

# Grand County Planning Commission Minutes

November 12, 2008

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

**Members Present:** Chairman Marcus LaFrance, D.L. Taylor, Dave Cozzens, Chris Baird, Charley Every, Jean Binyon, and Ed Bridges.  
County liaison – Gene Ciarus.

**Others Present:** County staff Krissie Killoy, Mark Wright and Mary Hoffine, and other concerned citizens.

The Chair introduced the Commission and staff then requested that all cell phones be turned off; if one goes off during the meeting you will be asked to leave.

The Chair outlined the procedure for the public meeting and asked the Commission if there were any conflicts of interest or ex-parte communications that needed to be disclosed.

## Public Hearing

**Sorrell River Ranch Conditional Use Permit** – The Chair explained that this was postponed until the December 10<sup>th</sup> meeting.

**Rezone of County Property on Sand Flats Road** – the staff read into the record the General Plan as amended to date the Land Use Code as amended to date and the packet of material presented to the Planning Commission of today's date.

This application proposes to rezone a County owned parcel of land from Rural Residential, (RR) to General Business, (GB). The property is essentially commercial/ industrial and has been in use as such for some years. According to the General Plan (Section 4.2.14(b), pg. 61), "Grand County should review the zoning pattern in Spanish Valley and consider rezoning lands as necessary to correct historic spot zoning problem areas...". Staff feels the parcel is currently being used as a light commercial zone and recommends a rezone of the parcel to GB to make the lot conforming to the commercial/industrial uses currently existing on site.

Staff explained that the initial request was for the zone change to a HC, Highway Commercial, but staff has reviewed the request and decided that the General Business zone district would allow the current uses and be less impactive.

In making its determination, the Planning Commission and the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria: (*Staff comment in italics*)

- a. Was the existing zone for the property adopted in error? *The property has been used as a County facility for years and has evolved into a light commercial site which includes the recycle center, and storage/office use for the weed, mosquito, and solid waste departments.*
- b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)? *Recently the City has built the humane society building to the west of the site.*

- c. Is there a need for the proposed use(s) within the area or community? *The owner representative states in their statement that several community and government organizations are in need of tower space for communications equipment. This zone change would allow for a needed cell tower for public use.*
- d. Will there be benefits derived by the community or area by granting the proposed rezoning? *The proposed rezone to HC will make the existing uses compliant with the code.*
- e. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines (see pages 44-48 of the Grand County General Plan)? *The General Plan 1.5.9 identifies the area as "This fenced compound may be suitable for additional public uses in the future." Although it is not within in the City Limits.*
- f. Should the development be annexed to a city? *The compound is adjacent to City boundaries and serviced by County Roads and services.*
- g. Is the proposed density and intensity of use permitted in the proposed zoning district? *Yes*
- h. Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts? *The current uses on the land are considered non-conforming to the existing zone district, but are consistent with other adjacent uses.*
- i. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated? *As stated elsewhere the site is essentially commercial in nature and the residents are further than 200 feet from the property.*

Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development? *There are existing buildings on the property using utilities.*

The Chair asked for a motion.

Charley Every moved to recommend to rezone the property from Rural Residential, RR, to a General Business, GB, finding that this will bring the existing uses on site to a conforming use. This recommended zone district is less impactful than the Highway Commercial (HC) that was requested. D.L. Taylor seconded.

The Chair asked if there was discussion on the motion.

Dave Cozzens questioned the need for the zone and would it allow for the needs of the current uses. Staff explained that the current uses would be allowed in the proposed zone.

Chris Baird explained his concern that the recodification of the code would not allow for the proposed uses. Staff was directed to review the process and get back to the Commission.

The Chair reread the motion and asked for a vote by the Commission, all voted in favor.

**Southgate Amended Preliminary Plat** – Staff read into the record the General Plan as amended to date the Land Use Code as amended to date and the packet of material presented to the Planning Commission of today's date.

This application is submitted by property owners Tim Keogh and Jim Farrell (Applicants). The subject property is zoned Highway Commercial (HC) and consists of 12.8 acres. The Applicant proposes reducing the approved 55 residential units to 40 units with the lost units changed to either two large commercial lots or two large residential lots (lots 21 and 22 on the plat).

The subject property is located off of Highway 191 south of Spanish Trail Road. Surrounding properties consist of a KOA campground to the northwest, school district property to the east, and Housing Authority of Southeastern Utah property to the north

The only change to the application is for possible commercial use for lots 21 and 22. Proposed commercial uses will be submitted for approval and subject to site plan requirements.

Current approval for the property includes two points of access: Southgate Drive (construction to a minor collector standard with a 66' right-of-way and 50' surface width) and Mariola Lane (construction to local road standard with a 56' right-of-way and 38' surface width).

Interior roads are currently approved to be built to the local road standard.

Staff finding = updated UDOT access approval is required for the proposed change to commercial / increased intensity of use.

Sidewalks are required in the HC zone district. Staff finding = the applicant is proposing sidewalks adjacent to both the residential and commercial lots. Additionally, if lots 21 and 22 are proposed for commercial use a site plan will be required.

The applicant has provided updated utility commitment and adequacy of easement letters. Staff finding = all necessary easements have been granted.

A Preliminary Drainage Report was submitted to the Engineer, he had concerns regarding transporting the flow of stormwater to the detention pond. The applicant has addressed them but there's no additional comment from the Engineer at this time.

Letters submitted with the application indicate the availability of water and sewer service, gas and electric service. Fire protection approval will be required prior to being scheduled for Council review.

**The Chair asked Mr. Keogh if he would like to make a presentation, Mr. Keogh declined.**

**The Chair opened the public hearing – with no comment from the audience the public hearing was closed and the Chair called for a motion. Dave Cozzens moved to recommend favorably to the Council with staff's recommendation, which include the following:**

- **for approvals from UDOT for commercial access off of Highway 191 and Mariola Lane and**
- **the Fire Chief approval; D.L. Taylor seconded.**

**The Chair re-read the motion and called for a vote – all voted in favor.**

At this time Commissioner Baird left the meeting for duties elsewhere.

**Public Meeting;**

**Pueblo Verde Subdivision Phase II** - The subject application is submitted by Jim Farrell, on behalf of the property owner SLI Commercial Real Estate (Applicant). The property consists of 28.2 acres zoned Planned Unit Development (PUD) with a Rural Residential (RR) base zoning district. The project is being developed in two phases and includes 28 lots. In May 2007, the final plat for phase one was approved

consisting of 11 lots. The current application requests final plat review for phase two consisting of the remaining 17 lots and associated infrastructure.

PUD project density may not be greater than that permitted by the underlining base zoning district. RR maximum density is 1 unit per acre. The preliminary plat approves division of 28.2 acres into 28 lots including 4 large lots with an average lot size of 2.43 acres and 24 smaller lots with an average lot size of 0.34 acres.

Sole access to the subject property is from Spanish Valley Drive. Final plat for phase one included a 40' half width County road dedication along Spanish Valley Drive. In accordance with Ordinance No. 439, phase two construction will include a 10' southbound turn lane on Spanish Valley Drive.

Additionally, internal roads will be built to local road standards (a 56' right-of-way and a 38' surface width). Chapman Lane as well as the eastern, large-lot portion of Rancho Verde Drive (formerly Alejandro Drive) will be built to Public Lane standards (a 56' right-of-way and 24' surface width).

Construction plans propose sidewalks on both sides of Pueblo Verde Drive and one side of Rancho Verde (formerly Alejandro) and Vista Verde Circle. "Subdividers shall be required to build sidewalks along both sides of all streets adjacent to building sites in all residential zone districts where the average lot is less than 0.5 acres (2006 LUC Section 5.4.1A and 2008 LUC Section 7.4.1A).

Finding = the applicant is required to provide sidewalks on both sides of Rancho Verde Drive east of Pueblo Verde Drive and all of Vista Verde Circle. Construction plans, cost estimate, SIA, and performance guarantee should be updated to reflect this requirement.

GWSSA and the County Engineer have approved both the final plat and construction plans for compliance with water, sewer, and storm drainage requirements.

The engineered cost estimate and construction plans has been reviewed and approved by the County Engineer.

Covenants, Conditions, and Restrictions (CC&Rs) have been reviewed and approved by the County Attorney and County Staff as part of the phase one review and final plat filing.

The applicant submitted a financial guarantee in the form of a construction loan (similar to a letter of credit) for phase one and partial phase two infrastructure requirements. The applicant proposes holding over applicable portions of the original construction loan as well as resubmitting a second construction loan to cover additional costs. LUC consideration = Letters of credit are no longer acceptable under the current land use code.

Additionally, the applicant proposes a bond for Chapman Lane road improvements subject to a 5 year sunset clause.

The Chair called for a motion to open the discussion; Charley Every moved to approved subject to the following;

1. Submission of a cost estimate and bond for Chapman Lane improvements (per Ordinance 439),
2. Update of the construction plans, cost estimate, SIA, and performance guarantee to include sidewalks on both sides of Rancho Verde Drive east of Pueblo Verde Drive and all of Vista Verde Circle (per 2006 LUC Section 5.4.1A / 2008 LUC Section 7.4.1A), and
3. Submission of a financial guarantee in a form acceptable by the County Clerk and County Attorney.

Dave Cozzens seconded.

The Commission did not have any further discussion. The Chair noted that the form of financial guarantee needs to be approved by the Attorney and the Clerk, the Commission does not have the authority to allow

the sunset clause for the bonding that will need to be decided by the Council.

The motion was re-read by the Chair and called for a vote – all voted in favor.

**Approval of Minutes** – The October 22<sup>th</sup>, 2008 minutes were accepted with corrections.

Community Development Update – staff reminded the Commission of the training at the City offices in Novmeber. The Commission asked if it would be appropriate for the applicants under consideration for the BOA and the Planning Commission could be invited to the training. Staff will make sure to invite all applicants.

Gene Ciarus – liason from the Council updated the Commission on future items on the schedule.

With no other items on the Agenda the Chair called for adjournment.

**Adjournment:** The meeting was adjourned at 7:01 PM.

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Marcus LaFrance, Chairman