



## Planning Commission Meeting Minutes

Tuesday, August 24, 2021

**Planning Commission Members in Attendance:** Trevor Wood, Kylie Lance, Drew Hoffman, Brad Gunnell, Kody Curtis and Sarah Jorgensen.

**Others in Attendance:** City Manager Ben Reeves, Community Development Director Jason Bond, City Attorney Brett Rich, Bruce Baird, Randall Ercanbrack, Rick Lybbert, Brad Horrocks, Jared Bingham, Brad Gilson (Attending Via Zoom), Stephen Larsen, and Wes Bott.

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

**Invocation/Inspirational Thought:** Commissioner Lance shared an inspirational thought.

**Pledge of Allegiance:** Commissioner Curtis led the Pledge of Allegiance.

**Order of Agenda Items:** Commission Chair Wood suggested switching agenda items one and two to discuss the new proposed zone prior to the requested rezone.

**Public Forum:** Commission Chair Wood opened the Public Forum at 7:03 p.m. there were no comments, so he closed the Public Forum at 7:03 p.m.

### **PUBLIC HEARING- Commercial Light Manufacturing (CLM) Zone Creation**

*The Planning Commission will consider establishing a Commercial Light Manufacturing (CLM) zone.*

Mr. Bond explained that agenda items one and two are related. He indicated that this agenda item is a legislative action. Mr. Bond clarified that part of the Ercanbrack rezone request includes the creation of a new zone: The Commercial Light Manufacturing (CLM) Zone.

Mr. Bond summarized that 3-4 years ago the Planning Commission suggested a rezone for areas that front Main Street, specifically the West side. Mr. Ercanbrack's property was part of the proposed rezone. Mr. Ercanbrack came to that meeting and indicated that he had a development agreement with the city. Mr. Bond noted that the development agreement was drafted in 2002 with a sunset of 10 years. Staff has subsequently been working with Mr. Ercanbrack to find a solution moving forward. Mr. Bond shared an exhibit from the development agreement that shows the proposed zoning for the property (See Attachment 'A').

Mr. Bond explained that the CLM zone was created by taking the RC zone and using it as a template. The residential uses were removed and replaced with light manufacturing uses. He stated that they worked with Mr. Ercanbrack and his legal Counsel to figure out what uses would fit in this zone. Mr. Bond pointed out specific uses are not permitted such as slaughterhouses.

He added that Commissioner Jorgensen pointed out that Accessory Apartments are listed as a permitted use within this zone. As no other residential uses are allowed in this zone, it doesn't make sense to have Accessory Apartments permitted.

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 7:14 p.m.

Mr. Bruce Baird Legal Counsel for Mr. Ercanbrack introduced himself. He stated that he believes this new zone is a good planning tool that may be applicable in other zones within the city. He noted that they are happy to remove Accessory Apartments as a permitted use, it was unintentionally left in the proposed zone language.

Commission Chair Wood closed the Public Hearing at 7:16 p.m.

Commissioner Gunnell asked if the requirements for the proposed new conditional uses are set out within code? Mr. Bond answered that staff would like the Commission's input on those conditions and have time to propose and write them for each conditional uses within the zone.

Commissioner Gunnell stated that he would like to see storage units removed as a permitted use within this zone. Commissioner Lance agreed. Mr. Bond explained that this proposed zone would only apply to the parcel of land where the existing industrial building is located. The current building has been used for storage purposes. Commissioner Gunnell suggested that this be addressed in the development agreement by allowing it as an existing use but removing it as a permitted use within the zone. This way new storage units would not be allowed within the zone if the ownership were to change.

Commissioner Curtis asked what the current zone wasn't allowing that is needed? Mr. Reeves answered that light industry wasn't an allowed use within the current RC zone. Commissioner Curtis asked is the proposed zone was created to fit the current use of the building, or the future of the building? Mr. Bond stated that it is both, so the building can be used as something like what is being used as now.

Commissioner Jorgensen stated that she likes the idea of bringing in a business that wouldn't compete with current local businesses and would support the tax base. Mr. Reeves pointed out that an industrial use would create jobs.

Commissioner Lance asked if there is an area that outlines light pollution, hours of operation, etc. Mr. Bond stated that this would need to be fleshed out within the conditional uses. Commissioner Lance stated that this needs to be discussed if high density housing will be surrounding it. Commissioner Hoffman noted that an industrial use involving metals will include chemicals, smells, heat, etc. He pointed out that the containment and disposal would need to be discussed within the conditions.

The Commission gave staff the direction to begin the process to update the conditional use code.

**Motion:** Commissioner Lance motioned to forward a positive recommendation to the City Council for the creation of a Commercial Light Manufacturing (CLM) zone with the condition that new storage facilities and accessory apartments be excluded as permitted uses. Commissioner Jorgensen seconded.

Roll Call:

Commissioner Hoffman

Aye



Commissioner Curtis	Aye
Commissioner Jorgensen	Aye
Commissioner Gunnell	Aye
Commissioner Lance	Aye
Commissioner Wood	Aye

The motion passed unanimously 6 to 0.

### **PUBLIC HEARING- Ercanbrack Rezone Request**

*The Planning Commission will review a proposal to rezone approximately 15.19 acres of property located at 580 W. Main Street. It is proposed that approximately 7.90 acres of property be rezoned from Residential Commercial (RC) zone to Main Street Commercial (MSC) zone. It is proposed that approximately 3.20 acres of property be rezoned from Residential R-10 zone to Residential Commercial (RC) zone. It is proposed that approximately 4.09 acres of property be rezoned from Residential Commercial (RC) zone to Commercial Light Manufacturing (CLM) zone.*

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 7:49 p.m.

Mr. Bruce Baird stressed that they have worked with staff regarding the proposed rezone and development agreement. Specifically making sure to provide buffer zones between commercial and residential zones.

Commission Chair Wood closed the Public Hearing at 7:51 p.m.

Commissioner Curtis asked if the current R-10 zone has any road access available to it? Mr. Bond answered that a single-family home is already built there and there is access to it from Lark Street. The intention is to continue 100 N. to Lark Street and loop over to the west and connect to Main Street. Mr. Randall Ercanbrack explained that 100 N. is currently a private road. He stated that ideally, they would like to provide 3 access points. Commissioner Jorgensen indicated that she would like to see the connectivity in the area increased.

Commissioner Lance stated that locating high density next to transit makes sense and will provide a good buffer between industrial facilities. She asked if there is a requirement within the development agreement stipulating how many access points would be required? Mr. Reeves stated that code requires two access points. Commissioner Gunnell asked what the current cap of residential density in the MSC zone is? Mr. Bond answered that there is no cap but whether the land can meet the open space and parking requirements. The proposed density is 15.7 units per acre over the density of the project. Mr. Bond indicated that subdivision requirements would still be reviewed and need to be met for each project.

Commissioner Wood stated that he expected the development to be more specific and asked how common it is to have an open-ended agreement like this? Mr. Bond answered that a lot of the development agreements look like this, it may look different to the Commission because they are familiar with development agreements that are tied to a PUD. This is more of a broad high-level look at a piece of property. Commissioner Wood pointed out a note in the development agreement stating that if the zoning boundaries were to change that could be done administratively. Mr. Baird explained that the zoning boundaries could be moved to up to 10%

for this specific project due to the road locations not being 100% set. Mr. Rich explained that they tried to narrow it down so minor adjustments can be an administrative action like a boundary line adjustment.

Commissioner Lance asked for clarification regarding section 3.2.7 of the development agreement regarding Planning and Zoning Modification. Mr. Baird explained that this clause would allow the development to conform with architectural standards updated throughout the city unless the requirements would unreasonably increase the cost of the development.

Commissioner Wood asked if this plan is open ended or if Mr. Ercanbrack has specific uses for these proposed zones? Mr. Ercanbrack stated that right now the property is orchard, and he doesn't know how long it will be until it is developed. He stated that his grandson and son will be developing it moving forward. He indicated that this agreement would help protect the city as well.

Mr. Bond explained that although this plan may seem vague it is a lot more detailed than the current zoning. Commissioner Wood expressed appreciated that even though there aren't more details, it addresses the main concerns that the Commission had when wanting to rezone Main Street years ago.

**Motion:** Commissioner Curtis motioned to forward a positive recommendation to the City Council for the proposed Ercanbrack Rezone Request for the property at 580 W. Main Street. Commissioner Hoffman seconded.

Roll Call:

Commissioner Wood	Aye
Commissioner Lance	Aye
Commissioner Gunnell	Aye
Commissioner Jorgensen	Aye
Commissioner Curtis	Aye
Commissioner Hoffman	Aye

The motion passed unanimously 6 to 0.

#### **PUBLIC HEARING- Santaquin 94 LLC Rezone Request**

*The Planning Commission will review a proposal to rezone approximately 0.93 acres of property located at 94 W. Main Street. The current zoning of the property is the Central Business District (CBD). The proposal is to rezone it to the Main Street Commercial (MSC) zone.*

Mr. Bond explained that this is a proposal to rezone the property at 94 W. Main Street from the Central Business District (CBD) to the Main Street Commercial (MSC) zone.

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 8:17 p.m.

Mr. Rick Lybbert introduced himself as a physical therapist with Mountainland Physical Therapy. He explained that they have worked with the Canyon View Medical Clinic in Santaquin for 13 years. With the growth of the City they need a new building. The zoning has changed since they built the existing doctor's office, which zoning would require them to build a two-story building.



He indicated that they would prefer a single level building which would be more conducive for patients who need physical therapy. He pointed out that the lot is adjacent to the Main Street Commercial zone.

Mr. Brad Horrocks echoed Mr. Lybbert's comments. He noted that they desire to have a new space but still be in proximity of the Canyon View Medical Clinic. This would allow them to stay in the community.

Commission Chair Wood closed the Public Hearing at 8:21 p.m.

Commissioner Gunnell stated that he doesn't have a problem accommodating a business growing in town.

Commissioner Lance explained that her uncle owns the Stone Ridge Plaza building on Main Street. She stated that it was required to be built as 3 stories, and she's concerned that it will stick out as there are no other 3 story buildings in the area. Mr. Lybbert clarified that this single-story building would have a 25-foot parapet wall and it will meet the height requirements within the MSC zone.

Commissioner Curtis asked how tall the existing Canyon View Medical Building is? Mr. Lybbert answered that measuring from the ground to the mid roofline it is estimated to be 19 feet tall. Mr. Bond explained that the existing building is a legal non-conforming use so the requirements for this new building will be different. Mr. Lybbert indicated that they want to match the zoning requirements as much as possible, while still using similar colors so it doesn't feel out of place. He indicated that they want to build a beautiful building while still being appropriate for physical therapy use. Mr. Bond noted that this building will be subject to the requirements of the zoning and the Architectural Review Committee.

Commissioner Wood noted that the language in the MSC zone doesn't show medical offices as a permitted use. Mr. Bond answered that it is included within the definition of a professional office. Commissioner Wood noted that there is a clause stating that if 40% of the property is being changed the entire property needs to be brought up to the zoning requirements. Mr. Bond stated that it was drawn out and calculated and it did not exceed the 40% threshold.

Commissioner Wood stated that he has no problems with this proposed rezone.

**Motion:** Commissioner Jorgensen motioned to send a positive recommendation to the City Council for the Santaquin 94 LLC Rezone. Commissioner Lance Seconded.

Roll Call:

Commissioner Hoffman	Aye
Commissioner Curtis	Aye
Commissioner Jorgensen	Aye
Commissioner Gunnell	Aye
Commissioner Lance	Aye
Commissioner Wood	Aye

The motion passed unanimously 6 to 0.

**PUBLIC HEARING- Summit Ridge Commercial 8-lot Subdivision**

*The Planning Commission will review a preliminary plan for a proposed 8-lot commercial subdivision located at approximately 1500 S. South Ridge Farms Road.*

Mr. Bond clarified that generally Public Hearings are not held for a Preliminary Plan but there was a discrepancy with the original Notice. It was re-noticed at the preliminary stage to ensure that all noticing requirements were met. He stated that staff has been working with the applicant and requested a clearer phasing plan to better understand the site work required for each phase.

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 8:36 p.m. There were no comments, so he closed the Public Hearing at 8:36 p.m.

Commissioner Lance indicated that she likes to see more commercial lots become available in town. Commissioner Hoffman asked if the access will be cut off to the South Ridge Farms Road during construction? Mr. Reeves answered that there will be continuous access to the road throughout the project. Commissioner Jorgensen asked if the existing HOA building would remain? Mr. Bond confirmed this.

**Motion:** Commissioner Lance motioned to forward a positive recommendation to the City Council for the Summit Ridge Commercial 8-lot Subdivision. Commissioner Curtis seconded.

Roll Call:

Commissioner Wood	Aye
Commissioner Lance	Aye
Commissioner Gunnell	Aye
Commissioner Jorgensen	Aye
Commissioner Curtis	Aye
Commissioner Hoffman	Aye

The motion passed unanimously 6 to 0.

**PUBLIC HEARING- DeGraffenried 2-lot Subdivision**

*The Planning Commission will review a concept plan for a proposed single lot split located at 245 E. 100 N.*

Mr. Bond explained that the proposed single lot split would create two lots which would be roughly half acre lots.

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 8:40 p.m. There were no comments, so he closed it at 8:40 p.m.

Commissioner Jorgensen asked if the developer is required to install curb gutter and sidewalk? Mr. Bond indicated that staff would look to the developer to see if they would like to apply for a deferral agreement for the improvements. If they would, this would have to be approved by the City Council. The developer is also allowed to install the infrastructure up front. Staff usually encourages deferral agreements to avoid an island of improvements within the core area of town.



# Grey Cliff Mass Grading Conditional Use Permit

Mr. Bond noted that this item was tabled at the last meeting as the Commissioners indicated that they would like more information. He shared Mr. Beagley's thoughts who indicated that this development could be considered approved, as there is an existing development agreement in place. Mr. Bond noted that the items that were not addressed last time have now been addressed. Mr. Steve Larsen indicated that this is a big project that will take a long time, their goal is to do the least amount of work during the summer and work during the off season. Mr. Bond noted that the applicant will need to indicate specific points of entry away from the orchards. This can be worked out prior to the city council meeting.

Commissioner Jorgensen asked if there will be a water tank located within this development? Mr. Larsen stated that it is an option, but it may not be needed. Right now, a booster pump station would be put in down below in lieu of a tank. He explained that they are committed to control dust but will try to do so in the off season by sourcing from their wells and using natural weather. Mr. Bond explained that determining what the requirements are for water would be part of engineering's preliminary review.

1. That all activities comply with Santaquin City regulations pertaining to mass grading operations as found in Title 10-6-28 of the Santaquin City Code.
2. Provide appropriate bonding for the site.
3. The applicant provides a water meter for the proposed connection to Santaquin City water and set up an account for appropriate billing.
4. Provide copies of UDOT approval for access to and from the site. Commissioner Curtis seconded.

Commissioner Hoffman	Aye
Commissioner Curtis	Aye
Commissioner Jorgensen	Aye

Commissioner Gunnell	Aye
Commissioner Lance	Aye
Commissioner Wood	Aye

The motion passed unanimously 6 to 0.

**PUBLIC HEARING- Major Home Occupation Pre-School (The Reading Tree Preschool)**

*The Planning Commission will review a proposed Major Home Occupation for The Reading Tree Preschool located at 497 Firestone Drive.*

Mr. Bond explained that this proposal is coming before the Commission because the applicant would like to have more than 8 students at their preschool, this is more than a minor home occupation allows. They are proposing to have one class daily with 12 children.

**PUBLIC HEARING-** Commission Chair Wood opened the Public Hearing at 9:01 p.m. There were no comments, so he closed the Public Hearing at 9:01 p.m.

Commissioner Gunnell explained that his concern is that parents will be parking on the road waiting to pick up the children. He noted Commissioner Adcock (who was not in attendance) expressed concern regarding the narrowness of the road. Mr. Bond indicated that the proposed traffic plan is to have the cars go in one way and out the other. Commissioner Lance stated that she thinks traffic could be a problem regardless of if it's 8 or 12 cars. Commissioner Hoffman pointed out that no public comments were received, so they can assume that there are no concerns from the neighbors.

**Motion:** Commissioner Jorgensen motioned to approve The Conditional Use Permit for the Major Home Occupation Pre-School *The Reading Tree Preschool*. Commissioner Lance seconded.

Roll Call:

Commissioner Wood	Aye
Commissioner Lance	Aye
Commissioner Gunnell	Aye
Commissioner Jorgensen	Aye
Commissioner Curtis	Aye
Commissioner Hoffman	Aye

The motion passed unanimously 6 to 0.

**OTHER BUSINESS**

**Approval of Meeting Minutes from**

August 10, 2021

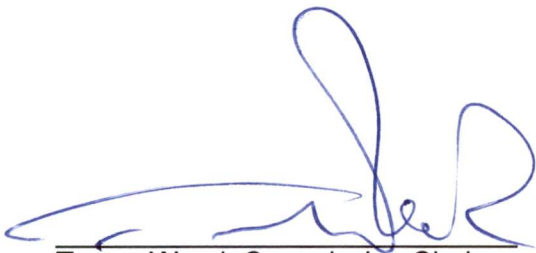


**Motion:** Commissioner Lance motioned to approve the Planning Commission Minutes from August 10, 2021. Commissioner Curtis seconded. The motion passed unanimously in the affirmative.

Mr. Bond explained that the next scheduled meeting is September 14<sup>th</sup>. There will be a regional training event in lieu of the meeting. He stated that he will send the invitations to the Commissioners and asked that they RSVP to the meeting.

**ADJOURNMENT**

Commissioner Lance motioned to adjourn at 9:15 p.m.

A handwritten signature in blue ink, appearing to read 'Trevor Wood', written over a horizontal line.

Trevor Wood, Commission Chair

A handwritten signature in blue ink, appearing to read 'Kira Petersen', written over a horizontal line.

Kira Petersen, Deputy Recorder