

MINUTES OF THE GRANTSVILLE CITY, PLANNING COMMISSION HELD 1/10/2019.

The meeting was held in the Grantsville City Council Chambers at 429 East Main Street in Grantsville, Utah. Those present were Commission Chairman Jaime Topham, Commission Members Gary Pinkham, Jacob Linares and Erik Stromberg. Absent was Commission Member Robbie Palmer. Also, present was Zoning Administrator Kristy Clark, Attorney Brett Coombs, Shay Stark with Aqua Engineering, Fire Marshal Brad Clayton, Christina Peabody Kener, Monte Kingston, Jeff Butler, John Butler and Norma Fox.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

Chair Jaime Topham stated, we don't have any public hearing items tonight, so we're going to move right into our discussions. We have two items on the agenda, discussion of the Chapter 9 Landscaping and Buffers of the Grantsville City Land Use and Development Code, and then discussion of Chapter 12 Planned Unit Developments of the Grantsville City Land Use and Development Code. We're going to actually move them to the end of the meeting, so we can address the people that are here. So we don't have to have them wait around if they don't want to.

CHAIRMAN JAIME TOPHAM, OFFICIALLY CALLED THE MEETING TO ORDER AT 7:01 P.M.

- 1. Discussion of Chapter 9 Landscaping and Buffers of the Grantsville City Land Use and Development Code.** Shay stated, I'm getting this secondhand, but basically the concern is with commercial development. We're not getting an appropriate buffer between the commercial development and other uses. From the little bits and pieces, I've heard, at a minimum they'd like a requirement of a 6-foot vinyl fence, or a privacy fence.

Gary stated that what we've talked about in earlier discussions, is that most of our conditional use permits, with regards to these properties, we are requiring some sort of screening or privacy fence already, but our zoning ordinance doesn't require it. The thought was, if they make it a requirement for commercial properties to put up a privacy and screening fence to protect the adjacent neighbors, then everybody would be doing it, which we're kind of making a condition of their P.U. D's anyway. That way when people come in,

they'll have an understanding that number one, they have to do it and this is the standard we're going to hold them to. We're going to try to tell them what kind of fence it has to be, not that it has to be vinyl, it can be wood or something else, but it's got to provide the screening so that the neighbors are protected from the commercial activity. And in the case of the Credit Union, where this came up, when people are using the drive through at night their headlights were shining through the neighbor's windows as they make the turn around the building. There was some confusion as to what was thought to be required and what was being furnished. This is a matter of code defining it so that everybody knows what they have to do.

Shay stated, that's probably the simple solution. On this property there was no subdivision, which we've basically said this only applies to subdivisions. We talked about, when we were discussing the general plan, a little bit about buffering. So the question becomes, now that we have this 15% landscape requirement, is a fence the only option? Can they use natural screening? Can we have a 10 or 15-foot grass area with trees where they could throw a picnic table out there that their employees can use on break. Do we want to try to write a little bit of that in here? I found it interesting as I read this, the only thing that talks about buffers at all is in the Parkway ordinance and even that isn't very strong. The word buffer up on top doesn't show up through the rest of this, at least at no real requirements. This is a great explanation of what the landscaping can be. So, I'm just wondering if, along with the fence, if we don't want to broaden it out just a little bit and give the option of landscaping.

Jaime stated, not every commercial property will need a fence around it, especially if they are adjacent to another commercial property.

Jacob stated, I think the intent was only if they abutted residential. So, if you had commercial and commercial they didn't have to, but commercial against residential, they need the buffer.

Gary stated that if we've got a vacant lot that hasn't been built yet, and somebody wants to come in and put houses on it because its zoned for residential, some sort of screening would be required. If you've got a commercial lot next to a commercial lot, we don't need screening between the two commercial lots. The idea of a landscape buffering as opposed to, say a slatted or vinyl fence came up the other day in discussions. One of my concerns would be the establishment period. What kind of vegetation are we putting in? Are we asking for shrubs or plants that are going to provide that kind of screening within a few months, or years?

Shay stated, that's a great point. I'm wondering can we require the fence no matter what? Just to be able to soften that, maybe people who have parcels

over one acre, we're requiring some sort of a landscaped area on your side of the property in front of that fence. So we don't have a big privacy fence between every commercial property. Some of these existing lots in the downtown area, you take 10, 15 feet out of that and they can't build a viable structure to have a viable business.

Gary mentioned that when you look at access and parking areas, a wall would take up the open ground around the building. So you're not going to be able to landscape or put in a shrub or tree area. The other side is that vegetation does absorb noise too. So in terms of protecting neighboring properties, if we allow a developer to put in some sort of vegetative improvement, such as shrubs and little trees that could help cut down on noise.

Jaime stated that it would also depend on what the commercial development is. Some commercial developments aren't going to have an impact compared to other commercial developments. Especially thinking about vacant lots, I don't really like the idea of saying you have to have a fence between you and that vacant lot. What if it ends up becoming another commercial property, then do you tear up the fence? What do you do?

Erik stated, I think you'll also have to look at what is it zoned for? I like the idea of potentially having a vegetation buffer. I guess there is the concern of over time are they maintaining it? So, would we have the ability to enforce that?

Attorney Coombs stated, yes, it is enforceable. The issue that you're going to have is who's going to enforce that? I mean, we have conditional uses that are passed, and we don't have someone who drives around the city looking for violations and so the enforcement leg of that is difficult. The city council in their last meeting discussed this particular topic. When the new credit union went in, the neighbors were very upset. There was an agreement and the designation by the city council that a privacy fence be put in. There was an argument over how long it was supposed to be, how tall it was supposed to be, if the credit union actually needed to do it, and so that's where all of this has stemmed from. In my personal opinion, the City Council seemed very interested in ensuring that there is a fence between a commercial and residential lot. If you want to make it so that they don't have to do a fence and they just do landscaping, then that needs to be a special approval or condition, because my concern is that you will have every developer coming in and not wanting to pay for a \$50,000 fence, but instead pay \$3,000 for trees. That would be my only concern.

Jaime stated, it sounds to me like we are creating a rule for one particular problem that should have been addressed with proper language being put into

the approval.

Erik added that you talk privacy fence, but what is that? What does that mean? I had read through the minutes, and the discussion was about a chain link with the wood slats. Well, I wouldn't classify that as privacy. Maybe they've gotten better, but I remember them as a kid, the wood slats would get broken. Then it looks terrible. So are we going to say, "It has to be a vinyl fence." I've seen fences that I would probably say are privacy that aren't vinyl that in the right area can look better. The daycare comes to mind. It's actually like concrete! I think it looks better than the vinyl, and it fits there, and it's a privacy fence. How exactly do we classify it?

Gary wondered if the developer should have the right to decide what kind of fence. With vinyl, it doesn't take long before kids are kicking it and putting holes in it. Wood slats or vinyl slats in the chain link can either be pulled or broken. A cedar board fence, I don't know how many times between me and my neighbor it had to be nailed up to the point it finally fell over and it's not there anymore. We also talked about the concrete panel fence, kind of like they have along the highway by the Stansbury ponds. On both sides of the highway there's a concrete panel fence. So the developer probably should have the choice if he's going to maintain it. He may want to go with the concrete panel fence, rather than have to maintain the chain link or vinyl fence. But again, with regards to the vegetation, if you grow the vegetation, they have to be at least three or four feet wide, because any kind of shrubbery you put in has to have sufficient room for the root system so that you're not suffocating it.

Jaime stated that if we allow landscaping and we're in a drought period, everybody's looking for zero-scaping and not utilizing water to do those kinds of things. If we make it a requirement and we're in a drought and if everything dies, what do we do about that? Who pays to fix that? Do we fix it? I don't know that that's a good way to go. I mean, quite honestly I feel like this is an issue that, if we're going to do commercial P.U. D's, there has to be some type of buffer, and we're going to look at what the area is, and then we'll look at what the appropriate buffer should be rather than making a hard and fast rule for every single piece of commercial property. I just thought of an idea, like a yogurt shop or something, it might be really nice not to have the fence right in the middle between them and the next parcel that happens to be apartments or something. But, with that hard and fast rule, you would have to do that.

Jacob stated, I don't like the thought of having fences everywhere around town anyway. I don't know why we can't address it just with each individual P.U.D as it comes through.

Jaime added, maybe we have to have some guidelines in that. This is the minimum you can do, but through the PUD we have a lot more control and flexibility, right?

Shay stated, yes. We could add some sort of a guideline in these requirements or we can put it in the commercial zones, and it can be fairly generic. It doesn't have to be extremely specific, but where we don't have anything that says to them specifically that they've got to try to put some sort of buffer in there, I can't hold them to it when they come to me with a site plan. We've got a commercial site plan right now in front of us. Offices, right now there's nothing around it, so it's not a big deal, but I mentioned to them that this was going to be up for discussion, but they're already in with their application and he's like, "Yeah, we don't want to have to spend money for that." So they're going to opt out of it every time, if there's not something to tell them that they have to.

Gary stated, what If we were to say that buffering needs to be provided and may be in the form of fencing or landscaping sufficient to create screening from their development that would impact the neighbors.

Shay mentioned, maybe with the credit union the solution wasn't really a need of a fence the full way across, but if there were a few appropriately placed bushes and trees right where everybody makes the turn, then you effectively get rid of that light coming in to the neighbor's yard and maybe they wouldn't have needed to bring it up.

Jaime stated, I remember during that one they specifically said that they were going to put up a fence, and it wouldn't have such an impact on her. Maybe the argument really came back to what type of fence? What was put up wasn't. I guess the neighbors didn't approve. So who does Chapter 9 apply to?

Shay stated, the way it's written it's generic.

Erik stated, I think it applies to everyone.

Jaime stated, then this is my issue with it. It's generic to everyone, so we're talking about trying to control certain developments, but we're putting it into a chapter that applies to everyone. I don't know that that's a good idea. I feel it's a slippery slope. If we're really going to tackle this we need to take some time and really considerate it and not just pass some legislation that will fix a problem that has already come and gone. That's my point. I think it requires more time. You're also talking about taking from the property owner. Everything that we pass that requires a property owner to do something more is basically taking a little bit from them and we need to be consistent on that as well. I agree with Jacob. I don't know that we need fences everywhere. I was just thinking specifically about Casa Del Rey, the residential house to the east. Other than the person's fence, it leaves this nice open feel and not closed in; everybody sectioned off. I'm sure there are other instances where a fence

would be appropriate and is completely appropriate. I particularly like the credit union, they got a beautiful fence but I don't know that everyone else would do that.

Shay asked if there are cases other than commercial where this becomes an issue? What about townhomes? You have a development of townhomes that comes in and you've got single family residences around it. They may have a parking lot or a common area that's up against the single family residents. Would it make sense to buffer it?

Gary stated that almost all of your apartment style units, regardless of how they're owned, invariably throw the parking to the property line and face the vehicles to the off-site property. I would say yes, it would apply to them too, because if you have 60 units there, you've got 120 car spaces and headlights are shining on all the neighbors. I think this should be required there. I think it's something that we need to let the developer have flexibility on. He's going to come along and put a 15 or 20-foot-wide landscape buffers, when he could be parking cars there. So that means he needs to have a fence of some sort. So again, maybe we need to make some note in here that requires them to address that in their submittal, but leave it up to them as to what they do, but with our approval. In other words, if they want to come in and put up a fence, or a concrete wall, or whatever, so they can move their traffic or parking up to the boundary. If they want to back it off into a landscape zone with sufficient vegetative screening to accomplish the goal, let them make the choice, subject to our approval, without trying to write specific language on it. Make the requirement that something be provided.

Jaime stated, maybe I am reading this wrong but 9.3.1 doesn't actually require them to do anything. It requires them to provide the following information; provide the location of existing, provide the quantity and size of both botanical and common names of all proposed plant material. It's not actually requiring them to create something, it's requiring them to give the information about where this stuff is and actually talks about proposed grading of the site. It doesn't actually tell them what they have to have or have to do.

Erik stated, you're right they don't have to, but it's a mix. Tell us what's already there, tell us if there's a tree in the corner of the lot that's existing and if you're going to leave it there, and tell us if you're going to put up a retaining wall and what kind of wall. It just asks them to provide us with what's there and tell us what you're wanting to do. There's no requirement.

Jaime stated, but where does it actually require them to do a landscaping plan. It seems the more we're looking at this the more we see a problem with this document.

Erik stated, they are required to do a landscaping plan but there's no requirement of what has to be in it.

Jaime stated, where's no requirement of what has to be in the landscaping plan. We can't require them to put in a buffer. We can't require them to put in a XYZ tree, because it doesn't say you have to have it or am I reading it wrong? Brett, I'm going to ask you. Do you read it the same way?

Attorney Coombs stated, I don't have a problem with the reading of it because you're correct, it applies to everybody who comes in for an application. If you're going to add in language that requires a privacy fence, you're saying to everyone, whether residential or commercial, that they're going to require a privacy fence. I agree with you that maybe we have to re-do this whole section.

Jacob stated that it does say on 9.2 paren 1 that no permit should be issued without city approval of a landscape plan. They need to submit us a plan but we don't get to tell them what it is, but we can tell them we don't approve that plan and here's why. I think that gives them the right to come back and say, here is what our amended landscape plan, will the city approve of this plan? If we approve it, does it say failure to implement the approved landscape plan shall cause revocation of the occupancy permit. I agree this doesn't tell them what they have to do, but it does say that we can't reject their landscape plan if it doesn't satisfy the requirements.

Shay stated that the requirements seem generic as they are written as what is the purpose. I don't want to see a landscaping code that says if you have x number of square feet, you have to have x number of trees. I don't want anything that says you got to have a retaining wall if there's no reason for a retaining wall. The only thing that we can do is look at these purposes and say well wait a second, you're putting in a big parking lot, there's all these lights that you're going to be lighting the whole world with in this residential neighborhood. We can look at the ordinance and see that it talks about artificial light intrusion and so we can meet with them and say we need to address this. In fact, in a DRC that we had, I told the guys that they needed to make a note that the lights need to be downward facing. They had actually done a photometric survey that showed on one side of the property there was light leaking off into the next property, but they would put trees over there, so by the time the trees start to fill out it won't be an issue, but at least by having this versus not having this at all it's causing them to think through it. It gives us a little bit of a basis to have a discussion.

Jaime asked if does this really come back to enforcement issues. We already have a code. We just need to enforce it.

Gary stated, we simply need to do our job and look at the site plan and see what they're proposing. I think the ordinance is probably 99% there.

Jaime stated that honestly I think it's 100% there. Do we need to address this any further? I think that the ordinance suits me after reading it and hashing it out. Chapter 9 already meets our needs. We just have to be good about enforcing it. When people come in front of us, if we're going to put these types of conditions, that they are very specific. They are written down, and more importantly if it goes before city council, makes sure that they adopt it with the conditions.

2. **Discussion of Chapter 12 Planned Unit Developments of the Grantsville City Land Use and Development Code.** Shay stated there are two issues here. This came to a head as we've been reviewing this with the medical plaza that's coming in. The CD zone, which they re-zoned, and then all of these changes actually occurred after they re-zoned. So they re-zoned a CD zone and a CD zone requires that it goes through the PUD process, interestingly enough CS zone, which is commercial shopping doesn't require that they go through the PUD process. Neither does the CN zone.

Jaime asked when did they change the CD zone to go through PUD?

Shay stated, I don't know specifically the last time this had been revised was back in 2011.

Jaime replied, okay so it wasn't recently?

Shay answered, no, it wasn't recently. I don't know what was driving that? Why a commercial shopping wouldn't be in a PUD versus a CD zone being in a PUD? I guess CG zone isn't shown in a PUD either. In the commercial, we have mixed use and we have CD zone that are required to go through the PUD the other ones are not. That's one issue that just kind of popped up looking through this. The issue that we got the most flack with, is the 50 percent open space requirement on a commercial property. I just want to have a discussion about this and see what your thoughts are on it. I can give you arguments for and I can give you arguments against.

Jaime asked what are the arguments for 50 percent open space even on some other PUD, not commercial?

Shay answered that on a residential PUD, the idea is that you're trying to create something that's unique, that's different than the cookie cutter subdivision. So one of our goals is to try to have open space and parks. You put 50 percent on a PUD and you're probably going to get a park out of it, especially realizing

that with a PUD, they're typically doing it because they want higher density. By requiring a little more open space, those kids don't have backyards to play in like people on single family lots. This just provides what is missing, you know, that open space that naturally comes from single family lots. It's kind of a replacement for that. That's kind of the benefit of it, but I guess you can look at and you can say, commercial isn't residential, it's not bringing in more residents or housing more residents. I can certainly see saying in the PUD that all anything that has a residential component is required to meet that 50 percent open space.

Jaime stated that we spent a lot of time on this last year, I guess we never got the PUD straight.

Shay stated that we originally had pulled commercial out of the PUD and then we put it back in and we put it back in at the very end and that's partially my fault for doing it. It was the realization that we don't have a process for the commercial, and that was why I said, well, these commercial zones or some of these commercial zones are saying use PUD ordinance so let's just leave it in. We need that ability to be able to say, hey we don't want these offices coming in as a metal warehouse structure. We'd like them to think about the architecture a little bit. We like to have the ability to make it look a little bit nicer. I'm not against them being in the PUD, it's just the 50 percent open space.

Gary remembered we were discussing this. If you look at an apartment or townhouse type environment, it is residential. It's going to have people, kids that need to get outside and have a place to do something. A 50 percent requirement when you look at what's included in that 50 percent, such as, basketball courts or swimming pools, that type of recreational facilities, I don't think that 50 percent is out of line for an apartment or townhouse that are built. Where we're running into a problem is what we are requiring with commercial development, like the professional center. The professional center is not going to have people living in there, they're not going to have kids needing a place to play. This is a commercial development, so by the time you take out the retention pond and you take out the parking lots, and you take out the building and you require 50 percent open space, a builder can't build on a commercial property.

Jaime asked, so is this a proposal that we add in something to the PUD that's specifically for commercial? Or what is the proposal?

Shay stated, well we can go a couple different ways. I guess if we're looking at it this way, we make that statement in this PUD that the 50 percent open space requirement is only for residential projects and they still fall under the

standard open space requirements. Every development falls under the standard open space, which is 15 percent.

Gary stated, the one we looked at the other day, by the time they provided their landscaping around the building, on the aisles of the parking lot, they're probably pushing 15 percent.

Shay answered, I think they are, I'd be surprised if they're not.

Jaime stated, I agree. That's way too much. It probably would be fine to say they have to comply with the standard open space, but section B does not apply to commercial, nonresidential commercial buildings.

Shay stated that the second question for you is, if we're requiring this in the CD zone, we've got to look at as a PUD. Isn't a shopping plaza, or something larger like that, just as complex and don't we want it to go through the same process?

Jaime stated, remind me what CD zone is?

Shay answered, a CD zone is a Central Development District. Part of the problem, is none of them have a lot of description to them and especially when you look at the tables and realize that there's not a lot of difference between the CS and CD zone and what's permitted versus what's conditional.

Jaime stated that it would make sense to have the new statement with a CS zone and obviously the CD zone and the CG zone but not the CN zone. The CN zone is within residential neighborhoods. Is that what you're saying or asking of us?

Shay stated, we should require it for all the zones, even a residential zone. It's more important to me that a commercial structure being put in the middle of a residential area, go through this additional scrutiny.

Jaime stated the PUD is a lot more complex and a lot more involved than a simple small building and to me when it says, neighborhood commercial district, it's intended to provide for small scale commercial uses that can be located within residential neighborhood without significant impact on those residential uses. That seems like more, a smaller business not a strip mall.

Erik stated that if it's not zoned that way and they're coming in asking us for that zoning, that's when we're going to say 'that meets that zoning and we know that it's not going to go through PUD' or we say, 'that's way too much impact and we're not going to give you that zoning because there's too much of an impact.'

Jaime stated that we need to do a stop gap, right? We could leave the CN zone out of it because we don't have particularly anything like that on the horizon. Then as we go through the general plan, we can look more at the definitions and keeping those up and defining things better. Otherwise we're going to have the same problem, we're making a rule that will impact everyone based on one particular problem in a short term issue.

Shay stated that we took this out of the PUD. There was in the PUD 12.3, they had to have a minimum number of acres for them to develop a residential PUD. We took all the commercial requirements out of there. So in the CD zone it says any parcel larger than one acre at the time of passage of this ordinance may be divided or developed only under a PUD approval. No new lot smaller than one acre may be created.

Jaime stated that it's about who does the commercial PUD apply to? For me it feels like the CN zone should be left out of it, at least temporarily, at least while we're going through the general plan. We may look at the language of these different areas and then change it while we go through the general plan, but if we're looking at a stop gap to kind of deal with it right now, then I think it would be appropriate to remove the CN zone.

Shay stated, so with the CD zone, we're saying anything under an acre that doesn't apply to, which basically is saying if you've got a small lot, you're limited in what you can do anyway. Their square footage is going to drive the amount of parking that they have to have. It's going to be really tough to get anything more than half of it parking, and the other if they're lucky half, of it as a building. Do we want to put that same limitation on these other zones? Just say anything under one acre isn't required to go through the PUD process?

Jaime answered, yes, I guess. It's not required but they still can elect to.

Shay answered, yes, they can always elect to. I guess as we've discuss this, I'm thinking let's just leave these the way they are, deal with the open space problem right now and then let's just deal with the rest after the general plan's done. We'll make the change in the PUD at the next meeting. We'll have the public hearing and I'll bring the changes. I'll add a sentence in there that just basically exempts commercial from the 50% open space requirements.

3. Consideration to recommend approval of the rezone of .21 acres of land at approximately 54 East Main for Christina Peabody to go from an CS zone to a CN zone.

Christina Peabody was present for this item: Jaime stated, I didn't see any issues with this. The lot doesn't fit the commercial zone that it's in. So this rezone makes sense. Erik stated, I don't see any issues.

Jaime made the motion to recommend approval to rezone .21 acres of land at approximately 54 East Main for Christina Peabody to go from an CS zone to a CN zone. Erik seconded the motion. All voted in favor and the motion carried.

4. Consideration to recommend approval of a Preliminary Plan for Mountain Vista Development, Inc. for the Hunter Place Subdivision located at 420 South Center Street for the creation of thirteen (13) lots in the R-1-21 zone.

Monte Kingston was present for this item: Jaime asked Gary, do we have any problems? Gary stated, No. I think when we looked at this before there was a question for the Fire Department. Brad Clayton stated, I have reviewed the plans and they show that there are two hammerheads on South Street that exceeded the 750 feet, they have given us the turnarounds that we need, and they've added adequate fire hydrants. Gary asked, so you don't think we need a cul-de-sac at the end of South Street then? Brad Clayton stated, No, those hammerheads will work. We will be able to turn in and back up with the street width and the placement that they gave us.

Jaime made the motion to recommend approval of the Preliminary Plan for Mountain Vista Development, Inc. for the Hunter Place Subdivision located at 420 South Center Street for the creation of thirteen (13) lots in the R-1-21 zone. Erik seconded the motion. All voted in favor and the motion carried.

5. Consideration to approve the meeting minutes for the previous P&Z Meeting held on December 20, 2018.

Jacob made the motion to approve the meeting minutes for the previous P&Z Meeting held on December 20, 2018. Jacob seconded the motion. Erik abstained. All voted in favor and the motion carried.

6. Report from Council Liaison Member, Neil Critchlow. Councilman Critchlow was absent.

7. Consideration to move next month's meeting from February 14th to February 21, 2018.

Jaime mentioned, one last matter of business. We need to make a motion to move next month's meeting from February 14th to February 21st.

Jaime made the motion to move next month's meeting from February 14th to February 21st. Erik seconded the motion. All voted in favor and the motion carried.

8. Adjourn: Erik made the motion to adjourn the meeting at 8:39 pm. Gary seconded the motion. All voted in favor and the motion carried.

Kristy Clark
Zoning Administrator