holmes seconded the motion.

The motion carries with the following vote:

AYE: Vice Chair Mark Hendricks, Ray Whitchurch, Peter Meuzelaar, Craig Hahn, Robert Holmes.

NAY: None.

ITEM 1 JACK JOHNSON CONSULTING, REPRESENTING LANDSCOPE LLC, IS REQUESTING FINAL PLAT APPROVAL FOR PHASE 2 BUILDINGS H, I, J, K, L, M, N, AND O OF MAYFLOWER LAKESIDE. THE PROJECT CONSISTS OF 96 CONDOMINIUM UNITS IN EIGHT 12-PLEX BUILDINGS WHICH TOTALS 72 ERU'S ON 8.54 ACRES. THE PROPOSAL IS LOCATED ON THE EAST SIDE OF HIGHWAY 40 ON THE NORTHEAST SIDE OF STATE ROUTE 319 NORTHWEST OF THE STATE PARK ENTRANCE IN SECTION 19 OF TOWNSHIP 2 SOUTH, RANGE 5 EAST IN THE JORDANELLE SPECIALLY PLANNED AREA (JSPA), (DEV-7707; DOUG SMITH).

Staff

Doug Smith, the Wasatch County Planner, presented a Power Point presentation and then addressed the JSPA Planning Commission and indicated that the application is for final approval of all eight of the phase 2 stacked condo buildings. Each building contains twelve 1,499 square foot units (.75 of an ERU each) with 21 underground parking spaces. There are six previous phases that have been granted final approval and are in various stages of construction. This property was part of the Mayflower holdings that also included SkyRidge, the tailings property across the street and the Mountainside southwest of the Mayflower Exit on Highway 40. The final application is consistent with the master plan and overall preliminary approvals. The applicant has entered into a development agreement (entry 456367) and is in compliance with that development agreement. The previous phases of this project have been reviewed under the JSPA guidelines and have been found to be in compliance. A number of the stacked

condo buildings are complete and occupied and were considered to be in compliance with the JSPA architectural guidelines. The streets in the development that have been completed are using the approved JSPA street lights and street signs as will be the case with the lights and signs in these plats. All the streets are required to be private except for the main street that provides the second access to Keetley Road over the old rail alignment.

Following is a general description of the project: The overall master plan has back country public trails as well as hard surface trails that run throughout the project. Sidewalks were approved by the engineering department to run on one side of the road. Each condo building provides 21 underground parking spaces and approximately 3 surface spaces for a total of 24 spaces for each building. All aspects of the JSPA/JRA code and Design Handbook must be met with the architecture and common elements. The condominiums in the development are .75 of an ERU. Setbacks will comply with the JSPA and Wasatch County Code. The condo buildings can be no more than 42 feet tall from existing natural grade. This development entered into an affordable housing agreement with the County. Mailboxes are planned to be in the HOA clubhouse. The site does not have any slopes over 25 percent. The road connecting Highway 319 to Old Keetley Road has been completed and now provides a second access from SR 319 which dead ends into the park. The proposed plats show all areas outside of the hardscape and building footprints as common space. A landscape plan has been included with the submittal that is substantially in compliance with the code and preliminary plan. Sewer and water will be provided by the JSSD (Jordanella Special Service District). The street lights are the same as in the adopted JRA handbook and have been approved and used in previous phases. Regarding the parking there will be two stalls per unit which is in compliance with the code recently adopted. Trails run throughout the project.

Doug Smith then went through the proposed findings:

1. The proposal complies with the target densities listed in the JSPA code.
2. The proposal complies with the densities and layout approved in the master plan and constraint analysis.
3. The project complies with all conditions and layout of the preliminary approval.
4. Five previous condo plats have been recorded and are under construction or completed and the JSPA Planning Commission found that those plats complied with the JSPA code.
5. A code amendment was approved (ordinance 22-22) by the County Council that lowered the parking requirement for multi-family/stacked condos.
6. The proposal complies with the parking as required by ordinance which is two stalls per unit.
7. All applicable conditions of the development agreement have been met.
8. Stichting Mayflower (or successor) is required to build the affordable housing for this project on the property to the south.
9. The JSPA Planning Commission is the land use authority for final plat approvals.
10. The proposal complies with code requirements with the listed conditions.
11. The proposed architecture complies with the requirements of the JSPA code.

Doug Smith then went through the proposed conditions:

1. DRC comments and conditions dated July 7, 2023 are required to be complied with.
2. Provide dedication language on the plat similar to language provided on the 1A plat (or as approved by the County Attorney).
3. Label the trail along 319 as public. The label would be on the plat.

Doug Smith then went through the DRC comments:

FIRE SSD comments:

- Access off main road - Please show driveway width of 26 foot minimum. No parking signage/markings would be needed.

ENVIRONMENTAL QUALITY comments:

- Indicate energy dissipation features (e.g. riprap) at proposed storm water outlets to prevent additional erosion and sediment transport.
- Include any relevant details for energy dissipation features. If riprap is proposed, please indicate appropriate riprap size.
- Provide details or callouts indicating the primary outlet elevations of each storm water facility.
- Provide details on maintenance access for each storm water facility.
- Sheet C801: Please indicate the location of the rock construction entrance on the plans.

MAG REGIONAL TRAIL PLANNER comments:

- Conditional approval. Trail along 319 is a 10 foot paved multi use trail.

Applicant

Lee Burbidge, the applicant, addressed the JSPA Planning Commission and indicated that he just wanted to thank the Commissioners because this is his last visit here after twenty years. The staff has been very good to us and we haven't agreed all the time but we got along fine. Our projects have always been very well accepted. All of our condos are sold and love the area.

Commission Comments

Commissioner Ray Whitchurch asked, would the easement be one of the conditions that we need to call out in this too that is required on the property? Doug Smith replied that we could state that when that trail does cross on the private property would require an easement.

Vice Chair Mark Hendricks asked about affordable housing and it is complex. We should have a discussion given to the JSPA Planning Commission indicating how that works and what is taking place with that at the present time and how it will be monitored and taken care of. Doug Smith replied that is being done at the present time. SkyRidge and Mr. Burbidge have entered into an agreement with Stichting Mayflower who owned that last piece where the tailings are and agreed to build the affordable housing on that property. This is a requirement for any successors in interest.

Commissioner Craig Hahn indicated that on Exhibit D for the preliminary plan that it is showing two bus pull outs with shelters but on the final plan or the plan we are seeing today that is no longer included and is there a reason why those shelters are being taken out of the bus stops? Doug Smith replied that you are right and I missed that. Commissioner Craig Hahn indicated that we need to understand the transit circulation and when all of that will happen. Doug Smith replied that we need to work with High Valley Transit and find out if they would want to have one or both of those pull outs on there.

Commissioner Peter Meuzelaar indicated that it doesn't appear that the building has the thirty percent stone and asked the applicant to provide maybe an exhibit showing the stone or was there a different agreement in place. Lee Burbidge, one of the developers, replied that we have been in compliance with regard to everything that is supposed to be there. I think what we were contemplating was to provide thirty percent stone. Doug Smith replied that our staff will verify the thirty percent stone at building permit and I will check into that issue.

Commissioner Ray Whitchurch asked also about the affordable housing like Vice Chair Mark Hendricks did in his comments. We should have a time limit with regard to affordable housing. Doug Smith replied that it is now in the MIDA controlled area and you will not see that property come before you for a site plan approval.

Public Comment

Vice Chair Mark Hendricks then opened the hearing up for public comment.

Mike Kosakowski, resident in the area, addressed the JSPA Planning Commission and indicated that he has four points and none of them were discussed in the background material. The first point is with regard to the individual HOA's and are these buildings in one HOA or are they individual HOA's? Lee Burbidge indicated that they are individual HOA's. Mike indicated that the other point is with regard to ice dam problems that we had last winter and has that been taken care of? Lee Burbidge indicated that the best materials and new type of materials are being used to try to avoid the problem with ice dams on roofs. Mike indicated that there is a problem with roads sloughing off and those types of things need to be taken care of. The last point is if you have been in the park within the last six months and there is construction going on and town homes that are closer to the park are taller and what mitigation are you going to take to have some buffer between the park and the buildings with regard to the private campgrounds. Doug Smith replied that the State Park was invited to meetings and they didn't say much.

Vice Chair Mark Hendricks then closed the public comment.

Motion

Commissioner Ray Whitchurch made a motion that we approve the application subject to the conditions as stated in the County staff report and with the addition that the easement for the trail on private property be designated and that the bus facility question be resolved with the planning department and that there is a check for thirty percent stone on the buildings to make sure that it is compliant with the requirements of the code and accept the findings as they are written.

Vice Chair Mark Hendricks seconded the motion.

The motion carries with the following vote:

AYE: Vice Chair Mark Hendricks, Ray Whitchurch, Peter Meuzelaar, Robert Holmes, Craig Hahn,

NAY: None.

Commissioner Peter Meuzelaar indicated that he should be recused from the next two matters because he is involved in these projects. As a result of that Peter Meuzelaar then left the room.

ITEM 2 S-LO JORDANELLE FGMCD, LLC REQUESTS A TEXT AMENDMENT TO THE JRA DESIGN HANDBOOK TO ADD CRITERIA FOR DESIGN ELEMENTS AS THEY RELATE TO COMMERCIAL USES IN THE JSPA (JORDANELLE SPECIALLY PLANNED AREA). THE AMENDMENT IS INTENDED TO ADDRESS COMMERCIAL ASPECTS OF DESIGN SUCH AS PARKING, PLAZAS, SIGNAGE, OUTDOOR DINING, ETC. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LEGISLATIVE BODY, AT A PUBLIC HEARING ON SEPTEMBER 6, 2023. (DEV-7382; AUSTIN CORRY)*

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the JSPA Planning Commission and indicated that the Keetley Square Commercial project formerly Jordanelle Commerce Park is currently in DRC reviews for final subdivision and site plan approval. During the preliminary approval for the project it was discussed by the JSPA Planning Commission that the current design handbook has only been written to address residential design standards. The JSPA code has a trigger requirement that the first commercial project to seek approval in the JSPA would be responsible to provide the initial drafting of the commercial standards to add to the handbook. Austin Corry then indicated that there are two attachments included for the JSPA Planning Commission to consider. The first is a redline attachment that shows all changes in red. The second is a clean version showing what the handbook would read like if all changes were accepted. The JSPA Planning Commission will need to review the proposed additions/modifications and ultimately will need to make a recommendation to the County Council for adoption.

Austin Corry then went through the suggested JRA Design Handbook additions as prepared by the applicant which you would like to see in commercial. There is a pretty substantial addition to the bike parking section. Another one we went back and forth on was the parking because parts of it would have conflicted with our code. Those have been pulled out.

Applicant

Stefanie Wilson, one of the developers, addressed the JSPA Planning Commission and indicated that she was the main author of this text amendment for the JRA Design Handbook. Stefanie then went through a Power Point presentation that she had prepared. Stefanie Wilson, I did the best I could based on comments which I have heard you all say in prior Planning Commission meetings, and then conversations that Austin Corry had with you, and I think some other members of the team. I didn't think for a minute that I was going to hit it right on the nose. My thought tonight was that you all were going to let me know what you wanted and I could make those changes accordingly. If you want to approve it tonight that would be awesome and can make changes as we go. Austin Corry replied that the main intent was to get this in front of you so the discussion could be furthered because any of the conversations about the design handbook had been very high level. Stefanie Wilson replied that she is just looking for some feedback right now.

Commission Discussion

Vice Chair Mark Hendricks indicated that my approach to this was as I read through it and I didn't see anything I had problems with. My attitude is that it is so hard to say that we can anticipate everything whether it be fashion and style of architecture or geologic surprises or market changes and it is so hard to do that. We all try to work with the various changes that would be proposed. I don't see anything that I would make a recommendation that would need to be changed. I saw a sentence in there about meters and something being an after-thought, yes meters and transformers should not be an after-thought. I would tweak that a little bit and says that meters and transformers should be shown in the drawings and in the plans as they are submitted. I really don't want to hold this up for that kind of thing because I think the intent is that I didn't see anything that violates what I understand is the real intent of the JSPA. Commissioner Ray Whitchurch replied that I would say that the meters and transformers are actually really critical because if you don't have them in a controlled location there becomes a problem in their location.

Commissioner Robert Holmes asked, there are a lot of "should"s in this handbook and I always thought that was okay because it was a guidance handbook and the code is what told you what you had to do. Jon Woodard, assistant Wasatch County Attorney, indicated that he wouldn't hold it to the same standard as a code on how precise it needs to be. When I went through this I tightened up the language to make more of it being legally binding but I didn't do it everywhere because I thought it was intended to be more of a guideline rather than strict rules that you would want to certainly adhere to the way a setback would be or something like that. Austin Corry replied that the way I would describe the interaction between the two is that the code is your end all and be all and that is where your strict requirements really are written. The Design Handbook helps to provide some of the language to help describe intent where your code gives us a subjective standard. Something that the JSPA Planning Commission might have some discretion on and the code is going to require you to meet that discretion and the Design Guidelines helps to articulate what the intent is in making that type of a decision.

Commissioner Craig Hahn indicated that to get back to the comment about photographs and imagery in this document and I am in agreement with everybody else here about the text and I think it is very solid. I think it would be helpful to have more commercial centered imagery in the document and not enough for me to hold up on for tonight but moving forward it would be very helpful for future developers to understand what we are trying to say in the text by showing more images relating to commercial development. What we have heard here we have an idea and we can start narrowing those images a little and start focusing on some specific things.

Commissioner Ray Whitchurch indicated that there was language in there about gables on the roofs being restricted. I would like you to take a look and see. We either allow them in selective circumstances or we clean up the pictures so they are not conflicting with the code. Gables are a great way to keep snow from falling for people walking into the buildings. No and I am not concerned with the language that much but it was just a conflict to what I saw in the pictures.

Vice Chair Mark Hendricks indicated as we approve the Design Handbook and the photographs and I am fine with updating photographs to more accurately reflect stuff and I think it is a good idea. Austin Corry replied that anything you see as an improvement is fully within your purview and the Council very much looks to your recommendations for that, if you see something that should be changed.

Commissioner Ray Whitchurch indicated that I had a note to myself when I read it but I don't have any real concerns on any of this and it seemed like it was conflicting. Vice Chair Mark Hendricks replied that maybe we can do that and send comments to Austin Corry and if they are substantial we will bring them up as amendments.

Commissioner Ray Whitchurch indicated that he is comfortable moving forward with what we have got as long as we can open the door and make sure we can meet code. Seems that it should be an agenda item before we can address it in a public hearing. If we were to make the effort to go through and look for continuity between the pictures and the words of the text it doesn't take long. Then we can send them into Austin and maybe we can schedule for a future agenda to make those amendments. Austin Corry replied that what I will say in terms of commercial specifically that is the request that is in front of you so I would feel uncomfortable if you were saying that let's go ahead and recommend this and let things move forward but we want to go back and readdress paragraphs like we are just talking about. If you have an issue that you think is not getting addressed and it applies to commercial then that should be part of this discussion.

Commissioner Craig Hahn indicated that on these e-bike charging stations, is the County looking at, or is the JSPA looking at, partnering with the e-bike provider similar to what you see in Summit County/Park City like a ride share or a bike share program? Is there a standard for those? I don't have one so I don't know. Austin Corry replied that right now that is what we are discussing. The County is not in talks of establishing that kind of a program. If it were to move to that my guess is it would be High Valley

Transit that would lead that charge. Commissioner Craig Hahn replied that I would like to see that incorporated. We need to have an update from the County to see what the County is looking at.

Vice Chair Mark Hendricks asked, are there areas and I assume that you drafted and submitted your version and it was reviewed by Austin Corry or others on the staff. Were there areas of conflict? Any area where you haven't been able to talk it through that aren't reflected in this version that has been proposed? Stefanie Wilson replied that I don't believe so. I was the primary author and corroborated with Peter on it because he is our architect on the project so he helped with a lot of that architectural language in there and the ideas of what the JSPA was to look like. Austin Corry was kind enough to help me quite a bit and we collaborated back and forth and then also had a meeting with Doug Smith so he could go through and come up with anything he thought was conflicting or needed to be answered a little bit more clearly. The applicant indicated that she had nothing further to add.

Public Comment

Vice Chair Mark Hendricks then opened the hearing up for public comment and there was none so the public comment period was closed.

Doug Smith asked Commissioner Ray Whitchurch as you read this and the intent of the JSPA is to have consistent common elements so that you know when you are there you are in the JSPA. You mentioned and we all know there will be future commercial projects, did you see anything here that would be something that would have to be changed as soon as that other project comes in? Commissioner Ray Whitchurch replied that I didn't see anything that concerned me. I know there needs to be tweaks as these commercial projects go forward. I am not concerned. I think there is enough latitude here on intent that any of these projects would have the ability to make an investment.

Commissioner Craig Hahn replied, that was a good question and the one area that I could see if you had retail on the ground floor and you had four or five stories of condos above and how is that going to address and does this document address that as this point.

Motion

Commissioner Robert Holmes made a motion to make a positive recommendation to the County Council for adoption and just leave the change.

Commissioner Ray Whitchurch seconded the motion.

The motion carries with the following vote:

AYE: Vice Chair Mark Hendricks, Robert Holmes, Ray Whitchurch, Craig Hahn.

NAY: None.

ITEM 3 S-LO JORDANELLE FGMCD, LLC REQUESTS A REVISION TO THE SHARED PARKING STUDY APPROVED FOR KEETLEY SQUARE, A PROPOSED COMMERCIAL DEVELOPMENT CONSISTING OF RETAIL, OFFICE, AND RESTAURANT SPACE ON 3.8 ACRES AT THE INTERSECTION OF JORDANELLE PARKWAY AND ALPINE AVENUE. THE PROPOSAL MODIFIES THE SQUARE FOOTAGES OF THE USES INITIALLY ASSUMED BY THE APPLICANT AND ADDS A REQUEST FOR UTILIZING BICYCLE SPACES TO COVER PARKING NEEDS FOR AN ADDITION OF OUTDOOR DINING AT THE RESTAURANT AREA. **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LAND USE AUTHORITY, AT A PUBLIC HEARING ON SEPTEMBER 6, 2023. (DEV-4403; AUSTIN CORRY)*

Staff

Austin Corry, Assistant Wasatch County Planner, presented a Power Point presentation and then addressed the JSPA Planning Commission and indicated that this is a request for a revision to a shared parking study and the applicant has done a study suggesting that County Code parking requirements were too high, that was not accepted/used in determining the shared parking plan, instead the Council approved the shared parking plan based entirely on the employee counts, uses, and hours of operation proposed by the developer. The uses included grocery, restaurant, and office. The parking study provided by the developer made

assumptions on the square footage of these uses and the hours of operation of those uses. By comparing the peak hours of all uses on site it was determined that a percentage of the project stalls, could be doubled up so to speak, for example the peak for office is mid-day, but those stalls are primarily vacant after 5:00 p.m. when a restaurant begins to start the higher peak demands. The second adjustment was to exclude back of house area from the general parking calculations and instead base those areas on the number of full-time employees. The assumptions of the applicant that were made during the preliminary approval are proposed to be modifying the square footages of the uses and by so doing it puts them needing to readdress the shared parking plan which is approved by the County Council ultimately. During a shared parking plan there are two things that the code gives consideration for and the first is a reduction of spaces based on less need due to the nature of the building or the premise or second the combining the spaces or when there is two dissimilar uses with different hours of operation that you can use the same space since it is not needed during the same period of day. Under that same section of code it states that the code section at the bottom and if there at any time is a change in one or both of the uses additional parking may be required and that is why this is coming up now. During the preliminary there was an approval for a shared parking plan. The new plan mirrors pretty closely a lot of the methodology of what was presented during preliminary. Just remember you are not being asked to approve the site plan today but it ends up with 140 stalls. In terms of the square footages of the uses the two most significant changes are an increase of the square footage of the grocery by 3,500 square feet so going from 9000 square feet to 12,500 square feet and the addition of outdoor dining. Overall the increase of square footage ends up just shy of 5,000 square feet.

Commission Comments

Commissioner Ray Whitchurch replied that I have actually dealt with this issue a lot with outdoor dining and the assumption is that you add the two together and that gives you a greater square footage for people to sit at more tables. In dealing with a lot of restaurant owners through this issue they tell me that it isn't like that. They say that a lot of people just chose to eat outside and so the capacity doesn't really go up much. The assumption that it increases their square footage isn't always very accurate. They increased the size of the grocery store altogether but percentage of back of house stayed the same at thirty-three percent of the building was the assumption presented by the applicant.

Commissioner Craig Hahn indicated that in winter or in the other eight months that the outdoor dining theoretically is not being used, how close are they during those off season months from parking provided to the requirement for the restaurant. Are we getting closer? Austin Corry replied that the restaurant collectively as a whole is seventy-eight point six five stalls under if we just took our basic code parking requirement.

Commissioner Robert Holmes asked if they have the breakdown of how the Council approved it per use. Austin Corry replied that I wish that I would have done that and we basically would have to go through their old parking study and put it into the table just like this.

Commissioner Ray Whitchurch replied that my opinion on this is that if they under park it they are the ones that are going to suffer the consequences of under parking. The spill out onto the streets is not practical especially in the winter and I never did like parking it to the limit. If we make them stuff all the parking that they want in here it's going to affect the overall aesthetic of the site and that is the trade off and they are the ones that are assuming the risk.

Commissioner Craig Hahn asked if on the roads around this is there a no parking ordinance for the winter months. Jordanelle Parkway is a major collector and so it doesn't matter what time of year you are not allowed to park on the Parkway. If the parking spills out onto the street is there a mechanism for the County to ticket or two? Austin Corry replied that is not established right now and would have to go through a process to create one. Commissioner Ray Whitchurch indicated that parking in front of homes in a residential area is not good. Commissioner Craig Hahn replied that as long as there is an enforcement mechanism there that protects the County I've got no problem with this.

Jon Woodard replied, that is a problem that we often see in these situations and does the County have the ability to enforce it yes but does it have the appetite to put in the resources to enforce it and typically the answer has been no. I don't think it is unlikely that if there isn't sufficient parking there, there will be parking in places that would cause health, safety, welfare concerns and the County is likely not to step in and accept. We need to be comfortable on the front end that this is good and then only rely on enforcement if it fails or surprises.

Commissioner Craig Hahn replied that the parking really comes to the shuttle service.

Commissioner Robert Holmes replied that he is looking in a different direction. The Council approved 145 spots with less square footage and they are proposing more square footage and additional three thousand outdoor seating and I don't see how we can go below 145. Vice Chair Mark Hendricks replied that I think outdoor dining is viable from May to October not just the July through September the applicant says.

Austin Corry then went through the potential findings for approval.

1. WCC 16.33 states the County may consider a reduction in parking spaces "after consideration of [a] shared parking plan, the nature of the buildings or premises, and specific conditions..." that the "plan would lessen the need for the parking spaces as specified in this chapter".
2. WCC 16.33 also states the County may consider a combination of parking spaces "when two (2) dissimilar uses are located adjacent to each other and the demand times for parking would not conflict..."
3. WCC 16.33 requires that "any request to consider a shared parking plan shall require submission of a formal study for consideration by the planning commission and legislative body."
4. The applicant submitted a parking study with the preliminary approval previously granted and was given a reduction based on that analysis.
5. The applicant has submitted a revised parking study for consideration.
6. The submitted parking study makes certain assumptions of the final square footages of tenant spaces which follow the same methodology but with updated/modified use allocations.
7. The submitted parking study also indicates a desire to add 3,000 square feet of outdoor dining and requests that no additional parking be required.
8. The County believes that the developer proffered improvements to alternative transportation options supports a reduced parking requirement beyond the shared parking concept and initial reductions previously granted.
9. The County, in acting on the submitted study, accepts and relies on the assumptions presented by the applicant.
10. The applicant has suggested outdoor dining is only feasible from July to September as part of their request.

Austin Corry then went through two proposed conditions.

1. The updated parking analysis and any necessary enforcement mechanisms necessary be included as in an amendment to the development agreement.
2. An amendment to the development agreement shall include a restriction on outdoor dining areas being used outside of the applicant proposed outdoor dining period of July to September.

Applicant

Stefanie Wilson, one of the developers for Keetley Square, presented a Power Point presentation and indicated that the methodology for all the indoor space is really the same and the only difference really is that the grocery store got bigger. In my mind the methodology for the indoor space is exactly the same as what was submitted the first time and so I think really what is at issue here is the additional three thousand square feet of outdoor space is what we are talking about. The Wasatch County Code did not give any discussion whatsoever regarding parking requirements for outdoor space. It is not reasonable to consider all three thousand square feet as additional square feet.

The other thing I wanted to talk about is Transit Oriented Development and one of the goals in Transit Oriented Development is to create a sense of place and a place is where people want to go, where they want to be, where they want to gather and enjoy commercial uses as well as the area as a whole the environment and the expansion of parking lots do not create a sense of place because nobody wants to hang out in a parking lot. We are trying to create this in the JSPA. We have changed the site plan a little bit and the reason that we lost the five spots because one of our engineers or site planners in our preliminary submission inadvertently made the parking spaces eighteen feet long. We then learned in going back to the DRC for the next approval that they needed to be twenty feet long so that takes up space in the parking lot and reduced the parking count. The site plan did change a little bit just because of moving the space to the grocery store which kind of shifted things around.

Vice Chair Mark Hendricks replied that really what we are talking about, as compared to the code, isn't a dramatic reduction in parking as compared to what was previously approved by the Council. It is minor and would be a four to five percent reduction in parking. The addition of fourteen bike stalls and four motorcycles. Am I wrong on that? My current view is that it is a pretty minor reduction from what they have approved before. I have a concern about arguments and chaos and parking on the streets. Weather, I agree, will take care of a lot of that for part of the year and then frankly I strongly agree with the notion that if it is crowded and people just throw their hands up and say we will never get a place to park there, let's go someplace else. The market forces will

penalize if it is under parked. Stefanie Wilson indicated that it is worth going back to the captive market approach to parking. That is in the parking study and I did a lot of research on it.

Commissioner Ray Whitchurch replied that are we essentially looking at a parking study about a theoretical amount of square feet that could change based on finding end users? We are not approving the site plan tonight right. Stefanie replied no and we are going to initiate an amendment to our development agreement with the County Attorney.

Vice Chair Mark Hendricks replied that we are in the right direction and not that far off. When you say outdoor dining what do you have in mind and Vice Chair Mark Hendricks gave some examples of outdoor dining and those places have been very successful and outdoor dining is not seasonal. The applicant indicated that she has nothing further.

Public Comment

Vice Chair Mark Hendricks then opened the hearing up for public comment and there was none so the public comment period was closed.

Commission Comments

Commissioner Craig Hahn replied that he is in favor of this. Originally I was skeptical of it but the more I think about this the more I relate it to places that I am familiar with. The grocery store is going to be very heavily used and if the shuttle is up and running the way that we planners like to think, that it is going to work. The site plan has been improved dramatically from the first time we saw this. My only concern and comment is related to do we need to define what outdoor dining is. In the winter time when you do use a larger portion of your interior space and you still have three thousand square feet outside that can be used as well. We are not increasing the parking to account for that. That would be my concern is that do we need to put a definition of what outdoor dining consists of, more like the amenities of it, when does it no longer become outdoor dining? Austin Corry replied that I would have to look into if the County has a definition for outdoor dining.

Vice Chair Mark Hendricks asked the applicant that on this item would you like an opportunity, perhaps through continuing this to another meeting, to develop an outdoor dining policy that helps address some of the concerns that you have heard tonight or do you want to try and take care of it tonight and have us guess at it or do you want us to make a decision and we would probably call the County Council's attention to it and you could be prepared to address it. You know it is seasonality and the nature of it, does it become permanent, because I really believe if I am going to do a restaurant there I am going to want to capture people in February. Our concern is that could be a material thing. Commissioner Ray Whitchurch and others have made good points about mitigation. When I read this I was kind of like no you can't do this. Now that I have heard this discussion and understand more I am inclined to support it. I do have that concern personally about outdoor dining kind of becoming permanent.

Commissioner Robert Holmes replied that you are not going to limit the time of year he can use that. We can't count on you to do that. Vice Chair Mark Hendricks indicated that some sort of condition could be put in that says and they agree that outdoor dining is seasonal and we will have to define the space.

Commissioner Ray Whitchurch replied that I am supporting this but I think the trade-off is where we really need to look at it. Then what we are really debating is the nuisance to the neighborhood and what kind of nuisance would this create for the neighborhood because we are not responsible for mitigating a risk of the owners or the businesses. We can try to mother hen that a bit but the reality is, is it really going to get to the neighbors and is it going to bother them and going to be continual complaints to the planning department? Other than that all the risk is borne by the applicant. The trade-off saying that I want to force them to put in another four stalls or compliant with the original 147. What is the debate about? The other circumstance you would say that I have got four more stalls that technically that are going to be up on the street and parking in front of the house or however, anyway it is my inclination to support this because the trade-offs are not worth it.

Austin Corry replied that based on your discussion I was going to point out in the staff report if you are looking to approve or recommend approval on this that Condition No. 2 specifically highlights that. This is based on and the applicant is presenting a shared parking study to you and you are deciding to whether approve this reduction in parking stalls based on what they are presenting. You do have the ability of holding them to what they are saying that they are going to do. You specifically asked about the time and I just suggested that the timing that they presented to you which is July through September.

Vice Chair Mark Hendricks replied I like doing them a favor and don't limit to that because they will want to take advantage of it during the high demand but it is up to the applicant. Austin Corry replied that one of the things that will be beneficial is that as

things progress it gives you years of data, actual better hard data, so if later on there needs to be an amendment to that, that we found that we actually use it this way instead but also have found these other things and let's get some real hard data and that might help inform maybe an amendment to how or whatever restrictions. We are trying to anticipate what kind of pains might come of it.

Commissioner Robert Holmes replied that the best thing we can do to improve it would be with these conditions and they could come back and ask for an amendment if they see otherwise.

Vice Chair Mark Hendricks replied that I will direct this to the applicant again do you want to limit outdoor dining from July to September? Do you want that as a condition or do you have a different idea? Stefanie indicated that as a developer in putting conditions on the tenant's leases isn't ideal but you are considering our request and it is your prerogative if that is something that you want to impose. The subdivision across the street, Keetley Ridge, is also our development and it is twenty units and there is a crosswalk that goes straight from the development up some steps into a pedestrian only entrance. There are neighborhoods that are going up also.

Motion

Commissioner Ray Whitchurch made a motion that we recommend this to the County Council for approval striking item number two on the conditions and in light of the findings and only subject to condition no. 1 not condition 2. That is my motion.

Commissioner Mark Hendricks seconded that motion.

Austin Corry replied that the report gives you two sets if you wanted to recommend approval there is a list of findings you could adopt.

Commissioner Craig Hahn asked, are we going to add a condition about basically replacing the condition No. 2 from a time sensitive period to a permanent outdoor dining meaning roofs, walls, are we going to add something about that? Commissioner Robert Holmes, if you are going to move the time frame of when they can conduct business you are almost saying that you can permanently occupy all that space all year round only as long as you can find a way to make it comfortable for people.

Commissioner Craig Hahn replied that realistically if it is done right and what I want to eliminate is the idea of doing a hard roof. Commissioner Ray Whitchurch replied that wouldn't that come under the building department if they start putting these structures on an outdoor plaza? Commissioner Robert Holmes replied, does an awning require a building permit?

Vice Chair Mark Hendricks replied that we have a motion and we could talk about amending the motion and my concern remains about it but again I come back to I am not sure. Commissioner Robert Holmes replied that the only way to prevent that is the time that it can be used because the restaurant goes are going to find a way. Vice Chair Mark Hendricks replied that the time isn't as much a concern to me as to weather is nice or not. The bigger question is the nature of the permanency.

Commissioner Ray Whitchurch replied that if we nuance this is what we are really talking about is nuisance. Is the County really in a position that they will be able to enforce this? Doug Smith replied that what will really happen is we will get a call from a neighbor saying that people are parking out on the street and we go up there in March. Commissioner Ray Whitchurch replied that for the four stalls that we are considering, and I know that we can expand it, but for the four stalls that we are considering that. I am agreeing with the County Council when they were adding all those other things to enforce is probably making as big of a problem to go in the enforcement to take care of something as it is for the County people to go and tear down a temporary wall.

Vice Chair Mark Hendricks replied that maybe we could put a condition and just tell the County Council to consider how they feel about the outdoor dining. Whatever we say to them they will do what they want to do. You have heard the concern and this will go to County Council in two weeks so you have got a little bit of time to think it through. I don't mind communicating to them that we have this concern and on the other hand is it material. Commissioner Craig Hahn indicated that it is not a deal killer for me. Vice Chair Mark Hendricks replied that we can add a condition.

Commissioner Ray Whitchurch indicated that he is happy in amending and adding a second amendment that said to make the County Council aware there has been a discussion about outdoor dining and parking and that they need to deliberate on this.

Austin Corry replied that I will present your report of action to the County Council.

Vice Chair Mark Hendricks replied that we will add a condition and really not a condition but it is a highlight of what has been discussed. Austin Corry replied that would be in the verbiage of your motion so your motion is to recommend this and consider about the outdoor dining and it is for your consideration.

Commissioner Ray Whitchurch withdrew his motion for another motion. Vice Chair Mark Hendricks replied that noting concerns about the material impact of outdoor dining and remove Condition No. 2.

Motion

Commissioner Ray Whitchurch made a motion to recommend approval including the conditions in the staff report in light of the findings noting concerns about the outdoor dining aspect and also to remove condition No. 2 on the conditions for approval.

Vice Chair Mark Hendricks seconded the motion.

The motion carries with the following vote:

AYE: Vice Chair Mark Hendricks, Robert Holmes, Ray Whitchurch, Craig Hahn.

NAY: None.

ADJOURNMENT

Motion

Commissioner Ray Whitchurch made a motion to adjourn.

Vice Chair Mark Hendricks seconded the motion.

The motion carries with the following vote:

AYE: Vice Chair Mark Hendricks, Robert Holmes, Ray Whitchurch, Craig Hahn.

NAY: None.

Meeting adjourned at 8:00 p.m.

Mark Hendricks

MARK HENDRICKS/VICE CHAIR

Signature: 

Email: mark@taradin.com