

Grand County Planning Commission Minutes

October 11, 2006

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: Chairman Marcus LaFrance, Charley Every, Ed Bridges, Tom Shellenberger, and Jean Binyon. D.L. Taylor and Dave Cozzens were excused.
County liaison - Judy Carmichael.

Others Present: Mary Hofhine, Richard Grice Consulting Planner, applicants and other concerned citizens.

The meeting was called to order at 6:00 PM by the Chair, Marcus LaFrance; the Chair requested that all attendees and members turn off their cell phones.

Approval of minutes: The September 27, 2006 minutes were accepted with correction of minor typos.

The Chair asked the Commission if there was any ex-parte or conflicts of interest on any of the agenda items for tonight's meeting. There were none.

Blue Mercury Inn Site Plan review – Staff's presentation - Blue Mercury Motel, Steve Fellows is the property owner Jim Farrell is his agent and have submitted an application and plan for review by the Commission as required in Sec. 6.20. The subject property consists of approximately 2.7 acres to be developed into an Inn. This proposed building is on Govt. Lot 59 on the east side of Highway 191; properties to the West, South and North are commercially zoned.

The proposed motel is based on a theme and represents a nostalgic Route 66 "Motor Inn". Live in owners/managers housing is also a part of the site.

The applicant has provided sufficient information for a site plan. Staff recommends approval of the site plan with the following stipulations:

1. No building permit will be issued until the following information is provided;
 - a. County Engineer approval of the drainage plan as required in Sec. 4.7;
 - b. UDOT approval for use of the R-O-W for drainage and access;
 - c. A lighting cut sheet approved by the Zoning Administrator;
 - d. Plans for the sign showing approved lighting and height and comply with County Standards.

Staff further stated that there was a draft to change sign standards that would allow back lighting, but currently the code does not allow neon for signs or lighting.

The Chairman gave the applicant 10 minutes to present the project.

Mr. Farrell presented the plan showing landscaping, roads, new construction. The access to the property was looked at by Dale Stapley the UDOT representative. There is a severe drainage on the Mesa Road site and Mr. Stapley met on site and told Mr. Farrell that he would accept what ever the Commission would recommend. There is also landscaping and a drainage feature on the UDOT right of way, UDOT doesn't care that they use the R-O-W for landscaping, but the drainage feature will need to be put on the property. Jim stated that Mr. Stapley approved the proposed access and would go along with the recommendation of the County. At some point the County will put in a frontage road along the Highway. (audio position OH0858S)

Mr. Farrell asked if they could use "halo lighting" would it meet the requirement of the code – it is a substitute for neon. The buildings surround a courtyard, interior roads will be gravel, there is a maintenance building on site, will preserve the trees that are on site.

The Chair entertained a motion to open up for discussion – Tom Shellenberger moved to approve with conditions on staff memo; Charley Every seconded.

Tom Shellenberger questioned where Mesa Road ends, it intersects at Desert about 500 feet; Mr. Farrell explained

that the sewer line will be coming in from Desert Road.

The proposal is to direct as much traffic as they can on to the gravel road on Mesa Road to Desert Road.

Staff asked about the access; at a development review team meeting the consensus of the group was that the access should be at Mesa Road. Mr. Farrell explained that there is a large wash at that site; Ed Bridges stated that he concurred as he drove through it on his inspection of the site and it was washed out, Mesa Road does go all the way through to Desert Road, although Mesa is not maintained on the proposed site.

Screen walls are needed along the back and both sides as there are residences on the adjacent parcels and the applicant is prepared to put those in.

Marcus LaFrance stated that he was pleased that the applicant understood that neon is not allowed for signage or on the buildings unless it is shielded, he also agreed that the drainage facility should be on site as it could become an issue if a frontage road is constructed. Further Mr. LaFrance said the entrance should come in on Mesa consistent with the transportation plan; many of the existing roads in the county were in this same situation until built by the developer. Limiting access to the highway off of Mesa Road and the adjacent property owner should use the access as well.

Charley Every asked if the County was responsible for building the road he understood that the applicant is responsible for extension onto the highway. Mr. LaFrance said it's actually much like many of the issues we've been dealing with where half the road is the responsibility of the property owner.

The Commission discussed the funding of roads, impact fees do not build existing roadways only those that are in the capital improvement plan. The code does not require that the developer of commercial property build a road like we do with subdivision.

Staff stated that there was conversation with UDOT representative and that he had stated that the entrance would need to be at Mesa, but staff wants that in writing. There was discussion about using Mesa for personal use through a residential neighborhood and using an unimproved roadway. The existing residences on Mesa Road have been performing maintenance of the current roadway.

Discussion of neon on the building and signs – code does not allow neon for signage and all exterior lighting needs to be shielded.

The Chair stated that we are in re-codification of the code and if you want to make changes to the code to accommodate the project then we should table this until those changes are made.

Staff explained that the Commission could go forward with the review and let the applicant go forward, until and if, the code is changed. It will be reviewed at building permit for code compliance.

The owner of the property made a statement about the ambiance that they are trying to create, accent lighting would need to be neon. The Chair stated that will require a code amendment to allow exposed neon.

The Chair re-read the motion as follows:

No building permit will be issued until the following information is provided:

1. Approval of the drainage plan in accordance with Sec. 4.7 by the County Engineer, and the detention basin shall be located on the subject property;
2. UDOT approval for use of the R-O-W for drainage and access;
3. Dedicate ½ right-of-way for Mesa Road, 33 feet;
4. A lighting cut sheet approved by the Zoning Administrator;
5. Plans for the sign, including illumination, size and height, shall be consistent with County standards.

Tom Shellenberger asked to amend the motion on access to read that if we do get a letter from UDOT and they (UDOT) will allow the access at the existing site that until such time the Mesa Road is built the entrance will need to be changed to Mesa Road. (audio position OH39M53S)

Staff asked for clarification of the motion – Mr. Shellenberger stated that if UDOT wants a recommendation from the County it would be to allow the entrance at the proposed site until such time that Mesa Road is built the entrance will need to be changed to Mesa Road.

The Chair reminded the Commission we cannot dictate to UDOT where they will allow access.

Ed Bridges asked for clarification that when Mesa Road is built the entrance will need to be abandoned and changed to the Mesa Road site; that was the decision.

Jean Binyon asked about the detention basin and where it will be built; the County Engineer will address that situation.

The Chair called for the vote and all voted in favor of the motion.

Public Hearing – Blu Vista Casitas Amended Preliminary Plat - Staff read into the record for reference the Land Use Code as amended to date, the General Plan as amended to date and staff's memo of today's date.

This application, submitted by Rex Tanner, Manager of Blu Vista Casitas, LLC (Applicant), seeks amendment to the approved Master Plan for Blu Vista Casitas PUD. The change proposed at this time is the removal of the road rights-of-way shown on the approved preliminary plat on the southeast part of the property and adding a new road rights-of-way on the south side of the property to connect to the existing Zimmerman Lane Right of Way.

The entire Blue Vista Casitas PUD includes the division of 35.3-acre parcel into 38 lots, each for single family use. The property is zoned RR, Residential District, which has a minimum lot area of one acre per dwelling unit or lot. In addition, dedication of perimeter open space and the construction of a 3400-foot perimeter trail is proposed around the outside edge of the proposed development.

This amendment proposes to move a required road connection from the Southeast corner to the center of the property and shift the lots. No new lots are proposed or are the protective covenants changed.

The Chair gave the floor to the applicant – Mr. Tanner explained the reasons for the changes including that he doesn't feel the need for the extra connecting road because we do not know what is going in on that side and the owner is not planning to develop or sell.

The Chair opened the public hearing; Mike Suarez made the following comments; (audio OH49M41S) Request that the Commission recommend to the County Council that they reconsider the decision in connection with this subdivision. It is legally null and void and the filing of this plat amendment places the entire plat on the agenda for review and would suggest that the Commission advise the County Council that they have violated the *Land Use Code Sec. 8.1.1 Any permit, approval, or certificate issued in conflict with the provisions of this LUC shall be null and void.* The County Council's approval of this plat without requiring the developer pay for the paving of the roads pursuant to the following; *Ordinance 377 Sec. 6.6.1 clearly states that the subdivider shall pay all costs of materials and installation of the following ... B. streets and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, road regulatory signs, culverts and bridges.*

Section 5.3.10 C. Streets shall be constructed by the developer and dedicated to the County, along with all necessary right-of-way with no pro-rata share from the County. There are no provisions in LUC for exemption from these requirements; no argument can be made that the phrase "under unusual circumstances", applies since this phrase under 5.3.3 concerns whether there is a need for the road, not who will pay for it. The County lacks the authority to grant the road department to use county funds to construct roads and is under clear violation of the Land Use Code.

Mr. Suarez asked the Commission to reconsider there recommendation to the Council; as this flatly conflicts with the black letter language of the land use code that all developers shall pay for all building of street connections Sec. 5.3.3 of the Land Use Code and therefore is null and void. (A written copy of this presentation is attached)

The Chair asked for other comments; being none the Chair asked the developer for closing remarks. Mr. Tanner declined.

The Chair closed the public hearing and entertained a motion.

Charley Every moved to approve the amendment as submitted; Tom Shellenberger seconded.

Jean Binyon asked about the traffic flows and deceleration lanes. The decel lanes are required coming from the North on Spanish Valley Drive.

Mr. Tanner stated in order to provide the other access to the South, he would need some flexibility to the open space and the Zimmerman Lane will provide access to the Highway from these subdivisions.

A lengthy discussion regarding all needed and proposed accesses ensued, with the following conclusions. Had the Commission known at preliminary plat that access to Zimmerman that connection would have been required.

The Valle del Sol is almost an identical situation in that they also said the South connection was to no where and now we have a subdivision.

Mr. Tanner said he does not want to provide more roads and he is willing to keep the plat as it is currently.

The point is that the code does require connection to existing roads and it's out of the Commissions hands; the connection is required per the code section 5.3.3 if it had been shown on the first submission this wouldn't be an issue.

Charlie Every wanted to discuss the concerns of Mr. Suarez; which are that the developer is responsible for the upgrades in the development. The Council voted to allow the improvement to stop at Fiesta Court.

The Chair read the motion and called for a vote; Ed Bridges, Tom Shellenberger, and Charley Every voted aye, Marcus LaFrance and Jean Binyon voted nay. The vote failed due to the lack of the required four affirmative votes required by LUC 5.1.1 C.5.

Kimmerle Subdivision Sketch – This sketch plan application is submitted by Kyle Kimmerle, on behalf of the property owners, Kyle Kimmerle (Applicant). The sketch plan proposes the division of 3+ acres of land into 6 single family lots. The proposed minimum lot area is 0.5.

The subject property is located on at the intersection of Plateau Drive and Starbuck Lane and is zoned LLR, Large Lot Residential.

The property is flat and without any constraints, other than easements for sewer and water which affect Lot 4. The easements go through the middle of proposed Lot 4, but sufficient area remains for the construction of a dwelling unit.

The Commission must decide if street connectivity is needed in the neighborhood. Staff does not believe that connectivity is warranted in this case due to the proximity of (distance between) east-west streets staff reserves the right to modify this comment after making a site inspection and based on the comments of the County Road Superintendent.

Access to each lot will be from existing or proposed roads. Proposed lots 2, 3 and 4 will front on existing County-maintained roads, which may or may not be substandard – additional information is needed to make this determination. Lots 5, 6 and 7 are proposed to be accessed from a new access tract. The access tract is proposed to have a substandard 12 foot right-of-way.

Pursuant to the requirements of Land Use Code, Sec. 5.3, all roads serving new subdivisions must be improved to County Standards by the applicant. Plateau Drive and Starbucks Lane should be improved to Local Standards and Simpatica Court to Access Tract Standards, if approved as proposed. The Commission should decide whether half street improvement are to be allowed for the frontage along Plateau Drive and Starbucks Lane. Sec. 5.3.4 provides some guidance on this subject.

Sec. 5.4, Sidewalks and Trails, requires sidewalks along both sides of all streets adjacent to building sites in all residential zone districts except where the average lot size is more than ½ acre. Thus, sidewalks are not required in this case.

The County Engineer reviewed this application and provided the following comments by letter of October 3:

I have reviewed the preliminary plat submitted for the Kimmerle subdivision and have the following questions and comments.

1. The proposed subdivision is for 6 lots. 3 of the lots would access onto existing streets and 3 of the lots would access onto a new dead end street. The new street is designated as a private access tract, which can serve up to 3 lots, and requires 24 feet of right-of way and 16 feet of pavement.
2. The new street right-of -way width is called out as both 24 feet and 12 feet.
3. The proposed new street has a “hammer head” turnaround at the end. With a 16 foot pavement width, is the hammerhead adequate to maneuver fire trucks?
4. Is street connectivity needed through the subdivision?
5. Are street improvements needed on Starbuck Lane and Plateau Drive, the existing streets that 3 of the lots will access?
6. Is there need for sidewalks or trails within the subdivision?

The utilities and Fire Department approval can happen at Preliminary.

There was discussion regarding the requirement to build the existing roads to a county local road standard; it was explained that only half the road will need to be built to the standard and once again it's a Land Use Code requirement. If the developer would like to seek a code amendment we can table the proposed plan until the amendment goes through the procedure.

The County Engineer had concerns regarding the hammer head clearance, although the Fire Department has approved the plan. This will need clarification from the Fire Department. The commission discussed the designation of the roads and who owns them, another item for clarification.

Applicants need to be assured that plats will be applied consistently – road requirements are in the code for subdivisions and they need to be applied consistently this is not a Minor Subdivision, it is a 6 lot subdivision. The applicant can apply for a waiver per the PUD code.

The Chair called for a motion; Charley Every moved to approve as follows;

1. Submission of the required utility commitments with the Preliminary Plat application;
2. Submission of the required drainage study with the Preliminary Plat application;
3. Submission of a fire protection plan satisfactory to the Fire Chief (this condition may have already been satisfied);
4. Completion or improvement of all internal roads and half roads adjacent to the subdivision to Local Road standards; and
5. Demonstration of satisfactory maintenance plan for the Access tract, consistent with Land Use Code requirements.

Jean Binyon seconded. All voted in favor.

The Chair gave the Commission a run down on the Draft Land Use Code. It will be released to the public after our next meeting. An education meeting will be held on November 9th at the Grand Center.

The November Planning Commission meeting will also be held at the Grand Center.

Adjournment: The meeting was adjourned at 8:00 PM.

Marcus LaFrance, Chairman