

**APPROVED****Action Summary:**

<b>Agenda Item</b>	<b>Item Description</b>	<b>Action</b>
#1	Sabe a Peru Kitchen CUP- Consideration	Approved
#2	North Hale Street Rentals CUP- Consideration	Tabled
#3	Code Amendment- Ch. 15 (setback & frontage)	Recommended for approval
#4	Northstar Ranch Ph. 10 Preliminary Plat- Consideration	Recommended for approval
#5	Twenty Wells MDA- Consideration	Recommended for approval

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION, HELD ON AUGUST 15, 2024 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE MEETING BEGAN AT 7:00 P.M.**

**Commission Members Present:** Chair Rick Barchers, Vice-Chair Derek Dalton, Jeff Downward, Rob Jaterka

**Commission Members Absent:**

**Appointed Officers and Employees Present:** Public Works Deputy Director Christy Montierth, Community & Economic Development Administrative Assistant Jaina Bassett, Zoning Administrator Shelby Moore, City Attorney Tysen Barker, Planning Advisor Gary Pinkham, City Council Liaison Rhett Butler, City Council Member Heidi Hammond, Aqua Consultant Shay Stark, Mayor Neil Critchlow, Fire Marshal Brad Deleeuw

**On Zoom:** City Engineer Robert Rousselle

**Citizens and Guests Present:** Theresa Sprouse, Terry Leary, Clayton Sheffer, Laura Chukuba, Macie Chukuba, Cavett Eaton, Larry Rodriguez, April Rodriguez, Mildred Russell, Colleen Brunson, Trent Stirling, Renzo Landa, Ivette Landa, Holly Jones, Rusty Spencer, Camille Childs, Josh Childs, Kelly Baker, Michelle Pitt, Barry Pitt, Janette Toone, Ryan & Katelyn Butler, Scott Yermish, Jacob Clegg, Ross Dinsdale

**Citizens and Guests Present on Zoom:** Several Unknowns

**Commission Chairman Rick Barchers called the meeting to order at 7:00 PM.**

**PUBLIC NOTICE**

The Grantsville City Planning Commission will hold a Regular Meeting at 7:00 p.m. on Thursday, August 15, 2024 at 429 East Main Street, Grantsville, UT 84029. The agenda is as follows:

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **AGENDA**

### **1. Consideration of the proposed conditional use permit for Renzo and Ivette Landa to own and operate Sabe a Peru Kitchen, a micro enterprise kitchen, at 216 E. Donner Pl. in the RR-1 zone.**

Zoning Administrator Shelby Moore was present to speak on this item. She noted that the CC&Rs for the neighborhood are included in the packet. She stated that this business is allowed in their HOA, as long as they apply for the necessary permits with Grantsville City. She noted that parking is marked on the plan, and that pick up of food would be by appointment only. Ms. Moore read the conditions listed in the staff report.

Commission Chairman Rick Barchers noted that the only potential concern is on-street parking, but that the condition for pick up to be by appointment only should address this. He stated that he would like a condition added that if there are parking tickets given, this permit would be revoked.

**Rick Barchers made a motion to approve the proposed conditional use permit for Renzo and Ivette Landa to own and operate Sabe a Peru Kitchen, a micro enterprise kitchen, at 216 E. Donner Pl. in the RR-1 zone with the conditions listed in the staff report, excluding the section about the fourplexes, and the condition previously discussed for parking. Derek Dalton seconded the motion. The vote is as follows: Derek Dalton “Aye,” Jeff Downward “Aye,” Rob Jaterka “Aye,” Rick Barchers “Aye.” The motion carried unanimously and the permit was approved.**

### **2. Consideration of the proposed conditional use permit for Raven Management LLC to allow Multi-Family Housing in the form of two (2) fourplexes, located at 268 N. Hale St., in the RM-7 zone.**

Aqua Consultant Shay Stark was present to answer questions on this item. He stated that when the Chiekezie subdivision was originally approved, it was planned for four single family homes. He stated that this was approved as four single family lots.

Mr. Stark noted that a typical requirement of subdivision approvals is to improve infrastructure, but that City Council did not state these requirements at the time of approval, so they were never completed. He stated that a 66-foot street width is typically required, along with other improvements that would be necessary for this type of project in the area.

The Planning Commissioners noted that this proposal seems to be a bad fit for the area, based on the City code regarding conditional use permits.

Holly Jones was present to speak on this item, as the applicant of the project. She stated that she agrees with what was said about the way the original subdivision was approved, but that intent is not transferable. She stated that the Chiekezie subdivision should have been run and approved as a major subdivision, but was not. She stated that the improvements previously mentioned should have been required of the developer, but were not. Ms. Jones stated that this is a conditional use in the RM-7 zone, for which conditions could be placed on the approval. She asked the Planning Commission what concerns could be mitigated and addressed by conditions placed on the approval. She read through the points under "Determination" of the conditional use permit section in the Grantsville Land Use and Management code, and stated that their proposal meets all of the requirements.

Ms. Jones asked what conditions would be placed on the project to mitigate concerns.

Commission Vice-Chair Derek Dalton noted that he would like to hear the results of Ms. Jones' research pertaining to letter "K" of the points in the City code. She stated that per Utah State Code a fire hydrant would be required in this area and building permits should not have been approved without it, but they were. She stated that because the City did not enforce this with the other buildings around this property, it is unfair for the improvements to all be pushed onto her.

Fire Marshal Brad Deleeuw was present and stated that Fire Chief Jason Smith has concerns regarding fire safety for this project, including the hammerhead turnaround. Ms. Jones suggested that a condition be placed on the approval of the permit, to require her to put a fire hydrant in on this property.

Chairman Barchers stated that further discussion is needed for Ms. Jones, including opinions from the City Attorney and City Engineer. Vice-Chair Dalton suggested that a work session may be appropriate to further discuss this. Vice-Chair Dalton stated that he would like to see additional designs for this property.

**Derek Dalton made a motion to table the proposed conditional use permit for Raven Management LLC to allow Multi-Family Housing in the form of two (2) fourplexes, located at 268 N. Hale St., in the RM-7 zone. Rick Barchers seconded the motion.**

**The vote is as follows: Derek Dalton "Aye," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried unanimously and the proposal was tabled.**

**3. Consideration of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 15 (Residential and Multiple Residential Districts) to modify the front yard setback from 40 feet to 30 feet, and the minimum frontage from 70 feet to 60 feet.**

Zoning Administrator Shelby Moore was present to speak on this item. She stated that this proposal was requested by the Board of Adjustment, due to the number of variance requests they have seen. She noted that the proposal is to leave the lot frontage as 70 feet, modify the front yard from 40 to 30 feet, and modify the rear yard from 30 to 40 feet. It was clarified that this would keep them within the requirements in Chapter 4.5 of the Grantsville Land Use and Management code.

**Rob Jaterka made a motion to recommend approval of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 15 (Residential and Multiple Residential Districts) to modify the front yard setback from 40 feet to 30 feet, the rear yard from 30 to 40 feet, and the minimum frontage to stay at 70 feet. Derek Dalton seconded the motion. The vote is as follows: Derek Dalton “Aye,” Jeff Downward “Aye,” Rob Jaterka “Aye,” Rick Barchers “Aye.” The motion carried unanimously.**

**4. Consideration of the proposed Preliminary plat for the Northstar Ranch subdivision Phase 10, located on the Mormon Trail.**

Zoning Administrator Shelby Moore and developer Ross Dinsdale were present to speak on this item. Ms. Moore noted that she has spoken with Mr. Dinsdale and they agreed that once phase 10 is approved, they would amend the development agreement to add an addendum which would list zoning and lot requirements to be approved and finalized, for the remainder of the development. It was noted that all phases of Northstar Ranch passed fire flow. Commissioner Jeff Downward stated that he would like to see the fire flow tests, showing the phases and areas.

Chairman Barchers asked if this proposal meets the zoning requirements from the time of the application. Ms. Moore stated that the one requirement not met is a setback, which would be about 10 feet short of the requirement. She stated that this was not identified by previous staff when reviewing, so it is not the developer’s fault and they should not be held to it. She referenced Utah State Code, which states, “If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.” City Attorney Tysen Barker stated that this matches the previous City Attorney’s opinion, and his own. Chairman Barchers stated that his biggest concern is parking, and asked that the developer meet parking requirements. Mr. Dinsdale noted that they would.

Chairman Barchers noted the well and water requirements, and questioned if they would be in compliance with this requirement. Mr. Dinsdale stated that they are in the middle of the step right before they would need to drill the test well, and that he would provide the Commissioners with documentation. Attorney Barker stated that he would need to review this Agreement more in depth, before providing a legal opinion on it.

**Rick Barchers made a motion to recommend approval of the proposed Preliminary plat for the Northstar Ranch subdivision Phase 10, located on the Mormon Trail,**

**with the following conditions: that the developer will amend the development agreement as agreed to, and that parking requirements are met. Rob Jaterka seconded the motion. The vote is as follows: Derek Dalton "Nay," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried.**

**5. Consideration of the proposed Master Development Agreement for The Estates at Twenty Wells PUD, located on SR112.**

Scott Yermish was present to answer questions on this item, as the developer. He noted that at the previous meeting, the Commissioners asked that he address a deadline of park completions, and he has done so. He stated that this project has been up for discussion for several months, and he would like to request a vote tonight so they can move forward.

Mr. Stark worked on the variance table with Mr. Yermish, and noted that he remembers driveways being discussed to meet the 22-foot length requirement. He noted that he remembers a discussion about taking 5 feet out of the park strip, to meet the driveway requirement. It was noted that it appears that a line on the table was cut off when formatting into a PDF. Mr. Yermish stated that the table was modified several times, and it is possible that a part was accidentally omitted in the process.

Mr. Yermish noted that they will have to meet all requirements on the table, when they move forward with the preliminary plat and engineering.

Ms. Moore read verbiage that was on a previous table, created by Shay Stark, and the Commissioners received this language favorably. It was discussed that the developer will work with City Engineer Robert Rousselle to determine street widths, but that the project will still be presented to the Planning Commission and City Council for approval.

Mr. Yermish noted that there will be about a 90-foot buffer between the existing Anderson Ranch homes and the  $\frac{1}{3}$  acre lots, with the 66-foot road width and the trail. Commissioner Downward noted a concern about the  $\frac{1}{3}$  acre lots next to Anderson Ranch lots. Mr. Yermish asked if his concerns would be addressed if lots 405-418 were  $\frac{1}{2}$  acre lots instead of  $\frac{1}{3}$  acre lots. Commissioner Downward said that this would address his concern. Mr. Yermish stated that he will make this change.

Chairman Barchers noted concerns about the unit numbers listed, and asked that Mr. Yermish provides the calculation for unit counts. Mr. Yermish stated that he is happy to do this, but would like to move forward with this project. Jacob Clegg arrived and stepped up to answer questions, as the project's engineer. Chairman Barchers asked Mr. Clegg how the unit counts were arrived at, and the discrepancy therein. Mr. Clegg clarified that all parking, setbacks, and other requirements will need to be met, and they understand that units may be lost in order to meet these requirements. He stated that they recognize that requirements will be met first, and the unit

count will be determined based on that. They noted that a set number of units cannot be given at this time, but will be contingent upon meeting requirements.

Ms. Moore suggested that the verbiage in the Agreement be modified to say something similar to, "The maximum residential units will be defined by either the preliminary plat layout or the final plat layout." She noted that this would need to be workshopped by the City Attorney. Mr. Stark suggested adding, "Not to exceed 1,026 units," at the end of the verbiage suggested by Ms. Moore. Mr. Clegg agreed with Ms. Moore and Mr. Stark on the suggested verbiage. Commissioners expressed concerns regarding the maximum number of units listed.

Ms. Moore made a new suggestion for verbiage, "Maximum residential unit means the development on the property of The Estates at Twenty Wells PUD will be determined by the approved layout of the preliminary plat vesting the maximum amount of residential dwelling units." A maximum unit count of 950 was suggested by Vice-Chair Dalton. Mr. Yermish stated that this would not work for him. A maximum unit count of 987 was suggested by Mr. Yermish to meet in the middle. Commissioners Jaterka and Downward received this favorably.

Commissioner Jaterka stated that the Agreement still states Newman Construction as the builder. Ms. Moore stated that this will be corrected.

**Rick Barchers made a motion to recommend approval of the proposed Master Development Agreement for The Estates at Twenty Wells PUD, located on SR112 with the following conditions: the park will be completed at 494 units; all townhomes must front a street; the developer will provide the math for moderate income housing to the City Council when they first present this item to them; the 15-foot setback for the front yard on the rear-loaded townhomes will be corrected; the access to the 22-foot driveways on all townhomes will have 26 feet of asphalt with two 30-inch curbs on each end, with other specifics subject to the City Engineer and City Fire Chief's opinions; Newman Construction will be removed and the correct builder be listed; lots 405-418 will be ½ acre lots instead of ¼ acre lots; and the maximum number of units will be determined by the preliminary plat layout, not to exceed 987 units. Jeff Downward seconded the motion. The vote is as follows: Derek Dalton "Nay," Jeff Downward "Aye," Rob Jaterka "Aye," Rick Barchers "Aye." The motion carried.**

**\*A five minute break was had.\***

**6. Discussion of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 15 (Residential and Multiple Residential Districts) to modify the language.**

Mr. Stark was present to answer questions on this agenda item. He stated that there are two comments in the general plan which are mentioned several times; one being to protect the

character of Grantsville, and the other to preserve the rural nature of Grantsville. Mr. Stark provided two tables he created showing vested units in Grantsville City. He discussed how the tables provide information on how the City looks with existing built units, and units that have been approved but not built. He noted that the purpose of this discussion is to try to give an idea of what the character and rural nature of Grantsville means, using the percentages of existing and approved units in future development proposals. Chairman Barchers noted that this would be aimed at the MU (Mixed Use) district and PUDs (Planned Unit Developments), as other zoning districts would be defined by the zoning regulations and lot sizes.

**7. Discussion of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 12 (Planned Unit Development) to modify the language.**

Mr. Stark was present to answer questions on this agenda item. He discussed the proposed changes, and noted that the City would be responsible for tracking the housing type percentages as seen on the tables he provided. Chairman Barchers reiterated that this verbiage would restrict the MU district and PUDs only.

City Attorney Tysen Barker expressed a concern regarding this proposal, and the possible appearance of the City taking rights away from those developing in the MU district or in a PUD, while those in others zoning districts are not restricted in this way. It was noted that further review by the Attorney is needed, along with further discussion.

**8. Discussion of the proposed amendment to the Grantsville City Land Use and Management Code Chapter 19a (Multi Use) to modify the language.**

Mr. Stark was present to answer questions on this agenda item. He noted that the City has experienced issues with interpretation of the 50% commercial verbiage, and this modification would make it clear. He discussed the proposed verbiage changes.

**9. Report from Zoning Administrator.**

Ms. Moore was present and reminded the Commissioners of the ULCT training on September 5th at 6:00pm, before the regular meeting. She noted that if anyone would like specific topics addressed, to send them to her.

She also reminded the Commissioners of the online training she assigned to them previously. She will resend the email to the Commissioners, and forward it to Rhett Butler and Heidi Hammond.

She stated that she submitted the Moderate Income Housing report, and is prepared to discuss it with the Planning Commission at a work meeting.

**10. Open Forum for Planning Commissioners.**

Chairman Barchers stated that he would like Aqua Consultant Shay Stark to discuss items 6-8 with the City Council.

**11. Report from City Council Liaison.**

City Council Liaison Rhett Butler was present and noted that Trent Stirling will be voted into the vacant Planning Commission seat at the next City Council meeting.

**12. Adjourn.**

**Jeff Downward made a motion to adjourn. Rob Jaterka seconded the motion. The vote is as follows: Derek Dalton “Aye,” Jeff Downward “Aye,” Rob Jaterka “Aye,” Rick Barchers “Aye.” The motion carried unanimously. The meeting ended at 10:38 PM.**