



areas. 20' long parking stalls with 2' overhang with curb and gutter. Most of the project is by the book. We're trying to meet all the standards and ordinances. Each phase will have its own parking. The only thing we'd like to discuss is the privacy wall requirement. Currently, the City requires a privacy wall around the whole project. We can see that working along the sides, but in the back against the open space area, we don't see a need or use for that. There will be nobody back there. All of the green area is common landscaped space. We'd like to propose that there won't be a privacy wall along the open space area. **Craig**: What's the nature of the terrain? **Steve**: It's very steep. A fence would do no good. **Mary**: We talked about removing wall changes. What he's requesting goes in front of the Board of Adjustments, right? **Don Boudreau**: No. They have the opportunity to petition the City Council on the wall. **Mary**: Do we need to recommend that they do that? **Tyler Romeril**: No, you don't need a recommendation on that. **Mary**: And this has nothing to do with the other piece we spoke about months ago. **Don**: Part of the ordinance is that they can petition City Council. **Mary**: We don't need to approve that here. **Ray Gardner**: How many units are in the condos? That's a lot of parking. **Steve**: The condos are 3 stories each; 24 units per condo. About 590 total units for this project, including townhomes and apartments. Per City code, we meet the parking requirement of 1.3 spaces per bedroom. **John**: Is all access on Fiddler's Canyon Road? **Steve**: There's one off of Fiddler's and one off of Sandstone Cliffs Drive. There'll be 2 public accesses to the project. **John**: That's a tough lift right there for Fiddler's Canyon Road. **Steve**: Fiddler's is a 66' wide road. It's a major collector and traffic is a concern. **Jennie**: Is Fiddler's Canyon as wide as it is going to be? **Steve**: It needs to be widened to 66'. **Jennie**: On phases 9 & 10 will those be developed or left open? **Steve**: There are units in them but where the brown is that will be left open. The townhomes back up to the hill and the hill is left open. **Jennie**: Does that 594 units meet the requirements of that zone? **Don**: We believe it meets the density. **Trevor**: We'd want them to do a traffic study before it comes to planning, and a geotechnical investigation. We're not sure what the soils are there. In our standards each unit generates 10 trips per day, so with 500 units, that's 5,000 trips per day. I pulled some volume numbers from our most recent traffic study we're about 1,200 cars a day on Fiddler's Canyon. That would be significant impact. **Steve**: 10 trips for single-family, townhomes are less. It will be built in phases not one development at once. **Trevor**: We understand it may not be 10 per unit, but we want the traffic study. **Mary**: Does that happen after? **Trevor**: It's after the vicinity plan, but before the construction plans are reviewed. **John**: That's a hard left turn out of there. You have the high school and junior high there too.

**Mary opened the public hearing.**

**Jonathan**: We appreciate the work they've done. In reviewing the vicinity plan, there are some items that are not addressed, and we need to make you aware of them. One main thing is they show public city dedicated streets within the PUD. It's not typical. We usually see private streets in a PUD. With public streets there are requirements that have to be met. They have guest parking along the public street and those are not allowed. The driveway distance would be too long, and the parking is not allowed in the front setback areas. That would need to be corrected. Other phases they show parking in the front setback area that would need to be corrected. Another issue with having those be dedicated streets they would need to put a masonry block wall along the dedicated public street. The way the ordinance reads it requires a block wall with a 10' landscape area along the frontage of

dedicated streets. They can get a waiver for the townhome units if they had individual driveways. They have shared driveways, and that does not meet the ordinance. The block wall up against the steep open space area could get a variance from City Council, but I don't think that's available for a variance in the other areas. **Don**: The apartments front the dedicated right-of-way would have to go to BOA. **Jonathan**: We like to see the open space areas defined. They require 1 amenity. We can work with the engineer and staff on those items. **Troy Belliston**: I'm on the receiving end of the water coming off the hill. Do they have a detention/retention drainage plan? I'd like to see that at some point. **Jonathan**: They do have detention basins. That came up in the review. On the City storm drain master plan there is a detention pond on this property. We did make that comment that they would need to put that in to handle their drainage as well as others. That will get more refined as we get into construction drawings.

*Mary closed the public hearing.*

**Craig**: Can we confirm that this is zoned R-3-M? **Steve**: Yes. R-3-M PUD. **John**: What if they exceed the traffic study? **Trevor**: They can limit the # of units up to what the road could hold or upsize the road. They'll need a back access or alternate route. **Tyler**: Jonathan and I talked about contacting UDOT as these phases come in and lengthen the time for those left-hand turning signals for traffic to get on there a little easier. **Jennie**: Does staff have concerns that you don't think can overcome public streets in a PUD? **Trevor**: We're not breaking new ground; it's just not standard. It's A-typical to have public street. It's mostly there for private development. **Jennie**: Is the ordinance requiring walls an issue? **Trevor**: It is. **Don**: That's a challenge they have. **Ray**: Is there a reason to have a public City street? **Steve**: The only reason we proposed that is that most units are not fronting public streets. To keep the HOA fees to a minimum, public streets were the first proposed. There's really no reason they couldn't be private. We don't want a privacy wall along the public streets. We'd like all the common landscaped area to be open to residents. All of the sidewalks are connected to the roads. It would allow residents to move freely around the development and a block wall would hinder that. If a private road would be better in the City's mind, we'd be open to that. We just wanted to keep HOA maintenance down. It's a main throughfare to get to the parking areas. **Adam**: We had another development project up Fiddler's Canyon, where there was an issue with the trail down PUD roads. That trail can't be on a PUD, right? Does that make it difficult for them to take these 2 private roads? **Jonathan**: The trail could go within the PUD. We'll just need a trail easement. **Tyler**: In Ashdown Forest they were uncomfortable with having the City maintain its trail and the P.U.D. had some liability concerns, and who would maintain that. **Steve**: The trail is in a public right-of-way. That's what's proposed. **Jonathan**: There are other areas where trails are located in easements. **Adam**: Is the water line an issue going through the PUD? **Jonathan**: No, we'll just need an easement on that as well. **Craig**: There are a variety of open issues, but with those in mind Jonathan's adjustments are captured on the record.

**Councilman Isom moves for a positive recommendation for the PUD vicinity located at approx. 1900 N. Fiddler's Canyon Rd.; second by Jennie; vote was unanimous.**

3 - PUBLIC HEARING

Zone Change: R-3-M to SHD approx. 356 South 450 West  
(Recommendation)

Brody Fausett/Platt & Platt

**Mike Platt:** It is not a general plan change. This falls within the SHD area. **Craig:** What's the plan for this? **Mike:** Student housing. We're working on a site plan, but we need the zone change first. **Jill:** Are there homes there now? **Mike:** I believe to the south is an empty field. **Mary:** I think there's a small home on 366 South. **Mike:** The County had the same address for both of those parcels. **Mary:** We'll need to fix it to 366 S.

*Mary opened the public hearing.*

**Bryan Jackson:** I don't know how this will impact the request for the zone change, but it provides more information. The lot owner to south is Bill Prestwich. He has the vacant lot you referred to. We've noticed the deed that's of record to this parcel goes into across the street. The description extends into the street about 20%. It's in the middle of 450 S., which is reflected in the documents we have for you. {Refer to packet received from proponent, Exhibit "A"}. The fence line is not on the deeded boundary line. There's a discrepancy of about 5' on the front of the lot, and 9' to the back of the lot, where the fence is south of the boundary line. It makes the lot smaller for the purposes of density, and that's a concern. This is a street that gets a lot of density because of the college. There are apartments across the street. I know a zone change anticipates lowering the density requirements for parking for college kids, but it increases the need for parking space. That's a concern for a smaller parcel. **Earl Prestwich:** {Refer to packet received from proponent, Exhibit "A"}. The deeded property is the red line that goes past the center of the street. The green line is the usable part of the property. It's 66'. On the north side of the green line, I understand that line runs right at the carport for the house north of it. The green line to the south is off. You've got 66' as the total width and an extremely small lot. The north part of the street is wider than the south part. From my house north, we gave more property to the City. As it gets to the south it becomes narrower. Because of the college kids not wanting to pay for parking at the college, that street is full of cars. **Mary:** Is there a minimum lot size to convert into an SHD zone? **Don:** No, there's not. **Mary:** This lot legally says it goes to the street, but that doesn't play into how to convert it into SHD? **Tyler:** It's a publicly dedicated street. You can't use that as part of the calculation for density. **Mary:** And it doesn't limit the ability to change it to SHD? **Don:** The buildability of that lot in SHD zone is driven by setbacks on the front; there's no density requirements; it's also driven by fire building codes, parking and height limit. **Randy Earl:** We purchased the 356 house to the north. The surveyor we used showed us where the fence line is and where it should be. The back of the property looks a lot deeper than what it is. Where the property line really fell 10-12 feet shorter than what it appeared. We had to work with that. For whatever reason there were no markers set. We had a question to the property lines. My question is if there's a 4-plex going in there, will it be a smaller building? Will it be a bigger building? I don't know what the developer is looking at building. **Mike:** We won't know that until we get an idea. Sometimes we've gotten plans and we've had to work it out. We look to city standards. **Mary:** The fences don't dictate property lines. **Mike:** We know that there's some issues. **Terry Hanks:** We own the properties on the south side of 400 South on the corner between 450 and South Elementary parking lot. The duplex and little house between. We wonder how many beds are

going to be there and how many parking spots. We haven't had any trouble with the DeMille property. We get parking from the university past our duplex. They need to be able to park. There needs to be a parking spot for every bed. There's no place to park on the street. It's all taken by students now. They'll be parking up 400 S. and we don't need any more traffic along South Elementary. It's bad enough as it is. **Mary:** At this point in time, there are no drawings or renderings to answer how tall it will be, how many parking spaces, etc. **Mike:** That will be the next round when they deliver the building plans and say it if will work. In an SHD zone, it's .75 per occupant. If you have 1 bedroom, you have 2 occupants, you still have to produce parking for those occupants. We'll make sure we're with City standards. **Terry:** There won't be enough parking for each vehicle. We need to know where they're going to park. **Christine Cowan-Hanks:** What's the difference of what it's zoned now and high density? Why the zone change before the plans? **Don:** The high density requires a 9,000 sq. ft. lot prior to 2 units, and an area requirement 1,500 sq. ft. per unit after that with a height limit of 35'. SHD has less restrictions for student housing. They can go to 50' and it's 0.75 guest spaces per unit and the setbacks are reduced. It's 15' on the front. With the size of lot, the parking will be a limiting factor of how many units you can fit there. **Christine:** It's small in there and we have a concern about the parking. **Laura Henderson:** I would want to get the legal things cleaned up on it before anything would be passed. There's a potential liability if that's not cleaned up beforehand. I don't think the City wants to get involved with property owners that have questions to where their lines are. **Tyler:** It's not that the legal description is off, it's a fence that was put in place was off. Assuming this is approved, we would confirm the legal description matches. If the fence is off that's between the property owners. That's not the City's fight. **Bryan:** I think Tyler is correct. It's a property owner issue, but for purposes of calculating space it needs to rely on what the boundary line is reflected in the deed and what's usable and not part of the road. **Mary:** I'm sure the Platt's will take that into account. **Bob:** In my experience on 450 West, the legal descriptions come into the street, there must be a bad point of beginning. If you take the occupancy and the way the property is occupied through the block, the property's there, but there may have a shift in the legal description, and that can be resolved. **Verl Prestwich:** I contend the property is not there. It's not just the one side. The south side is off, and the west side is off. The west side is off more than the south. If you look at the deeded property not in the street, you'll see the deeded property is 10,890 sq. ft., but the street property is 2,178. The usable property would be 8,712. I think it does make a difference. How many feet do you need for an SHD? Is there a limit? **Mary:** No limit. **Verl:** It limits what you can do with 8,700 sq. ft. of property. **Mary:** That's where the Platt's will let property owner know what's allowed. **Verl:** If the property belongs to me and the other people is included, they'd have more property. There will be a legal battle over it. **Laura:** I believe there's an ordinance in the city code that says if a fence has been in place for a minimum of 20 years that's considered the property line. In that area there's a lot of irrigation walls. **Don:** There's no ordinance that I'm aware of. **Bryan:** There is a doctrine that's called the boundary by acquiescence. One condition of it is a 20-year period and there are some other factors. In the history of this fence line may not apply, but the fence line was there before the property was severed. It may become an issue. It will be determined based on spacing necessary for parking. **Randy Earl:** Can you explain it to us, so we understand the process? Where does it go from here if it's approved? **Tyler:** The Planning Commission is a recommending body only. They vote either positive or negative. If it's a positive recommendation, it will go before City Council for them to make the final vote to approve or not

approve for the zone change. If it's a negative recommendation, the owner of the property can still take it to City Council. The next City Council meeting is Feb. 2<sup>nd</sup>. There won't be hand delivered notices like there was for today. **Randy**: If it's a positive vote and it goes to City Council, can you explain the sketch process and how that works through? There's some property line and legal issues **Don**: The next step would be a site plan process. There are no further public meetings. It would be site plan review, construction doc review, grading, zoning review prior to pursuing a building permit. **Jonathan**: Sketch is a public meeting, so you may be able to attend that. As long as it meets zoning, the project moves forward. **Christine**: I have a letter from my sister who owns the house at 424 S. 450 W. {Refer to letter, Exhibit "B"}.

*Mary closed the public hearing.*

**Craig**: What are our choices legally? **Tyler**: The general plan carries a lot of weight. When a homeowner or developer buys property and the general plan says you can build certain housing, the law gives deference to the person that relies on what the City sees being built there. There needs to be something on record of a reason why. It needs to deal more with infrastructure than that the neighbors don't like it. My legal advice is to follow general plan. **Mary**: Let me get some clarity on infrastructure. We've had these comments of the problem with the buildability of the lot because of the reduced size because of the road included in the description. Is that not considered infrastructure? **Tyler**: No. It's private property. If the developer wants to zone it to something different, that's his prerogative. He's the owner of the land. We look at if they develop that's an increase of storm drain water into our system. **Mary**: That's what you're talking about it. **Ray**: Would that be for parking on a public street? Is that an infrastructure situation? Because you're putting parking there now that wasn't designed that way. **Tyler**: Our engineers are saying sufficient parking is to not put parking on the street. We have studies to back that up. **Laura**: Is the increase in water needs in an SHD zone a concern as far as infrastructure? Providing water to increase density in a water crisis. **Tyler**: The City has a sufficient amount of water to deal with the current influx of building. There is a cutoff date looming, but at this time the City has reserves to continue with development. That may be something in the future. **Adam**: Where this falls in the general plan of an SHD zone, I am going to honor that by making a motion.

**Adam motions for a positive recommendation for a zone change from R-3-M to SHD on property located at approx. 356 S. 450 W.; second by Council Member Isom; vote was as follows:**

**AYE – 5**  
**NAY – 1 (Jill)**

4 - PUBLIC HEARING

Ordinance Text Amendment      Off-premises signage  
(Recommendation)

Tom Jett

*This item was removed from the agenda.*

**II. Staff Items**

1 - PUBLIC HEARING

Ordinance Text Amendment–Section 26-III-17(J)–Parking in Mixed-Use Zone Donald Boudreau  
(Recommendation)

**Don:** A few months ago, this body entertained mixed use projects. This change was in the packet, but we didn't advertise it correctly. We're cleaning up the section that's in 26-3 and refer parking back to 26-5 where it belongs. **Mary:** This is just another clean up. **Don:** The recent changes governing parking requirements for mixed use zones. **Craig:** We changed the parking ordinances in this context ordinance passed last week.

*Mary opened the public hearing. There were no comments. Mary closed the public hearing.*

**Adam motions for a positive recommendation for an Ordinance Text Amendment regarding Parking in a Mixed-Use Zone; second by Jennie; vote was unanimous.**

2 - General Plan Review Update

Donald Boudreau

**Don:** Mike and I have been working to clean that document up. We'll get it here for the next Planning Commission meeting.

The meeting was adjourned at 6:17 p.m.

  
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Onjulee Pittser, Executive Assistant