



April 13, 2023

**Planning Commission
Meeting**

Information Packet

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING

- a) **Proposal to amend the Grantsville City Land Use Management and Development Code by adopting updated zoning maps**
- b) **Proposed amendment of Chapter 2 Definitions of Front Yard and Side Yard to the Grantsville City Land Use Management and Development Code**

AGENDA:

1. Discussion of PUD Narrative for Matthews Ranch PUD
2. Discussion of Development Agreement for Matthews Ranch PUD
3. Discussion of the Proposal to amend the Grantsville City Land Use Management and Development Code by adopting updated zoning maps
4. Discussion of the Proposed amendment of Chapter 2 Definitions of Front Yard and Side Yard to the Grantsville City Land Use Management and Development Code
5. Approval of minutes from the June 6, June 16, July 7, Nov. 17 and Dec. 1, Dec.15, 2022 Planning Commission Meetings “**as drafted**”
6. Report from City Council liaison Mayor Critchlow
7. Adjourn

AGENDA ITEM #1

Discussion of PUD Narrative for Matthews
Ranch PUD



Planning and Zoning

336 W. Main Street • Grantsville, UT 84029

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File# 2023067-A

PUD Summary and Recommendation

Parcel ID:	01-055-0-0045, 01-055-0-0040; 01-070-0-0102 and 01-070-0-0103	Meeting Date:	April 13, 2023
Property Address:	Corners of Main Street and Matthews Lane and Durfee Street, approximately 70 acres	Current Zone	Mixed Use (MU)

Applicants Names:	Brett Lovell / Connor O'Leary / Howard Schmidt
Request:	Matthews Development PUD Approval
Prepared by:	Cavett Eaton
Planning Staff Recommendation:	There are no less than 10 major concerns with this proposal for a PUD. The Development Agreement seems to be driving this PUD application and request, and there are many concerns that our staff has about various proposals for this development. These need to be addressed and remedied as this process moves toward consideration for approval by the Planning Commission. We recommend this process of review be considered thoughtfully.

PROJECT DESCRIPTION / OVERVIEW

The owners desire to develop the Total Property as a mixed-use project containing both commercial uses and residential uses. As shown on the Conceptual Site Plan, there are two areas of the Total Property planned for commercial uses: one comprised of approximately 7.789 acres at the southeastern corner of the Total Property, and one comprised of approximately 6.32 acres on the northeastern portion of the Total Property.

The owners also desire to sell the commercial properties to one or more commercial developers to be developed and used to help meet the currently unmet commercial needs of the City. It is anticipated that the developers and operators of the Commercial Parcels may enter into their own separate supplemental development agreements with the City, containing provisions pertaining specifically to the development and use of the Commercial Parcels.

It is also their intent to develop the Total Property, except for the Commercial Parcels (the "Residential Property") for residential uses in accordance with the attached Concept Plan. As required by the Zoning, the Residential Property shall be developed and approved as a Planned Unit Development (PUD).

Zone: Mixed Use

Total acreage: approximately 70 acres.

Total Acreage Commercial: 14 acres. Approximately 20% of total acreage.

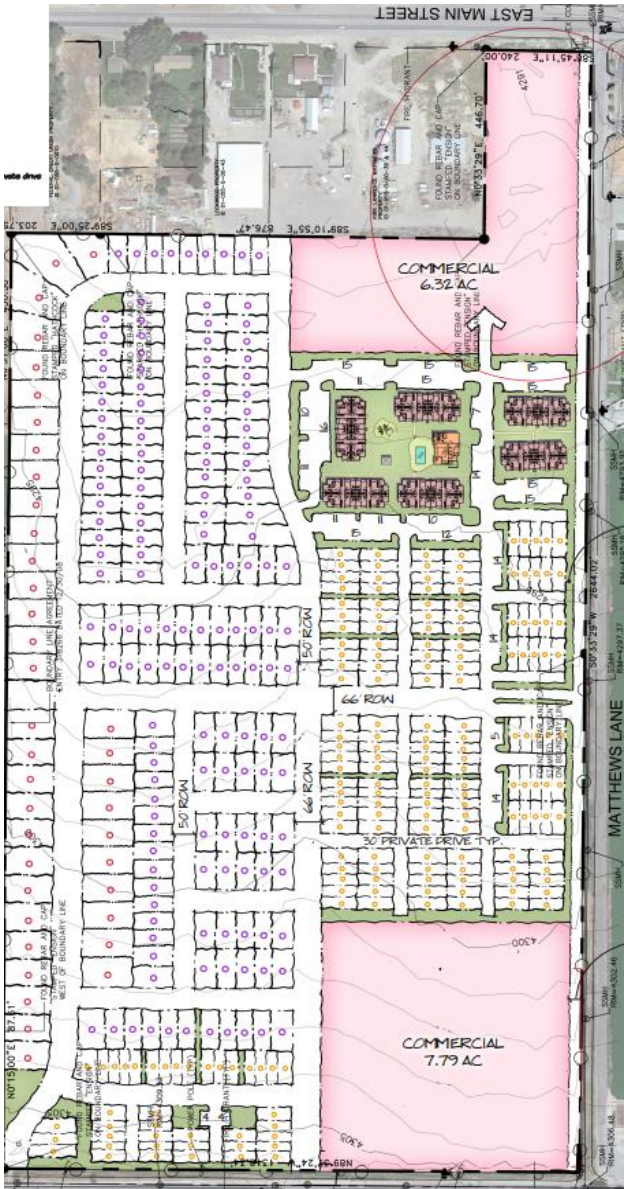
Residential Units

- Total Proposed: 528
- Types of Residential Units (as shown on conceptual plan):
 - Apartments/Condos?, approximately 144 units. (The narrative discussed rental units)
 - Townhouses, 1,920 sf. lots, approximately 189 units
 - Single Family 3,600 sf. lots, approximately 156 units.
 - Single Family 7,150 sf. lots, approximately 39 units.
 - Average Density in Residential Acreage (56 acres): 9.4 units per acre.
 - Moderate Income or Affordable Housing: approximately 20% of residential units.

SITE & VICINITY DESCRIPTION



Conceptual Site Plan



NEIGHBORHOOD RESPONSE

No neighborhood notification to date.

PLANNING COMMISSION RESPONSE

No Planning Commission Response to date.

PLANNING STAFF ANALYSIS

The City staff has reviewed the PUD Application and supporting documents submitted for the Matthews Development PUD. As this application is being submitted prior to a Preliminary application it is understood that very little engineering has been completed at this point. Please understand that while every effort has been made by city staff to anticipate how the requirements and standards may apply to the concept that has been submitted, the Applicants design effort to meet the requirements and standards though an engineered design may cause changes that affect the conceptual layout, density and total number of units that can ultimately be constructed on the site. Any approvals granted by the approval of this PUD Application and the subsequent Development Agreement do not fully vest the applicant and are subject to change with the Preliminary approval.

The staff review has found that there is additional information needed in order to adequately consider the PUD Application and create a comprehensive Development Agreement. The following comments detail many important elements that must be addressed as part of the PUD Application and Development Agreement:

PUD Application Requirements: The Narrative that has been provided with the Application is very helpful for the City to understand the vision of the proposed development and what the applicant perceives as benefits to the community. This Narrative is a key element of the PUD Application. There are three elements that comprise the basic information that is necessary for consideration of the PUD and can be addressed in the Narrative or in separate documents. The approval of the PUD application will result in the creation of a document that is included in a Development Agreement detailing these three elements:

1. Description of compliance with Objectives detailed in Grantsville Land Use Development and Management Code (GLUDMC) Section 12.1. The objectives must be specifically cited with a description of how the objective is being met and those that are not

applicable. This has been addressed in the Narrative that has been submitted as part of the application for the Development. No additional action required at this point.

2. Address each of the standards in GLUDMC Section 4.7.8. Since the PUD is a type of conditional use it must meet the standards for a conditional use permit. There are several standards and it is not expected that the responses are exhaustive but the response should explain how the proposed application applies or what efforts have been proposed to mitigate any issues of non-compliance. As the Conditional Use Standards have been written to cover a large range of conditional uses it is also likely that some of the standards are not applicable. Address each of the standards in GLUDMC Section 4.7.8.
3. Clearly state any exceptions or variances being requested, including the reference to applicable section in the GLUDMC as well as an explanation of the deviation and how it is being mitigated to comply with the general purposes, goals and objectives of the GLUDMC or other plans adopted by Planning Commission or the City Council. The Narrative includes a table of exceptions which is missing the code references and is not inclusive of all the potential exceptions and variances necessary.

Attached is a Code Compliance Verification Table that provides a list of codes and standards that do not comply and would require exceptions or variances in order for Planning Commission and City Council to approve the PUD Application as submitted. Planning Commission makes these determinations, and this will be part of the discussion with Planning Commission at the meeting on April 13, 2023. The Applicant needs to Clearly state any exceptions or variances being requested, but it is recommended to wait for results of Planning Commission Discussion on April 13th to save an additional round of modifications.

A fourth element is created as the application is considered by city staff and public bodies:

4. Any special conditions that apply to the development shall also be stated in the supplement to the Development Agreement. No additional action required at this point.

GLUDMC Section 4.7.8. Standards:

The following section of code is being provided for the convenience of the Applicant:

1. Details of how the proposed project complies with the standards found in 4.7.8:

Since the PUD is a type of conditional use the application must include a description of the proposed project will meet the standards found in 4.7.8 of the Conditional Use Ordinance. Those standards are provided below:

(a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

- (c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;
- (d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;
- (e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
- (f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;
- (g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;
- (h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;
- (i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;
- (j) The internal circulation system of the proposed development is properly designed;
- (k) Existing and proposed utility services are adequate for the proposed development;
- (l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- (m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;
- (n) Landscaping is appropriate for the scale of the development;
- (o) The proposed use preserves historical, architectural and environmental features of the property; and
- (p) Operating and delivery hours are compatible with adjacent land uses.

In addition to items requiring additional information on the Code Compliance Verification Table, the following items need additional information submitted:

Open Space: Based on the 56 acres of residential use, 5.6 acres of open space are required. The Narrative notes several amenities that will be provided. The proposed amenities are a great asset to the project to mitigate the lack of space for personal outdoor amenities in the multi-family housing and the small single-family lots. Per GLUDMC Chapter 12 the requirement for 10% open space is a minimum and is requisite in order for the City to grant the PUD. Open space must meet the requirements found in GLUDMC 21.1.14, 21.1.15, 21.1.16 and 21.1.22. Some of the areas that may be proposed as open space on the concept plan submitted with the application may not actually qualify as open space. Please review the open space requirements and provide a drawing that details where the open space and amenities

will be provided and how it is interconnected throughout the subdivision. Calculations of the area to show that the open space complies with the 10% minimum requirement are also necessary.

Calculation of Residential Density: The Narrative states that the project will have an average density of 7.6 units per acre. This is based upon the full 70-acre site. Since the residential is segregated from the commercial the density should be factored on the 56 acres and not the full 70 acres. This brings the density up to an average of 9.4 units per acre. However, the code requires that density is calculated for each type of residential use to determine if there are any special conditions that need to be addressed. Please provide the acreage for each type of residential use and verify the approximate number of units for each type of residential use.

Streets: Please provide proposed typical cross sections for those streets that do not meet the City street standards. The necessary cross sections include the 50 foot and 30-foot private rights of way. If the 66-foot right-of-way is not configured like the City local street standard, then that cross section would also need to be provided.

Also, there are locations within the subdivision that transition from one width of street to another. Please provide any traffic study information or design criteria that was used to determine where these transitions will be made.

Boundary Streets: We appreciate that the project recognizes the need for additional right-of-way along Matthews Lane to bring the street up to an appropriate width. The 2022 Grantsville Transportation Master Plan and associated modeling shows that Matthews Lane will function as a Collector Street by 2031. That modeling was based upon uniform growth throughout the City. With the proposed Matthews Development, the street may be functioning as a Collector much sooner. Is the proposed dedication of right-of-way sufficient to develop the west side of the street as a Collector? 45 feet of right-of-way from street centerline is necessary.

Is there adequate right-of-way width on Durfee Street to meet the current Conditional Collector Street classification? This project is located on the section of Durfee Street for which the Conditional Collector was derived. 40 feet of right-of-way from street centerline is necessary.

Snow Removal: How will snow removal be addressed? Where will snow be stored on the narrow streets?

Visitor Parking: The town homes and small frontage lots will not be allowed to have on street parking. Where will visitor parking be provided? Per Exhibit B it looks like only two parking stalls will be provided with each unit. Please clarify what parking is proposed on the townhouses and the small single-family lots. ie. Two car garages and two parking spaces in driveway or other? Inadequate parking leads to illegal parking and impairment of movement through the streets which delays emergency response. This is a public safety issue.

Stormwater: How will stormwater be addressed? There are no basins shown in the proposed development and the densities being requested will result in very high ratio of hardscape to softscape so the ability to absorb stormwater flows in landscaping will be minimal. This will be a key issue to address. Is there any soils information and percolation information that can be provided for the site? The use of low impact development principles such as retaining water where it is generated and putting the stormwater back into the ground at its

point of generation will be important to minimizing the need for large areas containing basins. The number of residential units that will be allowed on the site will be dependent upon the area necessary to address the stormwater needs of the project.

Public Utilities: Narrow rights-of-way typically remove the areas that are traditionally used for public utilities. This creates a need for alternate utility corridors. In dense areas such as the proposed town houses the placement of utilities must be considered. Utility corridors need to be adequate for the utility requirements, accessible for maintenance. Trails are a great use of utility corridors.

The narrative proposes that the public utility easements around the lots be reduced in width and that the homes may encroach on these easements with bump outs, window wells and other obstructions that render these easements useless. Here again, there needs to be some type of corridor provided that will allow for possible future utility needs to mitigate the loss of usefulness of public utility easements. Provide a drawing or description that details how utility corridors will be provided to serve the subdivision.

Well Site: Please show the location of the existing well and the size of property that will be provided around it. If the well has not been constructed to a municipal culinary well standard the City would have to re-drill the well and construct a new one that meets these standards. Very likely the existing well head would be capped and would become a monitoring well for the new culinary well that would be drilled nearby. Both wells would be required to be in a fenced compound. The municipal culinary well would also have protection zones that would place limitations on the uses nearby. Some of those types of limitations include the inability to store large volumes of potential contaminants such as oil, paint, herbicides and pesticides within 100 feet of the culinary well. No sewer lines can run within this 100-foot protection zone. There are other requirements that would affect the design of the surrounding area. The first step is to determine where this well is located and what is proposed around it.

Matthews Development
Compliance with Applicable City Ordinances, Standards and Plans

GLUDMC Chapter 12 PLANNED UNIT DEVELOPMENTS CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
PURPOSE (Objectives) the City and Developer will seek to achieve the following specific objectives.	GLUDMC Section 10-12-1		Complies
The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective.	GLUDMC Section 10-12-4-2-a		Complies
a. Creation of a more desirable environment than would be possible through strict application of other City land use regulations...	10-12-1-a		Complies
b. The use of design, landscape or architectural features to create a pleasing environment...	10-12-1-b		Complies
c. Preservation of architecturally or historically significant buildings.	10-12-1-c	Not Applicable	Not Applicable

(GLUDMC Chapter 12 PLANNED UNIT DEVELOPMENTS CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
d. Establishment of interconnection paths and trails for alternate transport routes...	10-12-1-d		Complies
e. Elimination of blighted structures or incompatible uses...	10-12-1-e	Not Applicable	Not Applicable
AUTHORITY TO MODIFY REGULATIONS	GLUDMC Section 10-12-2		
No such change, modification, alteration, or waiver shall be approved unless the Planning Commission shall find that the proposed planned unit development: a. Will achieve the purposes for which the planned unit development may be approved pursuant to section 12.1. b. Will not violate the general purposes, goals and objectives of this Code and of any plans adopted by the Planning Commission or the City Council.		The exceptions to the current city land use ordinance, General Plan, Transportation Master Plan, Capital Facilities Plan, Foothill Stormwater Management Plan and City Development and Construction Standards shall be noted elsewhere.	This is determined by Planning Commission.
MINIMUM AREA	GLUDMC Section 10-12-3	MU Zone for 70 Acres	Complies
APPLICATION PROCEDURE	GLUDMC Section 10-12-4		
	GLUDMC Section 10-12-4-1		

(GLUDMC Chapter 12 PLANNED UNIT DEVELOPMENTS CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>Preliminary Provide following Information:</p> <p>a. ...applicant shall submit a written statement addressing each of the standards set forth in section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in section 12.1 of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective</p>	<p>GLUDMC Section 10-12-4-2-a</p>	<p>Applicant has not submitted a written statement addressing each of the applicable standards found in GLUDMC 10-7-8.</p>	<p>Currently Does Not Comply.</p> <p>The standards include:</p> <p>(a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;</p> <p>(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;</p> <p>(c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;</p> <p>(d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;</p> <p>(e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;</p> <p>(f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;</p> <p>(g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;</p> <p>(h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;</p> <p>(i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;</p> <p>(j) The internal circulation system of the proposed development is properly designed;</p> <p>(k) Existing and proposed utility services are adequate for the proposed development;</p> <p>(l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;</p> <p>(m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;</p> <p>(n) Landscaping is appropriate for the scale of the development;</p> <p>(o) The proposed use preserves historical, architectural and environmental features of the property; and</p> <p>(p) Operating and delivery hours are compatible with adjacent land uses.</p>

(GLUDMC Chapter 12 PLANNED UNIT DEVELOPMENTS CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
Preliminary Provide following Information: b. ... application shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any	GLUDMC Section 10-12-4-2-b	The applicant has submitted a table that details the requirements found in the MU Zone as part of their PUD Narrative. The table outlines the differences in what they are proposing. The tables do not specify the specific code sections that apply to each requested change. This is necessary as the exceptions and the requested change need to be able to be considered individually as to their merits and addressed individually in the Approval and in the Development Agreement. There are additional Sections of Code that are applicable to the proposed project that the proposed design does not comply with that are not spelled out in the table or elsewhere.	Currently Does Not Comply.

GENERAL ZONING CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
AUTHORIZED USES WITHIN DISTRICTS ARE PLENARY The uses of land allowed in each district shall be plenary and uses of land not specifically allowed as set forth therein shall be prohibited in the respective district.	GLUDMC Section 10-13-4	The proposed development utilizes some single family lots that are smaller than the minimum allowed in the MU Zone. No exception to this section of code has been requested.	Currently Does Not Comply.

MU DISTRICT CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
(1) The purpose of the Mixed-Use District is to allow for the establishment of medium density residential neighborhoods mixed with commercial properties. Planned Unit Developments are required in this zone such that open space, neighborhood parks, natural areas, trails, and other amenities are required as part of these types of development. Developments in the Mixed-Use zone shall be designed so as to integrate the residential and commercial components into one harmonious development and to be compatible with the existing or anticipated uses on the surrounding properties.	GLUDMC Section 10-19a-1-1	Currently the surrounding properties are agricultural in nature. The future uses of the properties will most likely be determined by this project. Future development on surrounding properties will likely follow the pattern set by this development.	This is a discussion for Planning Commission and City Council as it will shape the future development in this area.
(2) While achieving a mix of commercial and residential uses in Mixed Use developments is the goal, the City will review proposals on an individual basis in determining an acceptable ratio for the residential and commercial components. Project designs that fail to sufficiently integrate commercial and residential uses will not be considered for approval. Creativity in both site design and architecture is expected. Master planning of multiple contiguous properties is encouraged in order to integrate the proposed development harmoniously into the surrounding neighborhood.	GLUDMC Section 10-19a-1-2	The proposed project has a commercial component equaling 20% of the total land area.	Complies Planning Commission and City Council to determine if the ratio between residential and commercial is appropriate.
(3) This land use district, in conjunction with the City's Land Use Element, recognizes that in order for the City to be a well-rounded community, many different housing styles, types and sizes should be permitted. Where surrounding uses are compatible, the mixed-use development may allow residential uses up to ten (10) units per acre.	GLUDMC Section 10-19a-1-3	The proposed development does provide for different housing styles and types and sizes. By the applicant's calculations the overall density of the project is 7.6 units per acre based upon the total 70 acres. Only 56 acres is proposed as residential and the overall density is 9.4 units per acre. The code states: "uses up to ten units per acre." There is not enough information on the area each type of residential use covers to determine individual densities.	While this is up to Planning Commission and City Council to Determine, the proposed project seems to comply with these two purposes.
(4) Architectural design, scale and heights of development are designed to fit the scale and aesthetics of the surrounding properties in the district.	GLUDMC Section 10-19a-1-4	The proposed architectural design and scale are not detailed in the application	Requires additional information.

(MU DISTRICT CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
(1) This district shall allow residential developments and those uses allowed in the C-N, C-S, and C-G districts as permitted or conditional uses as specified in the regulations for these districts.	GLUDMC Section 10-19a-2		Complies
(1) The minimum lot size for single family dwellings is 4,000 square feet per unit. (2) The minimum lot size for any non-residential use in this zone is one-half (1/2) acre. (3) Minimum lot size for Multi-unit dwellings is 4,000 square feet for each unit.	GLUDMC Section 10-19a-3	#1 Min. lot sizes 7,150 to 3,600 Sq.Ft. #2 14 acres of commercial split into 7.79 acre and 6.32 acres. #3 Multi-family (townhouses) Min. lot size 1,920 Sq.Ft.	Currently Does Not Comply.
(1) Setbacks/yard requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this zone, including accessory buildings, are required to maintain a minimum distance from property lines as follows: (a) Front: 25 feet. The front setback may be reduced to 12 feet if the garage is setback from the front plane of the home, but in no case shall the garage be located closer than 20 feet to the front property line. (b) Sides: 7.5/10 feet or PUE dimension, whichever is greater. If twin-homes are attached to the property line, a setback of 15 feet (15') on each side. (c) Rear: 20 feet. (d) Corner lots: There shall be a minimum setback on corner lots as follows: 25 feet on each side fronting a street, with 10 foot setbacks for the other two sides. (e) All accessory buildings in this zone are required to maintain distances from property lines and other dwelling units as follows: sides and rear 7.5 feet. (f) Mixed use buildings fronting Main Street and containing main floor commercial uses may allow the commercial uses to abut the street side property line with a portion of the building containing the main entrance to the commercial use, if an adjacent street side property is currently similarly configured.	GLUDMC Section 10-19a-4	(a.) Front Setback: 20 feet. (b.) Sides 5 feet SFD's Multi-family (townhouses) Zero lot line and 5 feet between buildings. (c.) Rear Setback: 15 large lots & 10 feet small lots and Multi-family (townhouses) units. (d.) 10 feet corner street side yard all others as noted above. (e.) Accessory buildings setbacks N/A	Most Requirements Do Not Comply.

(MU DISTRICT CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
(1) For single family homes, the minimum lot frontage/lot width shall be not less than 50 feet. Multi-use residential development shall meet the requirements found in GLUDMC 4.34. All other uses in this district shall have at least 100 feet of frontage along a public street.	GLUDMC Section 10-19a-5	Min. frontage 40 feet small lots and 65 feet large lots SFD's.	Smallest Single-Family Lots Currently Does Not Comply.
(1) No structure in this zone shall exceed a maximum of two (2) stories in height or 35 feet above grade at street.	GLUDMC Section 10-19a-6		Complies
(1) Every dwelling unit in this zone shall contain a minimum of 900 square feet of living space.	GLUDMC Section 10-19a-7	Large lots listed as 900 sq.ft. States N/A under small lots, Multi-family (townhouses). Nothing under the Multi-family (Apartments/Condo's).	Does Not Comply
(1) There shall be a minimum requirement of 25% of the total project area to be used for landscaping. All sensitive lands shall be protected as part of the landscaped area of any development.	GLUDMC Section 10-19a-8	15% SFD's & Multi-family (townhouses). To be determined Multi-family (Apartments/Condo's) & Commercial.	Does Not Comply
(1) Heights of three (3) stories above grade at street and fifteen (15) units per acres may be approved with special considerations of landscaping, buffering and architectural design that fit the scale of the surrounding properties in the zone. To be considered landscaping and buffering, area and design must exceed the minimum requirements found in Chapter 9, Landscaping and Buffers and Chapter 12, Planned Unit Developments.	GLUDMC Section 10-19a-9	Once additional information is provided concerning the area of each type of residential use we will be able to determine if this exception will be necessary.	Requires additional information.
A mixture of commercial/retail and residential uses, allowing up to 10 units per acre where surrounding uses are compatible. Heights are limited to two stories or a maximum of 35' above grade at street. Three stories above grade at street and /or 15 units per acre may be approved with special considerations of landscaping, buffering, and architectural design that fits the scale of the surrounding properties in the zone.	Zoning Map Description		Complies

SUPPLEMENTARY LAND USE CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
NONCONFORMING LOTS PROHIBITED AFTER ADOPTION OF CODE After adoption of this Code, no lot having less than the minimum width, depth and area required in the district in which it is located may be created nor shall building permits be issued for construction on such non-conforming lots created subsequent to adoption of this Code.	GLUDMC Section 10-4-4	The project proposes various lot sizes that are smaller than the minimum widths and areas allowed in the respective districts.	Does Not Comply
LOT STANDARDS AND STREET FRONTAGE Except for planned unit developments, condominiums, and as otherwise provided in this Code, every lot presently existing or hereafter created shall have such area, width, and depth as required by this Code for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued, provided that no lot containing 1/2 acres or less shall be created which is more than 3 times as long as it is wide.	GLUDMC Section 10-4-5	This section allows for lots to have below standard area, width and depth by virtue of the opening statement: "Except for planned unit developments..." However, all lots less than ½ acre must be no more than 3 times as long as they are wide. The proposed 24 foot by 80-foot-wide town house lots do not comply with this requirement.	The Proposed 24 foot wide Townhouse Lot Ratio Does Not Comply
EVERY DWELLING TO BE ON A LOT - EXCEPTIONS Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Code for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.	GLUDMC Section 10-4-6	The proposed lots do not meet the requirement of "minimum area width and depth of frontage as required by this Code for the district in which the dwelling is located.	Does Not Comply
Lots with frontage only on private streets shall be allowed by conditional use permit only and shall conform to City right of way standards.	GLUDMC Section 10-4-7	The proposed project includes private streets that do not conform to the City right-of-way standards.	The PUD is a type of conditional use. Complies The proposed private streets Do Not Comply with the City right-of-way standards. Does Not Comply

(SUPPLEMENTARY LAND USE CONSIDERATIONS cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>CLEAR VIEW OF INTERSECTING STREETS</p> <p>C. No obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and line connecting them at points thirty feet (30') from the intersection of the street lines. Within that clear-view area, the following shall apply:</p> <ol style="list-style-type: none"> 1. Solid fences, walls, signs, sight obscuring vegetation, and/or other sight obscuring devices shall not exceed three (3') feet in height above the level of the curb. 2. Open style fences shall not exceed four (4') feet in height above the level of the curb and front yard sold fencing shall not exceed three feet (3') in height. 3. Tree trunks shall not be located within the clear-view area, however, tree canopies may extend into the clear view area if they are trimmed at least seven (7) feet above the elevation of the sidewalk and eleven (11) feet above the elevation of the street. It is unlawful to allow any vegetation or other growth to black any traffic sign, traffic signal, street light, or other public safety device, regardless of whether it is located in a clear-view area or not. 4. No sight shall be allowed in the clear-view area unless it is specifically permitted in this Title and it is determined by the City Engineer that it is not a safety hazard. 5. No obstruction of any sort which interferes with the safety of pedestrians or traffic shall be allowed within the clear view area unless it is specifically permitted by this Title and it is determined by the City Engineer that it is not a safety hazard. 	GLUDMC Section 10-4-16-C	<p>The proposed 20-foot front setback and 10-foot street side setback means the corner of the building will touch the line of the 30-foot clear view area. This means that nothing taller than 3 feet tall as measured from the right-of-way can be located outside of the corner of the building. This also means that vehicles cannot be parked in the driveways on corner lots as they will interfere with the clear view area.</p> <p>Who is going to police this and guarantee that it does not happen?</p>	<p>This needs further discussion. Dwellings can be made to comply but vegetation and landscaping are going to be a challenge as are vehicles parked in the driveways with in the clear zone. Does Not Comply.</p> <p>The intersections of the 30-foot private streets with other streets in the townhouse area Do Not Comply with this requirement.</p> <p>This is a safety issue that Should Not Be Waived.</p>
<p>D. The clear view area for the intersection of a driveway and a street shall have no obstruction to view in excess of three feet (3') in height and shall be placed at any automobile access way within the triangular area formed of points twelve feet (12') along the property line and twelve feet (12') along the driveway line. The driveway clear view fencing provisions may not be required on corner and double frontage lots for a secondary drive access that is gated, locked, and that accesses the rear yard, if it is determined by the City Engineer that the drive access is not a primary access.</p>	GLUDMC Section 10-4-16-D	<p>This will be a challenge to meet this requirement due to the short distance between driveways.</p>	<p>Discuss Further</p>

SUPPLEMENTARY LAND USE CONSIDERATIONS (cont.)

Requirement	Standard	Proposed	Compliance Verified
PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES Where a zoning district boundary cuts through a lot, the use regulations to each portion of the lot shall strictly apply to it and shall not extend into the other portion of the lot that has a different zoning district designation.	GLUDMC Section 10-4-22	The proposed development utilizes a mix of uses over all of the districts. In order for this to occur this section would need to be waived as well as others noted.	Currently Does Not Comply
MULTI-UNIT RESIDENTIAL DEVELOPMENT For developments approved by the City to be constructed in other districts allowing multi-unit residential development, the minimum size requirements are: <ol style="list-style-type: none"> Minimum lot size shall be calculated as 7,000 square feet (sq.) for the first unit and an additional 4,000 square feet (sq.) for each additional ground level unit in the structure. The minimum lot size for units within a structure adjacent to a street corner shall be 10,000 square feet (sq.). Subject to the maximum number of units permitted in any other section of this Code, the maximum number of units per acre of lot size shall be fifteen (15) units Minimum frontage will be fifty feet (50') Minimum seatback for the front yard will be twenty-five feet (25') Minimum rear setback will be twenty feet (20') Minimum side yard setback will be twenty feet (20') For corner lots, there shall be two front yard setbacks If two or more structures are located on one lot, the minimum distance between the structures will be thirty feet (30') 	GLUDMC Section 10-4-34-2-b	This section would be applied to the Townhouses & Apartments/Condo's. #1 The parcels surrounding the townhomes in consideration with the townhome lots are a minimum of 1,920 square feet per lot and thus do not meet the minimum lot size requirement. #2 Need additional information of the total area of each type of housing type to make a determination. #3 The frontage for each building is greater than 50 feet. #4 Front yard setbacks for the townhomes are 5 feet opening onto a open space parcel #5 Rear yard setback for the townhomes are five feet. #6 Side Setback 5' on end units #7 The corner lots seem to only have the 5-foot side setback.	Minimum Lot Size Does Not Comply Density Requires Additional Information Frontage Complies Setbacks Do Not Comply Structure Spacing Requires Additional Information
		Applies to Apartment/Condo's	

SUPPLEMENTARY LAND USE CONSIDERATIONS (cont.)

Requirement	Standard	Proposed	Compliance Verified
<ol style="list-style-type: none"> 1. All streets shall be designed and constructed to meet the City's standard for streets. 2. There shall be a minimum of two (2) parking spaces provided for each unit. 3. If sufficient separated designated visitor parking is not available in approved curbside locations, off-street parking shall be provided 4. Additional parking for recreational, commercial, and other types of units will be required if the residents are not required to park them off-site by a rental/owner agreement 5. Parking for the first ten (10) units shall provide one (1) separate designate visitor parking stall per dwelling unit. For each unit over the first ten (10) dwelling units, one (1) additional parking stall for each two (2) dwelling units shall be provided. For any partial stalls calculated, the applicant shall round up to the next whole number of stalls 	GLUDMC Section 10-4-34-3	<p>#1 Private streets don't meet City standards</p> <p>#2 It is not clear if they are providing single car garages and a single stall driveway or if it is a two car driveway.</p> <p>#3 Off street parking has been provided. The quantity is in question.</p> <p>#4 Unknow at this time how recreational vehicles will be addressed.</p> <p>#5 55 visitor parking stalls provided for 189 units. This should be 100 stalls.</p>	<p>Private Streets do not comply (see Street Considerations Section for explanation)</p> <p>Requires Additional Information.</p> <p>Requires Additional Information.</p> <p>Quantity Does Not Comply</p>
<ol style="list-style-type: none"> 1. Maximum height is two (2) stories or thirty-five feet (35'), whichever is less 2. Ground floor units shall be ADA accessible 	GLUDMC Section 10-4-34-4	Based upon the limited information provided the proposal meets height requirements. TBD noted on Apartments.	<p>(1.) Complies</p> <p>(2.) Unknown at this point.</p>
The portion of the lot not covered by improvements shall be fully landscaped in accordance with Chapter 9 of GLUMDC.	GLUDMC Section 10-4-34-5	The concept drawings show everything fully landscaped.	Complies

STREET CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
PRIVATE STREETS A privately-owned way or lane which affords the principal means of access to property. A private street which serves up to two (2) dwelling units shall have a right of way width of not less than 30 feet and shall be constructed and maintained with an all-weather dustless surface that meets the specifications of the City for a standard residential street section, except that the base course need only be 20 feet wide with a slope or crown of 2 to 4%, no bituminous surface course need be applied and said street shall have a shoulder v-ditch with a slope of 6 to 8%. <u>Private streets that serve more than two dwelling units or any business activity</u> shall be constructed and maintained according to the City standards and specifications for a “standard residential street.” Any private street that is longer than 150 feet shall have a cul-de-sac or hammerhead at the end thereof. The dimensions or layout of any required cul-de-sac or hammerhead shall comply with City’s standards and specifications for public cul-de-sac or the minimum specifications of the current International Fire Code for hammerheads. The developer or owner(s) of a private street shall place a street sign at the intersection of the private street and all public streets, indicating the name of the private street, the north or east coordinate and that the street is a “private street”. The location and specifications for the private street sign shall be determined by the City Public Works Director.	GLUDMC 10-2-247	A 30-foot-wide right-of-way is proposed for private streets. The Code requires that streets serving more than two dwellings, or a business must be constructed to meet the street standards for a standard residential street. See following section addressing the standard residential street cross section.	Does Not Comply
STANDARD STREET CROSS SECTIONS Local Street Cross Section (Grantsville’s Current Standard Residential Street) requires a minimum 66-foot right-of-way, 38-feet of pavement bound by 30-inch curb and gutter on both sides, 6.5 -foot park strips and 5-foot-wide sidewalks along boundaries of right-of-way.	Grantsville 2022 Transportation Master Plan, Figure 8 Typical Cross Sections - Local Roadway Section	There are no details as to what the 30-foot or the 50-foot cross section looks like.	Does Not Comply Additional Information Required.
Matthew’s Lane and Durfee Street should be improved as collector streets as detailed in the Grantsville 2022 Transportation Master Plan. Matthew’s Lane is currently shown as a local street with transition to collector after 2031 but the proposed PUD will very likely move this requirement up as center turn lanes will be necessary to serve the proposed uses.	Grantsville 2022 Transportation Master Plan, Figure 8 Typical Cross Sections - Collector Section		Verify that the streets are being improved and appropriate right-of-way is being dedicated to meet the collector requirements.

PARKING AND DRIVEWAY CONSIDERATIONS (Chapter 6)

Requirement	Standard	Proposed	Compliance Verified
RESIDENTIAL DISTRICTS (1) The following restrictions shall apply to single family detached, single family attached and two family dwellings: (a) Parking on driveways located between the front or corner side lot line and building shall not be allowed for satisfying the requirements stated in this chapter. (b) The provision of parking spaces elsewhere on the lot shall conform to the other applicable requirements of this chapter. Requirements for garages shall be as specified in each zoning district regulations. (d) No parkway or right-of-way area adjacent to or near the lot shall be used for parking. (e) A maximum of four outdoor parking spaces shall be permitted per lot. Parking spaces located within 30 feet of an alley, and taking access from such alley, shall be exempt. Recreational vehicle parking, where permitted, shall be included.	GLUDMC 10-6-9	In the standards table provided by the applicant they show that they intend to provide two parking spaces per lot. The single-family dwellings will need to have two car garages to provide the two parking spaces.	As the standard is minimum of two parking spaces per lot and they cannot be in front of the building or on the street side of a corner lot, the only option is two car garages. Per code No additional parking spaces will be allowed on the lot. If this is the case then the proposed development Complies with this requirement.
DRIVEWAY CONSTRUCTION REQUIREMENTS 1. Driveways hereinafter constructed in the City shall be designed and constructed in conformance with this Chapter. 2. All driveways shall be hard surfaced, with a material approved by the City Engineer, and shall be designed and constructed to conform to current American Public Works Association ("APWA") standards as well as all standards developed by the City. 3. No building permit shall be issued for the erection or construction of a building unless all proposed driveways are reviewed and approved by the City. 4. No driveway or driveway approach shall be permitted to encompass any municipal facility, including but not limited to traffic signal standards, catch basins, fire hydrants, crosswalks, loading zones, storm drains, utility poles, fire alarm supports, meter boxes, manholes and sewer cleanouts. a. Any person, company, or enterprise found violating this Section shall be fined up to \$1,000 per violation, and subject to all other fines and penalties found in this Chapter and allowed by law, including GCC 17-1-6. b. Any person, company or enterprise found violating this Section, in addition to any penalties found in 6.14(A)(4)(a), shall be liable for all costs repair or restore the municipal facility, all costs to remove, relocate, or bring into compliance the offending driveway or driveway approach, and all actual damages to real property caused by the offense. 5. Variations from the requirements of this Chapter may only be approved by the City Council.	GLUDMC 10-6-14-1		There is not enough information provided to make a determination of compliance at this time. Recommended that no exceptions are granted for this requirement.

PARKING AND DRIVEWAY CONSIDERATIONS (Chapter 6 cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>1) Streets and Roadways</p> <p>a) Driveways for off-street parking shall be located on streets designated as local, residential, or main street unless otherwise permitted herein.</p> <p>b) Driveways accessing arterial, rural, or collector streets require pre-authorization approval from the City Council prior to construction.</p> <p>i) Approval will be granted only if access to the property off another road is impossible or overly burdensome.</p> <p>c) Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.</p> <p>2) Shared Access</p> <p>a) Shared access driveways between adjacent lots are hereby encouraged.</p> <p>3) Right-of-Way</p> <p>a. Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and upon written confirmation from the City that the City has determined that such encroachment is necessary to preserve safe roadway conditions.</p>	GLUDMC 10-6-14-4	<p>The SR-12 limited access highway and Lamb Lane arterial do not have any driveways accessing them and have limited street access by intersections.</p> <p>Street G and Street J are serving as internal collector streets for the subdivision. They also have driveways onto the street.</p>	<p>While information is vague at this point, it looks as though the proposed configuration of lots and internal streets keep residential driveways off the collector streets. Complies.</p>

PARKING AND DRIVEWAY CONSIDERATIONS (Chapter 6 cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>The following restrictions shall apply to single family detached, single family attached and two family dwellings:</p> <ol style="list-style-type: none"> 1. Parking on driveways located between the front or corner side lot line and building shall not be allowed for satisfying the requirements stated in this Chapter. 2. Unless an exception is granted by the City Council, driveway approaches in front and corner yards shall not be greater than thirty feet (30') in width. 3. The provision of parking spaces elsewhere on the lot shall conform to the other applicable requirements of this Chapter. Requirements for garages shall be specified in each zoning district regulations. 4. No parkway right-of-way adjacent to or near the lot shall be used for parking. 5. For each single-family residential lot no more than two driveway approaches shall be permitted. In all instances, the total width of two or more driveway approaches may not exceed one-third of the lot frontage in which the drive approaches are constructed. A drive approach shall have a minimum width of twelve feet (12') between them, not including flares. 6. The second driveway cannot access an arterial or collector street, unless approved by the City Engineer and City Council. 7. Driveways shall not be closer than: <ol style="list-style-type: none"> a. Twelve feet (12') to each other; and b. Sixty feet (60') along the right of ways to a point of a road or street right-of-way intersection as measured from back of sidewalk or property line to edge of driveway 8. Circular driveways shall only be permitted on local residential streets. A minimum lot frontage of one hundred feet (100') or greater is required of if located on a corner lot, at least thirty-five feet (35') of spacing from the curb line to the leading edge of the driveway. 9. Secondary driveways must be no closer than 10' from the adjacent property line, as measured from the property line to the edge of driveway, not including flares 	GLUDMC 10-6-14-5	<p>Pertaining to Requirement #7</p> <p>The applicant needs to determine the necessity to request an exception to the 12-foot minimum driveway spacing requirement. Due to lots frontage size no lots will be able to meet the 60- foot spacing from and intersection.</p>	Requires Additional Information.

DEVELOPMENT CONSIDERATIONS (Chapter 21)

Requirement	Standard	Proposed	Compliance Verified
CREATION OF SUBSTANDARD LOTS PROHIBITED No lot shall be created that does not conform to the requirements of this code and the zoning district in which it is located.	GLUDMC Section 10-21-1-6	The proposed lots are smaller than what are allowed in their respective zones.	Does Not Comply
OPEN SPACE APPLICABILITY OF REGULATIONS (1) In recognition that the residents of Grantsville highly value the open tracts of land that currently are characterized with recreational uses, agricultural uses, minimal development or remain in a natural state, Grantsville City desires to protect and preserve these characteristics while allowing for continued growth and improvement of the community by requiring each proposed development to consider and maintain some form of open space as described in the following regulations. (2) All undeveloped parcels that come before the City as a subdivision of land shall comply with the open space regulations found in this chapter. All development shall be in compliance with all applicable Grantsville City ordinances, regulations, or resolutions and when in conflict, the provisions of this chapter shall prevail.	GLUDMC Section 10-21-1-12	The Narrative for the project claims that parks and trails and amenities are being provided as part of the project. There is not enough information to determine if the open space requirements have been met. The Applicant should review the requirements of 10-21-1-14, 15, 16 & 22 and provide more specificity of how the project will comply with the open space requirements.	Additional Information is Required.
SITE ANALYSIS MAP (1) Concurrent with the submission of a preliminary plat, or site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this chapter. (2) The site analysis map shall include: (a) Location of natural drainages depicting flowline and top edge of channel; and (b) Springs, ponds, riparian zones, marsh and wetlands boundaries; and (c) Active agricultural, pasture areas; and (d) Rock outcroppings and slopes greater than 30%; and (e) Known archeological or historical resources; and (f) Wooded areas; and (g) Existing walking, equestrian, off-highway vehicle or bicycle trails; and (h) Existing streets, structures and utility infrastructure. (i) Other unique site features that may hold value if incorporated in open space areas.	GLUDMC Section 10-21-1-13		Required at Preliminary.

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>USE OF OPEN SPACE</p> <p>(1) Open space is the portion of a subdivision or site that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.</p> <p>(2) Open space areas shall be protected in perpetuity from further development or unauthorized use by permanent restrictive covenant. Grantsville City reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Ann. §57-1 8-6 (1985). Uses of open space may include the following:</p> <ul style="list-style-type: none"> (a) conservation of natural, archeological or historical resources; (b) meadows, woodlands, wetlands, riparian zones, raptor nesting sites, wildlife corridors, game preserves, habitat for endangered or threatened species, critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources, or similar conservation-oriented areas; (c) cemeteries, archaeological sites and burial grounds and other historic and/or archaeological sites as identified by the Grantsville City Historical Preservation Committee and Utah Division of State History, Utah State Historical Society; (d) walking, equestrian, off-highway vehicle or bicycle trails; (e) passive recreation areas, public and private, including pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas; (f) active recreation areas, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total open space such as streets and parking lots shall be excluded; (g) agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts; (h) problematic soils and the 100-year floodplain as identified by (FEMA Flood Map); (i) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps; (j) other conservation-oriented uses compatible with the purposes of this chapter. 	GLUDMC Section 10-21-1-14		Additional Information Required.

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

USE OF OPEN SPACE (cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>(3) As open space contributes to the overall character of the community, three underlying principles shall guide the siting and use of open space areas:</p> <p>(a) Open space shall be accessible to the public where practicable. Open space shall be accessible internally, connected to public streets and trails, and generally available for public use and enjoyment with the understanding that some uses may necessitate limited public access such as but not limited to: active agricultural uses, historic structures, and equestrian facilities.</p> <p>(b) Open space shall be visible. Open space shall be located and configured so that a portion of the open space bounds or intersects with public right-of-way or other publicly accessed parcels</p> <p>(c) Open space shall preserve the community's character. Open space shall preserve existing features in the community and/or create new amenities that are in harmony with the existing characteristics of the overall community</p>	GLUDMC Section 10-21-1-14	<p>The open space has been provided for the benefit of the local residents who are paying for its maintenance and upkeep through an HOA</p> <p>The narrative describes the proposed parks to provide amenities with interlinking hardscape walks and trails for resident access.</p>	Additional Information Required

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>OPEN SPACE REQUIREMENTS</p> <p>(1) Each subdivision or site plan shall provide a minimum of 10% of its total parcel acreage as open space. The open space shall be designated on the preliminary plan or site plan and recorded on the final plat. The minimum restricted open space shall comprise at least 10% of the total parcel acreage. The open space shall be held and maintained in a private protective trust. In limited cases such as the provision of a minimum of five-acre public park the City Council at its discretion may, by finding of a beneficial public purpose, choose to accept the dedication of such parcels and improvements.</p> <p>(2) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 10% minimum area requirement except that historic structures and existing trails with public access may be counted. Areas greater than 10% of the total open space area that is covered with any impervious surface shall be excluded from the open space calculation.</p> <p>(3) At least 75% of the open space shall be in a contiguous or interconnecting tract. The open space shall be designed in such a way that it adjoins any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. If there is no defined or identified open space on adjoining land, then the open space shall provide areas for the eventual connection with future development as practicable</p> <p>(4) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. The type of open space shall be taken into consideration when making the determination of direct accessibility. Open space parcels that are preserved as active agriculture or pasture land may have limited direct accessibility as the use requires restricted access, but it is expected that such uses shall be located along the sides of public streets or trails so that the open space will provide for the benefit and enjoyment of residents as it reserves the open rural atmosphere desired by the residents. Historic features or other unique natural features due to the nature of their location, characteristics and configuration may also limit direct accessibility but shall be showcased in such a way that it may provide for the benefit and enjoyment of residents as it preserves the open rural atmosphere desired by the residents. Non-adjoining lots shall be provided with safe, convenient access to the open space. Trails are encouraged in the subdivision to access both natural open space areas within the subdivision and those that may be located nearby. Just as with streets, trail connections for connectivity and access with future subdivisions and the City-wide trails system shall be considered</p>	GLUDMC Section 10-21-1-15		Additional Information Required

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

OPEN SPACE REQUIREMENTS cont.

Requirement	Standard	Proposed	Compliance Verified
<p>(5) In lieu of, or in a proportional combination with, the provision of 10% of the total parcel acreage as open space, the developer may, through agreement with the Planning Commission and City Council apply 10% of the predeveloped value of the total parcel acreage, as determined through an owner provided appraisal by a certified real estate appraiser, to purchase another parcel that would be designated as park or open space, construct amenities in existing public parks and open space located within ½ mile of the proposed development, and extend off site trails from the proposed development with sidewalk and trail connections between both parcels to benefit the residents of the development</p> <p>6) Land dedicated for use as a public park shall be no smaller than five acres and shall not be located any closer than three quarters of a mile from another public park. The City Council may make exceptions to the minimum distance if walkability and other accessibility issues limit the residents of the proposed subdivision from safely or conveniently accessing the nearest public park. Requiring improvements that remove the accessibility barriers may be considered proportionally not exceeding the appraised value of the predeveloped value of the total parcel acreage as detailed in 21.1.15.6</p>	GLUDMC Section 10-21-1-15 cont.		Additional Information Required

Requirement	Standard	Proposed	Compliance Verified
<p>OPEN SPACE NETWORK CONFIGURATION</p> <p>The minimum standards for open space networks are as follows:</p> <p>(1) The minimum width of any open space area is 25 feet.</p> <p>(2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.</p> <p>(3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.</p> <p>(4) Paths located in primary conservation areas shall be constructed of pervious materials.</p> <p>(5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the city engineer.</p> <p>(6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the city engineer.</p>	GLUDMC Section 10-21-1-16		Additional Information Required

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

Requirement	Standard	Proposed	Compliance Verified
PROHIBITED USES OF OPEN SPACE (1) Uses of open space shall not include the following: (a) roads (b) parking lots that occupy more than 15% of the open space; (c) dwellings; (d) commercial uses; or (e) land set aside for use that solely benefits any one person or entity. (2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the applicant or City chooses to place on the use of the open space.	GLUDMC Section 10-21-1-22		Additional Information Required

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

Requirement	Standard	Proposed	Compliance Verified
STREETS (1) Roads shall be designed in accordance with standards adopted by Grantsville City. (2) Streets shall bear the names of existing aligned streets. There shall be no duplication of road names. All road names shall be approved by Grantsville City. (3) The arrangement on new streets in a development shall provide for the continuation of existing streets in adjoining areas at widths as designated by the street classification as found in the Grantsville 2022 Transportation Master Plan and Grantsville City's Street Technical Specifications and Standard Drawings. No subdivision street shall extend farther than 750 feet beyond its intersection with another street. (Amended 06/07)	GLUDMC Section 10-21-6-3	#1 The proposed streets do not comply with the standards street cross sections	#1 Does Not Comply #2 N/A at This Stage #3 Complies

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)
STREETS (cont.)

Requirement	Standard	Proposed	Compliance Verified
(4) In addition to the City codes and standards, all subdivisions shall be designed to meet the applicable requirements in the current adopted edition of the International Fire Code.	GLUDMC Section 10-21-6-3 cont.	#4 Not enough information on the street cross sections to determine at this time.	#4 Additional Information Required
(5) Subdivisions proposing one- or two-family dwellings comprising of greater than thirty (30) lots shall have at least two (2) access points to existing through streets outside of the proposed subdivision. Streets within the proposed subdivision shall be interconnected to the greatest extent possible. Subdivisions utilizing multi-family dwelling units, commercial, or industrial areas shall meet the more stringent requirements of the current adopted edition of the International Fire Code or applicable City ordinances and standards.		#5 Multiple accesses are shown. Phasing to be determined with Preliminary.	#5 Complies to the Extent Necessary at This Stage.
(6) The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead-end roads stubbed for future development must have approval by the Planning Commission and are only allowed where unusual conditions exist which cause interconnectivity of streets to be infeasible due to public safety, physical circumstance or ability to meet design standards.		#6	#6 Complies
(7) The maximum length of a cul-de-sac shall be 750 feet, as measured from the center line of the adjoining street to the center point of the turnaround, with no more than sixteen (16) single family dwelling units, or twenty-four (24) multi-family dwelling units accessing the cul-de-sac.		#7 Not Applicable	#7 Not Applicable
(8) Each cul-de-sac shall be terminated with a turnaround or loop road of not less than 120' feet in diameter at the property line with minimum drivable surface (includes travel surface and gutter pans) of 96' feet in diameter. The City Engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles and emergency equipment to negotiate the turnaround or to meet the street design conditions such as park strip width and sidewalk width or additional widths due to center islands. In no case shall an exception be granted for a turnaround smaller than 120' foot minimum diameter.		#8 Not Applicable	#8 Not Applicable
(9) The design of streets in commercial and industrial zoning districts shall be determined by the City Engineer using the Institute of Transportation Engineers' Trip Generation, current edition for road load and design for the transportation system.		#9 Not Applicable	#9 Not Applicable

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

STREETS (cont.)

Requirement	Standard	Proposed	Compliance Verified
(10) Pedestrian access: All cul-de-sacs shall provide pedestrian connectivity to open space areas, public facilities, trails, or adjacent subdivisions.	GLUDMC Section 10-21-6-3 cont.	#10 Not Applicable	#10 Not Applicable
(11) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the city public works.		#11 Construction	#11 Not Applicable at This Stage
(12) Temporary road signs shall be installed by the developer with the road names approved on the plat.		#12 Construction	#12 Not Applicable at This Stage
(13) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Grantsville City when the infrastructure is inspected and accepted.		#13 Construction	#13 Not Applicable at This Stage
(14) The arrangement of streets in a new subdivision or development shall provide for the continuation of existing streets in adjoining areas at widths designated by the street classification found in the Grantville Streets Master Plan and the City's design standards		#14 No existing streets to extend.	#14 Not Applicable
(15) Streets adjacent to a new subdivision or development shall be fully improved on the side of the street fronting the subdivision with a minimum paved travel surface width of 26 feet or half the pavement width per the street's classification, whichever is greater. All associated improvements such as sidewalk, curb, gutter, shoulders, ditches, and/or side slopes so as to assure proper drainage, bank stability, and traffic safety shall be construed to city standards on the side of the street fronting the subdivision. The non-property line edge of street shall have installed a temporary ribbon-curb.		#15. It is not clear what improvements are occurring on the adjacent streets. Both Durfee Street and Matthews Lane will require dedications of land to meet the street classification.	#15 Requires Additional Information
(16) No development shall be approved unless streets and associated infrastructure leading to the subdivision provide an adequate level of service for existing users while accommodating the new development. The developer shall be responsible to mitigate off site impacts. The traffic impact study shall be considered in the determination of any off site impact mitigation requirements. The level of mitigation of off-site impacts shall be determined by the planning commission upon recommendation by the city engineer in conformance with the City's general plan including associated plans and studies, adopted ordinances, specifications, standards, and considerations of public health and safety.		#16 A Traffic Impact Study has not been submitted at this stage.	#16 Requires Additional Information.
(17) All associated improvements such as sidewalk, curb, gutter, or alternate drainage shall also be constructed to city standards for a "Public Road, Standard Street Section" as specified in Grantsville City's Technical Specifications and Standard Drawings, unless waived by the city council.		#17 The street cross sections proposed for the 30-foot wide and 50-foot wide streets do not meet the standard street cross section requirements.	#17 Does Not Comply

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)
STREETS (cont.)

Requirement	Standard	Proposed	Compliance Verified
(18) No building permit shall be issued until such time as all of the required improvements and the installation of utilities have been completed or until a financial assurance has been filed with the City that complies with the requirements of Chapter 21, Section 7 of this Code. The City Council may also require that the subdivision improvements be guaranteed for two year after their installation, in a manner consistent with guarantees required for a standard subdivision.	GLUDMC Section 10-21-6-3 cont.	#18 Construction	#18 Not Applicable at This Stage.
(19) Commercial developments having thirty (30) or more separate commercial lots or proposed businesses shall be required to provide for more than one means of vehicular ingress and egress to the development. The timing of the installation of the alternate means of ingress and egress shall be determined by the City Council, after a recommendation from the Planning Commission.		#19 Not enough information to determine this at this time. However the frontage on public streets provides plenty of length for multiple accesses.	#19 Planning Commission may determine if this needs to be addressed at this time.
(20) Improvement of Existing Boundary Streets: Existing streets fronting or bounding the development shall be improved to meet the classification and construction standards specified by the City for the street. These requirements shall include:		#20	#20 Requires Additional Information
<p>(a) Dedication of additional right-of-way width to meet the greater of the half of the minimum width required for the particular street classification as measured from the centerline of the existing street right-of-way.</p> <p>(b) Developer shall provide as part of preliminary plat application a survey of existing street improvements on existing street rights-of-way or the minimum width required to provide a 26' foot minimum pavement width meeting the International Fire Code access requirements bounding the proposed subdivision and an assessment by a licensed Geotech assessing the condition of the existing concrete and bituminous pavement, base and subgrade materials and certifying whether or not the existing right-of-way improvements meet Grantsville City's current development and construction standards. The survey shall include topography, location and elevations of street crowns, edge of pavement, curb and gutter, sidewalk, utility boxes, manholes and any other permanent objects within the street right-of-way or adjacent to the street right-of-way that may be associated to the existing improvements or have bearing on potential future improvements associated with the proposed subdivision.</p>		#20a	#20a Requires Additional Information.
		#20b	#20b Not Applicable at This Stage

DEVELOPMENT CONSIDERATIONS (Chapter 21 cont.)

STREETS (cont.)

Requirement	Standard	Proposed	Compliance Verified
<p>(c) In cases where the existing street improvements do not meet current city improvement standards, deficiencies shall be corrected to meet current standards. These corrections include any deficiencies in the right-of-way or edge of pavement beyond centerline to meet the minimum 26' foot minimum pavement width requirement from the subdivision boundary to the greater of the centerline of the right-of-way. Additional repair and replacement may be required beyond the right-of-way centerline if construction of improvements for the subdivision such as trenching for utilities serving the subdivision or construction activities for the subdivision have damaged existing improvements or the design of the proposed improvements requires additional reconstruction to provide smooth transitions, maintain appropriate drainage and maintain the safe operation of improvements.</p> <p>(d) Improvements in the half width of the right-of-way as measured from the centerline of the existing street right-of-way shall meet the same construction finish standards required within the subdivision. Existing pavement surfaces to remain shall be milled down and overlain with a minimum of 1-inch bituminous surface course providing a continuous surface from street centerline to edge of pavement at lip of curb or shoulder.</p> <p>(e) If the existing boundary street right-of-way is not paved, improvements to bring the street in compliance with current City standards shall include a paved surface width of a minimum of 26 feet for the full length of the subdivision boundary frontage or, in agreement with the City, full width improvements to the right-of-way for a distance proportional to the total length of subdivision boundary, as if partial improvement were completed.</p>	GLUDMC Section 10- 21-6-3 cont.	<p>#20c</p> <p>#20d</p> <p>#20e</p>	<p>#20c Requires Additional Information.</p> <p>#20d Not Applicable at This Stage.</p> <p>#20e Not Applicable at This Stage.</p>
<p>EASEMENTS</p> <p>(1) A ten-foot public utility easement shall be established along the front of each lot.</p> <p>(2) A 7.5-foot public utility easement shall be established along the sides and back of each lot.</p> <p>(3) Guying easements at corners may be required.</p>	GLUDMC Section 10-21-6-8	The drawing does not show easements around lots. The setbacks will not allow for the 7.5-foot side easements.	Does Not Comply

GENERAL PLAN CONSIDERATIONS

The General Plan makes the following statements that may be applicable to the proposed project:

The opening element of the Grantsville City General Plan lists the following Community Core Values which form the underlying values behind the policies and goals of each element of the General Plan.

Community Core Values

Core values of a community are specific statements that illustrate the residents' desires and needs for their community. These values support and prescribe the future of the community, while remaining adaptable to the ever-changing nature of a municipality. Grantsville values include:

- Retain the feel and atmosphere of a small community

Comment: Small Lots packed tightly together do not retain the feel and atmosphere of a small community unless generous amounts of open space is interspersed throughout the subdivision to open it up and break up the wall to wall buildings.

- Offer an increased quality of life for residents, regardless of age or socioeconomic status

Comment: The mixture of types and sizes of residential products provides opportunities for residence in this community regardless of age and socioeconomic status. The proposed PUD includes at least 20% affordable housing which is very much needed in Grantsville. Robust trail systems and generous parks with amenities to promote an active inviting space would help to increase the quality of life for its residents. Walk ability, bike ability, convenient services and attractions also help to improve quality of life.

- Attract and retain necessary amenities or services to encourage residents to shop locally.

Comment: The proposed PUD will provide opportunities for commercial development with one substantial commercial project already guaranteed as part of the project. The local shops proposed need local residents in an adequate density to keep them in business. The PUD also provides additional residential to support the commercial.

- Support development of the local tax base.

Comment: The local tax base increases as additional businesses come into the community.

- Provide affordable housing options that meet local needs and local socioeconomic characteristics for residents.

Comment: Affordable housing means options such as multi-family housing, apartments and smaller homes on smaller lots being made available in areas that have great transportation access and convenience of location to basic services and to employment. The proposed location is within walking distance of Main Street and a commercial component as part of the project that may provide support for the PUD's resident's needs.

- Support business development for local employment opportunities.

Comment: This project provides a balance of residential and commercial in the downtown area which will also provide additional employment opportunities. Commercial growth will not occur if there are not roof tops to support the businesses.

It is important to note that no development is going to meet all of the goals of the General Plan nor does the City want a development to meet all of the goals. The City land use map contains 10 distinct types of land uses and the Zoning Map contains 18 distinct zones. The expectation is that each of those zones serves a unique purpose that is different from the other zones. As conformance to the General Plan is considered for an application, the consideration should weigh its compatibility to surrounding uses, its fit within the zone and land use it would reside in and its compatibility in the community overall. We should not expect to meet moderate income housing needs with one-acre single family lots. Nor should we expect that those residing in one acre or larger lots will have convenient access to employment, goods and services within walking distance.

The Matthews Development seems to support or should support the following goals and policies:

LAND USE

Goals and Policies and Land Use

Goal 3. **Support a Mix of Land Uses.** Grantsville desires a well-balanced, financially sound, and functional mix of agricultural, residential, commercial, open-space, recreational, and institutional land uses.

Provide for the reservation of adequate land to meet projected institutional and infrastructure needs.

Policy 3. Ensure compatibility of future land uses with adjoining properties.

Comment: The proposed development is placing the higher densities nearer the downtown core with the largest single family lots in the proposed project bounding the west side to provide a buffer for future development to the west.

Policy 4. Promote neighborhood commercial development in targeted areas, to preserve existing or planned residential development without detracting from the residential character of the community. Increase density along the Main Street corridor, offering more clustered housing alternatives for lower income families within convenient access to necessary amenities.

Comment: The proposed PUD provides the opportunity for neighborhood commercial that is conveniently accessed for the PUD's residents and other living in the surrounding area. The walkable access to the Main Street downtown core is also a great plus to the proposed development.

Policy 7. Allow the sizes of lots/units within a subdivision to vary from the zoning requirement while maintaining the overall zoning density of the parcel to provide Improved Open Space through the Planned Unit Development (PUD) Process.

Comment: The proposed development provides a variety of sizes and types of lots and units.

Goals + Policies + Community Design

Goal 2. **Create a more pedestrian-friendly community.** As new development is proposed, and/or as resources become available to the City, invest in things that promote an active lifestyle.

Policy 2. Construct maintained pathways of adequate widths on streets in high density areas that currently do not have paths for other types of transportation other than driving.

Comment: If there are sidewalks on all of the streets and alleys the neighborhood with pathways that link the proposed amenities this project would meet this goal.

Goals + Policies + Transportation

Goal 1. **Provide for the existing and future transportation needs.** Develop and maintain transportation systems of adequate size and capacity to serve the existing and projected permanent and peak population in all areas of the city.

Policy 1. Street paving and pedestrian surfacing materials should be economical, serviceable, and easy to repair. The variety of surfacing materials should be kept to a minimum.

Policy 2. The parking policy shall be to require on-site parking enough to meet the anticipated parking demand of proposed development.

Comment: Adequate parking is still in question especially in the townhouse area. The definition of parking for single family lots by not allowing counting parking on the driveway in front of the house is also in question.

Policy 3. The City will require necessary transportation improvements, including adequate right-of-way dedications, and other transportation facility enhancements, concurrent with development approvals to adequately serve the development.

Comment: The proposed street rights-of-way don't comply with the City standards and parking for visitors for the townhouses and apartments is inadequate.

Goal 3. **Develop a comprehensive transportation system.** Incorporate many modes of travel, including private vehicle, mass transit, pedestrians and bicycles.

Policy 1. Access for the disabled shall be addressed in all public improvements.

Policy 2. Provide a pedestrian-oriented sidewalk, path and trail system that offers convenient access throughout the entire city.

Comment: Links to city wide trails and sidewalks are key to accomplishing these goals.

Policy 3. Walking and biking will be a practical and enjoyable means of travel within the City with the provision of safe sidewalks and multiple use trail system (including ATV and equestrian users).

Comment: This is something that can be further discussed.

Goals + Policies - Housing

Goal 1. **Housing Stock.** Grantsville seeks to develop a variety of housing opportunities.

Policy 1. Support the development of single-family dwellings, multi-family dwellings, and retirement housing.

Comment: This project provides a variety of types of housing helping to fulfill this need.

Policy 2. Encourage a variety of housing and residential opportunities by establishing and providing a range of allowed residential densities and lot sizes [as per UCA 10-9a-403(2)(b)(iii)(A)].

Comment: The Matthews Development is proposing that at least 20% of the residential will be affordable (moderate income housing). This is the basis of the grant they are pursuing for the development.

Goals + Policies - Recreation And Open Space

Goal 2. **Improve Recreation Opportunities.** Grantsville encourages the development and maintenance of parks with quality recreational facilities that connect all parts of the community.

Policy 4. Provide a connected and useable open space network.

Policy 5. Establish open space guidelines and maintenance options for existing and future open space areas.

Policy 6. All new developments will be required to contribute to the provision of open spaces within the City, either through onsite reservation, where appropriate, offsite contributions, or payment in lieu.

Policy 7. Increase prescribed play spaces for sporting teams or events, specifically soccer, baseball, softball and other sports.

Policy 8. Play structures/areas shall meet and/or exceed all current CPSC, ASTM, IPEMA standards, and ADA requirements.

Comment: The narrative mentions an abundance of amenities for the residents. Additional specific information is required to determine how this conforms with these goals.

Exhibit APUD Narrative – Provided by Matthews Development 03.08.23

The Proposed Matthews Development consisting of 70 acres will be a masterplan community comprised of well-located commercial, multifamily and single-family lots/units of varying densities. Through the PUD process, Land Owners/Developer will create a more desirable environment and development for the City, local economy and community. Through a variety of housing options and product types this development will provide housing for a wide demographic and varying housing budget(s). The residential product and housing options will be attractive to first time home buyers, young families, general workforce, renters looking for quality housing, in addition to product for individuals in all stages of life. The development will focus on consistent aesthetics, a cohesive site plan to blend varying residential product types with commercial/retail, and to maximize the benefit to the City, community and surrounding area. See Exhibit A for concept plan.

PUD Objective List

- a) As a joint collaboration between Land Owners and Developer, we are applying for a PUD that creates a more desirable environment for the City through the following:
 1. Commercial / Retail: We will provide much needed commercial and retail space in Grantsville. Through the 14 acres of commercial provided in this development, not only will this deliver residents and the community convenient and well-located amenities, but it will benefit the local economy and keep crucial dollars within Grantsville. With the anticipation of a local Grocery Store, Soelberg's will be building a new flagship large, scale, 45,000 SF store on the site. The commercial provided through this development will have an extremely positive impact on the City. The location of the commercial/retail is arguably the best in Grantsville and all of the commercial/retail will be strategically positioned to maximize exposure, create efficient traffic patterns, and provide a variety of amenities, retailers, etc. for current and future residents of the City.
 2. Affordable Housing: There is an apparent need for affordable housing within Grantsville, which has been discussed and addressed in the Grantsville General Plan to: "Encourage Affordable Housing – Work with and incentivize local developers to create vital affordable housing within Grantsville". This development aims to provide a variety of product types that will create some affordable housing (approximately 20% of the residential units) which the city desperately needs. This affordable housing component will allow Solberg's to apply for and qualify for CRDA treatment. In addition, the City's General Plan that outlines the importance to "Diversify Housing Stock – Encourage adequate density of housing stock within the community" will be addressed and provided in this development and will cater to a wide demographic of home buyers with the residential product offered. This development will not exceed 528 total residential units at build out. This creates a blended average of less than 7.6 units to the acre on the total master planned community (70 acres).
 3. Matthews Well: As development of the Project occurs and when Matthews (land owners) no longer needs to use the well located on the Total Property for irrigation purposes, Matthews shall dedicate the well and all well-related improvements and equipment to the City. This provides substantial value to the City from an infrastructure perspective. All documentation has been provided to the City surrounding the specifics of the well, but it is our understanding that this Well has value for Secondary or Culinary purposes, and can heavily benefit the City.

- b) The use of design, landscape and architectural features being designed in this development will create a community that utilizes precious resources in a responsible manner, creates a cohesive neighborhood and provides amenities/open space that are needed within the community. Anticipated amenities include, but are not limited to Swimming Pool(s), Pickleball Courts(s), Dog Park(s), and Playground Equipment. The Goal is to maximize amenities that resonate with residents and the community while conserving precious natural resources like water. To eliminate added pressure to the City's infrastructure and resources, and ensure all amenities are properly cared for, all amenities and open space will be maintained by the Master HOA of the development.
- c) Not applicable
- d) The entire master planned community will have connecting sidewalks that allow residents and the community a safe hardscape to walk the neighborhood and access the amenities, as well as commercial and retail development in the vicinity in a safe manner.
- e) Not Applicable

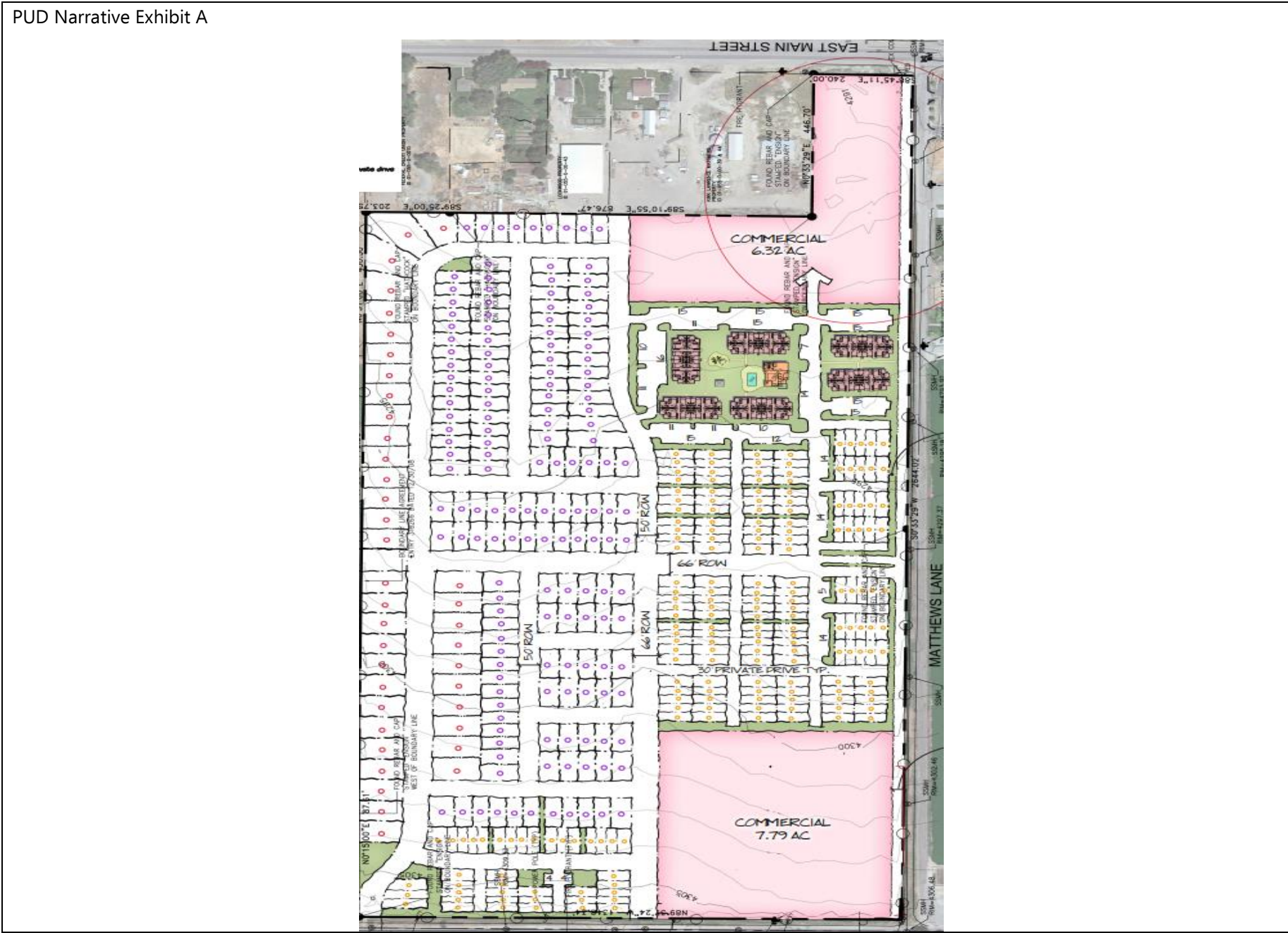
Highlighted PUD Features:

- 14 acres of prime, well-located commercial and retail, including 45,000 SF Flagship Grocery Store – Soelberg's.
- A variety of housing options, both for sale and for rent product, with an affordability component to appeal to a wide range of demographics.
- Valuable well contribution by land owner with infrastructure in place for possible secondary and culinary uses.
- Sidewalks and hardscape that connect through development and provide safe walkability to the entire master plan community and commercial/retail amenities.
- Covenants, conditions, and restrictions (CC&Rs) will be provided to ensure continued maintenance, cohesive architecture and landscaping throughout the neighborhood. The CC&Rs will enable the homeowner's association to enforce the CC&Rs and maintain the neighborhood, and ease the burden on the City for maintenance for all open space and amenities.
- Water conscious amenities and infrastructure to be put in place to limit the use of water - both culinary and secondary.

Deviations from Current City Standards:

While we realize that through the PUD we are requesting a deviation from City Standards, these deviations are necessary in order to create a cohesive master planned community with appropriate housing product and commercial that conforms to Grantsville City's vision, general plan, and Goal #3 Support a Mix of Land Uses Paragraph 7, found in the Land Use Element of the Grantsville City General Plan: "Allow the sizes of lots/units within a subdivision to vary from the zoning requirement while maintaining the overall zoning density of the parcel to provide Improved Open Space through the Planned Unit Development (PUD) Process. "

See Exhibit B for the development standards and deviations from current City standards that outline the proposed product type, which can also be found in the Master Development Agreement to be approved in conjunction with this PUD application.



PUD Narrative Exhibit B

MATTHEWS DEVELOPMENT - GRANTSVILLE, UT				11.1.22				
Development Standards								
Code Requirement	Mixed Use - Comm	Mixed Use – Multifamily	Mixed Use - SFD	SFD 40-ft Lot	SFD 65-ft Lot	Townhomes	Multifamily	Commercial
Minimum Lot Size	½ acre	7,000 SF 1 st unit + 4,000 SF for each additional ground level unit in the structure. Lot size for units in a structure on a corner is 10,000 SF	4,000 SF	3,600 SF (40' x 90')	7,150 SF	1,920 Per attached home (24' x 80')	NA	
Minimum Lot Frontage ⁽¹⁾	100-feet	50-feet	50-feet	40-feet	65-feet	24-feet	NA	
Minimum Yard Setbacks								
Front Yard	25-feet ⁽³⁾	25-feet ⁽³⁾	25-feet ⁽³⁾	20-feet	20-feet	20-feet	See distance between structures	
Rear Yard								
- Main Building	20-feet	20-feet	20-feet	15-feet	10-feet	10-feet	See distance between structures	TBD
-Accessory Bldg.	7.5-feet	7.5-feet	7.5-feet	NA	NA	NA		
Side Yard								
-Main Building ⁽³⁾	7.5/10-feet ⁽²⁾	20-feet ⁽²⁾	7.5/10-feet ⁽²⁾	5-feet	5-feet	0-feet on attached side; 5-feet on open end units	See distance between structures	TBD
-Accessory Bldg.	7.5-feet	7.5-feet	7.5-feet	NA	NA			
-Corner Side Yard	25-feet each side on the street 10-feet other two sides	2 front yard setback	5-feet each side in the street 10-feet other two sides	10-feet	10-feet	10-feet		
Building Height	35-feet ⁽⁴⁾⁽⁸⁾	35-feet ⁽⁴⁾⁽⁸⁾	*35-feet	35-feet	35-feet	35-feet	35-feet ⁽⁸⁾	
Minimum Distance between structures in the same lot	NA	30-feet	NA			5-feet	30-feet between structures on a common lot	TBD
Maximum Building Coverage	NA		NA	55%	55%	90%	75%	
Open Space Requirement ⁽⁷⁾				See section 2.5 of Master Development Agreement			See section 2.5 of Master Development Agreement	See section 2.5 of Master Development Agreement
Landscape Requirement	25% of total Project area	25% of total Project area	25% of total Project area	15%			TBD	TBD
Minimum dwelling size	NA		900 SF of Living space		NA			NA
Parking	4.1 spaces per 1,00 SF of gross floor area	2 spaces per du+ Guest parking ⁽⁶⁾	2 spaces per dwelling – garage(s)/driveway(s) to count as parking and to be included in parking requirement calculations ⁽⁶⁾				4.1 spaces per 1,00 SF of gross floor area	

Exhibit B Continued**FOOTNOTES**

- (1) Minimum frontage (at property line on a public street or an approved private street)
- (2) Setbacks shall be listed or match the easement width, whichever is greater
- (3) Side Setback each side
- (4) Heights of 3-stories above grade and 15 DU/Ac may be approved with special considerations of landscaping, buffering and architectural design that fit the scale of the surrounding neighborhood
- (5) Front setback may be reduced to 12-feet if the garage is setback from the front plane of the home, but in no case can the garage be closer than 20-feet to the front property line
- (6) Parking for the first ten (10) units shall provide one (1) separate designate visitor parking stall per dwelling unit. For each unit over the first ten (10) dwelling units, one (1) additional parking stall for each two (2) dwelling units shall be provided. For any partial stalls calculated, the applicant shall round up to the next whole number of stalls.
- (7) Open space is based on an overall project wide basis
- (8) Building Height to be measured from natural grade to midpoint of roof

Permitted Encroachments (subject to building code requirements)

- Encroachments within all setbacks of up to two (2) feet are allowed for roof eaves/overhangs, brick ledges, bay/box windows, fireplaces/chimneys, entertainment center bump outs, counterforts, cantilevers, exterior post/columns, solar panels, mechanical equipment including HVAC, brick ledges, light fixtures, and like features may be closer than 2-feet to the property line.
- Encroachments within all setbacks of up to three -six inches (3'-6") is allowed for window wells, and like features of the structure.
- Ramps for handicap accessibility may encroach as needed.
- Stairs or steps from the home may encroach to the back of sidewalk outside of the private lot and including encroachments into public rights of way.
- Decks and covered patios may encroach up to seven (7) feet into the rear setback with the provision they are never enclosed.
- Only decks and covered patios less than 30-inches above grad may encroach into the side yard setback but must be a minimum of one-foot (1foot) from the side property line with the provision they are never enclosed.
- Permitted encroachments with the exception of concrete flatwork or pavers, may not be located in any easement.
- Steps, walks, screen walls, trash structures, structures used for ADA compliance and life safety measures are excluded from setback restrictions.

AGENDA ITEM #2

Discussion of Development Agreement for
Matthews Ranch PUD



Planning and Zoning

336 W. Main Street • Grantsville, UT 84029

Phone: (435) 884-1674 • Fax: (435) 884-0426

File# 2023067-B

Development Agreement Summary and Recommendation

Parcel ID: 01-055-0-0045, 01-055-0-0040; 01-070-0-0102 and 01-070-0-0103

Meeting Date: April 13, 2023

Property Address: Corners of Main Street and Williams Lane and Durfee Street, approximately 70 acres

Current Zone: Mixed Use (MU)

Applicants Names: Brett Lovell / Connor O'Leary / Howard Schmidt

Request: Matthews Development Agreement Approval

Prepared by: Cavett Eaton

Planning Staff Recommendation: The Development Agreement for Matthews Development was received and redlined by Dan (Joseph) England, City Engineer, and this is the major subject matter presented in this report. Most of the comments specific to the Development were made in the PUD Summary prepared by the P&Z Staff. Our staff has not had the opportunity to resolve many of the issues of concern with the developer. These concerns need to be addressed and remedied as this process moves toward consideration for approval by the City Council. We recommend this process of review be considered thoughtfully.

PROJECT DESCRIPTION / OVERVIEW

The owners desire to develop the Total Property as a mixed-use project containing both commercial uses and residential uses. As shown on the Conceptual Site Plan, there are two areas of the Total Property planned for commercial uses: one comprised of approximately 7.789 acres at the southeastern corner of the Total Property, and one comprised of approximately 6.32 acres on the northeastern portion of the Total Property.

The owners also desire to sell the commercial properties to one or more commercial developers to be developed and used to help meet the currently unmet commercial needs of the City. It is anticipated that the developers and operators of the Commercial Parcels may enter into their own separate supplemental development agreements with the City, containing provisions pertaining specifically to the development and use of the Commercial Parcels.

It is also their intent to develop the Total Property, except for the Commercial Parcels (the "Residential Property") for residential uses in accordance with the attached Concept Plan. As required by the Zoning, the Residential Property shall be developed and approved as a Planned Unit Development (PUD).

Zone: Mixed Use

Total acreage: approximately 70 acres.

Total Acreage Commercial: 14 acres. Approximately 20% of total acreage.

Residential Units

- Total Proposed: 528
- Types of Residential Units (as shown on conceptual plan):
 - Apartments/Condos?, approximately 144 units. (The narrative discussed rental units)
 - Townhouses, 1,920 sf. lots, approximately 189 units
 - Single Family 3,600 sf. lots, approximately 156 units.
 - Single Family 7,150 sf. lots, approximately 39 units.
 - Average Density in Residential Acreage (56 acres): 9.4 units per acre.
 - Moderate Income or Affordable Housing: approximately 20% of residential units.

SITE & VICINITY DESCRIPTION



Conceptual Site Plan



PLANNING STAFF ANALYSIS

The City staff has reviewed the PUD Application and supporting documents submitted for the Matthews Development PUD. As this application is being submitted prior to a Preliminary application it is understood that very little engineering has been completed at this point. Please understand that while every effort has been made by city staff to anticipate how the requirements and standards may apply to the concept that has been submitted, the Applicants design effort to meet the requirements and standards through an engineered design may cause changes that affect the conceptual layout, density and total number of units that can ultimately be constructed on the site. Any approvals granted by the approval of this PUD Application and the subsequent Development Agreement do not fully vest the applicant and are subject to change with the Preliminary approval.

The staff review has found that there is additional information needed in order to adequately consider the PUD Application and create a comprehensive Development Agreement. The following comments detail many important elements that must be addressed as part of the PUD Application and Development Agreement:

PUD Application Requirements: The Narrative that has been provided with the Application is very helpful for the City to understand the vision of the proposed development and what the applicant perceives as benefits to the community. This Narrative is a key element of the PUD Application. There are three elements that comprise the basic information that is necessary for consideration of the PUD and can be addressed in the Narrative or in separate documents. The approval of the PUD application will result in the creation of a document that is included in a Development Agreement detailing these three elements:

1. Description of compliance with Objectives detailed in Grantsville Land Use Development and Management Code (GLUDMC) Section 12.1. The objectives must be specifically cited with a description of how the objective is being met and those that are not applicable. This has been addressed in the Narrative that has been submitted as part of the application for the Development. No additional action required at this point.
2. Address each of the standards in GLUDMC Section 4.7.8. Since the PUD is a type of conditional use it must meet the standards for a conditional use permit. There are several standards and it is not expected that the responses are exhaustive but the response should explain how the proposed application applies or what efforts have been proposed to mitigate any issues of non-compliance. As the Conditional Use Standards have been written to cover a large range of conditional uses it is also likely that some of the standards are not applicable. Address each of the standards in GLUDMC Section 4.7.8.
3. Clearly state any exceptions or variances being requested, including the reference to applicable section in the GLUDMC as well as an explanation of the deviation and how it is being mitigated to comply with the general purposes, goals and objectives of the GLUDMC

or other plans adopted by Planning Commission or the City Council. The Narrative includes a table of exceptions which is missing the code references and is not inclusive of all the potential exceptions and variances necessary.

Attached is a Code Compliance Verification Table that provides a list of codes and standards that do not comply and would require exceptions or variances in order for Planning Commission and City Council to approve the PUD Application as submitted. Planning Commission makes these determinations, and this will be part of the discussion with Planning Commission at the meeting on April 13, 2023. The Applicant needs to Clearly state any exceptions or variances being requested, but it is recommended to wait for results of Planning Commission Discussion on April 13th to save an additional round of modifications.

A fourth element is created as the application is considered by city staff and public bodies:

4. Any special conditions that apply to the development shall also be stated in the supplement to the Development Agreement. No additional action required at this point.

GLUDMC Section 4.7.8. Standards:

The following section of code is being provided for the convenience of the Applicant:

1. Details of how the proposed project complies with the standards found in 4.7.8:

Since the PUD is a type of conditional use the application must include a description of the proposed project will meet the standards found in 4.7.8 of the Conditional Use Ordinance. Those standards are provided below:

- (a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
- (c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;
- (d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;
- (e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
- (f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;
- (g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;
- (h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;

- (i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;
- (j) The internal circulation system of the proposed development is properly designed;
- (k) Existing and proposed utility services are adequate for the proposed development;
- (l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- (m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;
- (n) Landscaping is appropriate for the scale of the development;
- (o) The proposed use preserves historical, architectural and environmental features of the property; and
- (p) Operating and delivery hours are compatible with adjacent land uses.

In addition to items requiring additional information on the Code Compliance Verification Table, the following items need additional information submitted:

Open Space: Based on the 56 acres of residential use, 5.6 acres of open space are required. The Narrative notes several amenities that will be provided. The proposed amenities are a great asset to the project to mitigate the lack of space for personal outdoor amenities in the multi-family housing and the small single family lots. Per GLUDMC Chapter 12 the requirement for 10% open space is a minimum and is requisite in order for the City to grant the PUD. Open space must meet the requirements found in GLUDMC 21.1.14, 21.1.15, 21.1.16 and 21.1.22. Some of the areas that may be proposed as open space on the concept plan submitted with the application may not actually qualify as open space. Please review the open space requirements and provide a drawing that details where the open space and amenities will be provided and how it is interconnected throughout the subdivision. Calculations of the area to show that the open space complies with the 10% minimum requirement are also necessary.

Calculation of Residential Density: The Narrative states that the project will have an average density of 7.6 units per acre. This is based upon the full 70 acre site. Since the residential is segregated from the commercial the density should be factored on the 56 acres and not the full 70 acres. This brings the density up to an average of 9.4 units per acre. However, the code requires that density is calculated for each type of residential use to determine if there are any special conditions that need to be addressed. Please provide the acreage for each type of residential use and verify the approximate number of units for each type of residential use.

Streets: Please provide proposed typical cross sections for those streets that do not meet the City street standards. The necessary cross sections include the 50 foot and 30 foot private rights of way. If the 66-foot right-of-way is not configured like the City local street standard, then that cross section would also need to be provided.

Also, there are locations within the subdivision that transition from one width of street to another. Please provide any traffic study information or design criteria that was used to determine where these transitions will be made.

Boundary Streets: We appreciate that the project recognizes the need for additional right-of-way along Matthews Lane to bring the street up to an appropriate width. The 2022 Grantsville Transportation Master Plan and associated modeling shows that Matthews Lane will function as a Collector Street by 2031. That modeling was based upon uniform growth throughout the City. With the proposed Matthews Development, the street may be functioning as a Collector much sooner. Is the proposed dedication of right-of-way sufficient to develop the west side of the street as a Collector? 45 feet of right-of-way from street centerline is necessary. Is there adequate right-of-way width on Durfee Street to meet the current Conditional Collector Street classification? This project is located on the section of Durfee Street for which the Conditional Collector was derived. 40 feet of right-of-way from street centerline is necessary.

Snow Removal: How will snow removal be addressed? Where will snow be stored on the narrow streets?

Visitor Parking: The town homes and small frontage lots will not be allowed to have on street parking. Where will visitor parking be provided? Per Exhibit B it looks like only two parking stalls will be provided with each unit. Please clarify what parking is proposed on the townhouses and the small single-family lots. ie. Two car garages and two parking spaces in driveway or other? Inadequate parking leads to illegal parking and impairment of movement through the streets which delays emergency response. This is a public safety issue.

Stormwater: How will stormwater be addressed? There are no basins shown in the proposed development and the densities being requested will result in very high ratio of hardscape to softscape so the ability to absorb stormwater flows in landscaping will be minimal. This will be a key issue to address. Is there any soils information and percolation information that can be provided for the site? The use of low impact development principles such as retaining water where it is generated and putting the stormwater back into the ground at its point of generation will be important to minimizing the need for large areas containing basins. The number of residential units that will be allowed on the site will be dependent upon the area necessary to address the stormwater needs of the project.

Public Utilities: Narrow rights-of-way typically remove the areas that are traditionally used for public utilities. This creates a need for alternate utility corridors. In dense areas such as the proposed town houses the placement of utilities must be considered. Utility corridors need to be adequate for the utility requirements, accessible for maintenance. Trails are a great use of utility corridors.

The narrative proposes that the public utility easements around the lots be reduced in width and that the homes may encroach on these easements with bump outs, window wells and other obstructions that render these easements useless. Here again, there needs to be some type of corridor provided that will allow for possible future utility needs to mitigate the loss of usefulness of public utility easements. Provide a drawing or description that details how utility corridors will be provided to serve the subdivision.

Well Site: Please show the location of the existing well and the size of property that will be provided around it. If the well has not been constructed to a municipal culinary well standard the City would have to redrill the well and construct a new one that meets these standards. Very likely the existing well head would be capped and would become a monitoring well for the new culinary well that would be drilled nearby. Both wells would be required to be in a fenced compound. The municipal culinary well would also have protection zones that would place limitations on the uses nearby. Some of those types of limitations include the inability to store large volumes of potential contaminants such as oil, paint, herbicides and pesticides within 100 feet of the culinary well. No sewer lines can run within this 100-foot protection zone. There are other requirements that would affect the design of the surrounding area. The first step is to determine where this well is located and what is proposed around it.

MASTER DEVELOPMENT AGREEMENT FOR MATTHEWS MIXED-USE DEVELOPMENT
(When Viewed in Review/Show Comments Format – Dan England, City Engineers’ Comments Included)

WHEN RECORDED, RETURN TO:

Brett Coombs, Esq.
Grantsville City Attorney
429 East Main Street
Grantsville City, Utah 84029

**MASTER DEVELOPMENT AGREEMENT
FOR
MATTHEWS MIXED-USE DEVELOPMENT**

THIS AGREEMENT (this “**Agreement**”) is made and entered into as of _____, 2023, by and between **GRANTSVILLE CITY**, a municipal corporation of the State of Utah (“**City**”), and **M&M MATTHEWS PROPERTIES, LLC**, a Utah limited liability company (“**Matthews**”).

RECITALS

A. Certain capitalized terms used in this Agreement and in these Recitals are defined in Section 1 below.

B. Matthews is the current owner of four (4) adjacent parcels of land in Tooele County, Utah, totaling approximately seventy (70) acres, identified as Tooele Tax Parcels 01-055-0-0045, 01-055-0-0040; 01-070-0-0102 and 01-070-0-0103 and legally described on **Exhibit A** hereto (the “**Total Property**”).

C. Matthews desires to develop the Total Property as a mixed-use project containing both commercial uses and residential uses. As shown on the Conceptual Site Plan attached hereto as **Exhibit B** (the “**Concept Plan**”), there are two areas of the Total Property planned for commercial uses: one comprised of approximately 7.789 acres at the southeastern corner of the Total Property (the “**SEC Parcel**”), and one comprised of approximately 6.32 acres on the northeastern portion of the Total Property (the “**NEC Parcel**”) (collectively, the “**Commercial Parcels**”).

D. Matthews desires to sell the SEC Parcel and the NEC Parcel to one or more commercial developers to be developed and used to help meet the currently unmet commercial needs of the City. It is anticipated that the developers and operators of the Commercial Parcels may enter into their own separate supplemental development agreements with the City, containing provisions pertaining specifically to the development

and use of the Commercial Parcels. This Agreement, however, is intended to apply to and govern the development of the Total Property, including the Residential Property (defined below) and the Commercial Parcels.

Commented [JE1]: (this has no binding authority)

E. Matthews desires to develop the Total Property, except for the Commercial Parcels (the “**Residential Property**”) for residential uses in accordance with the attached Concept Plan and this Agreement. As required by the Zoning, the Residential Property shall be developed and approved as a Planned Unit Development.

F. The Parties intend that the Residential Property be developed in a manner consistent with the stated goals of the City’s General Plan and the Zoning, namely, that it will provide a variety of housing opportunities including moderate income housing that will meet the affordable housing needs of City residents.

Commented [JE2]: These are all non-committal words

G. Development of the Commercial Parcels and the Residential Property shall be completed in a manner that is consistent with the Concept Plan (the “**Project**”), with the objective of integrating the residential and commercial components into one harmonious development that is compatible with existing and/or anticipated uses of surrounding properties.

Commented [JE3]: They should add a concept of the commercial areas that would work with the residential.

H. The Parties desire to enter into this Agreement to specify certain rights and responsibilities for the development of the Total Property, as well as the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a “development agreement” within the meaning of, and entered into pursuant to the terms of, Utah Code Ann. §10-9a-101 (2005) *et seq.* This Agreement conforms with the intent of the City’s General Plan and the Zoning, including, without limitation, the provisions in Chapter 12 (“*Planned Unit Developments*”) and Chapter 19a (“*Mixed Use District*”) of GLUDMC. This Agreement reflects the terms of bargained-for exchanges and rights between the City and Matthews to promote and enhance the general welfare and benefits of the City and its residents as well as the property rights and development objectives of Matthews and the Total Property.

Commented [JE4]: Is Matthews the ones that will be doing the development? They are signing the agreement

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned parties hereby agree to the following provisions, incorporating by reference the prior recitals as if fully set forth herein:

TERMS

1. **Definitions.** As used in this Agreement, the words and phrases specified below shall have the following meanings:

1.1. **Agreement** means this Development Agreement including all of its Exhibits, as well as any Addenda signed by the Parties and added after this Agreement is executed.

1.2. **Applicant** means a person or entity submitting a Development Application.

1.3. **Buildout** means the completion of all of the development in each phase of the entire Project in accordance with this Agreement.

1.4. **CDRA** means the Project Area Plan that may be adopted by the City’s Community Development and Renewal Agency for this Project in accordance with the requirements of the “Limited Purpose Local Government Entities – Community Reinvestment Agency Act” in Utah Code Ann. § 17C-1-101 et seq. (the “**CDRA Act**”). The CDRA shall apply to this Project only if: (i) the Project Area Plan is duly approved and implemented in accordance with the requirements of the CDRA Act, and (ii) it is approved by the Matthews in writing, which approval shall not be unreasonably withheld. If either condition is not satisfied, the references in the rest of this Agreement to the CDRA shall have no force or effect.

1.5. **City** means Grantsville City, a political subdivision of the State of Utah.

1.6. **City’s Future Laws** means the ordinances, policies, standards, and procedures which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and which may or may not be applicable to the Development Application depending upon the provisions of this Agreement.

1.7. **Commercial Parcels** are defined above in Recital C.

1.8. **Concept Plan** is defined above in Recital C.

1.9. **Council** means the elected City Council of the City.

1.10. **Default** means a breach of this Agreement as specified herein.

1.11. **Developer**, as used herein, means Matthews and their successors/assignees who develop any portion of the Total Property. Because this Agreement runs with the land and is binding on and inures to the benefit of existing and future Owners, each third-party that acquires ownership of all or a portion of the Commercial Parcels or any portion of the Residential Property for the purpose of developing and improving the same shall be deemed to be a “Developer” hereunder with respect to the portion of the Total Property owned by such third-party.

1.12. **Development** means the development of any portion of the Total Property pursuant to an approved Development Application.

1.13. **Development Application** means an application to the City for development of a portion of the Project or any other permit, certificate or other authorization from the City required for development of the Project.

1.14. **Development Standards** means the development standards that will apply to and govern the development of the Project, which are attached hereto as **Exhibit C**. In the event of a conflict between the standards for development as set forth in the City’s ordinances and regulations, on the one hand, and the standards set forth in **Exhibit C** hereto, on the other hand, the Development Standards in **Exhibit C** shall govern.

1.15. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603 (2019), and approved by the City, subdividing any portion of the Project.

1.16. **GLUDMC** means Grantsville City's Land Use Development and Management Code.

1.17. **LUDMA** means the Land Use, Development, and Management Act, Utah Code Ann. § 10-9a-101 (2005), *et seq.*

1.18. **Maximum Residential Units** means the maximum number of Residential Dwelling Units that may be developed and constructed within the Project, including single family detached homes, townhomes, and apartment units. For this Project, the Maximum Residential Units shall be five hundred twenty-eight (528), which shall include one hundred ninety-five (195) single family detached homes and the balance of which will be a mixture of townhomes and apartment units.

1.19. **Notice** means any notice to or from any Party that is either required or permitted to be given to another Party.

1.20. **"Owner"** means the lawful owner of fee title to any portion of the Total Property.

1.21. **Party/Parties** means, in the singular, Matthews, Developer, or the City; and in the plural, any two or more of Matthews, Developer, and/or the City.

1.22. **Plat** means the final approved subdivision plat of any portion or phase of the Project. Developer shall not be limited to a maximum of fifty (50) lots per plat/phase.

1.23. **Project** means the Commercial Parcels together with the rest of the Total Property to be developed for residential uses pursuant to this Agreement with the associated Public Infrastructure and private facilities, and all of the other aspects approved as part of this Agreement. The Project may be developed in one or more phases.

1.24. **Total Property** is defined above in Recital B.

1.25. **Public Infrastructure** means those elements of infrastructure that are planned to be installed for the Project and dedicated to the City or other public entities as a condition of the approval of a Development Application.

1.26. **Residential Dwelling Unit** means a residential structure designed and intended for use as a single family residence (including detached single family homes, townhomes, and apartment units) as illustrated on the Final Plats.

1.27. **Zoning** means current zoning of the Total Property, which is Mixed Use District.

Commented [JE5]:

I do not think we should lock the city into a set number of lots with this agreement. Certainly not this dense.

The number depends on the City allowing 30' private drives, 50' city right of ways. Narrow lots (40' wide) that do not meet city standards, do not allow for parking, does not have enough visitor parking, does not have an HOA that will maintain this development for the long term, tiny back yards and tiny green space, it appears there are no playgrounds except in the apartment area. There are not enough dimensions to understand what they are proposing.

This is in the Center of Grantsville, not on the outer edges, which makes it even harder for the existing home owners.

The single family lots should meet the city standards. The multifamily units should meet the the multifamily code.

Commented [JE6]: They should be limited to protect the city from overbuilding.

2. Development of the Project.

2.1. **Zoning.** The Total Property is already zoned under the “*Mixed Use District*” which allows for development of residential neighborhoods and commercial properties in accordance with the provisions of Chapter 19a of GLUDMC.

2.2. **Maximum Residential Units.** At Buildout, Matthews shall be entitled to have developed the Maximum Residential Units on the Residential Property. Matthews shall have the right to re-arrange the location and layout of the different residential products (single family homes, townhomes, and apartments) so long as: (i) the total residential units within the Project do not exceed the Maximum Residential Units allowed hereunder, (ii) the layout and design of each phase provides for reasonable connectivity and traffic flow consistent with applicable health and safety standards, and (iii) re-arrangement does not result in a failure of the Total Property or any part thereof to meet either of the requirements (a) of the Zoning, or (b) for inclusion within the CDRA.

2.3. **PUD Approval.** Simultaneously with the City’s approval of this Development Agreement, the City has also approved the Project as a Planned Unit Development under Chapter 12 of the City’s municipal code. Pursuant to Section 12.2 of the City Code, the City hereby agrees that the setback requirements, open space, and other Development Standards that shall apply to the residential portion of the Project are as set forth in the Concept Plan attached as **Exhibit C** hereto.

2.4. **Phases.** The City shall approve the development of the Project, in phases, so long as each phase complies with the requirements of this Agreement. Phases may not include more than fifty (50) lots per phase so long as adequate completion assurances are provided for completion of the Public Infrastructure in each phase/plat.

2.5. **Open Space and Amenities.** Given the PUD component of this Project and the benefits to be derived under this Agreement by the City and its existing and future residents, the Project is not required to meet the open space requirements that would otherwise apply. Moreover, the acreage of all common areas and recreational amenities (such as, without limitation, dog parks, pickleball courts, pool, clubhouse, playgrounds, and stormwater detention/retention basins) shall count as open space.

2.6. **Compliance.** Development of the Project shall be in accordance with LUDMA, GLUDMC, the City’s Future Laws (but only to the extent they are applicable as specified in this Agreement), the approved Final Plats for each subdivided portion of the Project, and this Agreement. If the CDRA is approved for the Project as set forth in Section 1.4 above, the Total Property shall be developed to comply with the requirements of the CDRA and the Zoning. Furthermore, the parties acknowledge pending Utah House Bill 151 which, if enacted into law, would restrict the ability of municipalities to enter into agreements to make certain incentive payments related to retail facilities except as approved by the State of Utah, and the Parties agree to work together in all reasonable respects to secure such approval from the State, as necessary for the benefit of the retail components of the Project.

2.7. **Well.** As development of the Project occurs, when Matthews no longer needs to use the well located on the Total Property for irrigation purposes, Matthews shall dedicate the well and all well-related improvements and equipment to the City. Said dedication will

Commented [JE7]: This project already does not meet the requirements.

Commented [JE8]: There are two sides to a PUD. Where is the list of what they are doing to make this a better area and a better city?

Commented [JE9]: I think it should be limited to 50 lots.

Commented [JE10]: Why would this not apply? This is a lot of homes with no open space. If they are providing any of these things it should be shown on the plans and approved by P&Z and CC

Commented [JE11]: This will is only for irrigation. It takes over a million \$ to install a new well even in the same location. Even abandoning the well is expensive. We do not even know if the water is good for a public well. The City could take the water rights and have them abandon the well.

be accepted by the City in partial satisfaction of open space requirements that would otherwise apply to this Project. Any change application fees, attorney fees, costs of approvals, etc. required by the Utah Division of Water Rights or Grantsville City in transferring ownership will be the sole responsibility of the City.

2.8. **Stormwater.** A master stormwater plan shall be designed and approved for the Project, in accordance with applicable City standards and requirements. As each phase of the Project is developed, stormwater facilities shall be constructed, installed, and dedicated to the City consistent with the master stormwater plan for this Project.

Commented [JE12]: The property needs to maintain their own basin. There need to add a ditch along the west side of the property to allow SD to pass through to main street.

2.9. **Commercial Parcels.** Development of the Commercial Parcels may occur separately from development of the residential uses. The Developers of the residential uses shall not be required to construct or install any of the Public Infrastructure required for the Commercial Parcels except for street connectivity and utilities stubbed to the boundary lines of the Commercial Parcels. Matthews shall be allowed reasonable flexibility in finalizing the location and acreage of the NEC Parcel, and may re-arrange the location and layout of the NEC Parcel (and the resulting configuration of the Residential Property) so long as such re-arrangement does not result in a failure of the Total Property or any part thereof to meet either of the requirements (a) of the Zoning, or (b) for inclusion within the CDRA, and provided that in no event shall the size of the NEC Parcel be reduced below that which, when combined with the size of the SEC Parcel, is required for the Total Property to qualify for Mixed-Use District zoning. In no event, however, may Matthews alter the size or configuration of the SEC Parcel without the prior written consent of any third party that owns or is under contract to purchase the SEC Parcel.

2.10. **CDRA.** The commercial development of the SEC Parcel is intended to consist of a 40,000 - 45,000 square foot grocery store within a shopping center (the “SEC Project”). The City agrees to expand the current City Community Development and Renewal Area to include the Total Property. The terms, provisions, and financial benefits of the CDRA will be set forth in a separate CDRA agreement.

2.11. **Affordable Housing.** Matthews/Developer shall comply with and abide by any reasonable requirements of the CDRA/City economic development department regarding affordable housing (i.e., rent restrictions, housing prices that comply with moderate income housing standards, etc.) so long as such requirements are approved in advance by the Matthews in writing as required by Section 1.4 above.

3. Vested Rights.

3.1. **Vested Rights Granted by Approval of this Agreement.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the Parties intend that this Agreement shall grant to Matthews and their successors and assignees all rights to develop the Project in accordance with the provisions of this Agreement, LUDMA, GLUDMC, the Zoning, including, without limitation, development of the Project consistent with the Concept Plan and the Development Standards. The Parties intend that this Agreement grant to the Owners/Developers the “vested rights” identified herein as that term is construed in Utah’s common law and pursuant to Utah Code Ann. § 10-9a-509 (2019), as amended.

3.2. **Exceptions.** The vested rights and the restrictions on the applicability of the City's Future Laws to the Project as specified in Section 3.1 are subject to the following exceptions:

Commented [JE13]: This needs a time limit of about 1 year.

3.2.1. Future Laws. The City's Future Laws or other regulations to which the Owners agree in writing, but not otherwise;

3.2.2. State and Federal Compliance. The City's Future Laws or other regulations which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3.2.3. Codes. Any of the City's Future Laws that are updates or amendments to existing building, fire, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

3.2.4. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

3.2.5. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, and imposed by the City pursuant to Utah Code Ann. Section 11-36a-101 (2011) *et seq.*

3.2.6. Compelling, Countervailing Interest. Laws, rules, or regulations that the City's land use authority finds, on the record, necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i), amended, and are generally applicable to all properties in the City. Any compelling, countervailing public interest shall be established by clear and convincing evidence in order to alter the vested rights provided to the Total Property and the Owners under this Agreement.

4. **Adjacent Land.** If Matthews/Developer acquires additional land that is adjacent to part of the Project, such additional land may be added to (i.e., annexed into) this Project and be made subject to the same Development Standards and densities per acreage set forth in this Agreement so long as the City consents to the same in writing, which consent shall not be unreasonably withheld. In such event, an amendment to this Agreement shall be signed and recorded against the adjacent land that is added to the Project.

Commented [JE14]: I would not promise this without seeing what property and what the layout of the property might be.

5. **Term of Agreement.** Unless earlier terminated as provided for herein, the term of this Agreement shall be for a period of ten (10) years following the date on which this Agreement has been approved and signed by the parties hereto. Any termination or expiration of this Agreement, however, shall not impair or affect the continued validity of the CDRA, if adopted, or the period in which tax increment payments are to be made to the applicable Owner/Developer under the CDRA.

Commented [JE15]: Too long to many things could change. Maybe 3 years at the most. And extending 1 year for each new phase started. The prior phase must be completed prior to the new phase starting.

6. Public Infrastructure.

6.1. Construction by Developer. Developer, at Developer's cost and expense, with respect to each portion of the Project owned or to be developed by each Developer, shall have the right and the obligation to construct or cause to be constructed and install all Public Infrastructure reasonably and lawfully required as a condition of approval of this Development Application pursuant to GLUDMC. Such construction shall meet all applicable standards and requirements and must be approved by the City's Engineer and Public Works Director.

6.2. Responsibility Before Acceptance. Developer shall be responsible for all Public Infrastructure covered by this Agreement until final inspection of the same has been performed by the City, and a final acceptance and release has been issued by the City. The City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage happening or occurring to the Public Infrastructure, nor shall any officer or employee thereof, be liable for any persons or property injured by reason of said Public Infrastructure; all of such liabilities shall be assumed by the Developer.

6.3. Warranty. Each Developer shall repair any defect in the design, workmanship or materials in all of such Developer's Public Infrastructure which becomes evident during a period of one year following the acceptance of the improvements by the City Council or its designee (the "**Durability Testing Period**"). If during the Durability Testing Period, any such Public Infrastructure shows unusual depreciation, or if it becomes evident that required work was not done, or that the material or workmanship used does not comply with accepted standards, said condition shall, within a reasonable time, be corrected.

6.4. Timing of Completion of Public Infrastructure. In accordance with the diligence requirements for the various types of approvals as described in the GLUDMC, construction of the required Public Infrastructure for each phase shall be completed within one year after issuance of the building permit for that phase. Upon a showing of good and sufficient cause by Developer the City shall, in accordance with the provisions of GLUDMC, extend the time of performance if requested prior to expiration of the completion date.

6.5. Bonding. In connection with any Development Application, Developer shall provide bonds or other development security, including warranty bonds, to the extent required by GLUDMC, unless otherwise provided by Utah Code § 10-9a-101, *et seq.* (2020), as amended. The Applicant shall provide such bonds or security in a form reasonably acceptable to the City or as specified in GLUDMC. Partial releases of any such required security shall be made as work progresses based on GLUDMC.

6.6. City Completion. The Developer agrees that in the event it does not: (a) complete all improvements within the time periods specified above, or secure an extension of said completion date, (b) construct said improvements in accordance with City standards and as set forth above, or (c) pay all claimants for material and labor used in the construction of said improvements, the City shall be entitled to declare the subject developer in default, request and receive the funds held by the guarantor as surety and utilize the monies obtained to install or cause to be installed any uncompleted improvements and/or to pay any outstanding claims, as applicable; provided, however,

that the City shall not be responsible for any work beyond the amount of funds so provided. Any funds remaining after completion of the improvements shall be returned to the Guarantor. The Developer further agrees to be personally liable for any cost of improvements above the amount made available under the terms of this Agreement.

7. **Upsizing/Reimbursements to Developer.**

7.1. **Upsizing.** The City shall not require Developer to “upsized” any future Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to Developer are made to compensate Developer for the incremental or additive costs of such upsizing to the extent required by law. Developer is responsible to pay for all “project improvements” (as defined under Utah law). To the extent any “system improvements” are required to be constructed or installed, the City shall pay for (or reimburse Developer for) all costs associated with the same in excess of the costs that Developer would incur to construct necessary project improvements.

Commented [JE16]: The city should be required to pay the difference in the engineering estimate between the completion of the smaller utility size and the larger utility size. Any pre purchased items need to be negotiated to be fair between the city and the developer

7.2. **Matthews Lane.** As development of the Project proceeds, the applicable Owners shall dedicate to the City the adjacent portions of Matthews Lane with a maximum dedication requirement of thirty-five (35) feet from the centerline of the existing roadway.

Commented [JE17]: This needs to be dependent on a traffic study hired by the city and paid for by the developer. The study will determine the impact of the project on the City roads. Including Main street and Durfee

8. **Default.**

8.1. **Notice.** If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party reasonably describing the default and the requested cure to remedy the default.

8.2. **Contents of the Notice of Default.** The Notice of Default shall:

8.2.1. Specific Claim. Specify the claimed event of Default;

8.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this Agreement that is claimed to be in Default; and

8.2.3. Optional Cure. If the City chooses, in its discretion, it may propose a method and time for curing the Default which shall be of no less than thirty (30) days duration, if weather conditions permit.

8.3. **Remedies.** Upon the occurrence of any Default, and after notice as required above, then the Parties shall have the following remedies:

8.3.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or

specific performance.

8.3.2. Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

8.3.3. Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Developer until the Default has been cured.

8.4. **Public Meeting**. Before any remedy in Section 8.3 may be imposed by the City, the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the claimed Default.

8.5. **Default of Assignee**. A default of any obligations expressly assumed by an assignee shall not be deemed a default of the Developer who assigned thereto. No default by any Owner /Developer of a portion or phase of the Project shall be imputed to any other Owner/Developer or used as a basis to impose any remedies on any other Owner or Developer.

8.6. **Limitation on Recovery for Default – No Damages against the City**. Anything in this Agreement notwithstanding, Developer shall not be entitled to any claim for any monetary damages as a result of any breach of this Agreement, and Developer waives any claims thereto. The sole remedy available to Developer and any assignee shall be that of specific performance and the recovery of costs and attorney fees.

9. **Notices**. All notices required or permitted under this Agreement shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

To Matthews:

M&M Matthews Properties LLC
Attn: Mary Chappell and Marlo Meno
1297 S. Hoytsville Road
Coalville, Utah 84017
Email: marymchappell@gmail.com
menoppmproperties@gmail.com

with a copy to:

Brett Lovell (email lovelldevelopmentgroup@gmail.com)
and Connor O’Leary (Email: connor@rdoproperties.com)

Request: Matthews Development PUD Approval

File #: 2023067-B

and Howard Schmidt (email: howard@braemarco.com)

To the City:

Grantsville City
Attn: Mayor
429 East Main Street
Grantsville, Utah 84029

with a copy to:

Brett Coombs
Grantsville City Attorney (email bcoombs@grantsvilleut.gov)

10. **Dispute Resolution.** Any disputes arising out of this Agreement which are not cured in response to a Notice of Default shall be submitted to mediation, and the parties to the dispute shall participate in mediation in a good faith effort to resolve such dispute prior to pursuing any court action or other remedy.

11. **Incorporation of Recitals and Exhibits.** All Recitals and Exhibits are hereby incorporated into this Agreement.

12. **Headings.** The captions used in this Agreement are for convenience only and are not intended to be substantive provisions or evidences of intent.

13. **No Joint Venture.** This Agreement does not create a joint venture relationship, partnership or agency relationship between the City and any Owner or Developer.

14. **Assignability.** The rights and responsibilities of any Owner under this Agreement may be assigned in whole or in part, respectively, by such Owner with the consent of the City as provided herein, which consent shall not be unreasonably withheld.

14.1. **Sale of Lots.** Developer's selling or conveying of lots in any approved subdivision shall not be deemed to be an assignment.

14.2. **Related Entity.** Any Owner may transfer all or any part of its portion of the Total Property to any entity "related" to Developer (as defined by regulations of the Internal Revenue Service in Section 165), Developer's entry into a joint venture for the development of the Project or Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an assignment. Developer shall give the City Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

14.3. **Commercial Pad.** Matthews's sale of one or more Commercial Parcels to any commercial developer shall not be deemed to be an assignment that requires consent from the City.

14.4. **Residential Property.** Matthews's sale or conveyance of a portion or phase of the Residential Property to a different owner or developer shall not be deemed to be an assignment that requires consent from the City.

14.5. **Process for Assignment.** Matthews shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee. Unless the City objects in writing within ten (10) business days of notice, the City shall be deemed to have approved of and consented to the assignment. The City shall not unreasonably withhold consent to any assignment.

14.6. **Partial Assignment.** If any proposed assignment is for less than all of Matthews's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds.

14.7. **Complete Assignment.** Developer may request the written consent of the City of an assignment of Developer's complete interest in this Agreement, which consent shall not be unreasonably withheld. In such cases, the proposed assignee shall have the qualifications and financial responsibility necessary and adequate, as reasonably required by the City, to fulfill all obligations undertaken in this Agreement by Developer. The City shall be entitled to review and consider the ability of the proposed assignee to perform, including financial ability, past performance and experience.

14.8. **Release.** After review, if the City gives its written consent to an assignment, the assignor shall be released from its obligations under this Agreement for that portion of the Total Property for which such assignment is approved.

15. **No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

16. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

17. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage.

18. **Time is of the Essence.** Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

19. **Appointment of Representatives.** To further the commitment of the Parties to cooperate in the implementation of this Agreement, the City and each Developer shall designate and appoint a representative to act as its liaison with the other Parties. The initial representative for the City shall be the Mayor. The initial representatives for Matthews shall be Brett Lovell, Howard Schmidt, and Connor O'Leary. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this Agreement and the development of the Project.

20. **Applicable Law.** This Agreement is entered into in Tooele County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

21. **Venue.** Any action to enforce this Agreement shall be brought only in the Third District Court, Tooele County in and for the State of Utah.

22. **Entire Agreement.** This Agreement, and all Exhibits thereto, documents referenced herein, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties.

23. **Mutual Drafting.** Each Party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against any Party based on which Party drafted any particular portion of this Agreement.

24. **No Relationship.** Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties.

25. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

26. **Recordation and Running with the Land.** This Agreement shall be recorded in the chain of title for the Project. This Agreement shall be deemed to run with the land. This Agreement shall be deemed to run with the land and shall bind and benefit the successors of the Parties.

27. **Priority.** This Agreement shall be recorded against the Total Property senior to any respective covenants and any debt security instruments encumbering the Total Property.

28. **Authority.** The Parties to this Agreement each warrant that they have all of the necessary authority to execute this Agreement. Specifically, on behalf of the City, the signature of the Mayor of the City is affixed to this Agreement lawfully binding the City pursuant to Resolution No. _____ adopted by the City on _____.

29. **PUD Status.** The Project has been approved by the City as a Planned Unit Development (“**PUD**”). By so doing the Project is allowed to take advantage of Goal #3 Support a Mix of Land Uses Paragraph 7, found in the Land Use Element of the Grantsville City General Plan:

Allow the sizes of lots/units within a subdivision to vary from the zoning requirement while maintaining the overall zoning density of the parcel to provide Improved Open Space through the Planned Unit Development (PUD) Process.

As such the Developer is developing residential products as described in the Concept Plan with the standards described in the preceding “Land Use Summary.” Said Land Use Summary and the standards set forth therein are approved as part of the Project’s PUD approvals.

The approval of the PUD has taken into consideration and found Objectives provided by the Developer in the PUD Application to conform with the desired purposes found in Section 1 of Chapter 12, Planned Unit Developments, of the Grantsville City Land Use and Development Code as follows: The blended uses and modified standards for this Project will provide residential products and commercial uses that are desired and needed in the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

MATTHEWS:

M&M MATTHEWS PROPERTIES, LLC,

a Utah limited liability company

Mary Chappell, Member

By: _____

By: _____
Marlo Meno, Member

**STATE OF UTAH;
COUNTY OF TOOELE:**

On _____, 2023 personally appeared before me Mary Chappell and Marlo Meno, who duly acknowledged signing the foregoing instrument in the capacities indicated.

NOTARY PUBLIC: _____

CITY:

GRANTSVILLE CITY,
a municipal corporation of the State of Utah

By: _____
Its: Mayor

Approved as to form and legality:

Attest:

City Attorney

City Recorder

STATE OF UTAH
:ss
COUNTY OF TOOELE

On _____, 2023 personally appeared before me _____, who duly acknowledged signing the foregoing instrument in the capacity indicated.

NOTARY PUBLIC: _____

TABLE OF EXHIBITS

Exhibit A	Legal Description of Total Property
Exhibit B	Concept Plan
Exhibit C	Development Standards

Exhibit A
Legal Description of Total Property

Commented [JE18]: These do not list the area of each property

Request: Matthews Development PUD Approval

File #: 2023067-B

Parcel 1:

Beginning at a point on the west line of Matthews Lane which lies North 89°49'41" East 2176.97 feet along the Tooele County Dependent Resurvey section line to the west line of Matthews Lane and North 0°33'29" East 975.04 feet along said west line of Matthews Lane from the unmarked location established by the Tooele County Dependent Resurvey for the Southwest Corner of Section 32, Township 2 South, Range 5 West, Salt Lake Base and Meridian, said unmarked Southwest Corner of Section 32 lies North 0°03'05" East 261.86 feet from a Tooele County Dependent Resurvey witness monument in Durfee Street and North 89°49'23" East 492.53 feet from a Tooele County Dependent Resurvey witness monument in South Willow Street (Note: Basis of bearing for this description is South 89°33'09" East 2638.14 feet along a line defined by said witness monument to the Southwest Corner of said Section 32 in Durfee Street and a Tooele County Dependent Resurvey monument also in Durfee Street, witness monument to the South Quarter Corner of said Section 32.); thence from said point of beginning, North 89°41'42" West 1320.75 feet to intersect an ancient fence line; thence along ancient fence lines the following three (3) courses; (1) North 0°39'00" East 535.53 feet; (2) North 0°31'00" East 450.50 feet; (3) South 89°25'00" East 203.75 feet to an ancient fence corner; thence South 89°10'55" East 876.47 feet; thence North 0°33'29" East 446.70 feet to the south line of Main Street; thence along said south line, South 88°45'11" East 240.00 feet to the west line of Matthews Lane; thence along said west line, South 0°33'29" West 1419.95 feet to the point of beginning.

Tax ID No.: 01-055-0-0045

Parcel 2:

Beginning at a point in an ancient fence line which lies North 89°49'41" East 857.25 feet along the Tooele County Dependent Resurvey section line from the unmarked location established by the Tooele County Dependent Resurvey for the Southwest Corner of Section 32, Township 2 South, Range 5 West, Salt Lake Base and Meridian, said unmarked Southwest Corner of Section 32 lies North 0°03'05" East 261.86 feet from a Tooele County Dependent Resurvey witness monument in Durfee Street and North 89°49'23" East 492.53 feet from a Tooele County Dependent Resurvey witness monument in South Willow Street (Note: Basis of Bearing for this description is South 89°33'09" East 2638.14 feet along a line defined by said witness monument to the Southwest Corner of said Section 32 and a Tooele County Dependent Resurvey monument also in Durfee Street, witness monument to the South Quarter Corner of said Section 32.); thence from said point of beginning, along ancient fence lines the following three (3) courses: (1) North 0°15'00" East 87.61 feet; (2) North 0°29'00" East 720.44 feet; (3) North 0°39'00" East 177.97 feet; thence South 89°41'42" East 1320.75 feet to the west line of Matthews Lane; thence along said west line, South 0°33'29" West 975.04 feet to intersect the Tooele County Dependent Resurvey section line, thence along said section line, South 89°49'41" West 1319.72 feet to the point of beginning.

Tax ID No.: 01-055-0-0040

Parcel 3:

Beginning at a point in an ancient fence line which lies North 89°49'41" East 857.25 feet along the Tooele County Dependent Resurvey section line from the unmarked location established by the Tooele County Dependent Resurvey for the Northwest Corner of Section 5, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said unmarked Northwest Corner of Section 5 lies North 0°03'05" East, 261.86 feet from a Tooele County Dependent Resurvey witness monument in Durfee Street and North 89°49'23" East 492.53 feet from a Tooele County Dependent Resurvey witness monument in South Willow Street (Note: Basis of Bearing for this description is South 89°33'09" East 2638.14 feet along a line defined by said witness monument to the Northwest Corner of said Section 5 and a Tooele County Dependent Resurvey monument also in Durfee Street, witness monument to the North Quarter Corner of said Section 5.); thence from said point of beginning, along the Tooele County Dependent Resurvey section line, North 89°49'41" East 658.13 feet; thence South 242.694 feet to the north line of Durfee Street;

(legal description cont'd on following page):

thence along said north line, North 89°37'24" West 659.17 feet to an ancient fence corner; thence along an ancient fence line, North 0°15'00" East 236.39 feet to the point of beginning.

Tax ID No.: 01-070-0-0102

Parcel 4:

Beginning at a point on the west line of Matthews Lane which lies North 89°49'41" East 2176.97 feet along the Tooele County Dependent Resurvey section line from the unmarked location established by the Tooele County Dependent Resurvey for the Northwest Corner of Section 5, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said unmarked Northwest Corner of Section 5 lies North 0°03'05" East 261.86 feet from a Tooele County Dependent Resurvey witness monument in Durfee Street and North 89°49'23" East 492.53 feet from a Tooele County Dependent Resurvey witness monument in South Willow Street (Note: Basis of Bearing for this description is South 89°33'09" East 2638.14 feet along a line defined by said witness monument to the Northwest Corner of said Section 5 and a Tooele County Dependent Resurvey monument also in Durfee Street, witness monument to the North Quarter Corner of said Section 5.); thence from said point of beginning, along the west line of Matthews Lane, South 0°33'29" West 249.025 feet to the north line of Durfee Street; thence along said north line North 89°37'24" West 659.175 feet; thence North 242.694 feet to intersect the Tooele County Dependent Resurvey section line; thence along said section line, North 89°49'41" East 661.59 feet to the point of beginning.

Tax ID No.: 01-070-0-0103

Exhibit B
Concept Plan



Exhibit C (Development Standards)

MATTHEWS DEVELOPMENT - GRANTSVILLE, UT						11.1.22		
Development Standards								
Code Requirement	Mixed Use - Comm	Mixed Use - Multifamily	Mixed Use - SPD	SFD 40-ft Lot	SFD 60-ft Lot	Townhomes	Multifamily	Commercial
Minimum Lot Size	1/2 acre	7,000 SF 1" unit + 4,000 SF for each additional ground level unit in the structure. Lot size for units in a structure on a corner is 10,000 SF	4,000 SF	3,600 SF (48' x 90')	7,150 SF	1,920 Per attached home (24' x 80')	NA	
Minimum Lot Frontage (1)	100-feet	50-feet	50-feet	40-feet	65-feet	24-feet	NA	
Minimum Yard Setbacks								
Front Yard	25-feet (2)	25-feet (2)	25-feet (2)	20-feet	20-feet	20-feet	See distance between structures	
Rear Yard								
- Main Building	20-feet	20-feet	20-feet	15-feet	10-feet	10-feet	See distance between structures	TBD
- Accessory Bldg.	7.5-feet	7.5-feet	7.5-feet	NA	NA	NA		
Side Yard								
- Main Building (3)	7.5/10-feet (2)	20-feet (2)	7.5/10-feet (2)	5-feet	5-feet	0-foot on attached side; 5-foot on open end units	See distance between structures	TBD
- Accessory Bldg.	7.5-feet	7.5-feet	7.5-feet	NA	NA			
- Corner Side Yard	25-feet each side on the street 10-foot other two sides	2 front yard setback	5-feet each side in the street 10-foot other two sides	10-foot	10-foot	10-feet		
Building Height	35-feet (4)(5)	35-feet (4)(5)	35-feet	35-feet	35-feet	35-feet	35-feet (4)	
Minimum Distance between structures in the same lot	NA	30-feet	NA			5-feet	30-feet between structures on a common lot	TBD
Maximum Building Coverage	NA		NA	55%	55%	90%	75%	
Open Space Requirement (1)				See section 2.5 of Master Development Agreement			See section 2.5 of Master Development Agreement	See section 2.5 of Master Development Agreement
Landscape Requirement	25% of total Project area	25% of total Project area	25% of total Project area	15%			TBD	TBD
Minimum dwelling size	NA		900 SF of Living space		NA			NA
Parking	4.1 spaces per 1,00 SF of gross floor area	2 spaces per dwelling Guest parking (6)	2 spaces per dwelling – garage(s)/driveway(s) to count as parking and to be included in parking requirement calculations (6)				4.1 spaces per 1,00 SF of gross floor area	

FOOTNOTES

- (1) Minimum frontage (at property line on a public street or an approved private street)
- (2) Setbacks shall be listed or match the easement width, whichever is greater
- (3) Side Setback each side
- (4) Heights of 3-stories above grade and 15 DU/Ac may be approved with special considerations of landscaping, buffering and architectural design that fit the scale of the surrounding neighborhood
- (5) Front setback may be reduced to 12-feet if the garage is setback from the front plane of the home, but in no case can the garage be closer than 20-feet to the front property line
- (6) Parking for the first ten (10) units shall provide one (1) separate designate visitor parking stall per dwelling unit. For each unit over the first ten (10) dwelling units, one (1) additional parking stall for each two (2) dwelling units shall be provided. For any partial stalls calculated, the applicant shall round up to the next whole number of stalls.
- (7) Open space is based on an overall project wide basis
- (8) Building Height to be measured from natural grade to midpoint of roof

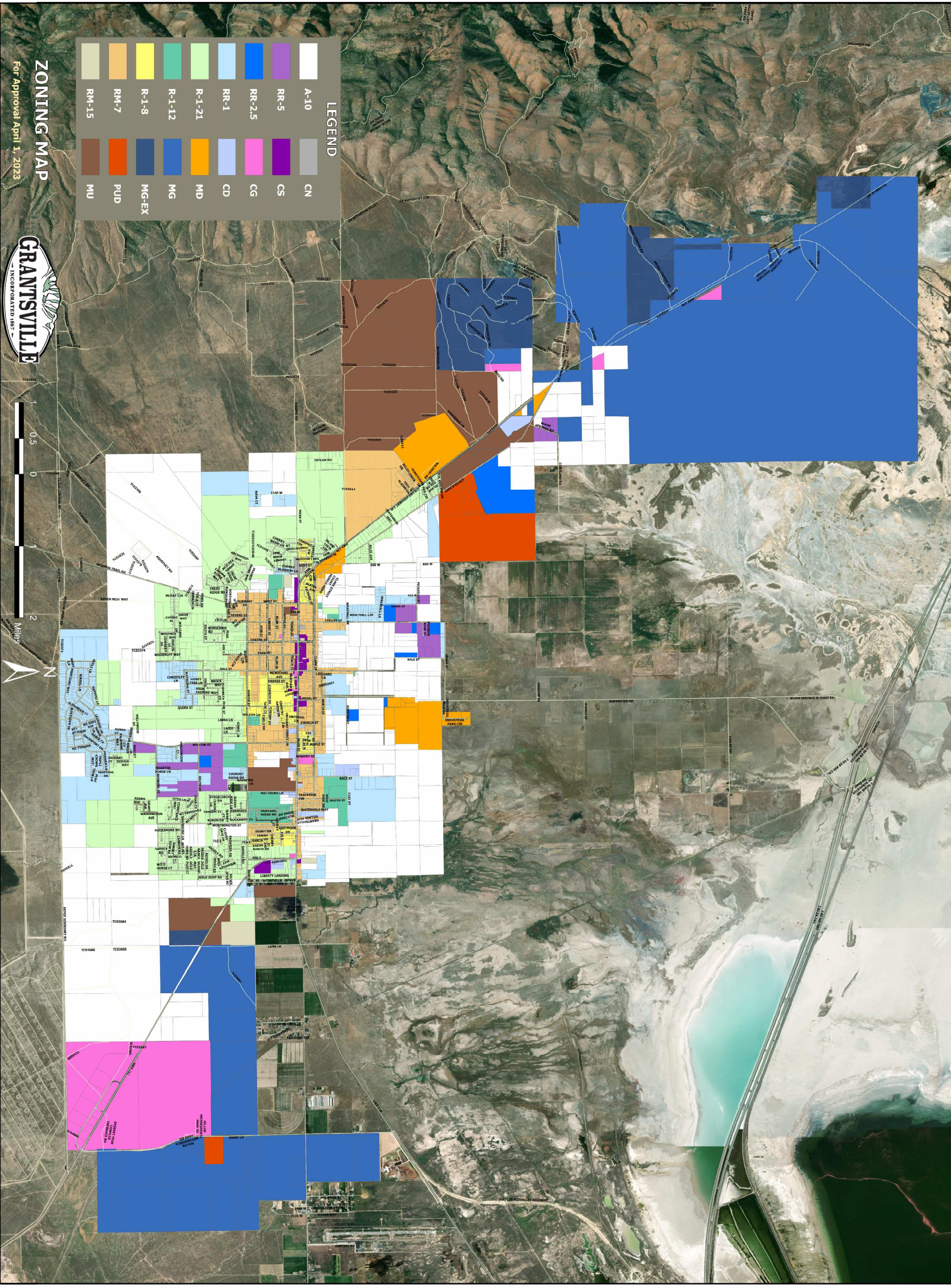
Permitted Encroachments (subject to building code requirements)

- Encroachments within all setbacks of up to two (2) feet are allowed for roof eaves/overhangs, brick ledges, bay/box windows, fireplaces/chimneys, entertainment center bump outs, counterforts, cantilevers, exterior post/columns, solar panels, mechanical equipment including HVAC, brick ledges, light fixtures, and like features may be closer than 2-feet to the property line.
- Encroachments within all setbacks of up to three -six inches (3'-6") is allowed for window wells, and like features of the structure.
- Ramps for handicap accessibility may encroach as needed.
- Stairs or steps from the home may encroach to the back of sidewalk outside of the private lot and including encroachments into public rights of way.
- Decks and covered patios may encroach up to seven (7) feet into the rear setback with the provision they are never enclosed.
- Only decks and covered patios less than 30-inches above grad may encroach into the side yard setback but must be a minimum of one-foot (1foot) from the side property line with the provision they are never enclosed.
- Permitted encroachments with the exception of concrete flatwork or pavers, may not be located in any easement.
- Steps, walks, screen walls, trash structures, structures used for ADA compliance and life safety measures are excluded from setback restrictions.

PLANNING STAFF RECOMMENDATION

AGENDA ITEM #3

Discussion of the Proposal to amend the Grantsville City Land Use Management and Development Code by adopting updated Zoning Maps.



AGENDA ITEM #4

Discussion of the Proposed amendment of
Chapter 2 Definitions of Front Yard and Side
Yard to the Grantsville City Land Use
Management and Development Code

Proposed Amendment of Chapter 2 Definitions

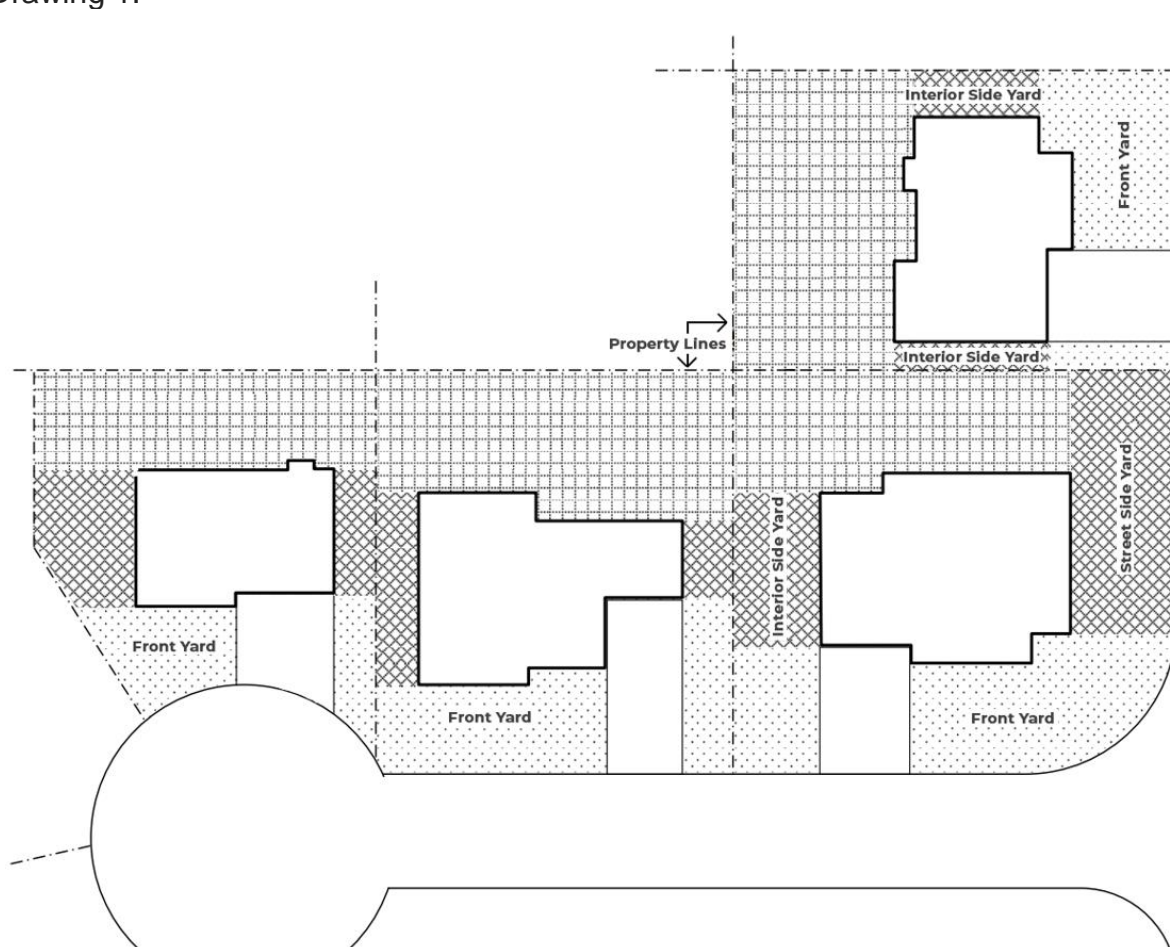
Front Yard & Side Yard (Street Side and Interior Side)

To The Grantsville City Land Use Management and Development Code

Front Yard. The permeable area between the front lot line and the front façade of the main building and extending for the full width of the lot as illustrated in Drawing 1.

Interior Side Yard. The permeable and visible (not impeded by a fence) area between the lot line and the side facing façade of the main building as illustrated in Drawing 1.

Street Side Yard. The permeable and visible (not impeded by a fence) area between the secondary street lot line and the side facing façade of the main building as illustrated in Drawing 1.



AGENDA ITEM #5

Approval of minutes from the June 6, June 16,
July 7, Nov. 17 and Dec. 1, Dec.15, 2022
Planning Commission Meetings **“as drafted”**

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 06/02/2022. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Commission Chair, Brian Pattee, Commission Member, Gary Pinkham, Commission Member, Erik Stromberg, Commission Member, Jaime Topham and Commission Member, John Limburg

Commission Members that were present on Zoom:

Commission Members that were absent:

Appointed Officers and Employees Present: Zoning Administrator, Kristy Clark; City Engineer Dan England; Christy Montierth; Jesse Wilson; Mayor Critchlow; Shay Stark

Appointed Officers and Employees that were present on Zoom or Absent:

Citizens and Guests Present: Mike Wagstaff, Robert & Lydia Wageman, McKenzie & Vince Anderson, Mickaela Hawkey, Leinaala Salanoa, Skylar Bailey, Roger Hale, Kyle Hammond

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
COMMISSION CHAIR, BRIAN PATTEE AT 7:00 P.M.**

PLEDGE OF ALLEGIANCE

DISCUSSIONS:

- 1. Discussion to approve a Home Occupation for Robert and Lydia Wageman to own and operate an Equipment Rental business out of her home located at 505 Dristeena Way in the R-1-21 zone.**

Lydia Wageman was present and stated to the Commission: to be considerate of everyone's time, do you have any immediate questions you'd like me to focus on or answer? If you'd like, I can also wait to go into things if it's after the public has an opportunity to talk with me so we can specifically address anything, too. I know that there's a lot of things on the agenda.

Gary Pinkham asked, what kind of hours are thinking?

Lydia Wageman answered, we're thinking of between eight and seven. I can give you an overview of what we're hoping to do. When I say eight to seven, the equipment is very small equipment that we already own and are storing on our property. It's a flatbed trailer, a skid steer, and a dump trailer. The idea is my husband will be delivering the equipment to

people who would want to utilize it for landscaping. And so, we say it as eight to seven in case there is someone that would want to return it or pick it up instead of my husband delivering it. We are anticipating an entire day rental or a 24-hour rental to minimize how often there is traffic or deliveries.

2. Discussion to approve a Home Occupation for Mickaela Hawkley to own and operate a Children's Choir business out of her home located at 162 Harvest Lane in the RR-1 zone.

Mickaela Hawkley was present for the discussion item.

Gary Pinkham asked, it looks like you could have quite a few kids. Are the parents going to be staying?

Mickaela Hawkley answered, I won't have the parents stay. I'll just have them drop the kids off and I'm planning on having somebody at the door to just take the kids to limit the amount of time that the parents will be there, so that they can just drop off the kid, the kid will walk to the door, someone will be there to show them where to go and practice, so that we can just keep things moving.

Jaime Topham asked, what if a parent wants to stay, will you allow them to stay?

Mickaela Hawkley answered, maybe for one practice, but honestly, no. It's better for the kids if they don't have their parents there because a lot of times, kids will act up if their parents are present. So, it'll just be just the kids and me.

John Limburg asked, so will the concerts be somewhere else?

Mickaela Hawkley answered, yes. I will probably rent out the High School.

3. Discussion to approve a Home Occupation for Leinaala Salanoa to own and operate an Online Sales business out of her home located at 89 South West Street in the RM-7 zone.

Gary Pinkham asked, what kind of products are you going to be selling?

Leinaala Salanoa answered, household items such as toys and furniture.

Gary Pinkham asked, are you going to be storing the stuff onsite?

Leinaala Salanoa answered, in the garage. I don't have any intentions of staying operable in the house. I'm looking for a retail space to rent. But there's just nothing available.

Gary Pinkham stated, I'm worried about storage space to support a business. I guess if you

keep it all in the garage and don't let it get out and start crowding up the lot or street or the neighbors, it'd probably be okay.

Leinaala Salanoa stated, I have a four-car garage, so right now everything is stored in there. I also have a shop that's not finished, but it can be stored in there too. But like I said, I don't have any intentions of staying in the house.

4. Discussion to approve a Home Occupation for Karla Lee to own and operate a Dog Grooming business out of her home located at 869 Silver Spur Road in the R-1-21 zone.

Karla Lee was present on Zoom.

The Commission didn't have any questions at this time.

5. Discussion to approve a Home Occupation for McKenzie Anderson to own and operate a Nail Salon out of her home located at 746 Frontier Road in the R-1-21 zone.

McKenzie Anderson was present for the discussion.

Jaime Topham stated, I saw a message from Andy Jensen, our building official, and he asked about if the space is being remodeled for your salon and if it's not, have you verified you have the correct ventilation system in place for a nail salon?

McKenzie Anderson answered, I don't need a ventilation system. I'm not doing acrylic nails.

6. Discussion to recommend approval to Rezone .65 acres of land located at 497 East Main Street and .30 acres of land located at 481 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey.

Skylar Bailey was present for the discussion.

Gary Pinkham asked, that little house on the smaller block, I assume your intentions are to remove it?

Skylar Bailey answered, Correct. We've already reached a deal with the Mayor, and we are going to unstack the cabin and it is being donated to the city, and you guys can restack it at any location you guys want.

Gary Pinkham asked, How about the other little house?

Skylar Bailey answered, that's getting pile driven. We've already donated that to the fire Department to train in. It's now no longer structurally safe nor was it structurally safe prior. Its actually slid off its original cobble foundation.

Gary Pinkham responded, that's my concern because in the last day it has dropped three to five yards. Its not safe for folks to be around.

Skylar Bailey continued, no. That's why the caution tape's on there and that's why the no trespassing signs are on the property.

Gary Pinkham states, the property should be fixed.

Skylar Bailey responds, Correct. My excavator was scheduled to be there this week, but he came home from Alaska with COVID. It is being demolished next week. We're actually renting a piece of equipment local here in town and it's being delivered on Wednesday.

Gary Pinkham states, Okay. Just I'd say right now, it doesn't look like it's safe to have anybody around it. It should be fixed. No one schedules, it could slide. I'd hate to see it sit there for a couple of weeks without a fence and nothing but chances.

Attorney Coombs adds, Mr. Chairman, I do have a quick question.

Attorney Coombs asked Skylar Bailey, you said that the wood from the cabin will be donated to the city. Is the expectation that the city has to rebuild it? Or can the city do with it as it deems necessary?

Skylar Bailey responds, once it's in your hands, you guys can do with it whatever you deem necessary. Whether you want to donate it to the public, turn it into mantel fireplaces, or whether you want to put it in the dump, that's totally up to you.

Attorney Coombs answers, Ok

Chairman, Brian Pattee states, we're going to take care of it.

Chairman, Brian Pattee asks, All right, any further discussion for Mr. Bailey on this? All right. Thank you.

Skylar Bailey answers, thank you.

7. Discussion to recommend approval to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code.

Chairman, Brian Pattee begins, Next up, discussion to recommend approval for man chapter two definitions of Grantsville City land use management development.

Jaime Topham states, I just sent you guys an additional definition that Shay would like added to this. Should be on your iPads, sent to your email.

Chairman, Brian Pattee, Yes, this is for the attached single-family dwelling that's in our tables. We talked about it in the last meeting. Was this part of the action items we had from the last meeting? Yeah? Okay.

Gary Pinkham answers, I have identified some items in the definition or in chapter two that either didn't match up with other definitions in the chapter or didn't match up with our code. And I made notes that some sort of correction or revision needs to be made. That is what this list is, is a suggestion of items that should be checked on. But I don't see that we have proposed a new way.

John Limburg asks, what's the handwritten note in there for retaining walls? What is that?

Gary Pinkham responds, I looked at it on there. This typed, this goes back six or eight months. And when we talked about retaining walls last couple of meetings, one of the things Andy mentioned is that, for his retaining wall code, there wasn't a definition in chapter two for retaining walls. So, we need to add something in there for retaining walls. The same on multi-unit attached. Shay had a recommendation in our last meeting. I think there was a couple of different wordings that you had spotted but nothing was settled on.

Shay Stark answers, Yeah, and the one that was just emailed to you, I put those different options that were out there and looked at the similarities in them and reduced it down to one statement. So, you can play with it from there. I think our goal by sending this forward for public hearing on these definitions' tonight is Gary had listed these definitions where there were issues and we want the public to be able to see that, and then also if there's comments about other definitions that the public feels need to be addressed also. So that we can come up with that list and then discuss those and hopefully in one of the next few meetings, be able to amend that chapter two.

Chairman, Brian Pattee, so, we're considering to amend chapter two tonight. Would this not be able to be done?

Jaime Topham answers, no we will have to table it.

Gary Pinkham asks, who would draft the new definitions? I'm not sure what the original intent was, because they refer to things that didn't exist. I guess I'm wondering how we go about closing the gap here.

Jaime Topham answers, it seems like something legal would do. That would be, in my mind, what's appropriate to draft is the legal department. I don't know about sign off, but they should definitely draft it, so then they know it's in compliance with state law.

Chairman, Brian Pattee responds, right, and understand the context.

Gary Pinkham states, Brett and/or his help draft resolution introduced, shouldn't that be brought back to this or are you okay?

Attorney Coombs answers, absolutely, yes. I will take a look at it and then I can have it ready for you for next meeting.

Gary Pinkham replies, if there's anything in there that you don't understand what I was red flagging, you can give me a holler and I'll come and sit down with you.

Attorney Coombs affirms, Great. That'd be awesome. Thanks.

Chairman, Brian Pattee states, we have eight and nine and these other chapters.

Jaime Topham answers, if you all feel like we need to have a little bit of a discussion on these before the public hearings, then let's do it. Otherwise, I think we're good. We've discussed all of these prior to this meeting, so it's up to you.

Gary Pinkham responds, basically on eight and nine, we talked about them two weeks ago, and this, we had a few minor adjustments we needed to make to them last meeting. And this brings those adjustments in. So, I'd say we already discussed them.

Chairman, Brian Pattee asks, which one of these does the suggestion that Shay just sent us affect?

Jaime Topham responds, just in the definitions.

Chairman, Brian Pattee asks, any further discussion from the commission on items eight and nine?

Chairman, Brian Pattee continues, then we'll move to number 10

8. Discussion to recommend approval to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code.

Commission didn't have any discussion on this agenda item.

9. Discussion to recommend approval to amend Chapter 14, 15, 16 & 19a of the Grantsville City Land Use Management and Development Code.

Commission didn't have any discussion on this agenda item.

10. Discussion to recommend approval to amend the Grantsville City's General Plan Future Transportation Map and Street Master Plan.

Chairman, Brian Pattee asks, discussion to recommend approval to amend the Grantsville City's general plan future transportation map and street maps. Is there anybody that's going to talk to us about this?

Mayor Critchlow states, we need to put it on the agenda and set up a committee to do this.

Dan England asks, Bret, what's the best way for us to set up a committee?

Attorney Coombs responds, if the commission wants to set up a committee to study this, then the chair has the authority to authorize a committee. I would recommend no more than two members of the planning commission sit on the committee at any one time so you don't have to publish it for an open meeting. You can ask any others to be part of that, whether from the community, from the city or whatever you want. And then, figure out exactly what the needs are. Then report back to the planning commission, what they find. That's the easiest way.

Mayor Critchlow responds, I would like to be the chair of that committee.

Gary Pinkham asks, hasn't Horrocks been working on this?

Dan England answers, yes, they are working on one, and they will be bringing it forward at the next meeting for your approval.

Gary Pinkham asks, how does that process fit in with the committee that you're talking about here?

Mayor Critchlow responds, we just need to review the whole map again and review what they're going to bring to us compared to what we think is the right place to put this transportation master plan.

Chairman, Brian Pattee adds, so what do we need to do as this body? Do we have to have a public hearing for it?

Attorney Coombs answers, if the desire is just to set up a committee, there's no amendment that takes place. The committee studies it and then provides recommendations and then the body would vote on those recommendations. And my understanding is that tonight, what I thought was going to happen is that there was just going to be one recommended change. But if there's recommendation to change the whole thing that I think that it'll need to come back.

Kristy Clark added, that was my understanding also, that's why it was on for public hearing

discussion and consideration as I thought that we just needed to discuss the road going from Piccadilly to Burmester.

Mayor Critchlow answers, that does need to be addressed, but the whole map needs to be looked at. And I would like to pull that together and appoint a committee to that.

John Limburg asks, is that our job to appoint a committee?

Attorney Coombs responds, the city council has the authority to study it out as well. They can have their own committee. If that's the way, you want to go study it out, the city council can have its own committee. The planning commission can have one too. You can have two parallel committees, but the actual amendment process begins with the planning commission. However, you want to organize that, but it is being done by Horrocks right now. I don't know where they're at in that process. If the planning commission wants to form its own committee, then two members of the planning commission can serve on it. And then separately, the city council can have a committee. That's probably the best way to go.

Jaime Topham asks, can we do a joint committee?

Mayor Critchlow affirms, that's what I want to do.

Attorney Coombs answers, yes you can and it would probably best, since it's a land use issue, I would recommend that it be under the direction then of the planning commission. And then the Mayor can designate two members from the city council. If he wants to do that, then he could be one of those two members to serve on that committee. And then the planning commission would be the same thing. But I would recommend that you have the planning commission lead it because it's a land use issue.

Mayor Critchlow states. okay. That's not what I wanted this on the agenda tonight to do. I want to put a committee together to study this transportation thing, because it's been a bit of an issue lately. I mean, you can amend this thing tonight to get rid of this Piccadilly thing. That's good. But the rest of it needs to be looked at and some changes need to be made.

Chairman, Brian Pattee responds, Mayor, we will form a committee.

Shay Stark states, I just want to point out, this is being funded through WFRC, correct, for the transportation master plan? And it's funded from two different grants, but it's being administered. We just need to double check because, and we can check with Jewel Allen, but there may have been a committee already formed to review this just like there was with the general plan, because that's part of what WFRC requires with their grant funding. You may be able to just adjust that committee.

Dan England responds, I would have to check with them to see if they have a committee in place. Would that interfere with the city setting up its own committee?

Chairman, Brian Pattee adds, I'm in line with the mayor. I think we'll just have our own committee. It doesn't hurt to have different people looking at it.

Jaime Topham states, it's clear that none of the planning and zoning members are on that committee if there is one, that seems a little problematic.

Chairman, Brian Pattee continues, Dan, will you tell us about the street?

Dan England responds, this is our current master plan and it has the arterial streets, which are in the orange. And then we have the blue that are the collectors. The dashed ones are meaning that it's proposed. It doesn't yet exist, but that's the direction that it's proposed as people develop, then they would put those streets or that would be the location of the street in those locations as it would, was to continue. There is a street that would come up from 112 up just shy of our treatment plants and then tie in to Burmester you can see that it's building some of our east west streets going across there. That's what the plan is at this point to come through. What I wanted to show the committee on this is the East West streets on the South side, we have quite a bit more on the North side. We really don't have any. We've got some Northwest streets that are going there and we've got some little short spurts, but that's what exists right now in the city. And as things develop, the existing residents are happy with the way it is right now, but in the future as you get more people coming through, those Northwest streets are going to become a little bit overwhelmed. And if people start to develop the way that things plan. Now you can see North is up. These are some of the streets that were being proposed. You can see the kind of a blue line connecting the little short segments of streets, that the way they were coming in at that time. And so that's all these maps were supposed to show is that we really don't have anything now. These are some streets that we could put in or not put in, depending on the committee. Any questions?

Jaime Topham asks, so you said something about getting rid of Piccadilly as a collector, but I see on this map, the purple line. What does that indicate coming off of Piccadilly?

Dan England answers, that could be just a local street instead of a collector street. Right now, you can't. I don't know if Piccadilly can get all the way over to Lincoln Highway anymore because as the development comes through and with Vegas Street currently, we might be able to get that one to go all the way through. And we're hoping to shift more of the traffic out, farther outside so Piccadilly would not be as busy of a street because it's going through some existing homes a little bit more than it would be out on Vegas. Those lines are more of just local streets to allow things to come through. It's like what we have on the South side of town.

Jaime Topham asks, I guess that's kind of why I asked the question because from the map that's been provided to us that doesn't indicate that we're wanting to remove Piccadilly as a collector street. It really doesn't indicate anything. What is the actual request we are being asked to approve, to amend?

Dan England answers, at this point, there has been people that are developing up there, they know they don't have that go through close to their house. And the question is just becoming, do we follow a master plan or do we change the master plan or ignore the master plan?

Erik Stromberg adds, I think we're past the point of following the master plan. I think it's going to have to be changed because I think it's impossible to follow from that compliant with the development that's happened there, is my understanding.

Dan England continues, also roads are allowed to veer North and South or go around existing buildings.

John Limburg adds, that's what Quirk Street does.

Jaime Topham states, so for the purposes of tonight's hearing, we're not asking for anything.

PUBLIC HEARINGS:

- a. Proposed Home Occupation for Robert and Lydia Wageman to own and operate an Equipment Rental business out of her home located at 505 Dristeena Way in the R-1-21 zone.**

Chairman, Brian Pattee opened the public hearing at 7:31 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:41 p.m.

- b. Proposed Home Occupation for Mickaela Hawkey to own and operate a Children's Choir business out of her home located at 162 Harvest Lane in the RR-1 zone.**

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

- c. Proposed Home Occupation for Leinaala Salanoa to own and operate an Online Sales business out of her home located at 89 South West Street in the RM-7 zone.**

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

Kyle Hammond responded, as somebody that previously disliked what was going on next door, I think that this would actually work just fine. I would be the one that's probably most affected by it because I live right next to him. Yeah. I can totally tell you that she has tried to get cars off the street out of the front of my house, inventory into the garage so nobody can see it. I think it would work just fine. I agree with her. There's just little space to do any small commercial businesses in town like this. My wife and I'd like to be her

vote of confidence. That it'd be just fine if it follows her application.

No additional comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

d. Proposed Home Occupation for Karla Lee to own and operate a Dog Grooming business out of her home located at 869 Silver Spur Road in the R-1-21 zone.

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

e. Proposed Home Occupation for McKenzie Anderson to own and operate a Nail Salon out of her home located at 746 Frontier Road in the R-1-21 zone.

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

f. Proposed Rezone .65 acres of land located at 497 East Main Street and .30 acres of land located at 481 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey.

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

Roger Hale asks, I'm Roger Hale. I have property in the vicinity of that area there and I was just curious why the landowner feels it necessary to change that zone. When I studied through those zones, the CM seemed like the most compatible zone for that area with the existing residential properties on all four sides of the property. That's about all I have.

No additional comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

g. Proposed Amendment of Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code.

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

Kristi Smith asks, My name's Christy Smith. I'm with farm bureau financial services and I just bought the lot right next to the Grantsville fire station. It used to be a restaurant I guess that burned down. Currently it's zoned... What is it called?

Jaime Topham answers, the zoning is CS commercial shopping.

Kristi Smith responds, I just turned in an application this afternoon with Kristy to get it rezoned to mixed use. Because I'd like to do an office with some, apartment living above it, which is what is next door as well. And according to your future master plan, that is right in line with what you want the Main Street to be is mixed use. But there's a couple of problematic changes that were proposed. One was changing the setback to 25 feet instead of 20 feet. That lot for me is a quarter acre, a little over a quarter acre, so every foot counts. And if you take back another five feet, it really limits what I can do with my property. In addition to that, if you look at the zoning map for the future land use, that is on the government website, you'll notice that most of those lots along Main Street are quarter acre or some, some are more, some are less, but there is quite a few of them that are on there for a quarter acre.

Chairman, Brian Pattee answers, thank you. All right, any additional comments on these amendments?

No additional comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

h. Proposed Amendment of Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code.

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

i. Proposed Amendment to Chapter 14, 15, 16 & 19a of the Grantsville City Land Use Management and Development Code.

Chairman, Brian Pattee opened the public hearing at 7:52 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:53 p.m.

j. Proposed Amendment of the Grantsville City's General Plan Future Transportation Map and Street Master Plan.

Chairman, Brian Pattee opened the public hearing at 7:49 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:55 P.M.

- 1. Consideration to approve a Home Occupation for Robert and Lydia Wageman to own and operate an Equipment Rental business out of her home located at 505 Dristeena Way in the R-1-21 zone.**

Robert and Lydia Wageman were present for this agenda item:

Jaime Topham stated, I see that you responded to one of your neighbor's emails. He had asked, "What steps are being put in place to make sure the terms of the conditional use permit are being followed and what enforcement steps are being put in place in the event of a complaint that is outside the scope of the permit?" You answered, "the planning and zoning would be able to answer this question." Typically, with a conditional use permit, once it's granted, we still have the right to review it and if we get complaints, then it can come back in front of us, be determined, whether it should be continued or discontinued. I hope that answers his question there and obviously if there's a lot of complaints you're going to be seeing this again.

Lydia Wageman asked, how often do we need to come back before you guys?

Kristy Clark answered, they can put a temporary approval on it and have you come back in six months or if we get complaints.

Jaime made a motion to approve the Home Occupation for Robert and Lydia Wageman to own and operate an Equipment Rental business out of her home located at 505 Dristeena Way in the R-1-21 zone. With the condition that you maintain the same type of equipment and not larger equipment. Gary seconded the motion. All voted in favor and the motion carried unanimously.

- 2. Consideration to approve a Home Occupation for Mickaela Hawkley to own and operate a Children's Choir business out of her home located at 162 Harvest Lane in the RR-1 zone.**

Mickaela Hawkley was present for this agenda item:

The Commission had no more discussion on this agenda item.

Jaime made a motion to approve the Home Occupation Mickaela Hawkley to own and operate a Children's Choir business out of her home located at 162 Harvest Lane in the RR-1 zone. John seconded the motion. All voted in favor and the motion carried unanimously.

3. Consideration to approve a Home Occupation for Leinaala Salanoa to own and operate an Online Sales business out of her home located at 89 South West Street in the RM-7 zone.

Leinaala Salanoa was present for this agenda item:

Erik Stromberg asks, I don't know that we have anything that distinguishes, but I guess the question I have is if you're an online business, why would you have people picking up?

Leinaala Salanoa states, I get a lot of people that buy from here in Grantsville and Tooele.

John Limburg asks, they purchased it online and pick up from your house?

Leinaala Salanoa answered, yes.

John made a motion to approve the Home Occupation for Leinaala Salanoa to own and operate an Online Sales business out of her home located at 89 South West Street in the RM-7 zone. Erik ended the motion. All voted in favor and the motion carried unanimously.

4. Consideration to approve a Home Occupation for Karla Lee to own and operate a Dog Grooming business out of her home located at 869 Silver Spur Road in the R-1-21 zone.

Karla Lee was present for this agenda item and stated to the Commission:

Jaime Topham states, I just noticed that there was a note from the city about making sure that the waste is not disposed of in the sewer, that it's hauled away. I just want to make sure you're clear on that.

Karla Lee responds, Yes, I am.

Jaime Topham responds, That's my big comment.

Jaime made a motion to approve the Home Occupation for Karla Lee to own and operate a Dog Grooming business out of her home located at 869 Silver Spur Road in the R-1-21 zone. John seconded the motion. All voted in favor and the motion carried.

5. Consideration to approve a Home Occupation for McKenzie Anderson to own and operate a Nail Salon out of her home located at 746 Frontier Road in the R-1-21 zone.

No comments were presented in this agenda.

Jaime made a motion to approve the Home Occupation for McKenzie Anderson to own and operate a Nail Salon out of her home located at 746 Frontier Road in the R-

1-21 zone. John seconded the motion. All voted in favor and the motion carried.

6. Consideration to recommend approval of the Development Agreement for Holly Jones on the PUD/Multiple Housing Conditional Use Permit creating 10 Townhomes located at 225 S Willow Street in the RM-7 zone.

Attorney Coombs asks, I can speak on this. I emailed them out to you. I don't know if you received them. The reason that these are coming before you are because the legislature changed the laws requiring development agreements to go through planning commission before they can be approved by city council. These two development agreements that are on for tonight, Holly Jones and Cherry Wood are our standard development agreement. There aren't any particular changes to them. With the exception of Holly Jones is a PUD. There're certain variances that are granted as part of the PUD that are incorporated into the development agreement. So that's where we're left with that, but I'm fine to pull this over to the next meeting, if that's what the commission would rather do either way. I explained in my email to you that Cherry Wood does not need a development agreement for phase two, because it already has one for phase one so there is no development agreements necessary.

Jaime Topham asked, why are there a lot of blanks still in the Holly Jones?

Attorney Coombs answered, There're some blanks there for her to fill in her contact information, but then down in the attachment, I left blanks in the development agreement, in those areas, if the planning commission would like to add something, if not, the blanks will be taken out

Jaime Topham responds, specifically like there's number five open space and it has a developer shall provide a total of blank acreage. If we're being asked to recommend approval of these shouldn't they already have all of the detail in them. And I don't see anything about the specifications of the PUD.

Attorney Coombs responds, No. And so those specifications that are included in the development agreement, the reason that blank is there is for the planning commission to add any specifications that it wants to add. Now I can fill in all of that information, if that's the way you want me to do this, this is kind of the first step of trying to do this new process of bringing it through planning commission before City council, if you would rather me just fill everything in and then you guys give a check mark. I'm happy to do that too. I was thinking I would leave it open for you guys to add anything you wanted to add.

Jaime Topham adds, Well, I think in like this, for the PUD and specifically, it would be important for you to add in what we had discussed during, when they came in front of us as the PUD for our approval to move on to city council and everything else that city council may have added. I feel like that should be already included and not us relying on

what we remembered and whether or not city council made any changes.

Attorney Coombs responds, that makes sense. I'm happy to do that. Like I said, however, it would make it easiest for you guys is how I will move forward.

Erik Stromberg responds, I agree. I think we need, whatever's already been agreed to needs to be there. I mean, even your open space, it's a blank.

Jaime Topham answers, I think we should just table it for tonight and have these filled in and fixed before we recommend any approvals.

Jaime Topham adds, obviously the date and that's going to be whenever they actually get around to signing it. But as far as the content, there shouldn't really be anything that's not filled in. I think by the time it gets to this stage, we've already talked about all the things that need to be there. If this is going to be the process, if it's going to come before us, and then we get a development agreement after then I think everything should already be in that development agreement.

Attorney Coombs responds, actually, that's an excellent segue into a question that I did have, is that how you would rather have this done and go through final through planning commission, city council, and then the development agreement come through at the back end? Or would you like the development agreements to come through at the same time as finals are being considered?

Jaime Topham answers, seems to me like it would be better to have it come through at the end. I mean, I know that it takes a little bit more process, but city council tends to make some changes that would need to be incorporated in that. And obviously we aren't going to know it if it comes before us the first time.

Jaime Topham continues, the boiler plate obviously is fine, but beyond that, whatever city council changes, they need to be adopted into it as well.

Attorney Coombs answers, what I will plan to do moving forward is I will just include anything and everything that planning commission and city council want added to the development agreement or any specific items, and then bring that back through after final is approved.

Jaime Topham states, that's another point is like it has there's exhibits listed and there's cover pages for exhibits, but no exhibits. I think those should be involved should be listed as well, or they should be included as well. And is the final plot done by the time we're talking about this agreement or is it still in process before they do the development agreement?

Attorney Coombs asks, that's the question I was asking. In these two instances, the final

plan is already complete. And prior to the law change, I was bringing the development agreements to city council at the same time that they were approving the final plan. These law change happened just kind of between those final plans being approved by planning commission and them being approved by city council. The final plans were approved by city council with the understanding of direction that the development agreements would still come through. But since they needed to come to planning commission, we're doing it separately. Now that's where my question was is if that's the process you want to go permanently moving forward, I'm fine with that, in that final is approved and you need development agreement for if you want to do it concurrently.

Jaime Topham responds, I think it makes sense to do it separately into the end.

Erik Stromberg asks, as you brought up the point, if we approved development agreement that it goes to city council and they make changes.

Jaime Topham adds, To the final plot.

Erik Stromberg asks, to the final that could potentially change the development agreement, does that have to come back to us or just, they then approve based upon their changes.

Attorney Coombs responds that's a really good question. The law isn't really specific on that. It just says that the development agreement needs to come through City council. But I think potentially if it's a large material change, I think it probably shouldn't come back to planning commission.

Erik Stromberg responds, if it's going to come back, we might as well just see the final version once we're ready. I agree, I think it makes sense to just do it at the hearing.

Jaime Topham asks, does that cause any kind of delays with for them to get started if we put the development agreement after the final is all done.

Attorney Coombs adds, No, why is because they'll get the final plan approved and they still need to go through a pre-construction meeting and there's usually, at least a month or two, sometimes up to three months before they can record their plan. And as long as we get the development agreements through our process, before they need to record their plan, we should be okay.

Attorney Coombs states, I think you can table those and I will have them fully prepared and ready. I will plan to have just moving forward. I'll have them ready, to be final approved by city council.

Erik made a motion to table of the Development Agreement for Holly Jones on the PUD/Multiple Housing Conditional Use Permit creating 10 Townhomes located at

225 S Willow Street in the RM-7 zone. Jaime seconded the motion. All voted in favor and the motion carried.

- 7. Consideration to recommend approval of the Development Agreement for Cherry Wood Estates Subdivision Phase 2.**

Remove from Agenda. Already has a Development Agreement.

- 8. Consideration to recommend approval of the Development Agreement for the Canyon View Subdivision.**

Erik made a motion to table of the Development Agreement for the Canyon View Subdivision. John seconded the motion. All voted in favor and the motion carried.

- 9. Consideration to recommend approval of the General Plan and Future Land Use Map Amendment for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the property located at 360 West Apple Street.**

Mike Wagstaff was present for this agenda item:

The Commission didn't have any additional discussion on this agenda item.

Erik made a motion to recommend approval of the General Plan and Future Land Use Map Amendment for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the property located at 360 West Apple Street. John seconded the motion. All voted in favor and the motion carried.

- 10. Consideration to recommend approval of the General Plan and Future Land Use Map Amendment for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the property located at 374 West Apple Street.**

Mike Wagstaff was present for this agenda item:

The Commission didn't have any additional discussion on this agenda item.

Erik made a motion to recommend approval of the General Plan and Future Land Use Map Amendment for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the property located at 374 West Apple Street. John seconded the motion. All voted in favor and the motion carried.

11. Consideration to recommend approval of a Rezone of 1.88 acres of land located at 360 West Apple Street go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff.

Mike Wagstaff was present for this agenda item:

The Commission didn't have any additional discussion on this agenda item.

Jaime made a motion to recommend approval of a Rezone of 1.88 acres of land located at 360 West Apple Street go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff. Gary seconded the motion. All voted in favor and the motion carried.

12. Consideration to recommend approval of a Rezone of 1.62 acres of land located at 374 West Apple Street to go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff.

Mike Wagstaff was present for this agenda item:

The Commission didn't have any additional discussion on this agenda item.

Erik made a motion to recommend approval of a Rezone of 1.62 acres of land located at 374 West Apple Street to go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff. John seconded the motion. All voted in favor and the motion carried.

13. Consideration to recommend approval to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code.

The Commission didn't have any additional discussion on this agenda item.

Jaime made a motion to Table to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code. Gary seconded the motion. All voted in favor and the motion carried.

14. Consideration to recommend approval to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code.

The Commission didn't have any additional discussion on this agenda item.

Jaime made a motion to table to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code. Erik seconded the motion. All voted in favor and the motion carried.

15. Consideration to recommend approval to amend Chapter 14, 15, 16, & 19a of the Grantsville City Land Use Management and Development Code.

Jaime Topham states, she brought up a point about the 19A.

Erik Stromberg responds, various setbacks and the zoning, the size.

Gary Pinkham states, there's additional wording in there about building setbacks. They can actually front on the sidewalk if the joining properties front on the sidewalk. If they don't, if they're putting parking in the front, we need 25 feet for parking. That's the problem with the 20 feet. You can't get vehicles off the sidewalk.

Erik Stromberg adds, in this particular case, the parking would be off of the side of the building, but I've checked with Utah. Their setbacks were based on what you guys say. It lines up with the rest of them that setback isn't as far back in as it should be, as far as the side of the building. It's like where the old building used to be. I'll just have to suggest. You guys can amend this any way you want to do it, but for those buildings on Main Street, for those businesses on Main Street, we ought to really consider keeping that different than what a townhome would be.

Gary Pinkham adds, I think we need to make this one code. If we have a unique situation on Main Street, we need to write a separate piece of code for Main Street. We can go back and put an amendment into this one for Main Street, but we can't change this one to accommodate Main and let the townhomes do what they've been doing.

Shay Stark answers, we have a downtown district that, as far as we can tell, has never been utilized. I think it probably fits these commercial and these smaller lots better than what's in the mixed-use. The problem that we have is that downtown district hasn't had a boundary set for it. It's obvious that when it was written, it was written for the older part of Main Street, but we haven't been able to find a boundary for it.

Kristy Clark states, I think we're going to have to have some discussion because I don't think anybody's looked at that downtown district. It's not on any maps. When Shay and I was discussing it and looking, it's like it doesn't exist, but it's in the code.

Jaime Topham asks, is there actually a code for the downtown district?

Kristy Clark responds, there's two of them.

Shay Stark states, There's one for redevelopment district within that downtown area. And then there's one for the downtown district itself.

Kristy Clark responds, it's in the code, but it's not on any map. So, I think we're going to have to have a good discussion about it, which I'll put on for the next meeting. We'll just discuss it.

Shay Stark responds, my suggestion would be that this would be an overlay. We would also need to amend the general plan map.

Chairman, Brian Pattee states, I like that idea. I think we need to move along with this one, and then we'll fix that other one too.

Gary made a motion to recommend approval to amend Chapter 14, 15, 16, & 19a of the Grantsville City Land Use Management and Development Code. Jaime seconded the motion. All voted in favor and the motion carried.

16. Consideration to recommend approval to amend the Grantsville City's General Plan Future Transportation Map and Street Master Plan.

Jaime made a motion to table to amend the Grantsville City's General Plan Future Transportation Map and Street Master Plan. Gary seconded the motion. All voted in favor and the motion carried.

17. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held May 19, 2022.

Erik made a motion to approve the meeting minutes for the previous P&Z Meeting that was held May 19, 2022. John seconded the motion. All voted in favor and the motion carried unanimously.

18. Report from City Council Liaison, Mayor Neil Critchlow. I agree with your comments on the development agreements having information in there in case it's changed on the city council side. I think that's a great discussion that you had. To be able to come up with a plan for this downtown area is pretty important to us. I mean, we're going to revitalize that at all.

We got to have a good discussion about this. Okay. I didn't mean to stir a lot of trouble up on the road master plan, but I really think we need to have the committee to discuss this.

John Limburg asks, do you think that what Horrocks is going to recommend is not what we need?

Mayor Critchlow adds, there're some things in there I think we need to look at and change.

Attorney Coombs states, now that you have your two members of the commission, did you want to appoint one of them to be the chair of the committee? Or do you want the committee to choose its own chair?

Chairman, Brian Pattee answers, I would prefer the committee choose. I would suggest a five-person committee. How do we that feel about that?

Attorney Coombs states, it'd be six if you had two from city council, two from here.

Erik Stromberg states, then we'll let the committee choose their chairman. I think that's only fair for them.

19. Adjourn. Erik made the motion to adjourn the meeting. John seconded the motion. All voted in favor and the motion carried unanimously. The meeting was adjourned at 8:43 pm.

Kristy Clark
Zoning Administrator

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 06/16/2022. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Commission Chair, Brian Pattee, Commission Member, Gary Pinkham, and Commission Member, Jaime Topham, Commission Member, John Limburg

Commission Members that were present on Zoom:

Commission Members that were absent: Commission Member, Erik Stromberg

Appointed Officers and Employees Present: Zoning Administrator, Kristy Clark; Grantsville City Attorney, Brett Coombs; City Engineer Dan England

Appointed Officers and Employees that were present on Zoom or Absent:

Citizens and Guests Present:

**THE WORK MEETING WILL OFFICIALLY BE CALLED TO ORDER BY
COMMISSION CHAIRMAN, BRIAN PATTEE AT 6:04 pm.**

1. Discussion to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code.
2. Discussion to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code.
3. Discussion to amend Chapter 14, 15, 16, & 19a of the Grantsville City Land Use Management and Development Code.

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
COMMISSION CHAIR, BRIAN PATTEE AT 7:00 P.M.**

PLEDGE OF ALLEGIANCE

DISCUSSIONS:

1. Discussion to recommend approval to amend the Conditional Use Permit and Site Plan for Grantsville Community, LLC for the property located at 653 East Main Street in the RM-7 zone. The amendment is to add 2 new fire hydrants.

PUBLIC HEARINGS:

a. Proposed Amendment of the Conditional Use Permit and Site Plan for Grantsville Community, LLC for the property located at 653 East Main Street in the RM-7 zone. The amendment is to add 2 new fire hydrants.

Chairman, Brian Pattee opened the public hearing at 7:07 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:07 p.m.

COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:07 P.M.

- 1. Consideration to recommend approval of the Development Agreement for Holly Jones on the PUD/Multiple Housing Conditional Use Permit creating 10 Townhomes located at 225 S Willow Street in the RM-7 zone.**

Jaime made a motion to recommend approval of the Development Agreement for Holly Jones on the PUD/Multiple Housing Conditional Use Permit creating 10 Townhomes located at 225 S Willow Street in the RM-7 zone. Gary seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 2. Consideration to recommend approval of the Development Agreement for the Canyon View Subdivision.**

Jaime made a motion to recommend approval of the Development Agreement for the Canyon View Subdivision. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 3. Discussion of a Concept Plan for Mike Wagstaff on his property located at 339 W Main Street, 360 W Apple Street and 374 W Apple Street.**

Mike Wagstaff requested his application to be tabled on this agenda.

- 4. Consideration to recommend approval to amend the Conditional Use Permit and Site Plan for Grantsville Community, LLC for the property located at 653 East Main Street in the RM-7 zone. The amendment is to add 2 new fire hydrants.**

Roland Ho was present on Zoom for this agenda item and stated to the Commission:

Jaime made a motion to recommend approval to amend the Conditional Use Permit and Site Plan for Grantsville Community, LLC for the property located at 653 East Main

Street in the RM-7 zone to add 2 new fire hydrants. Gary seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 5. Consideration to recommend approval to Rezone .65 acres of land located at 497 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey.**

Skylar Bailey was present on Zoom for this agenda item:

Gary made a motion to recommend approval to Rezone .65 acres of land located at 497 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 6. Consideration to recommend approval to Rezone .30 acres of land located at 481 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey.**

Skylar Bailey was present on Zoom for this agenda item:

Jaime made a motion to recommend approval to Rezone .30 acres of land located at 481 East Main Street. The request is to go from a CN zone – Neighborhood Commercial District to a CG zone – General Commercial District for Skylar Bailey. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 7. Consideration to recommend approval to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code.**

Shay Stark was present for this agenda item and stated to the Commission:

Jaime made a motion to recommend approval to amend Chapter 2, Definitions of the Grantsville City Land Use Management and Development Code. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 8. Consideration to recommend approval to adopt a Retaining Wall ordinance in the Grantsville City Land Use Management and Development Code.**

Andy Jensen was present for this agenda item and stated to the Commission:

Jaime made a motion to recommend approval to adopt a Retaining Wall ordinance in the Grantsville City Land Use Management and Development Code. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

- 9. Consideration to recommend approval to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code.**

for this agenda item and stated to the Commission:

Jaime made a motion to recommend approval to amend Chapter 4, Supplementary and Qualifying Regulations of the Grantsville City Land Use Management and Development Code. Gary seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

10. Consideration to recommend approval to amend Chapter 14, 15, 16, & 19a of the Grantsville City Land Use Management and Development Code.

Shay Stark was present for this agenda item and stated to the Commission:

Jaime made a motion to recommend approval to amend Chapter 14, 15, 16 of the Grantsville City Land Use Management and Development Code. Gary seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

Jaime made a motion to table to amend Chapter 19a

11. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held June 2, 2022.

John made a motion to approve the meeting minutes for the previous P&Z Meeting that was held June 2, 2022. Gary seconded the motion. All voted in favor with Erik on Zoom and the motion carried unanimously.

12. Report from City Council Liaison, Mayor Neil Critchlow.

13. Closed Session. Jaime made the motion to go into a closed session. John seconded the motion. All voted in favor with Erik on Zoom and the motion carried.

Jaime made a motion to close the close session. John seconded the motion. All voted in favor with Erik on Zoom.

14. Adjourn. Jaime made the motion to adjourn the meeting. Gary seconded the motion. All voted in favor with Erik on Zoom and the meeting was adjourned at 8:57 pm.

Kristy Clark
Zoning Administrator

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 07/07/2022. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Commission Chair Brian Pattee, Commission Member Erik Stromberg, Commission Member Gary Pinkham, Commission Member Jaime Topham, Commission Member John Limburg

Commission Members that were present on Zoom:

Commission Members that were absent:

Appointed Officers and Employees Present: City Attorney Brett Coombs; City Recorder, Braydee Baugh; City Engineer Dan England; City Council Liaison Darrin Rowberry; Community Development Administrative Assistant, Braydee Baugh.

Appointed Officers and Employees that were present on Zoom: Shay Stark

Citizens and Guests Present: Barry Bunderson, Fred Cox, Kristi Smith,

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY
COMMISSION CHAIR, BRIAN PATTEE AT 7:01 P.M.**

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

a. Proposed rezone of .305 Acres Of Property Located At 196 West Main Street To Go From A Legal Non-Conforming Lot To A Mixed Use Designation

Neil Critchlow stood to provide public comment in support of this rezone. Barry Bunderson stood for public comment. Mr. Bunderson was concerned the Mixed-Use zone requires both commercial and residential development and continued the minimum commercial lot size is ½ acre. Mr. Bunderson noted the current lot does not meet the minimum lot size requirement and did not know how the property would house residential in this case. Mr. Bunderson was concerned this would set a precedence for future projects along Main Street. Fred Cox stood to provide public comment. Mr. Cox advised he was told the commercial requirement of ½ acre would be changed. Kristi Smith stood for public comment. Ms. Smith advised she was the owner of the property and that Commission Member Pinkham brought up that Main Street was in a historic district but there were no defined boundaries. Ms. Smith continued that she understood the commission was going to address that issue during this meeting.

b. Proposal To Rezone 11 Acres Of Property Located At 4860 West Highway 112 To Go From

An A-10 Designation To RR-1 Designation

Chairman Brian Pattee opened the public hearing at 7:01 p.m. and called for comments.

With no comments offered, Chairman Brian Pattee closed the public hearing at 7:02 p.m.

COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:03 P.M.

1. Discussion of proposed rezone of .305 Acres Of Property Located At 196 West Main Street To Go From A Legal Non-Conforming Lot To A Mixed Use Designation

Commission Member Pinkham asked how they anticipated doing commercial and residential. Mr. Cox advised the plan was to do residential units above the commercial. Ms. Smith advised the plans were already submitted as part of the packet. Mr. Cox explained there would be three apartments. Mr. Cox explained the second plans were submitted after learning of an easement on the property. Mr. Pinkham advised the lots were part of the old Main Street and they are cut up and small and many will be difficult to determine what use they will be. Mr. Pinkham suggested there be a Main Street specific zone district and liked the idea of the parcel having a use.

2. Discussion of proposed rezone of 11 Acres of Property Located At 4860 West Highway 112 To Go From An A-10 Designation To RR-1 Designation

Commission Member Pinkham asked what the Master Plan shows this area as being designated. It was confirmed the Future Land Use was for RR-1. Commission Member Topham asked if the owner of the property knew it was going to take more to break out one parcel than previous processes allowed. Commission Member Stromberg advised this was just a rezone so the owner may not keep the one lot plan after the rezone takes place.

3. Consideration to recommend approval to amend Chapter 19a of the Grantsville City Land Use Management and Development Code

Commission Member Topham acknowledge this code is the code that directly impacts Item 1 on the agenda. Ms. Topham advised that when the Master Plan was being developed there were multiple uses thought of for that designation and wanted to know if the language of the code requires commercial and residential. City Attorney Coombs advised that is how our code has the zone currently. Ms. Topham wanted to understand why there was language regarding Single Family Residential if there was a commercial and residential requirement. Commission Stromberg noted it could have multiple parcels. Ms. Topham wanted to know if it made sense to have the minimum lot size ½ acre when there are several lots on Main Street that will not meet this minimum requirement. Mr. Stromberg asked if there was a way to make an exemption

for properties on Main Street. Shay Stark advised the City has two districts in the code that are “Downtown Commercial Districts” but there is no area in the City that has been assigned that boundary. Mr. Stark advised to assign a boundary to the Downtown Commercial Districts and use an overlay to allow for smaller lot sizes; then it would not affect the areas outside that overlay. Mr. Stark suggested the minimum lot size could be reduced to ¼ acre; but would the City want to promote the smaller lot sizes outside the downtown district area. Mr. Stromberg advised he would prefer to see special sizing for Downtown. Mr. Pinkham advised that Main Street is unique in the City and a specialized code could accomplish what the City wants to go for in these areas. Mr. Stromberg was concerned with being broad with the term “Main Street” because there are larger pieces of property that could still meet the current Mixed-Use code. Ms. Topham asked what it would take to designate the Downtown District area. Mr. Stark advised it would need a public hearing and make it official. Mr. Stark suggested amending the future land use map and amend that boundary. Mr. Stark advised the Downtown Commercial and Downtown Support may require language updates which would be the code amendment process. Mr. Stark suggested amending the language in this current code to allow for the Planning Commission to amend the minimum lot size to ¼ acre along Main Street on SR-112 to Old Lincoln Highway. Ms. Topham asked if there should be a list of criteria that would limit that discretionary decision. Mr. Coombs agreed there should be some criteria. Ms. Topham requested Mr. Stark to provide a suggestion to the Commission regarding what the Downtown Districts should look like. Ms. Topham suggested an amendment later when the Downtown District is defined. Mr. Coombs added to have Mr. Stark also look at the “Central Business” district. Mr. Stark requested a work meeting to define what these districts should be. Ms. Topham asked why the code has the requirement of 25% landscaping and 10% open space. She continued that she felt it was an excessive amount that could border on a “taking”. Mr. Stromberg agreed with Ms. Topham that 35% because of the Mixed Use and PUD requirement combined seemed high. Mr. Coombs read the definition of landscaping:

“Landscaping: Means the planting, paving and dressing of finished graded earth (dirt) including retaining walls, trees, ground cover, perennial plants and annual plants, etc., and together with an (automatic) irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity.”

Mr. Stromberg suggested changing the definition of landscaping and suggested to conserve water that should be looked at. Mr. Stark advised the addition of that language was to be consistent with the desire for open space. Ms. Topham asked for the reason behind the 25% open space. Mr. Stark advised it was from an old code with the intention of not having a large building downtown. Mr. Pinkham advised the City is trying to avoid 10 acres of buildings and asphalt or other hardscaping. Mr. Stark did not feel 25% is excessive. Ms. Topham said 25% plus the 10% is what she is concerned about and that if it were 25% total it would be more palatable. City Engineer Dan England advised that open space could be landscaped islands in the parking lot. Mr. Stark suggested stating the 10% open space is required by PUD and is not required in Mixed Use Zone. Mr. Stromberg asked if it could be included with the 25%. Mr. Stark noted that some of the requirements to meet open space will not fit in smaller lots (such as the minimum for a 25’ wide requirement). Mayor Critchlow suggested designating a Mixed-Use Commercial or Mixed-Use Residential. Mr. Stromberg suggested the open space on smaller lots in the Downtown District

language. Mr. Pinkham suggested the 10% be included in the 25%. Mr. England suggested a certain lot size but make the requirement the lot is existing. Ms. Topham read the definition of open space and PUD:

OPEN SPACE. Land used for recreation, agriculture, resource protection, amenity, historical preservation, or buffers, and is protected by the provisions of this Code to ensure that it remains in such uses.

PLANNED UNIT DEVELOPMENT (PUD). An integrated design for development of residential, commercial or industrial uses, or limited combination of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the planned unit development approval process.

Mr. Lindburg addressed the site plan for Item 1 and noted the lot would comply with those requirements. Barry Bunderson noted open space cannot be a front yard, side yard, or rear yard. Mr. Coombs suggested putting a minimum lot number in the code for open space requirements. Mr. Stromberg advised he was concerned about leaving loopholes for the developer. Ms. Topham noted the 10% open space is more important. Mr. Lindburg wanted to know if the approval tonight would allow for an exception for the lot in item 1. Mr. Pinkham advised that one parcel isn't going to fit everything. Mr. Pinkham suggested passing this item and revisiting the Downtown District. Mr. Pattee noted he did not like the definition of open space. Ms. Topham asked Attorney Coombs if the language of open space will be an issue. Mr. Coombs advised doing 10% open space or 25% landscaping; not both. Mr. Pinkham suggested changing 25% landscaping to 25% open space. Ms. Topham noted the Mixed-Use zone should not be required to give more open space than other zones; she advised it was not warranted to have 35% dedicated to landscaping and open space because open space is so strictly defined. Mr. Lindburg felt the intention of open space was for parks and useable space and did not want high density in a Mixed-Use zone with no open space. Mr. England explained Item 1 is combined space and there should be a combination and if they can't meet the open space, they should pay a fee in lieu. Mr. Stromberg disagreed due to the proximity of the parks. Ms. Topham asked if the 10% being included in the 25% landscaping requirement would be safer. Mr. Coombs advised that it could still be problematic but more reasonable. Mr. Stromberg advised a rezone to Mixed-Use is not required. Mr. Pattee asked Deputy Public Works Director, Christy Montierth, how the billing is set up for this type of building. Ms. Montierth advised the billing would be like a trailer court. Mr. Pattee asked if it would be commercial or residential.

Commission Member Eric Stromberg made the motion to recommend approval of amendments to Chapter 19a of the Grantsville City Land Use Management and Development Code with the change in 19a.8 paragraph 1 the 10% open space as required in Chapter 21 is INCLUDED in the 25% landscape area. Commission Member Pinkham seconded the motion. All voted in favor. Motion carried unanimously.

4. Discussion regarding Springfield Estates Subdivision Final Plat located at approximately 535 West Apple Street, Grantsville Utah

Barry Bunderson was present for this item. Mr. England advised this subdivision has met all the requirements. **There was an issue with Ms. Topham and Mr. Pinkham not receiving the pages in the packet.** Mr. Stromberg noted the full packet was online. Mr. Bunderson noted there are two documents. Mr. Lindburg sent the email to Ms. Topham containing the full packet information. Mr. England explained that Mr. Bunderson put a manhole type structure that will collect the majority of the water. Mr. England explained there is no storm drainage in this subdivision; it all goes out to Apple Street and goes to 3 basins. Mr. Coombs asked if the owner would be dedicating the road to the City and when that would be done. Mr. Bunderson explained this would be done when the plat is recorded. Chairman Pattee asked who owns the storm basin. Mr. Bunderson explained it belongs to an adjacent property owner; however, there has been an easement document for that to happen. Mr. Pinkham asked if the old pond system would hold the water from this subdivision and if there was a risk to flooding neighbors. Mr. Bunderson advised that it would not. Ms. Montierth wanted to confirm the pond was not being dedicated to the City for maintaining. Mr. Bunderson advised there will be a Maintenance Agreement in place.

5. Report from City Council Liaison Mayor Critchlow.

Mayor Critchlow advised Ordinance 4 was passed and there was an amendment to strike the story limitation and leave it to 35' and that Chapters 14,15,16 were all tabled due to a corrupt document. Mr. Pinkham wanted to confirm it was not due to content. Chairman Pattee requested a joint meeting with Council in August.

6. Adjourn.

Commission Member Topham made the motion to adjourn the meeting. Commission Member Stromberg seconded the motion. The meeting was adjourned at 8:48 pm.

Braydee Baugh
City Recorder

Action Summary

#1 Updated Zoning Maps	Tabled
#2 Chapter 25 – Accessory Dwelling Units	Recommend approval with noted wording changes – Sent to CC
#3 Chapter 2 – Definitions of Waterwise Landscaping	Recommend approval – Sent to CC
#4 Chapter 19 – Sensitive Area District Overlay	Recommend approval – Sent to CC
#5 Alington Subdivision PUD	Discussion only
#6 Springfield Estates	Discussion only
#7 Willow Fields	Discussion only
#8 Deseret Commons Subdivision	Discussion only

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELP 11/17/22. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Brian Pattee, Jaime Topham, Gary Pinkham, John Limburg, Rick Barchers

Appointed Officers and Employees Present: Mayor Critchlow, City Manager Jesse Wilson, City Attorney Brett Coombs, Public Works Deputy Director Christy Montierth, City Engineer Dan England, Consultant Shay Stark, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

Appointed Officers and Employees that were present on Zoom:

Citizens and Guests Present: Barry Bunderson

PLEDGE OF ALLEGIANCE

**COMMISSION CHAIR BRIAN PATTEE OFICIALLY CALLED THE MEETING TO
ORDER AT 7:05 PM**

PUBLIC HEARING:

- a. **PROPOSAL TO AMEND THE GRANTSVILLE CITY LAND USE MANAGEMENT AND DEVELOPMENT CODE BY ADOPTING UPDATED ZONING MAPS**
No comments
- b. **PROPOSAL TO AMEND THE GRANTSVILLE CITY LAND USE MANAGEMENT AND DEVELOPMENT CODE BY ADOPTING CHAPTER 25 – ACCESSORY DWELLING UNIT**
No comments
- c. **PROPOSED AMENDMENT OF CHAPTER 2 DEFINITIONS OF XERISCAPE and WATERWISE LANDSCAPING IN THE GRANTSVILLE CITY LAND USE CODE**
No comments

d. PROPOSED AMENDMENT OF CHAPTER 19 SENSITIVE AREA DISTRICT OVERLAY IN THE GRANTSVILLE CITY LAND USE CODE

No comments

AGENDA:

1. Consideration to recommend approval of the Updated Zoning Maps

Shay Stark was present to explain the details and how the new maps were created. He expressed concern about the smaller 1 ½ acres with split zoning. If it doesn't have a clear purpose such as some lots on main with commercial and residential, he feels that we should try to clean these up.

Jaime agreed that it would be advisable.

Shay showed some examples. Many had the back 10 to 20 feet zoned A-10, which makes no sense. There was discussion on which zoning those lots should switch to and the need for public comment as well as working with the owners of said lots.

Brian wanted to know if this is for approval tonight or is this an ongoing project

Shay explained there are a few lots that have split zoning and is still working on these

Gary made mention of sending out notices to these owners letting them know they have a split zone lot.

Shay affirmed that we would need to do a public hearing for this. He would like to address all these before we approve these new maps.

Rick agreed with Gary's idea of sending out letter notices.

Brian clarified that the recommendation at this time is to wait on recommending approval until Shay has had time to properly address the split lot zoning issue.

Shay commented on past efforts to make the language in the General Plan, Land Use Codes and Zoning Maps all match. Special effort needs to be paid to MU, mixed use. Our small descriptions on the Zoning Map as sometimes too simplified and does not truly reflect the language of the code.

Gary agreed that is problematic to have the code or portions of the code in several places. He also pointed out that inevitably it gets changed in one place but not all the others.

Jaime asked if we can just list the titles and reference the code so we don't have to worry about making them match.

Rick had questions about the code for PUD.

Shay explained that PUD is not an actual zoning definition. Some of these odd zoning anomalies in new areas that were recently annexed are carry overs from county zoning. Most of these areas are in the North West FLUX area. He then talked a bit about “performance zoning”

Rick restated Shay’s explanation that we don’t have a PUD designation in our code

Gary asked that maybe we can get rid of the PUD on the map when we clean up the split zone lots

Shay explained that a lot of this will be resolved if the 6 -mile annexation goes through

Brian asked if this should be table at this time until after the split zoned lots are resolved and the 6-mile annexation goes through. Also look at removing definitions from the map and just reference the code sections

Gary agreed with the idea of fixing the split zoned lots and also suggested removing the PUD from the maps

Jaime asked if they should pass this with just a description change?

Jaime Topham made a motion to table this item until more work can be done. John Limburg seconded the motion. All were in favor. Motion passed unanimous

2. Consideration to recommend approval of the Adoption of Chapter 25 – Accessory Dwelling Units

Shay again was present to explain and answer questions

Rick had a question about: 25.2.2 “Either the primary dwelling or the ADU must be occupied by the primary dwelling owner of record.” He thought the ADU had to be occupied by the non-owner.

Shay said the wording is straight from state law

Rick asked in 25.2.11 what is a DRC?

Shay explained that it is the Design Review Committee which is made up of city staff. All the development projects go through a DRC review prior to coming to the Planning Commission.

Rick – 25.2.12 .2 Question: “ADUs shall be limited in the multi-family (MR) zoning districts to single family dwelling lots.” So, any ADU in a MR zoning has to be on a lot that is for a single-family dwelling?

Shay – This again jives with state law

Rick had an “appeals process” question. Why not just go to Board of Adjustment and by pass Planning Commission?

Shay – the board will just laugh you out of the meeting. They have strict criteria

Brett – The board is the last word. If they deny the request it's done.

Jamie – 25.2.9 – why do they have to have a business license just to own it?

Brett – I don't think they need a business license just to own it, only need one if they market or rent the ADU.

Shay – We can just take out “to owe” and just have the “to rent”

Jamie Topham made a motion to recommend approval of the Adoption of Chapter 25 – Accessory Dwelling Units, with the change in 25.2.9 to read “The owner of an ADU shall be required to obtain a city business license to market or rent the ADU.” Gary Pinkham seconded the motion All were in favor. Motion passed unanimous

3. Consideration to recommend approval of the Proposed Amendment of Chapter 2 Definitions of Xeriscape and Waterwise Landscaping

Cavett was present to answer questions and explain the definitions as needed. He started with the addition of the Black flow preventer which is a new item added since that commissions last discussion.

Jaime Topham made a motion to recommend approval of the Proposed Amendment of Chapter 2 Definitions of Xeriscape and Waterwise Landscaping. Gary Pinkham seconded the motion. All were in favor. Motion passed unanimous.

Cavett mentioned the future need to address enforcement and creation of a definition of front lawn

4. Consideration to recommend approval of the Proposed Amendment of Chapter 19 – Sensitive Area District Overlay

Gary confirmed that the map matches the written description

Rick asked if 6-mile annexation is covered into this. Gary confirmed that yes, he is correct, this does not cover 6-mile annexation.

Jaime Topham made a motion to recommend approval of the Proposed Amendment of Chapter 19 – Sensitive Area District Overlay. Rick Barchers seconded the motion. All were in favor. Motion passed unanimous

5. Discussion of Preliminary Plat for Alington Subdivision PUD

Gary – all of my concerned have been addressed

Rick – how much increase in commercial would satisfy you Jaime.

6. Discussion of the Development Agreement for Springfield Estates

Barry Bunderson was present to represent Shane Watson

Gary had a question concerning number of units. Why is there just five (5)?

Brett explained that we can leave it at five (5). If we change it to all 30+ lots you would be approving all those lots in advance. This is a Master Agreement. When Mr. Watson is ready to continue with the other lots we can add an addendum.

Jaime found an error in the labeling of the exhibits to the addendum.

Jaime Topham made a motion to move the Development Agreement for Springfield Estates to an action item. Gary Pinkham seconded the motion. All were in favor. Motion passed unanimous

Jaime Topham made a motion to recommend approval of the Development Agreement for Springfield Estates with correct labels of the exhibits to the addendum. Gary Pinkham seconded the motion. All were in favor. Motion passed unanimous

7. Discussion of Development Agreement for Willow Fields

Rick asked for an approximate location of where this is in the city.

Jaime Topham made a motion to move the Development Agreement for Willow Fields to an action item. Gary Pinkham seconded the motion. All were in favor. Motion passed unanimous

Jaime Topham made a motion to recommend approval of the Development Agreement for Willow Fields with the address added. John Limburg seconded the motion. All were in favor. Motion passed unanimous.

8. Discussion of Concept Plan for Deseret Commons Subdivision

Jeff explained that they have focused on the comments. Most were concerning open space. Rather than townhomes and apartment we have shifted to smaller home lots. City won't have to maintain the open space as this will be HOA maintained. There are trails between the different parks. They have different types of parks, some with playground equipment, others with a more tranquil place to sit. Road we will remove the park strip but maintain the 35' asphalt. Made changes for Fire vehicles. Their goal was to increase open space, snow storage, fire vehicle room.

The parks will be under a PID. They have continued to work with UDOT on access to SR112.

Brian asked if the pictures are the same as what is being proposed?

Jeff explained that the sample these pictures have smaller roads. All the trails are all 25'

Rick asked how do residences get to the starts of the trails? Is there on street parking?

Jeff explained that the private narrower roads will not have on street parking.

Gary had concerns about snow removal.

Lisa – we will widen SR 112 and use the swell to store the snow.

Gary – MORE comments about snow

Brian – are there 2 entrances from SR 112. Lambs Lane will one day have a light.

Lisa – We will look at the set back again.

Jeff clarified that all street that are under the 38' of asphalt are not public roads. Those that are 38' or more will be public roads, more open space

Jeff – we feel that we will be providing a superior product by changes to detached single homes, more open space, HOA maintained parks.

841 units

Rick stated that he is not super concerned with the density. He is more concerned with the setbacks.

Gary stated that he feels the lots are significantly smaller than what the zoning allows.

Jaime – here's my concern, I know you are trying to create a place where people stay in this development their whole life. I am interested in more rental. We need more apartments.

Rick – where do the kids play?

Jaime made some observations that there are a few errors on their chart.

Brian ended discussion

9. Report from City Council liaison Mayor Critchlow

Please get with Gina Francom about the Christmas party

Xeriscape is a good addition

10. Adjourn

Jaime Topham made a motion to adjourn the meeting. John Limburg seconded the motion. All were in favor. Motion passed unanimous.

Meeting adjourned at 9:28 PM

Action Summary

#1. Consideration to recommend approval of The Highlands Phase 5	Recommend approval – Sent to CC
#2. Consideration to recommend approval of Preliminary Plat for Alington Subdivision PUD	Recommend approval – Sent to CC
#3. Discussion of Concept Plan for Desert Edge (redesigned)	Discussion
#4. Discussion for Amending Moderate Income Housing Elements to the General Plan	Discussion – A, E, and F will be our goals at present
#5. Approval of minutes from Planning Commission Meetings held 10/06/22, 10/20/22, 10/27/2	Approved

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 12/01/22. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

Commission Members Present: Brian Pattee, Jaime Topham, Gary Pinkham, Rick Barchers (John Limburg not present)

Appointed Officers and Employees Present: Mayor Critchlow, City Manager Jesse Wilson, Public Works Deputy Director Christy Montierth, City Engineer Dan England, Consultant Shay Stark, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

Appointed Officers and Employees that were present on Zoom: City Attorney Brett Coombs, Fire Marshal Jason Smith

Citizens and Guests Present: Barry Bunderson, Michael House, Nick Mason

Present on Zoom: Todd Castagno, Guy Haskett

PLEDGE OF ALLEGIANCE

COMMISSION CHAIR BRIAN PATTEE OFICIALLY CALLED THE MEETING TO ORDER AT 7:01 PM

PUBLIC HEARING:

THE HIGHLANDS PHASE 5 consisting of 44 lots to be build continuing west on Rocky Way and High Plains Drive, south on Butte Lane and southeast connecting Honeysuckle Lane to Butte Lane. The area is zoned RM-7

No Comments

AGENDA:

1. Consideration to recommend approval of The Highlands Phase 5

Guy on Zoom to answer questions

Brett explained that this is the final phase under the old code.

Jaime Topham made a motion to recommend approval of the Preliminary Plat for Highlands Phase 5. Gary Pinkham seconded the motion. All voted in favor and the motion carried unanimously (John Limburg was not present for the meeting)

2. Consideration to recommend approval of Preliminary Plat for Alington Subdivision PUD

Todd was available on Zoom to answer questions

Gary commented that on the preliminary everything is OK from his observations

Gary Pinkham made a motion to recommend approval of the Preliminary Plat for Alington Subdivision PUD. Jaime Topham seconded the motion. All voted in favor and the motion carried unanimously. (John Limburg was not present at the meeting)

3. Discussion of Concept Plan for Desert Edge (redesigned)

Nick Mason from LGI homes was present to present the concept plan

Nick stated that they hope they have addressed the city's concerns. The mayor didn't want a lot of road opening out onto Old Lincoln road, the townhomes moved to the other end.

Gary had questions about the split zoning of MU and CD zoning for this property

Shay explained how in the zoning changes discussion and reworking the zoning maps, this is one of those parcels that is split.

Gary stated that it was his understanding that this had been cleaned up

Shay explained this is concept plan. We can clean things up during the preliminary process.

Gary stated that this is one of his problems is these developments that have 2 different zoning and different codes, about 60% is MU and 40% is CD

Shay stated he thought section 1 was A-10, CC approved Jan. 2021 to change to MU.

Mayor help clarify by explaining past history. This may not have been done right but they have an agreement approved by CC and mayor and we need to honor that agreement.

Brian asked if UDOT is going to allow all these road entrances,

Michael stated that in their conversations with UDOT the road match up with the gravel pit road, Walmart and other roads on 138.

Jaime asked what are the green spots.

Nick explained that they are where the utilities will go through

Gary state he didn't see why someone would drive through the whole subdivision to use those roads.

Rick stated he could see why people that are already out there would want to keep themselves isolated. Having limited access and circle would be want most owner would want.

Christy helped clarify street configuration by stating that circles are fine but that the plows need be able to go around.

Rick expressed that he is concerned about parking. Other concern, I don't want to argue over lot sizes and setbacks but small lot don't leave room for parking.

Gary also express that those are some of his same concerns. These very narrow lot design you don't have street parking. Maybe widen the lots. What about parking for RV, trailers, ATV and so forth. This community attacks people who like these items.

Jaime stated that she didn't see any apartments. This is a large development. Grantsville needs rentals

Nick stated that they don't build apartments

Rick had a Dan question. The things sticking out the bottom, are those drainage?

Dan explained that yes, that is his understanding.

Nick stated that they will make a way for the water that have historical flowed through the property. They will do something to retain the water from the development.

Jaime expressed that she remembered the sizes would increase as they went north. This concerns her.

Nick said they will look at that.

Jamie asked "What about 1/3 of acre instead of these smaller lot."

Nick said, I can't commit to larger lot but we will look at it internally.

Jaime asked, what about a fence?

Nick said, we can consider it. That is something we most likely want.

Gary stated that, we would like to see what the zoning actually is. We want more parking. As part of the P.U.D. we want you to outline what deviation you want and what the city will get as a tradeoff.

Back and forth conversation between Gary and Nick about parking for toys (RVs, ATVs etc.)

Brett helped clarify this discussion by explaining, I recognize what Gary is talking about but our code doesn't require that.

Rick stated that if the lot is narrow one of the problems that creates is there is no place to park toys.

Gary stated that if we follow the code width, they will have a place to park the toys. When the developer narrows the lots, we end up with problems

Jaime asked what is the minimum frontage is 50 ft.

Brett stepped in to clarify that the applicator feels they can disregard the code. This is something we disagree on.

Nick put up a different slide with more townhomes.

Gary asked can you market that many townhomes

Nick stated that, we feel that we have addressed the concerns of the mayor and tried to work with staff to address the concerns.

Dan addressed small frontage parking. They will have 2 car garages.

Gary stated, lot size has a purpose. It provides distance between houses.

Jaime – we are trying to balance

Mayor stated we could make a lot of different things if we didn't have the P.U.D.

Gary ask Dan, what is the setbacks?

Dan said, I think they are 7.5 for utilities

Brian ended that discussion

4. Discussion for Amending Moderate Income Housing Elements to the General Plan

Shay and Jessie was available to lead discussion.

Jessie explained that we as well as 75% other communities are deficient. Some of it is wording. According to work force services we have to have that actual wording.

Gary asked how does that project we just spoke to have to do with this.

Rick noted that section 8 or public housing, we can't control the price of the home by the size and price of the lots. (10-9a-403 general plan preparation)

Jessie explained that Brett and he have spoken about possibly requiring work

Brett explained that all we are doing here is cleaning up the wording to be in compliance to statutes.

Shay clarified that tonight we want to run through our goals. Currently the state wants us to work on the action items. Later we would need to start recording moderate housing in our community.

Shay said on goal would be (A) rezone for densities necessary to facilitate the production of moderate-income housing. MU is the best way to facilitate moderate income housing.

Rick stated that the MU doesn't guarantee moderate-income housing.

Shay took several minutes to explain that we can't guarantee what the cost of the homes would be.

Shay continued with (O) apply for or partner with an entity that applies for state or federal funds or tax incentives. BLUE LAKES was such a development.

Rick stated that we need better definitions on the MU zoning

Shay commented that we can certainly change the language in the MU for commercial and residential percentages.

Rick stated, I am for setting percentage commercial in the MU.

Jaime asked so are we just looking to write something to meet the state code but are not interested in really creating moderate-income housing?

Shay said that we can create bench marks, maybe if they meet the benchmarks, we can give them something to sweeten the pot. How much does the city really wants to do this?

Jessie said that A, E, F are the ones we have chosen, these three as tentative goals.

Shay said A and F are in there but the wording needs to be corrected. E is new.

Jaime asked if the townhomes they were presenting in the last development would that have qualified?

Shay said it would depend on the price point.

Rick thought that it seems we almost meet these goals.

Jessie said, yes but we need to have the actual wording to comply.

Gary said that doing what you outlined, would be fine by me.

Shay said, I can have this ready the next meeting

Brett explained that the State doesn't have a definition of moderate-income housing.

Rick thought that a definition of moderate-income can get pretty detailed.

5. Approval of minutes from Planning Commission Meetings held 10/06/22, 10/20/22, 10/27/22

Jaime Topham made a motion to approve the minutes from Oct.6, 2022, Oct. 20, 2022 and Oct. 27, 2022, Gary Pinkham seconded the motion. Brian Pattee abstained from voting as he was not present at all the meetings. Jaime, Gary and Rick all voted to approve. Minutes Approved

6. Report from City Council liaison Mayor Critchlow.

Mayor asked that everyone remember that the Land Use Institute is funded by build permit money and developer money

He also mentioned Desert Edge. I wasn't in on it so I can't apologize for it.

Gary wanted to know which code are we working under. Also, are we working under the MU and CD code.

Rick asked, can they really build to super max townhomes

Brett stated, yes, they have a max number but we don't have disregard our codes.

Gary explained that with PUD one thing we have noticed with the driveway is that there is no parking on the street.

Brett explained that the commission can let them have the density they want but they have to give us parking

Rick asked are there fees for them coming back and back and back?

Brett explained that our definition of a PUD is pretty ambiguous. If you want to cut down on the number of meeting we could redefine our PUD. Tooele county has a tightly defined PUD

Mayor expressed, I trust both lawyers. I will get answers

7. Adjourn

Jaime Topham made a motion to adjourn, Gary Pinkham seconded the motion. All voted in favor. Motion passed unanimously.

Adjourned at 9:00 pm

Action Summary

#1 Ernie Beacham – Willow Brook	Discussion
#2 Holly Jones – Beacon House	Discussion
#3 Moderate-Income Housing Element	Move to Action Recommend Approval – Sent to CC
#4 Vacate the frontage along Cherry Street	Move to Action Recommend Approval – Sent to CC

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 11/17/22.
THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN
STREET AND ON ZOOM.**

Commission Members Present: Brian Pattee, Jaime Topham, Gary Pinkham, Rick Barchers

Appointed Officers and Employees Present: Mayor Critchlow, City Manager Jesse Wilson, City Attorney Brett Coombs, Public Works Deputy Director Christy Montierth, City Engineer Dan England, Consultant Shay Stark, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson

Citizens and Guests Present: Ramon Severe, Bonnie Williams, Dana Francom, Roger Francom, Frances Herman, John Herman, Mark Lawrence, Julie Lawrence, Margene Dudley, Joseph Rupp Kim McBride, John and Gerri Tate, Ben and Jennifer Sargent, Hope and Jacob Kendall, Mike Martinez, John Hislop, Joann Logan, Luke Young, Holly Jones, Kelly Baker, Emily Hamilton, Deann Christiansen,

Barry Gittleman, Stetson Blackmore, Ernie Beacham,

PLEDGE OF ALLEGIANCE

**COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO
ORDER AT 7:05 PM**

**A. GENERAL COMMENTS PERTAINING TO A PROPOSAL TO AMEND
MODERATE-INCOME HOUSING ELEMENTS TO THE GENERAL PLAN.**

No Comments

**B. CONSIDER A REQUEST FROM CITIZENS WHO OWN FRONTAGE ALONG
THE SOUTH LINE OF CHERRY STREET, THE EAST LINE OF PARK
STREET, AND THE NORTH LINE OF LOT 7 OF BOYER SUBDIVISION, AS
RECORDED IN THE TOOELE COUNTY RECORDER'S OFFICE AS ENTRY
NO. 27647 4, BOOK 63, PAGE 143-144, TO VACATE THE SOUTHERN FIFTEEN
(15) FEET OF THAT FRONTAGE AND GIVE IT TO THE ADJOINING LAND
OWNERS WHO OWN FRONTAGE ON THIS PORTION OF CHERRY STREET.**

No Comments

C. GENERAL COMMENTS PERTAINING TO A CONDITIONAL USE PERMIT APPLICATION FOR ERNIE BEACHAM TO OWN AND OPERATE WILLOW BROOK EVENT CENTER

No Comments

D. GENERAL COMMENTS PERTAINING TO CONDITIONAL USE PERMIT APPLICATION FOR HOLLY JONES TO OPERATE BEACON HOUSE LLC

Emily Hamilton: read a prepared statement about Young People in Recovery and her has worked with YPR. Her statement outlined how an organize like Beacon House can help address the recitivism rate by providing a place between rehab and independent living. She ended with a tag line, Love is greater than shame.

Luke Young: Neighbors concerns about who will be housed at the group home. What is the past criminal history if any. School zone and senior center are close. They feel there may be a better location.

Francis Herman: The neighborhood is concerned about a business being in the residential neighborhood. They don't see how 10-12 clients can be housed the a relatively small house. How will they get to jobs and meeting? This is not a home business.

John Hislop: Many people have good intensions. He addressed Emily's tag line. Parents and grandparents love the child/grandchild but it is not enough to overcome the addicts love of drugs.

Emily Hamilton rebuttal: She address the use of THEY by the various people who have commented.

Kim McBride: Spoke about someone she knew who went to a facility similar to Beacon House. Most of the people were there due to court order, they were still dealing drugs and would steal from the neighborhood. She has concerns that something similar would happen with the placement of Beacon House in this neighborhood.

Benjamin Sargent: Group homes can help people. This happens where there is a neighborhood outreach and the neighbors are accepting. He was notified by the city not the people wanting to create Beacon House. There was no outreach, no education about this facility. They neighbors were blindsided by this facility. This is a concern that a business owner didn't reach out and provide any information about what this home is going to provide. There is a concern that the high standard that are being presented will be maintained over a long period of time.

AGENDA:

- 1. Discussion of Conditional Use Permit Application for Ernie Beacham to own and operate Willow Brook, an event center for small (50-190 guests) gatherings at 628 South Quirk Street in the RR-1-21 zone**

Ernie was present to answer questions

Gary asked what is the kitchen for.

Ernie explained it as a hold location only, fridges and ovens for keeping things cold or hot. Food will be catered from an outside source.

Jaime asked about prior use as an event center.

Ernie explained that they have a CUP for a dance studio and had used it for a couple of events. They received a “Cease and Desist” letter and have not had any other event. Since that time, they have been working to follow a legal route.

Gary explained that with the expected number of people I need to check the code for ADA parking

Ernie said that yes, they are aware that they need another ADA parking

Gary had a question about hours of use. Code states nothing after 10:00 pm as per code.

Ernie said they will have that time in the application for people when they apply to rent the space.

Brian asked about the current CUP for the dance studio.

Ernie confirmed that yes, they have a CUP. That was applied for before the construction of the dance studio.

Jaime had a concern that now he has sold off the other land and there is a development going in what is the traffic impact going to be. She has looked at lot parking and have concerns. She had concerns about putting a commercial interest in a residential area. Have you read the letters of concerns from your neighbors?

Ernie explained they he had not seen the letters.

Brian mentioned that he is concern with event center is the noise, more so than the traffic.

Ernie explained that he won’t leave this to my client.

Jaime asked again about the parking. She is mainly concerned with on street parking. Who will enforce the parking to see that it is contained to the on-sight parking

Ernie stated he would be responsible to see that parking was limited to the parking space he provided.

Jamie explained that she understands that Ernie knows the process. Most of the citizens don’t know the process so that is why I want it stated.

Gary restated that with all the people coming out of South Willow and Quirk he didn’t think the traffic is a problem. He thought noise is the biggest concern.

Brian closed the discussion.

2. Discussion of Conditional Use Permit Application for Holly Jones to operate Beacon House LLC, a Group Home, a Residential Recovery Support at 159 Vine Street, zoned RM-7. It is noted that the business will house 10-12 onsite live-in clients and a house live-in manager

Holly Jones was present to answer questions

Holly explain that a small group home is permitted use in RM-7 zoning. She also explained that group living is important for people with substance use disorder. The public comment from earlier were based on fear not facts. Grantsville needs resources for people with substance use disorder. She watched her father struggle with substance use disorder. There is a need in the community where people can get the help and support they need after recovery so they don't re-enter the same environment where the substance use was triggered.

Jaime: So, Holly can you tell us what your program actual is?

Holly explained that it is not an in-patient treatment facility, a halfway house. It is not court ordered or court mandated by anyone. These individuals have already been through treatment. This is the second stage of housing. This next stage before independent living. There is still an element of accountability with weekly drug testing.

Jaime ask about who would be the people living in this home

Holly reiterated that these would be people that have already graduated from an in-patient treatment facility. Going back to their old environment is not conducive to success. This home removes them from that situation and puts them in a situation where sobriety is the key factor.

Jaime asked if the home would be coed home. What is the planned demographic of this home?

Holly said that it will not be coed as of right now. That is not what they applied for. Currently her main focus would be on women or women (single parents) and children. She talked about helping children break the cycle so they don't end up with substance use disorder. This problem can be generational.

Jaime asked how many bedrooms are in the home.

Holly stated that this particular home is six (6) bedrooms, potential to have a seventh (7th) bedroom.

Jaime stated that Holly is asking for ten (10) to twelve (12) clients. She asked for clarification on how that works.

Holly explained that there would be two (2) per room. Accountability is key and with a shared bedroom you can't hide. There is someone always there for good or bad.

Jaime asked about getting to appointments, meeting and jobs

Holly explained that they have various means of transportation set up for the clients to get their various meetings and work. There is a whole network of people to help. They also have adequate parking.

Gary asked about the layout of the home.

Holly stated that the upstairs has a full kitchen, two (2) full bathrooms, three (3) full bedrooms. The downstairs, the exact same floor plan, a kitchen, a living room, two (2) full bathrooms and three (3) full bedrooms. They follow the State Code for group living and square footage requirements.

Gary asked about if the live-in manager uses, say the master bedroom, that leaves five (5) bedrooms.

Holly affirmed that was correct. The home as the potential of a seventh (7), it's just not built in.

Gary asked about access to the basement, Is it just the interior stairs?

Holly explained that the basement has its own full double door. It is a full walk-out with separate yard space, and also additional parking.

Jaime asked about if the clients would have a criminal background.

Holly stated they will not allow any sex offenders or anyone who has had a violent offence.

Gary asked if Holly has other facilities.

Holly said she has plans to have three (3) in each town. One (1) men, one (1) for women and one (1) for parent and children.

Gary asked how many does she currently have.

Holly stated this is our first one

Gary, So, this is the start.

Holly explained that she applied for one (1) in Tooele as well. It has already been approved. It is a permitted use.

Jaime asked for clarification because she has read conflicting code as to whether this is permitted or conditional. She asked if Brett could address the issue.

Brett explained that our code has two (2) separate chapters that deal specifically with this particular type of residence. He directed the commission to look at chapter 8.4 and 8.5 of the Grantsville Land Use Management Development Code. 8.4 deals with group home, 8.5 deals with transitional treatment homes. The table in chapter 15 for RM-7 doesn't indicate on it whether this is permitted, conditional or otherwise. So, you would assume that it is permitted. They need to look at the rest of the code and these two sections discuss those sections of the code. These chapter were adopted many, many years ago and have not been updated since. He has found some issue that need to address as a commission. The law is very clear. Homes for disabled people can't be treated differently than if a regular family wanting to move into that home. The FHA does define those who are suffered from alcohol and substance abuse as disabled persons. He admonished the commission to be very, very careful in this situation. He recommended that Holly Jones come and have this discussion so that she could provide the information to this commission. Then the commission can talk about the best way to address this, whether it's through a conditional use permit or not. The way the code is written right now she does need Conditional Use Permit.

Jaime asked if the State law the same or is it different.

Brett stated that the State has adopted a law very similar to the Federal Housing Authority that prohibits the city from discriminating against those who have disabilities. And that is where this would fall into. The State law doesn't have anything specific directed toward group homes or residential treatment homes. The State of Utah does license the facility as Holly had mentioned. So, there is a licensing provision that she has to go through and has to maintain that license to continue to operate the facility.

Jaime stated that for this item further conversation about whether this has to be conditional or permitted is needed.

Brett proposed that it would be an appropriate topic for a work meeting type of session so that Holly could also be present. And we can have that discussion on how this is either going to be permitted or conditional and how different things can be addressed that are currently in our code that probably shouldn't be.

Holly agreed and asked, so how do we do it, but do it the right way? We cannot have discriminatory language. That is a lawsuit waiting to happen for the city. And that affects me as a resident, as it does everyone else.

Gary agreed that a work meeting is necessary because 8.4 and 8.5 and some other sections of the code are way behind and need updating and or properly defining. The code puts us in a bit of a gray area with Holly and what she wants to do.

Brett confirmed that in his discussion with Holly she was open to that as well. She wants to have a discussion to clarify this issue.

Gary stated this isn't just for Holly but the city to bring our codes current with State law as well as clear up the vagueness. We need to have a little sit-down work meeting to make our code follow State and Federal law.

Rick had a question about fundamentally this is a business, so how is a business allowed in a residential zone.

Holly explained this is like a rental company renting a home to someone.

Rick asked questions about number of clients, number of bathrooms and bedrooms etc.

Holly reiterated they would have from six (6) to twelve (12) clients. There are currently six (6) and twenty-nine hundred (2900) square feet in the home with four (4) bathrooms, which doubles the State code.

Rick had a question about a bedroom with no closet.

Holly explained that to classify as a bedroom a closet is no longer necessary the requirements are now egress and a minimum of square feet.

Brian asked Holly to go over the licensing process so everyone could hear the requirements she has to go through.

Rick asked Holly is this was a solo venture or if she had business partners.

Holly explained that she has never owned her own business like this but she has networked with people in that work in this type of industry.

Rick asked about the clientele or application process

Holly explained there is an online form then an interview process. The current residents of the home have a say in who is brought into the home

Jaime brought the discussion back to Brian question about the licensing process.

Holly explained the rigors of the State licensing process. There is special insurance she has to have. The State did a personal background check on Holly as well as scrutinized her process and procedure. They did a fire inspection and health inspection. There is a state inspection for from Human and Health Services.

Brian asked if there are periodic reviews.

Holly confirmed that there are mandated reviews

Brian ended the discussion

3. Discussion of proposal to amend Moderate-Income Housing Elements to the General Plan

Shay explained that he had made changes as per the discussion from the work meeting. Deadline say to address by Dec. 31, 2023

Jaime asked if there is a priority time line, 2 and 5 are the high priority.

Brian and Rick agreed with Jaime priority time line.

More discussion concerning deadlines. Shay updated the wording according to the discussion.

Jaime Topham made a motion to move the Moderate-Income Housing Elements to the General Plan to an action item. Gary Pinkham seconded the motion. All were in favor. Motion passed unanimously.

Jaime Topham made a motion to recommend approval of the Moderate-Income Housing Elements to the General Plan with amended goal and policy objectives. Rick Barchers seconded the motion. All were in favor. Motion passed unanimously.

4. Discussion of proposal to vacate the frontage along the south line of cherry street, the east line of park street, and the north line of lot 7 of Boyer subdivision, as recorded in the Tooele

county recorder's office as entry no. 27647 4, book 63, page 143-144, to vacate the southern fifteen (15) feet of that frontage and give it to the adjoining land owners who own frontage on this portion of Cherry Street.

Cavett advised the commission to amended it from 15 feet to 16.5 feet

Holly explained the history of the frontage on Cherry Street. The city has ownership of the frontage. Overtime some of the frontage has been deeded back to the owner.

Rick asked how does this affect the future road plans.

Mayor explained that has been done on several other parcels. The pavement is already 66 feet.

Gary Pinkham made a motion to move the vacate the frontage along the south line of cherry street, the east line of park street, and the north line of lot 7 of Boyer subdivision, as recorded in the Tooele county recorder's office as entry no. 27647 4, book 63, page 143-144, to vacate the southern fifteen (15) feet of that frontage and give it to the adjoining land owners who own frontage on this portion of Cherry Street. to an action item. Jaime Topham seconded the motion. All were in favor. Motion passed unanimously.

Gary Pinkham made a motion to recommend approval of to vacate the frontage along the south line of cherry street, the east line of park street, and the north line of lot 7 of Boyer subdivision, as recorded in the Tooele county recorder's office as entry no. 27647 4, book 63, page 143-144, to vacate the southern fifteen (15) feet of that frontage and give it to the adjoining land owners who own frontage on this portion of Cherry Street. Jaime Topham seconded the motion. All were in favor. Motion passed unanimously.

5. Report from City Council liaison Mayor Critchlow

Mayor asked for Willow Brook make sure the lights are directed away from the neighbors. Also, to watch the noise level

As for Beacon House he asked about code for fire sprinklers, ADA issue. Mitigating the concerns of the neighbors. It can affect their property values. I worry about CUPs changing in the future.

6. Adjourn

Jaime Topham made a motion to adjourn. Rick Barchers seconded the motion. All voted in favor. Motion passed.

Adjourned at 8:47pm

AGENDA ITEM #6

Report from City Council Liaison, Mayor
Critchlow

AGENDA ITEM #7

Adjourn