



MINUTES

Planning Commission
Work Session
Tuesday, September 22, 2020

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Genevieve Baker, Frank Young, Karen Ellingson, Rod Parker and Kay Heaps

Commissioners Excused: Michael Farrer

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chair Mertz asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

August 11 and 25, 2020

Chair Mertz asked if there were any corrections to the minutes. There were no corrections to the minutes.

CONSENT AGENDA

- 1. Tamarack Properties, LLC, seeking a recommendation for condominium approval for the Tamarack Commercial Condominiums located at 2277 W 700 S in the HC-Highway Commercial Zone.*
- 2. Clay Winder seeking minor subdivision approval for Quiet Cove-Plat D located at 454 E 1050 S in the R2-Residential Single/Two-Family Zone.*

LEGISLATIVE SESSION

No items

ADMINISTRATIVE SESSION

- 1. Training - Reaching Beyond Single-Family Zoning Districts (From National Planning Conference 2020)*

With nothing further to discuss, Commissioner Baker moved to adjourn the meeting. Commissioner Heaps seconded the motion. The vote to adjourn the meeting was unanimous.

Chair Mertz adjourned the briefing meeting at 7:00 p.m.

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Genevieve Baker, Frank Young,
Karen Ellingson, Michael Farrer Rod Parker and Kay Heaps

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:00 p.m.

APPROVAL OF THE AGENDA

Commissioner Mertz asked if there were any comments or corrections to the agenda. There were no corrections to the agenda.

Commissioner Mertz asked if there was a motion to approve today's agenda. Commissioner Heaps moved and Commissioner Parker seconded. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES *August 11, 2020 and August 25, 2020*

Chair Mertz asked if there were any corrections to the minutes. There were no corrections to the minutes.

Commissioner Mertz entertained a motion to approve the August 11, 2020 and the August 25, 2020 meeting minutes. Commissioner Baker moved and Commissioner Parker seconded. The vote to approve the minutes was unanimous.

CONSENT AGENDA

- 1. Tamarack Properties, LLC, seeking a recommendation for condominium approval for the Tamarack Commercial Condominiums located at 2277 W 700 S in the HC-Highway Commercial Zone.***

2. Clay Winder seeking minor subdivision approval for Quiet Cove-Plat D located at 454 E 1050 S in the R2-Residential Single/Two-Family Zone.

Chair Mertz read the consent agenda and asked if there was a motion to approve the consent agenda. Commissioner Young moved and Commissioner Heaps seconded. The vote to approve the consent agenda was unanimous.

LEGISLATIVE SESSION:

No Items

ADMINISTRATIVE SESSION

1. Prioritizing of the to-do list, preferences from Council, how to access the current code and discussion on the upcoming rewrite of the General Plan.

Josh Yost, Community Development Director presented. He reviewed the priority project list from City Council. There is a reprioritization of this list from the City Council. They have already accomplished a number of these items: The Allen's block Main Street South Gateway Zone, accessory dwelling units, short term rentals and the Lakeside Master Plan, the 1600 South Corridor, streamlined the development processes, and the revised trail master plan (complete comprehensive transportation master plan).

Mr. Yost mentioned we are in the process of getting ready to accept proposals for a consultant. A \$85,000 reward was received through the Mountain Land Association Government Transportation Improvement Plan. He noted some fundamental and policy questions needed to be answered. Last week, a plan was presented to the City Council and today they will not reprioritize but redistribute the tasks to perform them holistically, faster and less repetitively. The result of reprioritization is less work with the same result.

Mr. Yost showed a slide with a graphic. He mentioned there needs to be a General Plan update for a general vision so we can understand where we are and where we want to move forward. On October 6, there was discussion with Council to determine some of their preferences. The update is the starting point. Concurrently, to the General Plan update, is the Lakeside Master Plan. The plan was skeletal and had a lot of good analysis but not specifics regarding the City's vision. They will keep this in mind going forward with the General Plan update.

Mr. Yost stated that we are working toward a draft concept plan. Concerning two of the property owners, there are some interesting twists and turns and they are unsure, but hope they will get to their end goal. He noted that the plan is moving forward, with cooperation with some of those majority landowners to come up with a specific plan. with a new zoning code. Concurrently, the Transportation Plan should also be running with these other projects. These four things should be running concurrently. Even though there is overlap, we don't want to hold up the Lakeside Master Plan and the 1600 South plan while working on the General Plan process, which could be lengthy.

The things we can pick up in the General Plan are: The Main Street Corridor Plan, Gateway Plans, and a study of the Highway Commercial Zone. The HC zone study was tasked as Is there too much or too little of it, is the zone itself right and does it allow the right uses. The fundamentals of the General Plan will include understanding the commercial and retail market moving forward addressing long range planning needs for the next ten years.

The Economic Leakage Analysis and that will be done as part of a General Plan. He discussed the need to capture the leakage to other Cities. There needs to be a zoning and subdivision overhaul, the process by which a commercial or residential subdivision is developed and the standards. The 1600 South Corridor Plan will fit into this and will help guide making the best decisions. Commercial design standards were discussed. Downtown beautification regarding the public streets, sidewalks, and spaces and improvements to facades. He discussed an effort 30 years ago to spruce up Main Street and the Mansard metal awnings on store fronts were implemented as a part of that process. He stated that sometimes the beautification efforts will overlap onto some of the private buildings.

The sign ordinance review, including a downtown A-Frame sign review, need to be done, but it's best to wait until the mid and upper level items are done first. Community Development is proposing this as a way to approach the list. It needs to be done effectively and efficiently.

Commissioner Heaps asked if it was appropriate to add a member of the Planning Commission or City Council to the decision-making process. Mr. Yost stated absolutely, these processes will involve a steering or oversight committee. They include significant public involvement. There will be public virtual events or an open house with all the projects and all the Commission is welcome and will provide a facilitator role. The Planning Commission will provide preliminary results.

Commissioner Heaps asked the last time a General Plan was updated. Mr. Yost said 2007 was the last time a complete update was adopted. They will discuss the structure of the General Plan later. He clarified they have not had a comprehensive since 2007, but in between they have touched it for some legislative purposes. They have a partial set of work from 4-5 years ago that can provide intermediate data. They felt it was time because of growth over the last 13 years to check in about their future vision for the City.

Commissioner Mertz asked if he was sure they wanted to discuss the sign ordinance. Mr. Yost stated that Councilman Snelson wanted to address signs. There was some desire to take a look at this and he is unaware of how in depth this process will become.

Mr. Yost stated their job is to plan and regulate. The General Plan is required by the State. He stated there are sub plans within the General Plan. He listed the Community Area Plan Lakeside Area Plan, and Westfields Area Plan. Then, he stated that the Master Plan listed 10 sections, an introduction, land use, annexation, transportation and circulation, housing, parks and recreation, community facilities and services, community identity, Economic Development, and environment. The State Land Use Management Act states the General Plan has an element on land use, transportation, and housing.

Mr. Yost talked about the Moderate-Income Housing Plan that was created last year to meet the new State law put in effect 2018-2019. That was the most recent interior element of the General Plan that was dealt with. The transportation and circulation elements should be better tied to the Transportation Plan. There is disconnect in that plan that needs to be worked on. Regarding land use, it seems to get the most attention, there is a need for consistency from General Plan and zoning. He stated most maps are internally consistent. The general land use map is the higher lever for the argument of what land use in different areas will be.

Mr. Yost mentioned there was a request to change the property on 1400 North and Main from commercial to medium density residential. That zone change does not fit under the Commercial General Plan category and that is why there had to be a General Plan map amendment for that project. He reported the Council voted unanimously to deny that application. They did accept the other recommendations.

The General Plan is the policy document and is not regulatory but is used to communicate to the Commission, citizens, and property developers the vision of property within the city. Next, he showed a map of the West side of the freeway corridor. He referred to the website and he showed the land use map being considered for amendment. The map showed the different categories, the legend shows less of them than are zones and that is how it should be with land use designations.

Commissioner Baker asked why the map did not include the highway. Mr. Yost responded because there is a separate map, he had shown them that was zoomed into and showed them an area on the map. He noted it can be confusing when asking which option. This update will provide opportunity to provide certainty, options and alternatives that are acceptable and not inclusive.

The Title 11 Zoning Ordinance and Title 14 Subdivision Ordinance can make it difficult to understand the regulations when these are separated. He noted we know of certain guidelines but not sure how many lots can be together or the size of a block between intersections, or how big the streets are and where they go. The way it is set up it, makes it difficult to see what the results can be set up.

Mr. Yost wanted to take questions and work through where the zoning ordinance is structured, how it works and where stuff is. The zoning ordinance is adopted in as the law and the General Plan is the policy from which the specific codes or laws are derived and implemented. He pulled up the Springville City code and asked for questions.

Commissioner Frank Young asked how tall a fence can be. Mr. Yost noted they would like to make improvements to this. He found the landscaping and fencing section which established the general fence requirements. He stated you may have to ask someone about fencing over a certain height and needs to be engineered and have a building permit but it has changed since this code has been adopted and this is hard for an individual to find what is required under the code as it is currently. There was discussion made on the side yard argument and how to make it easier to decide how tall the fence can be. Sometimes it ends up with staff deciding how tall a fence can be currently including the attorney. The ordinance needs some work. Generally, sport court fences can be 15 feet high with proper setbacks but then with retaining walls there can be some gaps and then he discussed they can be anywhere from 3-15 feet from solid to open

depending on where you place it. He noted where the fence requirements were located in Supplementary Regulations in Chapter 6. He asked for questions on houses, then asked if there was anything people were wanting to know or how something worked.

Commissioner Parker requested they look at setbacks.

Commissioner Baker asked if the City Council had approved the subdivision on 200 East. Mr. Yost stated yes that was approved. It was a consent item. Commissioner Baker asked what it would be like to build a house there.

Mr. Yost indicated to find Zoning, Chapter 4 District Regulations, Residential Site Development Regulations, the code is set up in a number of tables and nice when you know how it works. Each residential zone, A-1 to Residential Multi Family 2 are set up in tables. He showed where this information was found and pulled it up for her at that site. He showed her where to find the attributes in the R1-5 then directed her back to the table showing they need 5,000 square feet. He went back to the table to show information they need. The right has more categories. He continued to explain the tables and area requirements.

Commissioner Baker asked about corner lots. Mr. Yost showed that the corner lot needed to be 10% larger in a R1-5, 5,500 square feet.

Commissioner Baker asked about the different uses, community and utility uses. Mr. Yost answered all the regulations in the section applying to the table. There were not a lot of parcels with a utility on them.

Mr. Yost noted the pump house turned out well. After a brief discussion with Commissioner Baker, he indicated there were two values under the R1-5 and they are presented as the minimum and rear set back is 40 feet and the front setback line is 50 feet. A narrow lot must expand to 50 feet as it reached the front of the lot. He noted that is why there are two values. He went to the configuration requirements which are the requirements for the buildings. R1-5 needed 25 feet in front of the house if the garage does not project. He then explained various scenarios with different set back lengths. There were a number of considerations based on the site.

Commissioner Baker asked Mr. Yost where to locate information if on an arterial street. Mr. Yost stated that you would go to the Transportation Master Plan or RD Map. The location was found under the e-map, then under Master Plans, and then Streets. He zoomed out to show all the streets bigger than residential collector are symbolized here. Center Street is a minor collector, 400 South and Main Street are major arterial, 12th West is a major arterial with trail. There are a number of different designations and that is where you could find them.

Regarding properties on an arterial, the minimum side yard can be five feet, but the minimum total side yards has to be 15 feet. Unless you have a street side yard and then that has to be 20 feet. The rear yard is the simplest, it is just 25 feet in the R1-5, unless the rear yard is by an arterial road, where occasionally the lot is double frontage. He stated that they do not typically allow them, but they do have them. Those rear yards are 40 feet minimum. Sometimes, they get asked can the porch stick out into the setback or can the back patio stick out into the set back. Front porches can project five feet as long

as they are not enclosed, side yard porches can encroach two feet, and porches/decks can encroach 10 feet.

Commissioner Parker added on high density, and, if they were to be headed in that direction, they would need to do some rewriting. The projects coming will not allow the land allotment. Mr. Yost stated that that was correct. One of the recommendations for the Residential Zoning Code reform is to specify the lot width, which is the most important. The front set back is also important, but consideration of the overall lot area is not as important for community identity as well as the character of the street. There may be room for some flexibility regarding setbacks as they move forwards with the re-write. They will have to study and work through this with the community.

Commissioner Parker referred to the setbacks in Vegas and that you can almost touch homes. He commented on Daybreak, too. Mr. Yost commented on the tracks line in Salt Lake up 9th West coming out of the ballpark. The West Side community is mainly alley loaded. East of Seventh East and some areas in the Avenues are tight.

Commissioner Parker asked if this would be a change. Mr. Yost stated this would all be considered and is on the table for the General Plan. The General Plan is the DNA of the community and has an impact on what gets built.

Commissioner Parker asked about Commissioner Young's question on fencing and how fencing can go right up to the property line. Mr. Yost stated that in Daybreak, in village three, there are certain fences permitted and not permitted and usually fences are not as tall in the areas next to streets. He commented on how this can affect community character. He stated that none of the standards will be without scrutiny and they are all important.

Mr. Yost discussed the R1-5 zoning regarding where a shed can be placed. A conversation with a citizen question took one hour of their time last week. The zoning says the shed or gazebo placement depends on the placement of the main structure. A shed in R15 has to be placed behind the house according to the zoning. There is a three-foot minimum side yard for building less than eight feet in height. Then the R1-5 does not change as the building gets higher. In a side yard located by a street they cannot place a shed closer than 20 feet but can go up to three feet away from the rear yard. The shed or structure must be at least six feet away from the principle structure on the lot and 12 feet away from the principle structure on the neighbors' lot.

Commissioner Parker asked if it was the house or the property line. Mr. Yost stated that the primary structure or the house. He replied that it can be three feet off the property line but not if it is within 12 feet of the house.

Commissioner Parker asked if the structure was not permanent with footing and foundation if there was some variance to this zoning. Mr. Yost stated that the definition of a structure is anything installed placed or constructed. He stated there is a tree house being constructed East of Main Street in Plat A that has footing and two levels, where this is an accessory structure. If a shed is set down in the yard that is considered a structure. Mr. Yost mentioned that if they are under 200 square feet, with no electrical or plumbing, they do not require a building permit. Often these are installed unless the citizen has called. They are usually placed as close to the property line as possible

because people are unaware of the setback. Commissioner Baker stated that this happens with fences as well.

Mr. Yost stated there is a table for height of buildings. The height of 30 feet to mid gable point in the R1-5 zone. The top of the house can be somewhat taller than 30 feet. That is the maximum height. The minimum height is 10 feet. The accessory structures can be taller than 15 feet. He noted that an element of zoning that is exclusionary, ours is less than Provo, the R1-5 dwelling size is 800 square feet. That is not unreasonable. He read of a community that is requiring 1400 square feet minimum and each house has to have a full basement, driveway, and garage. Commissioner Parker said that a tiny home wouldn't work. Mr. Yost said a tiny home will not work unless it is an accessory dwelling unit.

Commissioner Baker stated there are some small homes that are about that size. Mr. Yost agreed.

Mr. Yost answered an inaudible question from the audience and stated it is the same. He commented that may be something they change in the near term They anticipate it but not bought off more than they can choose regarding the ADU.

Commissioner Baker asked what makes it an ADU. A breezeway makes it not detached. Mr. Yost stated it has to be 10 feet away and detached.

Commissioner Baker stated that there is a pipe that goes across from her house to her garage. Mr. Yost said that would be a non-conforming structure.

Commissioner Baker stated in that case, her carport is attached to her garage attached to her house. Mr. Yost stated from a building standpoint, they would all be considered one structure. A living floor attached to their garage would have to be looked at in the future. This was the end of the single-family residential code.

Commissioner Parker asked how much of an overhaul he planned on. Mr. Yost stated the code, as structured is not the best tool for getting them what they want and a poor tool for established areas. Commissioner Baker stated most of Plat A is non-conforming. A re-code was needed to improve over time and guide new development.

Commissioner Parker asked about the timeline. Mr. Yost stated typically this takes a year and they will know more about this after the 6th when they meet with the Council. He noted that some codes may be fine, but it depends. The catch is there are so many people coming in on hundreds of acres asking if they can change the plan. It is difficult to determine the best way to move forward. He asked how they balance the goals of the right choices long range and managing the development pressure right now. Their coding will be more exact with the realities of the market if they act now. He provided context on a slide. The areas where people are coming in asking to change the plan. There is not a lot of extra property being used now. Things could move faster than the Administration and our department anticipated. The Planning Commission is to help facilitate this process.

Commissioner Young asked about if the Transportation Plan is going to look at abandoned rail line. Mr. Yost stated everything, the Tintic trail, on street and off street,

multimodal, street standards, street facilities and geometric standards. All these things are in play.

Commissioner Heaps stated the sooner they get this settled the better. He offered to serve on any committees. He stated he is there in any way to speed things up and help. Having a plan that can be referenced is going to be helpful for those building and will simplify the process for everyone. Mr. Yost stating that having a strategy is helpful as they move forward with the City Council. He stated that was all he had tonight.

A discussion continued about this being taken on. Councilman Packard stated that Mr. Yost has a lot on his plate. He discussed the Council and some of the weight of the decisions they will be making. He noted Mr. Yost being the person mainly working on this. He stated Josh is painting a battleship while it is on fire. He suggested to step back and make sure this is being done properly. He appreciated Mr. Yost.

Commissioner Parker asked a question about how he would be looking into other City ordinances. Mr. Yost stated that they will not cut and paste but will refer to different codes. There are organizations that make it easy to look through other codes compiled together, and others will bring experience to the table who are working on this re-write.

The Commissioners stated that they are there to help speed things along. To have members of the Commission on the committees is important.

Mr. Yost stated the vision takes the most time. Once they decide the land use then the code is straight forward. Then they have a solid target with a vision.

With nothing further to discuss, Commissioner Heaps moved to adjourn the meeting. Commissioner Ellingson seconded the motion. The vote to adjourn the meeting was unanimous.

Chair Mertz adjourned the meeting at 8:07 p.m.