MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 3/12/2020.

The meeting was held in the Grantsville City Council Chambers at 429 East Main Street in Grantsville, Utah. Those present were, Vice Chair Gary Pinkham, Commission Member Brian Pattee and Alternate Commission Member Shane Watson. Absent was, Commission Chair Jaime Topham, Commission Member Jacob Linares, and Commission Member Erik Stromberg. Also present were Zoning Administrator Kristy Clark, Attorney Coombs, Shay Stark with Aqua Engineering, Fire Marshal Brad Clayton, Joell Dowden, Klansey and Debrael Bateman, Alejandro and Gabbie De La Torre, Todd Castagno and Guy Haskell.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

a. Proposed Rezone of 30 acres of land located approximately at 228 S 1160 W for Joell Dowden to go from an RR-5 zone to a RR-1 zone.

Vice Chairman Gary Pinkham opened the public hearing at 7:04 p.m. and called for comments.

With no comments offered, Vice Chairman Gary Pinkham closed the public hearing at 7:04p.m.

b. Proposed Home Occupation Conditional Use Application for Debrael Bateman to operate a Salon out of her home located at 827 North Old Lincoln Hwy.

Vice Chairman Gary Pinkham opened the public hearing at 7:04 p.m. and called for comments.

With no additional comments offered, Vice Chairman Gary Pinkham closed the public hearing at 7:04 p.m.

VICE CHAIRMAN GARY PINKHAM OFFICIALLY CALLED THE MEETING TO ORDER AT 7:04 P.M.

1. **Consideration to approve the Home Occupation Conditional Use Application for Debrael Bateman to operate a Salon out of her home located at 827 North Old Lincoln Hwy.**

Debrael Bateman present for this item:

Gary stated, I don't see any traffic issues being a problem out there. Are you going to be the only one working the business? Debrael answered, yes.

Gary made the motion to approve the Home Occupation Conditional Use Application for Debrael Bateman to operate a Salon out of her home located at 827 North Old Lincoln Hwy. All voted in favor and the motion carried unanimously.

2. **Consideration to recommend approval of the Rezone for Joell Dowden to go from an RR-5 zone to a RR-1 zone.**

Joell Dowden was present for this item:

Gary stated, it looks good. It appears to be consistent with our existing general plan. How would you access that?

Joell stated, we are on an easement and we access from what is considered West Main street. If you head west of the Independent Storage, there is a road that veers off a little bit to the north and then it heads back west and then the road heads south. And so, there's four other houses out there as well as mine.

Gary made the motion to recommend approval Rezone for Joell Dowden to go from an RR-5 zone to a RR-1 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

3. **Consideration to recommend approval of a Commercial Conditional Use Application for Alejandro De La Torre to run and operate a restaurant with a drive-thru located at 822 East Main Street, Suite A, Building 2 in the CD zone.**

Gabbie and Alejandro were present for this agenda item and stated to the Commission: my name is Gabbie Rodriguez, and this is my husband, Alex. This letter is in response to the application for a conditional use permit to operate a business with a drive-through at 822 East Main, in Grantsville. As to any concern about the traffic this might cause, especially with the Walmart warehouse workers going to and from their shifts, our business hours will be from nine to nine. Walmart workers start their shifts at 5 am. We will not be open at that time. At that time, they will be on their way to work. On their way back, they will be coming from the west to stop at the light. If they take a right onto road 112, the cars will be on the other side of the road, and if they go straight onto Main Street, the traffic will not be affected by the business. Therefore, any scenario should not cause any traffic backup. Vehicles approaching the entrance, there will be a designated lane for a line of cars along the parking lot curbing. I would like to suggest using Casa Del Rey as an example. Casa Del Rey has a space for only one car. The entrance for the window crosses a major public entrance walkway. Cars have to back up on the heavier trafficked highway 138; that hasn't been an issue for

them. Also, I believe Casa Del Rey has one entrance with markings on the pavement showing one arrow to enter and another to exit, where as Charrito's would have two entrance/exit lanes. The distance from highway 138 to the Casa Del Rey is the same if not less than what we will have at Charrito's. Vehicles trying to exit the mall, there are two entrance/exit lanes to the mall, one onto road 112, and the other onto highway 138. Therefore, vehicles will not necessarily have to wait across, will not have to wait, cross in between, or zigzag around. Where is the fire lane to this complex? Firefighters can park wherever they feel necessary to attend their emergency. By city code, a fire lane must be 26 feet to be able to get through the drive-through, and Charrito's is only 20 feet wide. The gas meters are protected by two four-by-four cement barriers. However, we have no problem adding a couple more for extra protection if the city requires.

Gary stated, my only concern is the drive-through and if we get more than two or three cars waiting to order pickup, I'm not sure how the public being the public, not paying attention to arrows or common sense, I can see that access getting congested and/or people packing out onto 112. I know we've got an ugly mess with the Guzzle.

Gabbie stated, so there's two handicapped parking lots as you go around, so those are going to be assigned as car one, car two, so if they are ordering and there's a lot of cars waiting, they can order and go around and wait for their food.

Shane stated, so this is where the Chinese restaurant is? That's a restaurant that does lots of pickup. I know people go in and dine, but I also know they go in and pick stuff up, probably 50% as much as they go in and eat. It seems to work. I've been down there several times, and I haven't really been in a congestion issue. If I understand what you're doing at Charrito's, it's going to be different than Casa Del Rey, because theirs is more catered to a sit-down type environment. People are going to do a lot of pickup with you. It's more of a restaurant that's designed to do that. If I'm seeing it right, there's one kind of by the Les Schwab over there in Tooele? Gabbie answered, yes that is ours. Shane continued; I would project probably half of your business is going to be coming through that drive thru. I think you're going to have a problem. It's my opinion.

Gary stated, I don't have a problem with the business being there. If it were set up like the Chinese restaurant, where they can order and then come in and pick it up. I'm having trouble seeing how we're going to queue up that many cars on that corner of that building.

Shane asked, would you consider doing an order pickup versus a drive-through?

Gabbie answered, it's going to be more difficult because our main thing is the drive thru.

Brian stated, this is a conditional use application, so we could also place a condition that if there's issues, we could have them come back in a year or something, right?

Shane stated, I like to see the business go in. I just don't want to see any accidents.

Gary asked the Fire Marshal, Brad Clayton, where are you guys on fire access on the back of that building with just a 20-foot access?

Brad answered, well, and that's part of the issue. As I sit here and think about it, I'm sure the reason it's 20 feet is because there's not a fire hydrant on that access. If there was, it would have to be 26, so I'm sure that's where they came from with the 20 feet. What we ran up against is whether the building catches on fire or whether the car catches on fire or there's an accident back in there, how do we get into it? And we're kind of stuck in that situation that if they're taking up 12 of the 20 feet, pretty much limits us to not being able to get back there and do our job. If it's a designated fire lane, and it needs to be kept open by regulation.

Attorney Coombs asked, Brad, did you say that is a designated fire lane?

Brad answered, I would have to go back and look at the records when that was built, but I would suspect that it is. Do you have those records, Kristy, somewhere?

Kristy Clark stated, I might. I would have to look.

Brian stated, having that information is critical to us making a decision.

Brad stated, if it was built today, I could tell you it would be a fire access. I don't know what was required at that point by the city.

Brian stated, if it's designated as a fire lane then we wouldn't be able to allow the drive thru.

Brad stated, so my speculation is, where it is exactly 20 feet, that it was put in as a designated fire lane. Otherwise, it would have been a little closer to the property line, whatever the side set would be on that building. That would be my guess.

Brian made a motion to table the Commercial Conditional Use Application for Alejandro De La Torre to run and operate a restaurant with a drive-thru located at 822 East Main Street, Suite A, Building 2 in the CD zone. Gary seconded the motion.

Shane asked, do we want to consider giving them a conditional use without the drive-up? So, they can get going and table only the portion that's the drive-up, or is that even possible?

Attorney Coombs answered, yes you can do that.

Gary stated, Again, I don't have a problem with the restaurant being there if it's done as a takeout like the Chinese restaurant and doesn't have the drive-thru.

Attorney Coombs stated, so you just grant the conditional use permit for the uses that you designate and then any additional uses, like a drive-through, they can come back and try to add to that to the conditional use.

Brian amended his motion.

Brian made the motion to recommend approval the Commercial Conditional Use Application for Alejandro De La Torre to run and operate a restaurant located at 822 East Main Street, Suite A, Building 2 in the CD zone. With the condition that the drive thru will not be allowed at this time until we figure out if there is a designated fire lane. Shane seconded the motion. All voted in favor and the motion carried unanimously.

4. **Consideration to recommend approval of the Final Plat for Wise Management, LLC and Todd Castagno for the creation of 34 lots in the Anderson Farms Subdivision, Phase 3 in the R-1-21 zone.**

Todd Castagno was present for this item and stated to the Commission:
Todd Castagno, representing Wise Management. We're here for final plat approval for phase three of Anderson Farms.

Gary asked, do we have a development agreement that is being worked on?

Shay stated, all subdivisions require a development agreement before going to City Council. The only item just beyond the standard development agreement that I see is that we want to explain the phasing. There was a change with the number of lots, if you remember when we were looking at this, the water lines, the sewer lines were coming across in an area that was originally not being developed and so they were basically developing everything but not putting lots in.

Gary stated, that's why we're at the 34. Infrastructure-wise, we're building 34 lots worth of infrastructure to get 25. We said, let's just go ahead and add the extra lots since we have the utilities already in it.

Shay stated, we'll explain that in the addendum to the development agreement.

Attorney Coombs stated, I don't see any open space that is required by statute.

Gary answered, this is done under the old process.

Mayor Marshall stated, I'd like to add to the development agreement and minutes, because you border Worthington Street, that there is no backyard entrance into the property.

Attorney Coombs stated, I would recommend as part of your motion if you recommend approval is that on the plat map, they add "no access" for Worthington Street so everyone knows there's no backyard access on that street. Todd stated, that would be great. I don't want them there either. I can also check our CC&R's and make sure that is spelled out clearly and if it's not there we will get it added.

Gary made the motion to recommend approval of the Final Plat for Wise Management, LLC and Todd Castagno for the creation of 34 lots in the Anderson Farms Subdivision, Phase 3 in the R-1-21 zone. With the condition that they will put a note on the plat regarding there being no backyard access on the lots adjacent to Worthington Street, and that the development agreement addresses the issue of 34 lots as opposed to the required 25. Relative to the construction of the utilities. Shane seconded the motion. All voted in favor and the motion carried unanimously.

5. **Consideration to recommend approval of the Final Plat for Deseret Highlands Investments, LLC and Guy Haskell on the Highlands Subdivision Phase 2 at approximately 750 North Highway 138 consisting of twenty-six (26) lots in the RM-7 zone.**

Guy Haskell was present for this agenda item:

Gary stated, you've got a couple of minor items here with Aqua, regarding some addressing and flood designation note, have you seen those, have they been taken care of?

Guy Haskell stated, I've got updated copies here that Kristy asked for. We got the addresses a couple days ago and we have added them to the plat.

Gary asked Shay Stark with Aqua Engineering, do you have any other issues with this?

Shay stated, no, the minor changes have been addressed.

Gary asked, the existing development agreement, we're good on that?

Shay stated, I was under the impression we had one, but we're going to go back

and check, and if we don't, it will just be the standard boiler plate development agreement.

Gary stated, the only lingering question I have, which is a nagging one. The storm drainage, there at the existing paved access, that goes to the south end of the pond, did it ever get an oil snout on it? If that is regular box, you'd have to tear up the street, curb, and sidewalk to put in a new box. Or potentially go behind the sidewalk, put in a new box that's deep enough to handle a lot of water. But, it's one of those things that didn't get done, and I know I've brought it up every time for a couple of years now. Last time I was out there; I don't think it had been done yet.

Guy Haskell stated, I called a guy to do it. I'm not sure if I went out there, I'd know if it'd been done or not. I'm not exactly sure what it is. Maybe I need to meet somebody out there with the guy doing it to see what it is because I thought with the drawings and the boxes, it'd be ordered, and it would all be taken care of.

Attorney Coombs asked Fire Marshal Brad Clayton, Brad, do you need a certain ground lay on those temporary turnarounds? So, we include that in the development plan?

Brad stated, they need to be built to standard to support a 75,000-pound fire truck.

Guy Haskell stated, I've got a couple of questions. Does the city still have the requirement of having 70% of the lots with the building permit to start the next phase, is that still there?

Gary stated, that’s going to stay. What we've been doing is allowing you to go ahead and get approval of the plats for the next phase, but you're not allowed to break ground until you reach 70% on that. By getting that approval, you don't have to wait until you get the 70% to start your paperwork. You can start your paperwork on the next phase and have it ready to go when you do hit 70%.

Guy Haskell stated, that's what I'm working towards here, and I don't know if things are going to stay as strong, but since we've opened our model home, we've had 10 sales there in a month. If we're waiting for a time to get to that percentage, I'm going to be three or four months without inventory before I can make that happen, which will be really hard for employees and keeping staff.

Shay stated, you can break ground, you just can't record the plat. So, you can't sell lots until you have a plat for it. You can go through the approval process and then you can't record the plat until you hit 70%.

Guy Haskell stated, I've got one other question. In our first phase, we had an access off UDOT and I had to get an access permit from UDOT. I had to get

another one off there for this second phase. When we're doing our bonding on this, I've got to double-bond because UDOT requires me to do a bond coming off there, and the city does as well. I'd like you to look at that and see if that's necessary to double-bond for that.

Mayor Marshall answered, UDOT requires their bond, there's nothing we do about that. It's their road. The bond that you have with us is on your part of the subdivision.
Guy Haskell stated, on the last one, I had two bonds. I had one for the subdivision and one for UDOT as well, and that was the one I was wondering if that was necessary if I showed you the bond that I had with UDOT or something.

Attorney Coombs stated, the bond for UDOT only covers them, it doesn't cover the city.

Gary made the motion to recommend approval of the Final Plat for Updwell Development and Guy Haskell on the Highlands Subdivision Phase 2 at approximately 750 North Highway 138 consisting of twenty-six (26) lots in the RM-7 zone. Brian seconded the motion. All voted in favor and the motion carried unanimously.

6. **Discussion of a Proposed Concept Plan for Kyle Copeland to discussion property at 95 North Blaine Avenue to either rezone or apply for a Conditional Use Application to maintain a rental unit in an R-1-8 zone.**

No one was here for this item.

Gary motioned to table this agenda item. Shane seconded the motion. All voted in favor and the motion carried unanimously.

7. **Consideration to approve the meeting minutes for the previous P&Z Meeting that was held February 13, 2020.**

Gary made the motion to table the meeting minutes for the previous P&Z Meeting that was held February 13, 2020. Brian seconded the motion. All voted in favor and the motion carried unanimously.

8. **Report from City Council Liaison Darrin Rowberry. Mayor Marshall was present in place of Darrin Rowberry.** Mayor Marshall stated, just a comment to the P&Z. From the Mayor and City Council, we appreciate the work that you've done. We know that there are sometimes issues that are very delicate and can be very emotional. We also appreciate you for having a special meeting this coming Monday on a zoning item that needed to be done to complete a business park. So, from the Mayor and the City Council, we appreciate you and we want you to know that. Thank you.

9. **Gary made the motion to adjourn the meeting at 7:42. Brian seconded the motion.**

All voted in favor and the motion carried unanimously.

Kristy Clark
Zoning Administrator