

**Public Hearing for the following**

a) Preliminary Plan for Heritage Farms
b) Amended and Restated Development Agreement for Worthington Ranch Subdivision PUD

**Action Summary**

#1 PUD for Desert Edge Subdivision PUD	Approved
#2 PUD for Worthington Ranch PUD	Denied
#3 Amended & Restated DA for Worthington Ranch PUD	Denied
#4 Final Plat & Construction Plan Review for Hale St. Market	Recommend Approval
#5 PUD for Alington Subdivision PUD	Approved
#6 Preliminary Plan for Heritage Farms Subdivision	Discussion
#7 C-N zoning district to allow drive-up windows	Discussion
#8 Minutes for 4/25, 7/20 & 8/17/23 work meetings	Approved

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 09/07/23. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.**

**Commission Members Present:** Commission Chair: Jaime Topham, Vice-Chair: John Limburg, Rick Barchers, Kevin Hall, Derek Dalton

**Appointed Officers and Employees Present:** Mayor Critchlow, City Attorney Brett Coombs, Deputy Public Work Director Christy Montierth, City Engineer Dan England, City Planning and Zoning Administrator Cavett Eaton, Planning and Zoning Administrative Assistant Lanise Thompson. DRC specialist Gary Pinkham, Aqua Consultant Shay Stark,

On Zoom: several unknowns

**Citizens and Guests Present:** Stetson Blackmore, Bruce Baird, Craig Jensen, Spencer Connelly Jason Boal, Matt Christensen, Mat Wansgaard Todd Castagno, Debbie Spilman, Norma Fox, Mohd Alqaaydeh, Dave & Carol Jefferies, Steve Nordfelt, Candis Miller, Wynn Lear

Commission Chair: Jaime Topham called meeting to order at 7:00 PM

**ROLL CALL**

**PUBLIC HEARING:**

- a) **Proposed Preliminary Plan for Heritage Farms Subdivision consisting 134 lots to be built on 105 acres, located on the south side of Nygreen between 500 and 600 East, zoned R-1-21**

**Steve Nordfelt** – Steve Nordfelt, I'm the president of the South Willow Estates HOA, and this adjoins our HOA. So, we have some traffic concerns and asset concerns in the area.

**Jaime Topham** – What's your concern?

**Steve Nordfelt** – I have a whole list. So, one of our biggest concerns is the traffic concerns. Now, this particular development will intersect through our HOA on Shelley Lane and Mustang Lane.

**Jaime Topham** – Zachary Way?

**Steve Nordfelt** – Zachary's not in our HOA, Mustang is. So, we're worried about those two connection points. This subdivision only has three access points. Two of them happen to go through our HOA and the only other one is off of Nygreen. So, I think it could be redesigned where they could possibly gain some access elsewhere than through our HOA. So, those traffic concerns can exponentially increase, too, once the new Presidents Park phase goes in, because that'll be a direct shot over to the elementary school. So, we're worried about continual traffic all the time to access this particular subdivision.

Yeah, 134 lots. The three access points; Nygreen, those two. If it's possible, they could redesign their access points or they don't have two. Then, maybe we could do some crash gates or something on those two entrances for emergency access while they develop further over so that they can gain more access. Not sure. But, that's our biggest concern, is that. Our horse trails, we have a horse trail that runs east to west on the Mustang intersection. That would allow access for non-HOA people to access our horse trail system, which concerns us as well. We carry some liability involved with people on our horse trails. So, we would hate to have to block those off so that people wouldn't have access to them. Even our own residents wouldn't have access if we were to block them off.

That's pretty much what I got. Those are my concerns and we've talked amongst the community, amongst our board members, and these are the concerns that we had with this connecting to our HOA.

**Jaime Topham** – All right, thank you.

**Steve Nordfelt** – Okay, thanks.

**Jaime Topham** – I have somebody over here that wanted to come up?

**Debbie Spilman** – I'm Debbie Spilman. I'm in South Willow Estates, as well. So, some of what I'm saying is going to actually repeat what our president has said, but I think the connection of any of our current dead-end roads... We have several dead-end roads in South Willow Estates and, at the end of each one of those dead-end roads, the horse trail crosses over. There's not a horse trail throughout Grantsville. If we have those roads cut through, then we're going to have traffic coming through and, in essence, the city is tacitly going to be telling the public that they can access our horse trails. The horse trails are private property. When South Willow Estates was first being set up in 1998, both the annexation and development agreement and the city approved PUD indicated the city had plans of developing a trail system throughout the entire city of Grantsville.

When my late husband and I moved in 2000, we were told that there was a trail system that was being planned throughout Grantsville that would connect all of the different subdivisions and all the new subdivisions and that our horse trail and our walking trails would just be part of that overall trail system. That would be one way our residents and our equestrian folks would be able to go from one community to the other would be using those trails. The PUD had provisions for the city to take ownership of our trail system around the time phase four and phase five were completed. Now, phase five and phase six never happened. They became the Ranches. The city at that point, when phase four was done, the city never exercised any of its rights to take control of our trail system.

A few years ago, when there was some discussion throughout the HOA and some of the people were talking about wanting to disband our HOA, I was on the board temporarily. I called the city. I talked with the city. I said, number one, can we disband? Number two, if we could, what would it take? Just so I would know what I needed to respond back to our members. We were told we could disband, but all of our common areas and our trails would have to be turned over to somebody else. I was assured the city wanted no part of our trail system.

So, basically our trail system encompasses South Willow Estates. It is a private trail system. We have liability issues, as was mentioned. If you do anything that allows opening up our trails to where the general public gets the impression, they're going to go down Mustang and they're going to go down any of the other roads that you decide down the road to open up. They're going to go, oh, there's this nice little trail, I'm going to go down that trail. When they get injured, our HOA is liable for any kind of a liability suit, a liability claim, and we don't need to have that.

In my opinion, all proposed developments that go anywhere along the perimeter of South Willow Estates that backs up to our horse trail, there should be a requirement that the new developer put up a privacy fence all the way down our horse trail, so that it is very clear without any gates. Because we don't have a fence on the outside of the perimeter and none of those people who are building along our horse trail have a right to have a fence or a gate to take them out onto our horse trail. Our horse trail is private property.

Because the city has chosen to not exercise the right it was given back in 1998 to take over our horse trail system and our walking trail system when phase four was completed quite a while ago, I think the city needs to leave our dead-end rounds alone, leave our horse trail alone. Because, as soon as we have traffic going across our horse trails, we are putting the horses in the riders in danger. Thank you.

**Jaime Topham** – Thank you. Is there anyone else?

**Norma Fox** – First of all, I'm not going to just repeat everything that was just said, but I agree with every bit of it.

**Jaime Topham** – Can you tell us who you are really quick?

**Norma Fox** – Norma Fox, South Willow Estates. I was the former president of the HOA, and when this all came up again recently, I received many phone calls from the community saying, they're not going to do that, are they? We discussed this before, we've talked to the planning committee before, we've talked to former mayor, we've talked to our current mayor. We don't want people joining in our

neighborhood, mostly because we already have issues with traffic and kids being in danger from the traffic. And that's going to create a major traffic flow right in the middle of our subdivision. So, speaking for the probably 24 people that called me, we don't want it. Thank you.

**Jaime Topham** – Is there anyone else that'd like to be heard? Cavett is there anyone on Zoom?

**Cavett Eaton** – No one wants to speak.

**b) Proposed Amended and Restated Development Agreement for Worthington Ranch Subdivision PUD consisting of 157.6 acres, located at approximately 1062 N. Old Lincoln Hwy, zoned RR-2.5**

No Comments

**AGENDA ITEMS:**

**1. Consideration to approve PUD for Desert Edge Subdivision PUD**

**Jason Boal** – Good evening. My name's Jason Boal with Snell & Wilmer, I'm an urban planner. Thank you again for your time this evening. We were here a few weeks ago and appreciated the time and energy that was put in and the conversation that was put in on this application. So, we are returning with feedback, with some revisions, and some additional information as were requested from that meeting.

I'd like to take the opportunity to have a discussion, and so, if there's questions concerns as I go through this, please feel free to interrupt and ask. As we went through last time, we are here because this is a PUD request and Grantsville city code does permit the planning commission to review requests for deviations of standards from the code. We have submitted an application for the Desert Edge project that includes 10 deviations, in essence, that we're requesting.

We are here to seek your input, to seek your approval for these 10 items. I know several of you were not here at our previous work session and just to make sure we're all on the same page, I've got it teed up just to go through. It should be fairly quick to go through these 10 items. Starting with the first one, which dealt with the minimum town home sized lots. If you recall, we had the conversation that there's a distinction between the overall lot, the building pad, and the lots that we're proposing. We are proposing lots that do not include private space along the front and the rear. And what we are proposing is in line with what you recently adopted for your townhome standards in the MU district.

This is a simplified diagram to show if we were to include those other spaces, those public spaces, we would meet the standards. In essence, the standards that you've adopted. We are requesting the deviation, because we would like for the space along the frontage, as well as the rear, the alleys, to be owned and maintained by the HOA. We feel that it will present a better project and product if those are owned and maintained by the HOA. So, that's the reason for that deviation that we're requesting. I don't know if there's any questions or concerns.

**Jaime Topham** – Thank you for providing actual diagrams. So, if the lot does not own the parking space behind their building, can they control who parks there?

**Jason Boal** – As far as in the driveway? The private driveway?

**Jaime Topham** – Yeah, the driveway.

**Jason Boal** – The CCNRs will provide restrictions on the parking for the private. We talked about several different parking revisions to be included in CCNRs as far as the RVs and trailers. That would be included, as well as the parking areas along the alley associated with the homes, the garage area, that they go to.

**Jaime Topham** – Okay. No, I don't believe what you're showing us currently is in the packet, correct?

**Jason Boal** – That is correct.

**Jaime Topham** – This is just a diagram for us to understand.

**Jason Boal** – It is. That's part of the conversation. We'll get to one of the requests. We met with UDOT today and so we wanted to make sure that we had the most up-to-date information available.

**Jaime Topham** – Hey, Cavett. His screen [inaudible 00:15:30]

**Cavett Eaton** – It's coming on. It wasn't on. It's okay.

**Jaime Topham** – All right.  
Everybody have a screen now?

**Group** – I've got this one. I'm good. We're good.

**Rick Barchers** – You had said something about, what is the length of the driveway there? I can't read it.

**Jason Boal** – They're 22 feet. The driveways are 22 feet.

**Rick Barchers** – In length or width?

**Jason Boal** – 20 feet in width and 22 feet in length. Check in with the engineers, make sure we've got all the right numbers.

**Jaime Topham** – Okay. Any other questions on this one?

**Rick Barchers** – What's that rear setback there?

**Jason Boal** – The setback from the alley is the 22 feet.

**Rick Barchers** – I guess I'm thinking the front.

**Jason Boal** – Yeah, the rear loaded the 22 feet, for the front.

**Matt Christensen** – From the back of sidewalk.

**Jason Boal** – It's 12 feet.

**Rick Barchers** – 12 feet, okay.

**Jaime Topham** – 12 feet. The building is 12 feet from the sidewalk?

**Jason Boal** – From the back of the sidewalk. That's correct.

**Dan England** – I'm taking the picture's not to scale.

**Jaime Topham** – Yeah, I would say not.

**John Limburg** – It's bigger than the driveway.

**Jason Boal** – Yep.

**John Limburg** – And you also got the site triangle on that corner, right?

**Jason Boal** – That is correct, yeah. We've moved all of the buildings off the site triangle of the additional side setback to meet the site triangle. That was one of the original requests, for those that weren't with us last time. So, request number 9, we'll get to it, but we are willing to modify the plan to be in compliance with the site triangles.

**Kevin Hall** – So, there's basically one parking spot for each unit.

**Jason Boal** – So, there's two in the driveway and two in the garage.

**Kevin Hall** – For each unit?

**Jason Boal** – Correct.

**Jaime Topham** – Any questions on this particular one?

**John Limburg** – No, I'm good.

**Jason Boal** – Okay. So, item number 2 deals with the corner lot setbacks. And we are providing this exhibit to see what those setbacks look like. Let me see if I can zoom in.

We did talk about it last time, but one of the things in order to meet the site triangle, each of the corner lots are 50 feet wide in the 40-foot-wide section. This is intended to show how the driveways so that we don't have cars parking the driveway. The driveways will actually be cut to reduce that issue in that small triangle area here. But, there will not be a driveway in the site triangle.

**Jaime Topham** – So, what do you mean it's going to be cut? You're literally just going to cut that little corner off?

**Jason Boal** – Correct. Yeah. So, as it goes across the sidewalk and into the road, it will be reduced in size. It would vary, depending on the law. This example shows a 15-foot driveway, to avoid the site triangle, then expands.

**Rick Barchers** – Dan, what are your thoughts on that? I'm curious. Very curious.

**John Limburg** – Well, I can tell you, people are just going to drive, they're going to park there. They'll just put gravel there or they'll fill that in with concrete themselves.

**Dan England** – I figure the car will just hang over the edge. Because you've got 20 feet wide there. If you're going to park two cars there, you can't help but hang over the edge, unless he's got a small car. But, I appreciate the thought and idea behind keeping out of that site triangle.

**Rick Barchers** – He's basically saying no.

**John Limburg** – No, he said he appreciates our thoughts.

**Dan England** – If that could be slid over, I'd appreciate it. But, I don't know if it can be. If it can't be, I'm okay with it.

**Jason Boal** – We can definitely slide it over, it just requires a deviation and reducing the side, the setback on the side and the spacing between driveways on the side. In order to maintain 10 feet between the driveways. The driveway is set at five feet from the property line.

**Dan England** – This is in the 40-foot-wide lots?

**Jason Boal** – Correct. But, the corner lots are all 50. The one next to it is going to be 40 feet.

**Jaime Topham** – I don't love this.

**Rick Barchers** – I thought we were going to have another work meeting on this.

**Mayor Critchlow** – I didn't call it.

**Jaime Topham** – What?

**Mayor Critchlow** – I didn't call the work meeting.

**Jaime Topham** – No, you didn't.

**Rick Barchers** – I don't have any problem with talking about this stuff. I'm just saying we might get into some weeds here, so to speak.

**Jaime Topham** – So, this is on for consideration tonight. So, we need to get in the weeds. We're going to get in the weeds. We need to get in the weeds.

**Rick Barchers** – Okay.

**Jaime Topham** – So, I don't like that idea. If we're supposed to have a sight triangle for safety, then it needs to be a legitimate sight triangle and might have to make a 55-foot-wide lot on these corners.

**Jason Boal** – I mean, I think it's important to consider how the vehicle is going to pull in. In order for a vehicle to impede that sight triangle, it's going to have to pull in and then back up into that sight triangle.

**Jaime Topham** – Or they put two different vehicles in the parking lot because they park sideways. Or, like he said, they're just going to fill it in and the car's going to overhang or if they have their dually truck, it will overhang.

**Jason Boal** – But, the way it's designed, they would have to make a three-point turn in order to overhang into the sight triangle.

**Jaime Topham** – What's going to keep them from just filling in that little patch that you didn't fill in?

**Jason Boal** – Well, I mean I guess any property owner has the ability to, they can do that.

**Jaime Topham** – But, you're designing it in a way that would actually create that as a possibility. So, we're in this process of designing.

**Jason Boal** – The curb will not be cut there, so they won't be able to drive up there.

**John Limburg** – They'd have to grind down the curb.

**Jason Boal** – Yeah, they'd have to cut the curb, which creates an issue for the city. It's your curb.

**Rick Barchers** – They'd have to drive a pick-up. I'm just saying. I'm just throwing that out there. We live in Grantsville. I see how you park.

**Jaime Topham** – So, Dan, I'd rather you be more committal to your response than you can live with something, if you can't do something else. We're relying on you to make sure that this project works for our community.

**Dan England** – I'm getting some suggestions that says that it would probably be okay.



**Jaime Topham** – What is your feeling, Dan?

**Dan England** – I like to protect sight triangles. We've had conversations with Desert Edge about the site triangles already and they were working toward fixing it and this is their first attempt of fixing it. This is the first time I've seen it.

**Jaime Topham** – Okay, so this PUD is on consideration with these variances. So that means we have to either give a yes or a no to these variances tonight. Is it a yes or a no? The way that it's drawn and presented to us tonight.

**Dan England** – It doesn't meet the code of the sight triangle, I would say.

**John Limburg** – Why would we cut something on safety?

**Jason Boal** – If I can ask? How does it not meet the sight triangle? The requirement is to remove all development from the sight triangle.

**Dan England** – Well, you're looking to park a car in that area. It would park there often. And the problem is that if a car coming up to that intersection and that five foot corner there has a truck sitting in it, it won't be able to see through that truck to a car that's on the other street over here. That's what that sight triangle's for, is for the driver to be able to see the other cars coming down the other road. If that's in that triangle area, it doesn't see it. The city is now liable if there's an accident that it becomes very serious because we didn't enforce our own code.

**Jason Boal** – So, I guess I'm having a hard time because it's a 30-foot distance from the intersection to the edge of that driveway. We've excluded that there's no paving there, so there's no curb cut there. I mean, yes, it could be possible. It's possible somebody could park anywhere on their yard. But, what's being proposed is, I mean a curb cut, a driveway, that is outside of the site triangle. To preserve the sight triangle. Because that's a priority. Safety is a priority and we agree. I guess I'm having a hard time visualizing and understanding how vehicles are going to park there regularly and how it's going to create a sight issue where they're away from the sidewalk, they're going to be closer to the garage or in the garage. And vehicles, in order to see, there's a whole other lane on the other side. Just from a practical perspective. And that's where I just want to make sure we're all on the same page. That sight triangle, you can see it's cutting to the back of the sidewalk. So, then, you still have the sidewalk, the park strip in the curb area.

**Dan England** – The purpose of the sight triangle is so that nothing is in this area, which comes all the way across this way, that would prevent a car that's up there about number 15 to be able to see a car that's over here. Anything that's in this area would potentially block that sight.

**Jason Boal** – If a car was at 15. Just so we can take a look at it. We're 55 feet away from the road.

**Dan England** – Yes. And if you look at AASHTO standards, they go about 300 feet. Because we're coming back at the back of the sidewalk. We come 30 feet each direction and extend it all the way out to the center lines of the road.

**John Limburg** – There's 18 lots in whole subdivision.

**Jason Boal** – We'll have to agree to disagree on the 300 feet aspect in AASHTO.

**John Limburg** – Do you have 18 lots in the whole subdivision? I just counted them. If they poured a curb right there along the driveway to keep a car from driving over the top of it, would you guys be okay with that?

**Jaime Topham** – What do you mean a curb?

**John Limburg** – It's a curb, like a six-inch curb that's maybe eight inches off the ground. It's going to keep them from parking.

**Jason Boal** – You talking like a landscape curbing across?

**John Limburg** – Yeah, right on the edge of where you're cutting the driveway.

**Jaime Topham** – Oh, I see what you mean. In the driveway.

**Jason Boal** – Yeah, to put an edge on the driveway.

**John Limburg** – Would you guys be okay with that?

**Dan England** – I'm going to have to go back and look at the code if I can have some time to do that and maybe come back to this?

**John Limburg** – We just come back to this one?

**Jaime Topham** – You mean, tonight, Dan?

**Dan England** – Yeah, I'm going to look it up right now. And in that way we might be able to see that it's only permanent fixtures or if the vehicle's not more than a certain height. I think it's, like, three and a half feet.

**Rick Barchers** – How are we going to enforce that, though?

**Jaime Topham** – They put a pony wall, then it'll be much harder for them to park there.

**Rick Barchers** – It's three foot tall.

**Kevin Hall** – Depends on which way. Depends on who's trying to park in the driveway.

**Jason Boal** – Dan, I think it's important to note that that sight triangle is on the back of the sidewalk. It's not out on the edge of the curb. So, in essence, most sight triangles are measured from the edge of the back of the sidewalk. This is actually from the back of the curb. This is measured from the back

of the sidewalk. So, there is that additional sidewalk and park space area that's available for that sight triangle.

**Dan England** – If we had come up with the sight triangle from the back of the sidewalk, it would be more than the 30 feet. And that's what you'll typically find online is that, if you're coming from the property line at the back of the sidewalk, it's normally about 30 feet. I've been looking it up all week for a different project and that's what I'm seeing. But, if you're coming off of where the driver's eye is out in the street and coming from that location, then in that location it's a much farther distance. And that's where I'm coming up with 300 some feet.

**Jason Boal** – Well, and I guess we have more than 30 feet, if you're including the park strip and the sidewalk area. It's greater than 30 feet. We can move on to number three.

All right. We had talked about the lots where there was reduced frontage with number three. So, we had requested 30-foot frontage for lots and we'd gone through and created a diagram. There's 31 lots that this request would apply to. One of the things that we did not talk about in the last meeting was the driveway width. I think we had the assumption that the driveways would be 20 feet. Our intent is to reduce the driveway width on these lots to ensure that there is adequate access for public utilities. So, this is a diagram that shows where water laterals, sewer laterals would be able to connect with this reduced frontage. And these are the tightest ones. Basically, the approach off the cul-de-sac would be narrower and then it would widen out in order for the driveway and then to enter the garage as well.

**Rick Barchers** – So that's the same situation as this triangle view. You're wanting to go narrower at the street and wider at the house. It's basically the same concept we were just talking about.

**Jason Boal** – Well, it's slightly different in that there's no sight triangle issue. There's no safety issue.

**John Limburg** – I guess when we talked about it, I thought we were talking widening the lots.

**Jaime Topham** – Making those lots wider.

**John Limburg** – Making them wider.

**Jaime Topham** – Not narrowing the driveway way.

**Jason Boal** – We had come back with this proposal. As we talked, we wanted to identify how many there were and where they were and how the utilities would work with them. That's our intent. That's why we're here tonight. Be able to add that additional explanation of explanation how that proposal works. The narrowest would be the 30 feet as we're showing here. But, they work. Because our understanding was that there was concerns about the public utilities and the driveway and that's why they need to be widened.

**John Limburg** – Yeah, that's what it's always been. That's why we have that. I guess go back to you, Dan.

**Jaime Topham** – So, but if the driveway's only 16 feet wide and that requires 20 feet, you're barely going to get two cars next to each other. You can't open the door except maybe on the outside.

**Jason Boal** – The driveway is 20 feet. So, from the back of sidewalk to the curb, that's where it's narrowed. Because all of these lots widen as they go out. And so we're just talking about this area from the back of the sidewalk to the curb.

**Rick Barchers** – Right. I can tell you my car and my pickup are just as wide on the front as they're on the back. I'm just saying. I mean, I'm not trying to be a jerk. I'm just saying.

**Jaime Topham** – How many lots did you say this affects?

**Jason Boal** – 31.

**Rick Barchers** – Do you have the detail on number five in there? Is that kind of the one that's in the middle more or less?

**Jaime Topham** – Well, there's two.

**Jason Boal** – Is number five the one that the diagram down below?

**Rick Barchers** – Is that the one that's in that one cul-de-sac?

**Jason Boal** – What's shown here on the left, those are the narrowest ones.

**Rick Barchers** – Sure. I'm talking about that one. The cul-de-sac that has like 30 units on it, or area number five off the cul-de-sac.

**Jaime Topham** – There's all five numbers. You mean over here?

**Rick Barchers** – Yeah. That's why I'm saying number five. That's one.

**Jason Boal** – This one right here. Correct.

**Rick Barchers** – Okay. Is there a way you can enlarge that? Because I'm not really seeing. Yeah, what's the width there? It doesn't really say.

**Jaime Topham** – 31.7, 31.4, 31.4. Is that what you mean? In between the numbers?

**Jason Boal** – Yeah, they're all over. Just over 31 feet.

**Rick Barchers** – Okay. But there's nothing as far as utility placement that I'm seeing there.

**John Limburg** – That goes back to that other cut. That's what the two that are showing there is showing. That would be on those three lots there.

**Jaime Topham** – Green. Utility easement, right?

**Jason Boal** – Yeah, green is sewer, and blue is the water.

**Rick Barchers** – Okay, so that's four. But we're still talking area number five?

**John Limburg** – Let's assume that's the one you're looking at.

**Rick Barchers** – Okay.

**John Limburg** – Does that make sense? That's the detail that would fit that detail there.

**Rick Barchers** – 31.4. I'm looking at the driveway width. Okay.

**Jason Boal** – So the driveway-

**Rick Barchers** – I think I'm starting to see it. I kind of wish we would've had this before the meeting.

**Jaime Topham** – Mm-hmm. Dan, feelings, thoughts?

**Dan England** – It's going to be very tight for the people that live there. I don't see it as a safety issue. I'd see it as an inconvenience for the people that live there.

**John Limburg** – Are they going to end up driving over the water meters? Break it?

**Dan England** – Probably not. Christy, do you have a comment to say?

**Christy Montierth** – What are you putting there where the meters are? We can't have them cemented in.

**Jason Boal** – Nope, they would not be. There's a park strip there. Yeah, there's a curb to protect it.

**Dan England** – Yeah, I don't think that there would be a problem in the locations that he's got them shown in that. I mean, you can always have a car drive over it. I don't know if one time's going to break it. What, it will?

**John Limburg** – Why, on the side where the plumbing is, why are you cutting that back? I can see why you're cutting it back so you can put the water meters down, but does that really help you to cut that in on that side where the plumbing is? Where the sewer comes out on that green line, yeah, why cut the driveway in there?

**Jason Boal** – Well, just to make sure that there's adequate room and access.

**John Limburg** – But you're still coming out on point. Yeah, it's just coming out, that's the most-

**Jason Boal** – Yeah, so you're saying take that straight back?

**John Limburg** – Just go straight, yeah.

**Jason Boal** – Yeah, I mean, we could put wider driveways in.

**John Limburg** – You could just narrow it on the side that the water meters are on if you're going to put both water meters on them.

**Jason Boal** – And we could do that. We just felt that, I mean, this proposal helped add that flexibility and design so that there was definitely enough room for utilities.

**John Limburg** – Dan, can you ask Gary if that makes sense? Because he's the one that's pushed this so hard.

**Dan England** – To protect those things?

**John Limburg** – Well, to make it so we can get the water meters done.

**Dan England** – Yeah, the water meters are off this side of those driveways. Yes, they're going to kick out. Are they going to end up driving over it? There's a higher chance that they do it in these scenarios than they would on the other ones that go straight in and out. I agree with you. Do you want to suggest that he makes these traffic rated boxes over the top of these things? That's a possibility. Is that something that public works would be okay with? That's something that you can propose and bring to us for approval.

**Rick Barchers** – I've replaced a ton of water meters that have been driven over. I mean, that's kind of what I used to do. Not full time, but part of my employment, and it's an issue, it's a pain. Whatever we can do to minimize that would be good. If it is the heavier rated, great. I've replaced some where the lids were cracked into four pieces because not a Yugo, but basically a really small car drove over it, and I was like, really? I mean, I've seen it myself.

**Jason Boal** – And we're comfortable with that if that's... We're happy including the traffic rated boxes on those lots where engineering requires it.

**Jaime Topham** – So that you got those 31 lots? We have to state that.

John Limburg:

Do you guys see what I'm talking about with the sewer? Why do you have them cut that driveway back in right there when... I don't see any benefit there.

**Rick Barchers** – You just run it straight.

**John Limburg** – Just run it straight.

**Jaime Topham** – From the widest part.

**John Limburg** – It may not look aesthetically, you know what I mean? I don't know if that's why you want to do it, so it will look the same on both sides of the driveway, but.

**Jaime Topham** – You mean from the widest part on that diagram?

**John Limburg** – From the widest part, just straight back if they can...

**Rick Barchers** – I'd be better with it myself. What are your thoughts?

**John Limburg** – If that gives them room.

**Kevin Hall** – Well, I think the narrow driveways lend itself to the bottle, right? Front of the meters.

**John Limburg** – Yeah. So that would help.

**Kevin Hall** – Yeah. But again, yeah, it would work.

**Jason Boal** – I guess so what I'm hearing is you pretty much, you're okay with this, but you'd prefer wider driveways and traffic rated boxes.

**John Limburg** – I want to hear what Gary has to say, but I have to go through the city to ask because-

**Jaime Topham** – Shay actually is kind of permit.

**Shay Stark** – I just wanted to point out here one other thing that we want to take into consideration with that, I know it's not a city utility, though, is typically you're going to have transformers from the power company if the power lines are in the park strip or right back behind the back sidewalk, which is typically what we see around here. You'll also have the communication pads and we don't want those over top our water line at all or if we're right there around that. So this may provide a little more room for that. I realize these are usually small blocks of lots, so they can probably move their transformers onto lots that are outside of these curves and tie that together. But there's a chance something else might go in there, and so it's probably helpful to have the extra space on both sides for that reason.

**Jaime Topham** – Have the cutback the way they have it designed. Is that what you mean?

**Shay Stark** – Yes.

**Rick Barchers** – Okay. That actually makes sense. I only hit my communications pedestal every once in a while, coming out of my non-conforming driveway.

**John Limburg** – All right, we good on this?

**Jaime Topham** – I think so, yeah. Move on.

**Jason Boal** – Okay, so the next item, which I believe we were good with, dealt with the private road, the 26 foot right of way in the alleys behind the townhomes and how the townhomes access.

**Jaime Topham** – Dan? Can you open your thing back up so we can see the notes?

**Rick Barchers** – Yeah, a little closer, please.

**Jaime Topham** – I want to see the notes more, other than the... Yeah.

**Jason Boal** – Yeah, so there was this note, and I guess we were a little confused, because this is talking about an additional cross street, which doesn't really apply to the street width.

**Jaime Topham** – Yeah, shape.

**Shay Stark** – I'm the one who put that note on there, and in these comments, it was talking about the private streets' townhouse area to create fire and emergency service access. And I was reading through the minutes as I was going down through these 10 items and just looking at what was being discussed at that time, and that's where this comes in. We were talking about in a couple areas in that townhouse area where they would have something like an access out by SR 138 for emergency access. My question is just purely with this and that revised layout, and the reason I put it here was because that's where the discussion was. Is that going to change? Do we still need those couple locations? Do we need one of the locations, but the other one is okay? So that's really what that's about.

**Jaime Topham** – They added in that full cross street, and so that's no longer like a thousand, more than 750 feet long, right?

**Jason Boal** – We can jump ahead to number six, which deals I think is what we're talking about here. We were able to meet with UDOT this morning, and UDOT is comfortable granting and working with us on a crash gate and emergency gate access. And so that would reduce those lengths to 257 and then to 724.

**John Limburg** – I'm good with that.

**Rick Barchers** – I'm good with that.

**Jaime Topham** – Great. Number six we like.

**Jason Boal** – Okay.

**John Limburg** – And then the other one went away because you put that cross street in, right? The really long road. It looks like you've added that road to be actually there.

**Jason Boal** – I guess I'm not sure which.



**Jaime Topham** – Go back to your original, go to your full drawing. Yeah, this one. Can you zoom in on that?

**Rick Barchers** – That's the one we're talking about, isn't it?

**John Limburg** – No, it was the bottom, it was the street right here. And they've added that. So it does away with it.

**Jaime Topham** – Which one?

**Rick Barchers** – He's talking about this one. I think the one we were talking about is the one we just had up there, to be honest with you. This one right here. I know. He's trying to help. This one?

**John Limburg** – I thought that was this here, and then they added this road down here.

**Rick Barchers** – I think that one's been there.

**John Limburg** – Did you guys add a road?

**Jason Boal** – We did not.

**Rick Barchers** – Better question.

**Jason Boal** – So I think in the meeting we started-

**John Limburg** – Oh, yeah, right there. That's what it was.

**Jason Boal** – We had started talking about adding the road here, but then-

**John Limburg** – Since you can get the crash gate.

**Jason Boal** – We had talked about the crash gate. And so that's how we handled that distance-

**Rick Barchers** – It's okay. It's a good question.

**Jason Boal** – And that access.

**Jaime Topham** – Okay.

**Jason Boal** – We felt that external access is probably more important than an internal.

**Jaime Topham** – Yeah. Okay. So we need to talk about number five?

**Jason Boal** – We can go back to number five, which is more driveway spacing.

**Rick Barchers** – You were saying 12, Jaime, weren't you?

**Jaime Topham** – 12.

**Rick Barchers** – But this note here says that the corner lots was settled at 10, spacing between the driveways. Didn't you say 12, or am I crazy?

**Jaime Topham** – It's totally possible. That was several weeks ago. Yeah, I can check my notes. Anyway, go ahead. Yeah, I thought we did talk about 12.

**Jason Boal** – Yeah. So again, if we're prioritizing the site triangle, it necessitates that 10-foot, the 10-foot separation between driveways, between the corner lot and that first lot in.

**Jaime Topham** – Dan?

**Dan England** – I don't have a problem with this. I see where they've made it possible for parking on the street in the way they've offset the driveways, and it makes sense to me.

**Jaime Topham** – Oh, and they were originally asking.

**Rick Barchers** – They originally asked for five or eight or something.

**Jason Boal** – Yeah, I think we had asked for eight, and then we can deal with the 10 on the street.

**Dan England** – You're talking about the five-foot setbacks on the sides?

**Jason Boal** – Correct, from the driveways.

**Dan England** – And there's no basements on these?

**Jason Boal** – That is correct.

**Jaime Topham** – You guys have concerns?

**Kevin Hall** – Lots of them, but I won't speak about them.

**Jaime Topham** – Okay. Well, it probably would be good if you list your concerns, we can come to a decision about them.

**Kevin Hall** – I'm not a narrow up shorten up guy, and I just struggle with the whole situation myself. That's just me personally.

**Jaime Topham** – Okay, are we ready to move on to number seven, eight, nine? Six they fixed with the crash gate, right?

**Jason Boal** – Correct. Yeah. So, seven, eight, and nine, so with seven the concern was the number of homes on the cul-de-sac. We've agreed to sprinkle those homes.

**John Limburg** – We're good there, right?

**Jaime Topham** – That's what we asked you.

**Jason Boal** – That's good. Yep. And number eight, dealing with the utility easements and the basements, the no window wells along those side setbacks.

**Rick Barchers** – Okay. I've been thinking about number eight. Okay? I'm not trying to throw a wrench into this whole thing, but is there a big issue with putting the condensers in the backyard too? I mean, if we've got 10 feet in between those houses, and people's bedrooms are going to be across, the window is going to be essentially eight feet from somebody else's condenser, I can see that causing not pleasant situations in addition to, I mean, we still got these utility things that we were talking about. I don't think that's a big ask to put it out into the backyard as opposed to the side. Would that be an issue?

**Jason Boal** – It could potentially. I mean, it potentially could be, I think.

**John Limburg** – Are there going to be fences between them?

**Jason Boal** – Yes.

**John Limburg** – Because then you really, you don't have eight feet, you have, with a condenser, you've got two feet to get past, maybe a foot and a half.

**Jason Boal** – Right. We talked quite extensively last time about that, and the fire concerns, and they didn't seem to have-

**John Limburg** – Yeah, he said he was fine with them.

**Jason Boal** – The fire marshal was comfortable with that. And I guess-

**Rick Barchers** – I know, I know.

**Jason Boal** – We're not opposed to where it might be possible where it makes sense, but I think requiring that they all are could potentially be problematic.

**Rick Barchers** – Right. Well, just so you have a little bit of idea of my background, I worked at a mechanical services company for 10 years, okay? Putting it in the back as opposed to the side generally shouldn't be any difference. 30 feet of copper, 30 feet of copper, it's the same distance. Drill a hole here or drill a hole there. It shouldn't be a problem. I can't honestly think of a circumstance in which it would. That's just something that I would like to see. Maybe we can't require you to do that. I don't know. But I would really like to see that personally, because of just, I mean, you guys are already going to have to be offsetting the windows in the units so that the bedroom windows aren't directly across from each other. And then so in doing that, then you're going to be setting the window directly across from somebody's condenser almost every time just to, I mean, does that make sense?

**Jason Boal** – Yeah, it does. I mean, granted, these are small lots, and they're not intended for everybody, but I think one of the ways of maximizing the usable space is by utilizing that side yard for the condensers. But I totally understand. I live on a very small lot and my neighbor's condenser is next door, and I know how much his AC runs compared to mine. I totally understand what you're saying.

**Jaime Topham** – And what was number 10?

**Jason Boal** – Number 10 was the phasing.

**Jaime Topham** – All right, so this one definitely explain this because I know that Kevin had some questions about this.

**Jason Boal** – Yep. The intent would be that we would bring forth a preliminary plat for review and infrastructure of the larger area, but then when we go to record the final plat, so when the homes can actually be sold, it's divided. It's limited to that 50, which is required in the city code.

**Jaime Topham** – And why are you asking to do that?

**Jason Boal** – A lot of it is economies of scale, the ability to review and to look at and to plan out those larger areas. Makes more sense as opposed to the multiple applications at 50 a piece.

**Jaime Topham** – And I think that we had talked about you had to have like 70% sold before you could start, you could flip the plat on the next one.

**Jason Boal** – Yep. And that's more comfortable with that provision as well.

**John Limburg** – Really quick, Kevin, so when we discussed this last time, there's a different process now than bonding, and I can't even remember the name of it, Shay knew it was.

**Jaime Topham** – It's a PID.

**John Limburg** – Yeah, it's a PID, it's a different... The concern is that they build all of them and they can't sell them. That's why they have a 50-wall maximum. And the way they're saying they're going to do it, because I was asking them to bond the entire thing to make sure that the city wasn't left holding the bag on it. And Shay, can you explain that to us again, just so these guys are clear on it? Shay Stark:

They still bond, but if this project is, if they... Infrastructure-

**Jaime Topham** – Shay... Sorry, can you come up to the microphone.

**John Limburg** – I just want these guys to understand, because it made us feel better.

**Shay Stark** – They still bond. But if the infrastructure in the project is constructed under the PID, then it's just one more... How do I say this? I guess just one more safety valve. It drops the level of

risk even more, because first of all, the PID bonds, what that is is a public infrastructure district, and it's essentially the developer, by forming this district, the developer is allowed to actually go out and get bonds just like a city could do for a project. And then the property owners within the project, or within that district, I should say, then pay for the payments on those bonds. And so it is just one more mechanism in there that lowers that risk of problems with this.

I did note one question here, because there was a little bit of discussion that was somewhat vague. It wasn't clarified, and it wasn't really discussed in detail. And the question being, if they want to build, for instance, a phase of townhomes and single-family lots and have both products available, will they be allowed to do that?

**Jaime Topham** – Like Phase 2C here in this diagram.

**Jason Boal** – And I think to answer the question, our intent is that Phase C is 50 lots of townhomes. It's not 50 of each, it's 50 cumulative.

**Shay Stark** – Okay. Oh, so you've already factored that in this?

**Jason Boal** – Correct.

**Shay Stark** – Okay.

**Jaime Topham** – So you would want to be able to build two different products at the same time.

**Jason Boal** – Yeah, but it'd still be limited to 50.

**Jaime Topham** – Right, right. But you could be 25 single family homes and 25 townhomes.

**Jason Boal** – Right. Yeah, it's not 50 townhomes and 50 single homes.

**Jaime Topham** – Right. I would not-

**Shay Stark** – I just wanted to make sure that was clear, then. Okay, thanks.

**John Limburg** – Does that make sense, you guys?

**Kevin Hall** – Yep.

**John Limburg** – You good with that?

**Kevin Hall** – Yep, yep.

**Rick Barchers** – What have we got for issues of contention?

**Jaime Topham** – Number two, the corner site, site triangles.

**John Limburg** – Site triangle. And then I don't know if we've decided on the driveways or not on those full specs.

**Jaime Topham** – On number six? So talk to us about, I'll come to you in just a second about the corner lots and the site triangles, but talk to us about if we said, "Nope, we're not going to give you that. You have to build it the way we want," so that means you've got to make a 55-foot lot on those corners rather than 50 to make that fit, how many homes would that reduce this project?

**John Limburg** – I think there's 18 lots that effects.

**Jaime Topham** – 18 lots, and then 31 with the driveways?

**John Limburg** – On the cul-de-sacs, yeah.

**Jaime Topham** – On the cul-de-sacs. But then it potentially is even more, because you start shutting everything five feet, you're losing something somewhere else.

**Matt Christensen** – Five.

**John Limburg** – Five total lots?

**Jason Boal** – If we did 55 on the corner, yeah.

**Jaime Topham** – You would lose five lots?

**Jason Boal** – Five lots is what I'm hearing.

**John Limburg** – It's not a lot.

**Jaime Topham** – It's not a lot.

**John Limburg** – I know you're seeing dollars signs, you know what you can sell a house for, but.

**Jason Boal** – I'm not seeing it. I'm in a unique position where I don't necessarily know all of the numbers. I'm here because of the code, and I'm here because of the ask.

**John Limburg** – I personally think we're giving up on some other things, and I think that we ought to stick with that frontage on the full six. And the site triangle.

**Jaime Topham** – Dan, that comes back to you for the site triangle. Let me look that up for us.

**Dan England** – I did. It says, "For the purpose of providing adequate vision of vehicle and pedestrian traffic, a clear view area shall be maintained at the intersection of every street, whether public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this code." And then in C it says, "No obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangle area formed by the street property

lines and line connecting them at points 30 feet from the intersection of the street lines. Within that clear view area, the following shall apply." And then it says, "No obstruction of any sort which interferes with the safety of pedestrians or traffic shall be allowed within the clear view area unless it's specifically permitted by this title, or it is determined by the city engineer that it's not a safety hazard."

**Rick Barchers** – Okay, so how deep is that driveway there?

**Jason Boal** – How long is it? 22 by 20. Dan, can you clarify real quick? Did you say that it was at the intersection of the row is where the 30 feet is measured off of?

**Dan England** – It's from the property line, which is the back of the sidewalk.

**Shay Stark** – There's actually an exhibit with it showing it back of the sidewalk.

**Jason Boal** – Okay, I just... Okay. And that's-

**Shay Stark** – That's the property line.

**Jason Boal** – Okay. It's restricted, that site triangle, nothing taller than three feet?

**Dan England** – Correct.

**Jason Boal** – Is permitted in there. I mean, we're more than willing to work with staff, and I think to come up with some solutions. I mean, whether it's planning shrubs, whether it's a curb idea. I think there are solutions that meet the safety concerns with the lots designed as they are.

**John Limburg** – Are we good to leave that to Dan?

**Rick Barchers** – I'm looking at that and saying if that's 22 feet, the shortest distance to the closest angle there's got to be in the neighborhood of 16 or 17. Okay? Does that sound about right?

**John Limburg** – Makes sense. Yep.

**Rick Barchers** – Okay. I'm trying to see somebody pull their car in and get just that corner of the bumper right there. Do you see what I'm saying? I'm trying to see that happen. And I'm not talking about skilled drivers. We're talking about kids that got teenagers, or people that have SR 22 filings and those sorts of things. No, in all seriousness. I think that little chunk of triangle is going to be violated. I don't see any way around it.

**Jaime Topham** – Doesn't that say 20 front setback? I know it's really, really tiny, but I've got pretty good eyes and it looks like 20 to me.

**Jason Boal** – Which one? Where are you looking at?

**Jaime Topham** – The front setback.

**John Limburg** – It does.

**Rick Barchers** – It does say 20.

**Jaime Topham** – It doesn't say 22, it says 20.

**Rick Barchers** – So that would shorten that even more. You're looking at, without having an actual measurement for Dan to get down his slide rule, I'd say that's about-

**Jaime Topham** – I see 20 foot.

**Rick Barchers** – 12 feet to 15 feet. I mean to that first part where the corner that is closest to the house, that one.

**Jason Boal** – Yeah, it's right here. I would totally agree. If it was a matter of being able to pull in this way, everybody's going to park, would park that. But where you're coming in the other way, you're going to have to come in and then back up to get over that, you're going to have to come in and hit the house and then back up.

**Rick Barchers** – So you're emphasizing my point?

**Jason Boal** – No, I don't think so. I think what I'm saying is nobody's going to, that's not going to be...

**Rick Barchers** – So no one's going to park there. That's not a parking space. Is that what you're saying?

**Jason Boal** – That parking triangle is not going to be violated.

**Rick Barchers** – So no one's going to park there? They're going to park in there crooked and they won't be able to park on the other part of the driveway.

**Jason Boal** – Well, it's a two-car garage. There's a two-car garage. And yeah, people are going to be able to pull in, there's enough room here for a vehicle to pull in here next to one that's parked, even if it's a little crooked to park there.

**Rick Barchers** – Wow, I just don't see it. I need match box cars. I just don't see how.

**John Limburg** – You have five lots to have the site triangle be right, and if you move that over five feet, there's never going to be an issue.

**Jaime Topham** – No. And our last conversation was that they were not going to violate the site triangle. In fact, one of those details says that. So I think that we have to say no to that. You've got to make it work correctly.



**Jason Boal** – Just to be clear, this doesn't violate the site triangle.

**Jaime Topham** – I think the opinion of our engineer is different than your opinion.

**Jason Boal** – There's nothing in there that's over three feet tall. There's no improvements in that site triangle.

**Dan England** – That's true. There's no improvements, but that's not the one I read off the code.

**Jaime Topham** – The potential for having a vehicle there still exists. So, hold on. The dotted line is at the corner of the building, this dotted line that goes around?

**Mat Wangsgaard** – So the front dotted line is the PUE, and then the next one back is the setback. That's just the offset of the setback.

**Jaime Topham** – Okay. I think when he was pointing out there, I saw that differently. I was like, wait, where's the garage start? Okay, so there is a full 20 feet of driveway.

**Jason Boal** – Correct. Yep.

**John Limburg** – But we were told there was 22 feet. So that's-

**Jaime Topham** – Yes, there's not.

**Mat Wangsgaard** – I got confused. The 22 is for the townhome driveways. The single families are 20. But if it helps alleviate it, if we made the front setback on the corner lots 25 feet to give additional length for a driveway for a car to park to be outside of that site triangle, would you guys agree with that?

**Jaime Topham** – Dan?

**Dan England** – Yeah, what does that do to your backyard?

**Mat Wangsgaard** – That would... No, the rear would stay the same. So we would just make the front setback 25.

**John Limburg** – How would it not change the rear?

**Rick Barchers** – Make it a smaller house, is that what you're saying?

**John Limburg** – Okay.

**Dan England** – If that works for you guys, I'm okay with that.

**Jaime Topham** – Whatever.

**John Limburg** – They get a bigger lot and a smaller house.

**Jason Boal** – Well, and again, these lots are wider

**Dan England** – And it'd only be those number of lots, right?

**John Limburg** – Are you saying you're going to build the house wider? So the same square footage?

**Mat Wangsgaard** – Well, I'm not 100% sure what the... It would still fit within the setback. We would just make the front 25 instead of 20.

**Jaime Topham** – Guys? Go.

**Gary Pinkham** – If they're going 20 feet on single family homes, every vehicle out there that's got a club cab or extended cab will be parked on the sidewalk. Like I say, my son bought a Dodge with a trailer hitch on the back of the pickup because that's the biggest he could get to get in his 22-foot garage. He couldn't buy a Ford because it's four inches longer. He could not get a Ford in a 22-foot garage. 22-foot driveway is going to have encroachments along the sidewalks or the street. 20-foot, you're going to cover half of the sidewalk.

**Rick Barchers** – Well, okay. I just want to point something out there on that. If we got 20-foot driveways, taking into consideration what he just said, every one of those garage door is going to have a dent in it.

**Jaime Topham** – Dan, what's our standard for the driveway?

**Dan England** – The standard is the setback for the house.

**Jaime Topham** – So the 25 feet.

**Dan England** – It depends on which zone you're in, yeah. And they're asking for modifications on the setbacks in this area.

**Kevin Hall** – What is it for there, do you know?

**Dan England** – What's that?

**Kevin Hall** – What is the setback by code in this situation?

**Dan England** – I'm going to ask Cavett or Shay to help me with, if you know that offhand.

**Gary Pinkham** – I don't think there's anything less than 25 in our code. And that would be for an MU or something. Single family, most of them are thirties and forties.

**Jaime Topham** – So how are we having a conversation about 20 foot driveways? That should be an additional request, right?

**Dan England** – That's what their setback request... I think they had a request for setbacks.

**Cavett Eaton** – Number two talks about setbacks.

**John Limburg** – We do? That's-

**Jaime Topham** – That's where we're at. What number is that?

**John Limburg** – Number two. Can you go back to number two? This is turning into a work meeting.

**Matt Christensen** – I'm with Focus Engineering. Matt Christensen. When this PUD in the first submittal, the current code at the time allowed for 20-foot driveways, 20-foot setback. And then the code changed. Now it's 25. It shouldn't be a problem at 20 foot.

**Rick Barchers** – There you are. Mr. Coombs.

**John Limburg** – So he's asking when they originally got the development agreement on this property, there was a 25 foot, I mean a 20-foot setback requirement, and now we've changed it to 25. Do we have to honor what was in the code when they got the development agreement?

**Brett Coombs** – So the development agreement, almost all of them say that the lot, that it's subject to changes within the zoning code. However, there is an exception that I would have to look at that if it says that he's only bound by the law when the development agreement was made, then we would have to honor that. So let me look it up and I'll get back to you.

**Rick Barchers** – Yeah, just look at that agreement specifically. I do believe it does say that it's subject to future code changes. I do believe it does say that.

**Jason Boal** – Just to be clear, that 20-foot change, or the 20-foot front setback was in place when we made application. It wasn't just in the development agreement. It was when we applied for the PUD, which is slightly different than the DA.

**John Limburg** – Sorry, I put words in your mouth when I asked them.

**Jason Boal** – No, no, it's good. It's good to-

**Kevin Hall** – Because if it was, and the application is the PUD, the PUD isn't approved, right?

**Jaime Topham** – No, but it's the law that was in place when they put their application in. That's the law that they get to go by. So, okay.

**Jason Boal** – So back to the corner lots. We are willing to increase the front setback to ensure the site triangle, to increase the front setback to 25 feet on those corner lots to increase that site triangle.

**Jaime Topham** – Does that resolve that?

**Dan England** – So they'll have 25 feet now to park those cars. It's not going to take care of a huge truck, but I think in most cases it'll take care of it. And so I think it's a fair compromise without killing the safety of bedside triangle.

**Jaime Topham** – Okay, and how many homes is in this project? How many total homes? Remind me.

**Dan England** – The total number-

**John Limburg** – 700.

**Jason Boal** – 700.

**Jaime Topham** – Okay. So any further discussion before we decide whether to-

**Kevin Hall** – So can I just ask a question?

**Jaime Topham** – Absolutely.

**Kevin Hall** – And I apologize, I was unable to make work the meeting, but I'm just curious about the discussion with the narrow road in the rear and the side yard setbacks. Was that discussed and agreed upon in the last meeting? That's the one that I get a little hung up on myself.

**Jaime Topham** – How wide is the narrow alleyways?

**Jason Boal** – I can go to that slide that shows the cross section, so it is 26 feet. And to answer your question, I mean we did talk quite extensively and the fire marshal was here talking about the narrow roads and the side setbacks. And so and that was one of the reasons why we did go to UDOT and we asked for that additional access way along those narrow rows, to provide an additional emergency ingress and egress into that townhome section of the project.

**Jaime Topham** – So the 26-foot right of way, that's pretty fairly typical in private rows in Grantsville? Sorry.

**Dan England** – For townhomes, yes.

**Jaime Topham** – For townhomes.

**Dan England** – In fact, the mayor, city manager myself went down and visited some of those, measured it. And looked at it and said, "Okay, we can get by with this and with the two foot." And we set that in the meeting as a minimum that they're coming to ask for at this point. It has not gone through to you to be part of our city code at this point, but that was something that we had looked at. And then from there we went back another minimum 22 feet to the garage doors, which they have done in the townhome areas.

**Rick Barchers** – That kind of goes back to something that I said the last time we talked about this. There was a comment from staff saying that they would see this as acceptable on other projects in the future. The only reason that I am willing to make this exception is because of the prior agreement with the city for the number of units on that property. If it weren't for that, I just couldn't consciously do it. I couldn't.

**Jaime Topham** – And I echo that. I agree. Any further discussions? Kevin?

**Kevin Hall** – No.

**Jaime Topham** – Derek's been quiet.

**Derek Dalton** – I've just been listening because I missed the last meeting so I'm good.

**Jaime Topham** – Okay, well this is up for consideration tonight. Are we ready to move forward? Do we need further conversation or clarification?

**Rick Barchers** – Do you need any more than these 10?

**Kevin Hall** – No, this is what we've narrowed it down to

**Jason Boal** – We're really appreciative of your time and energy and consideration.

**Jaime Topham** – Lanise?

**Lanise Thompson** – Can I just have you go down one and summarize it? Two, summarize it. Three, summarize it just for the minutes so that it's really clear?

**Jaime Topham** – Sure. So can you scroll back up in your-

**Jason Boal** – Yes.

**Jaime Topham** –... presentation?

**Jason Boal** – Just go back up to the table?

**Jaime Topham** – The table.

**Jason Boal** – Yep.

**John Limburg** – So are we deciding that 20 foot's okay on a sub bar?

**Jaime Topham** – We don't have a choice because that's what was in the application. That was in-

**John Limburg** – Just want to make sure that's-

**Jaime Topham** –... the law at the time of the PUD, is that right?

**Shay Stark** – I've just verified it.

**Jaime Topham** – Shay, okay. Shay Stark just verified it for us. Okay, so our understanding is that you are asking for 10 variances to our code or modifications, right? Modifications.

**Jason Boal** – Yeah, I guess nine.

**Jaime Topham** – Nine.

**Jason Boal** – Because we're meeting the side triangle.

**Jaime Topham** – All right.

**Jason Boal** – The side triangle's in there, but.

**Jaime Topham** – So there were 10 requests and so those requests, number one was a minimum lot size for town homes of 1,000 square feet. We have considered that. Assuming that this passes, we would agree to 1,000 square foot. That's the land just under the building footprint, right? Number two is the corner lot setbacks you had asked for. The corner side is 12 feet and rear is 20 feet for 40-foot wide and 50-foot wide lots. And we are agreeing to 50-foot wide lots on the corners?

**Jason Boal** – 50-foot-wide lots on the corners, yep.

**Jaime Topham** – Okay.

**Jason Boal** – And then-

**Jaime Topham** – And a 25-foot setback and then I guess the 12-foot front and side 22-foot garage, is that detail necessary?

**Jason Boal** – So that's just for the town. Just to clarify, for the townhomes.

**Jaime Topham** – Okay, that's for the town homes. So then it would be the 12-foot front inside and then 22-foot garage and 15 feet between buildings for the setbacks on the town homes, right? And then number three was the lot frontage. The minimum lot frontage was 50 feet and there's discussion about 30-foot lot frontage for those corners around the circles I guess would be the best way to describe that on the cul-de-sacs. And we will agree to that so long and you're going to cut down the driveway at the road to 16 feet and then it'll branch out.

**Jason Boal** – And also the traffic rated utility boxes were needed.

**Jaime Topham** – And then traffic rated utility boxes.

**Jason Boal** – Yep.

**Jaime Topham** – Okay. And then number four is that the private streets will be the 200. In the townhome area will be the 26-foot right of way you provided a detail. And then also, and this kind of goes with probably eight or nine, is the crash gate for the second access in that townhome area. Number five is the driveway spacing. So it'll be 10-foot spacing rather than the 12 foot. Number six is that the private streets will not be longer than 750 feet and you figured out you've created a detail to make sure that they're less than 750 feet.

**John Limburg** – Yep, including that emergency crash gate.

**Jaime Topham** – Including the current, yeah. Hey, can you scroll down-

**John Limburg** – Oh, yeah.

**Jaime Topham** –... until the next?

**John Limburg** – The next one.

**Jaime Topham** – And then number seven was the number of single-family lots or single-family homes on the cul-de-sac is supposed to be 24. You're asking it be 30 in that one area and you agree to add sprinklers to the homes in that long cul-de-sac. Number eight is you're requesting a five-foot side yard PUE which it's supposed to be 7.5. We're agreeing so long as there's no window wells on the sides of the homes. There are no encroachment in that five feet.

**Jason Boal** – And a strong recommendation that the AC condensers are in the back.

**Rick Barchers** – Yes.

**Jaime Topham** – With a strong recommendation that the AC units are in the back of the homes. Number nine is the side triangles. There will be no exception to the side triangles. And then number 10 is that they will be permitted to do 150 lots. The final application, plat application can be up to 150 lots. But they can only do final plat for 50 lots at a time and then they can record when 70% of the previous phase has been sold. Is that right, Dan? They can record. Is that the right language?

**Dan England** – Correct.

**Jaime Topham** – Yeah, okay. All right.

**John Limburg** – I don't mean to go into the weeds here, but on Shay, so that we're treating all developers equally here. If they come in, does everybody required to do a PID now or-

**Shay Stark** – No.

**John Limburg** – If they come in without a PID-

**Shay Stark** – And I appreciate you bringing that up because that's part of the justification of us allowing them to come in with a 150 and final and record them in 50 lot segments is because we have the PID and then of course they'll be required to bond with it.

**John Limburg** – So I just think that's important that's in the minutes.

**Jaime Topham** – Perfect.

**John Limburg** – That we're doing that because it's a PID, so the-

**Jaime Topham** – So yeah, we're allowing number 10 because of the PID. The agreement to do a PID, right.

**Rick Barchers** – Okay.

**Jaime Topham** – All right, and so for the comment like you had said, the only reason we're allowing the setbacks and the changes that we're doing is because you have a previous development agreement that guarantees you a certain number of lots, but for that we would not be doing it. In my opinion, I would not be agreeing to it. I can only speak for myself.

**John Limburg** – I think we all agree with that but you have what you have. You bought what you bought, so we get it.

**Rick Barchers** – Don't begrudge the discussion.

**Jason Boal** – Not at all.

**Jaime Topham** – With that, any further discussion we've got it on the... That wasn't the formal motion, but I can make that formal motion now if we're ready. Maybe, yes? Okay. All right, lots of conversation and consideration.

**Jaime Topham made a motion to approve the PUD as stated on the record tonight with all of the requirements for the Desert Edge Subdivision. John Limburg seconded the motion. And all in favor? Vote was as follow: John Limburg “aye”, Rick Barchers “aye”, Jaime Topham “aye”, Kevin Hall “nay”, Derek Dalton “nay” Motion Passes.**

**Jason Boal** – Thank you very much for your time.

**Jaime Topham** – You're welcome.

## **2. Consideration to approve PUD for Worthington Ranch Subdivision PUD**



**Jaime Topham** – I really appreciate Worthington Ranch's patience. I had not realized that was just discussion and not so much summarily.

**Stetson Blackmore** – I'm here to present our Worthington Ranch Subdivision for PUD consideration. We're seeking a path to optimize the use of the open space and continue that discussion that we've had.

**Jaime Topham** – So, it's a little out of order, but I want to talk about the development agreement too because what I read in the PUD submittal is that we don't need to pick an option at this point just to approve the PUD and I don't even know how that would work. I think that you have to have an option. But that brings me to the development agreement and my concern in the development agreement is one, that option D is already attached, and in 1.15 it says the maximum residential units is 130 residential, which is more than option D, or at least I can't quite read option D because it's so tiny but it looks to me like option D says 118. It's very concerning to me that we have a development agreement that you're asking us to consider and approve today with more lots than any of the options that we haven't even talked about yet.

**Bruce Baird** – If I may, Madam Chair, my name is Bruce Baird. I'm counsel for the project. And the trouble here is a little bit of a legal overlap in your processes because you have an existing MDA and we've worked through this with your city attorney in order to present it to you in a hopefully coherent way.

We have two different applications. The PUD one has always been on as a process that we started, and I know it was considered a couple of weeks ago and was moved to this one. No matter what we would do with the PUD, we would still need to get an amendment to the development agreement because the development agreement is already recorded. And in order to develop contrary to the development agreement, you have to fix the development agreement. So essentially the PUD is sort of a placeholder, but it's on the agenda.

What really counts is the development agreement. You have exclusive authority over the planned unit development. You're a recommendatory body to the city council on the development agreement under state law. So we have them both on. Realistically it's essentially the same pretty picture. I did not know there was a discrepancy between those two numbers. And the development agreement is speaking as of what we would prefer to have now. The PUD was the numbers we were submitting before.

So essentially we're asking for you to make a recommendation to the city council by way of either this item, the PUD item, or the development agreement item, which maybe you can consider together frankly. It may make more sense and then make motions on each one of them separately. But we're essentially saying please take a look at this. We want to give you our rationale for why we think it's better to have an increased number of units and a trade-off of how you use the open space for a public park and to make that recommendation to the city council so the city council could consider it as part of the development agreement. We'd be happy if you said yes to the PUD, which would give us some kind of a baseline but we have to amend the development agreement anyway. And I think Mr. Coombs would agree with me-

**Jaime Topham** – But you only have to amend the development agreement if you're doing a PUD.

**Bruce Baird** – If we're doing-

**Jaime Topham** – Because you already have a development agreement and a plan.

**Bruce Baird** – We don't have to amend the development agreement unless we want to do something different than what we're currently approved for. That's a 100% correct. And that's what we're asking for is to do something different than what we're currently approved for in two primary ways, as I said, an increase in the number of lots and a change in the use of the open space.

And we're really here to explain to you why we would like your either approval of the PUD and, if I had a perfect world, it'd be an approval of the PUD and a recommendation for an amendment to the development agreement, a favorable recommendation. But if not, we just wanted the opportunity to present it to you because you are a required step in this process and we hope to discuss any issues with you about it and hoped to get a recommendation to the city council. And if there's some things in the plan that you don't like, but you might like other flavors of them, we're perfectly willing to discuss those other flavors.

**Jaime Topham** – Okay, so you guys have been in front of us a lot with your different flavors. And Bruce, this is your first time here I think, or at least at the podium.

**Bruce Baird** – Yes, ma'am.

**Jaime Topham** – But I've said over and over you have a plan. In my mind there's not options.

**Bruce Baird** – Well, there's plenty of options and the options-

**Jaime Topham** – But there's not options. In my mind, this is in my mind there's not options. You already have a plan. It's already been approved. What you're asking us to do is to change what was already approved to take on something that you don't want and you want the city to take. We've had conversation after conversation after conversation about whether or not we want that. And I've heard from Public Works that that's not the case, from the mayor that we do not want that property. So where I stand is the only option is a denial of the PUD.

**Bruce Baird** – Well Madam Chair, I respect that, I understand that. And you're one vote amongst five and we have an opportunity to try to-

**Kevin Hall** – I would echo her over comments.

**Bruce Baird** – And Mr. Hall, that may make two votes among five, but the rules say under a development agreement that we have to try to come to you first for a recommendation to get to the city council. We're here asking for that recommendation. You can recommend, no. That's how a democracy works. We're here to try to explain to you, and you may have heard some of it before, but in terms of you've got something we don't want to change just because there's no need for a change, I'm going to make a metaphor for that.

Let's assume that you are in a hotel room and you've checked in for a week, and it's a nice hotel room and you're there for a couple days and after the second day that the manager of the hotel comes to you and says, "Hey, I know you're in this hotel room and you sort of like it, but we had a presidential suite open up and we got nobody staying in there. Would you like to stay in a better suite?" And you'd say, "Let me think about it," and you might change. You might not, but you might. And we are here to try to explain to you why we would like to ask you for a favorable recommendation to change.

I understand your position. I would like the opportunity to at least explain it perhaps to the other council members and maybe they don't need to have it. Maybe they're all ready for a vote at the moment, but I sort of like to have a chance to explain things. Mr. Hall, I might not be able to convince you, but sometimes I have been able to convince people who start out as a hell no in a meeting and eventually they come to a grudging change of mind. [inaudible 02:15:19] stop them. It doesn't sound like I can with you.

**John Limburg** – I want to hear from our attorney. It sounds like you're looking for a denial so you can take it to the city council.

**Bruce Baird** – No, Mr. Limburg, I'm actually looking for an approval.

**John Limburg** – I get that. But you'll take a denial and what the kind of veiled threat that you're just going to go around and go to the city council.

**Bruce Baird** – It's not a threat. It's an absolute requirement of law. It's not a threat whatsoever.

**John Limburg** – I just want to hear.

**Brett Coombs** – That's why I wanted to step up. Everything Mr. Baird has shared is the law. He's accurate in what he's sharing. He's not threatening the planning commission with that. The way that this is set up is for the development agreement, he has to go through this body. That's our city law. That's our state law. You absolutely do not have to recommend approval of that. You don't have to accept anything that he's written in the development agreement that they requested. It will go to the city council regardless of what you do tonight.

**John Limburg** – Even if we decline it, the city council can approve it?

**Jaime Topham** – What I also heard Mr. Baird say is that we have the authority to approve or deny a PUD.

**Brett Coombs** – That's correct.

**Jaime Topham** – We are the only body. So if we deny the PUD tonight, then what's there to take to city council?

**Brett Coombs** – Well, so if you deny the PUD, our code does allow them to appeal that PUD denial to the city council if that's what they want to do. But Mr. Baird's right. The PUD and the development

agreement are tied together because they cannot get the PUD, unless the development agreement is changed.

**Bruce Baird** – Let me go a little further than that, Ms. Topham. The actual state law and I helped to write it, is this, whatever your code says by way of a development agreement that goes through the proper process, that is a recommendation from this body to the city council. If I've got three votes on the city council and no referendum, whatever your current zoning code says, whether it's a PUD or a zone or anything else, with enough votes at the city council, I could put a 100-story tall pink neon World Trade Center there, whatever the PUD says. PUD is sort of a red herring in this process. And again, Mr. Limburg, it is not a threat. It's simply what the process is. I have to come to you and you have an absolute right to tell me no.

**John Limburg** – I'm just telling you how I heard it. Sorry.

**Bruce Baird** – Yeah, if you heard it that way, I apologize because that's not how it was meant. It really wasn't because I have no idea what the city council's going to do. Well, I know what the mayor's going to do.

**John Limburg** – Barry told us he had the votes when he was here two weeks ago.

**Bruce Baird** – I hope but I don't know. Mr. Limburg, I want to make it clear, I was simply explaining what the process is.

**John Limburg** – We're good.

**Bruce Baird** – Okay, good.

**Jaime Topham** – Hang on one sec, just because of where we are in time. Do you need to hear a full explanation?

**Rick Barchers** – I honestly don't. As a general rule, a PUD to increase the density of an already designated piece of land after a development agreement's been reached on it, seems ludicrous to me. It honestly does. The whole purpose of the initial agreement here was to take all of the density of this land, put it into a smaller area. That was the whole purpose of the initial agreement. And so we would be going back on that agreement that opens the door for any other developer who has an agreement with the city already to just keep coming back. And that is a door I do not want to open.

**Bruce Baird** – May I respond to that Mr. Barchers?

**Rick Barchers** – Sure.

**Bruce Baird** – And the response to that is in at least three occasions in the last six years, I've dealt with, amended and restated development agreements where people come back and ask for something different because things change. On at least 12 occasions in the last three years, I've also come to city councils and asked for an amended development agreement for various things, sometimes to benefit the city, frankly, sometimes to benefit the developer, sometimes to benefit both parties. And what

happens is it gets to the city council and the city council in their wisdom says yes or they say no. And all we're trying to say is we have a reason. We believe we can explain why this is better. You don't have to agree with me, but I think we can explain why this is better.

**Rick Barchers** – I've heard several attempts to explain why this is better. Mr. Mayor, does the city have any interest in this land?

**Mayor Critchlow** – No.

**Rick Barchers** – Okay. I've been told from this podium, not necessarily either one of you, different officials within our city, et cetera, said that we have an interest in that property. Upon consulting with them, I found that to not be true. The stated fact that I personally have talked to all those people within the city to see if there's an interest in that land and they all said no, makes me want to say why are we talking about it? That's just my position, so... and I appreciate your position.

**Bruce Baird** – My position is very simple. The First Amendment to the United States Constitution says we have the right to petition the government.

**Rick Barchers** – Sure.

**Bruce Baird** – We're here asking. The government can say no. Okay? If you don't want to hear my explanations about why we think this is better, then we won't waste your time on those explanations. If you do want to hear them, Stetson's perfectly happy to explain them in detail. If you don't need to hear them, then there's no point in... I have a rule and the last time I did this, somebody took offense because I was in a city attorney's office and I walked over to the wall and said, "I'm not going to do this anymore." And I said this.

It turns out I was bashing my head against the mayor's office. Fortunately, the mayor was a friend of mine and came out and laughed at me. But I have no desire to be here and run my client's meter and bash my head anymore. The first rule of politics is knowing how to count. If there's not three people who want to even listen to us, then just tell us that, make a negative vote on the recommendation, and we'll go home.

**Jaime Topham** – Is your explanation any different than, I'm sorry, I can't remember the name?

**Bruce Baird** – Barry.

**Jaime Topham** – Barry's explanation?

**Bruce Baird** – I don't believe it's materially different.

**Jaime Topham** – Okay.

**Stetson Blackmore** – Not significant.

**Bruce Baird** – It's not materially different. I think that's a fair question, Chair Topham. It's not materially different than what you've heard before.

**Jaime Topham** – I just want to be clear. We're not just waving our hand, and we don't want to hear what you said. We've just heard it at least six times. If it's not materially different, then I don't want to spend a lot of time.

**Bruce Baird** – Part of the reason I'm here is because I think the process had been confused before, and we worked through the process with your city attorney and your staff as to how the statute says things has to happen, and what a PUD means, and what a development agreement means, and whose approval we need for what. In this formal setting, again, if you don't want to hear it, we're not going to waste your time here tonight. Just make the motion to deny the PUD, and make a negative recommendation to the council, and we'll come ask the council.

It doesn't look like for all of my much-vaunted powers of eloquence that I'm making much progress here. I sometimes know how to read a room, and if I ain't got three votes, then I'm going to go home.

**Jaime Topham** – I want to be clear that what we're talking about right in this moment is the PUD, number two. We're not talking about the development agreement in this moment. I definitely understand. I understand that they interact and intersect, but they are on two different agenda items.

**Bruce Baird** – I understand.

**Jaime Topham** – We're handling them two different ways.

**Bruce Baird** – I understand.

**Jaime Topham** – Derek, would you like to hear any more information on the PUD specifically?

**Derek Dalton** – No. Not if it's any different than what we've heard before, so...

**Jaime Topham** – Okay. Sorry, you don't get to present. We haven't actually heard much from you, but we've heard a lot about this project.

**Stetson Blackmore** – It's understandable.

**Jaime Topham** – Is anyone, are you ready to consider this? Does anyone want to make a motion?

**John Limburg** – I would just say that if the city was interested in the land, that's why we would have a reason to change the development agreement, to go back and make that... What we're hearing is they don't want it and for me that's enough reason to not do it.

**Jaime Topham** – I like analogies too. And so, my analogy would be that this feels like trying to put lipstick on a pig.

**Bruce Baird** – Well, we would try to tell you that it's not trying to put lipstick on a pig because we believe that it's absolutely, and I know it's been explained, so I'm not going to beat my head against the wall, but I've read the explanations as to why it's actually good for the city, and I think it's good for the city. But then again, I don't happen to live here and I don't have a vote.

**Jaime Topham** – Okay.

**John Limburg made a motion to deny the PUD for Worthington Ranch Subdivision, Kevin Hall seconded the motion. And all in favor? Motion carries unanimously**

### **3. Consideration to recommend approval of an Amended and Restated Development Agreement for Worthington Ranch Subdivision PUD.**

**Bruce Baird** – I really don't think there's much more I need to say. I do want to explain that the development agreement that we've presented is a typical form of a development agreement that I've used across the state and worked with your city attorney several years ago to adopt basically a similar template that's used in some cities, Herriman, Draper and others as the official template.

Most of the legal document is the same document. The guts to the document are the pretty picture and the number of units, and how you deal with the open space. If that's the issue, which seems to be the same issue as the PUD, then there's not a lot of point in bashing heads again, and making an extended presentation. Again, I have this ability since my father raised me to the age of five to count, to a majority of... I count five people here. If I ain't got three, then there's no point in talking very much.

**Jaime Topham** – Okay. I do want to have a couple of comments so that the city council has the benefit of our viewpoint, or my viewpoint on this. First and foremost, is item 1.15, maximum residential units specifically stated to 130 residential dwelling units, which is more than what is stated on their Exhibit D, or the master plan, which I believe is 118. But, it's a little fuzzy, so I can't read that entirely. The other thing is that it says-

**Bruce Baird** – Madame Chair, if there's a mistake, we apologize for that. Those should be the same document, and I apologize if they're different.

**Stetson Blackmore** – That would've been a mistake on my part and that was-

**Jaime Topham** – Okay, but this is the document that is going to go to the city council based on our recommendation, and you are right to have them review it, so it needs to be clear in the record part of that. I understand that there's a mistake.

**Bruce Baird** – And the city... and we can clarify that between now and when it gets to the city council and fix that clerical error.

**Stetson Blackmore** – Ma'am, on the document I shared, it does show 130 units.

**Jaime Topham** – I can't read that. It looks like 118 to me, but if it says 130...

**Stetson Blackmore** – I understand.

**Jaime Topham** – I can't read that.

**Stetson Blackmore** – Okay. I will make it bigger next time.

**Jaime Topham** – And then, there's the open space, which means approximately 70-acre portion of the property designated as open space on the master plan. In the proposals that were given, it's a 90. It ranges from 94 acres to apparently down to 70. Just for the city council to be aware to look at this residential, or this development agreement carefully.

And then, the other one was, there's a right of reversion on the open space so that if it's not used for a park or other open space, then the developer has the right to take that back. The city needs to understand that as well because part of what was proposed originally would be that there'd be open space and trails, but also using part of that as a roadway through that, so that's something to look at as well for the city council.

**Bruce Baird** – May I address that for a second? I think that's a good point, and we probably would add that that may be my omission about potentially using it as a roadway. The reason that clause is in there is to deal with some situations where clients of mine have given open space or school sites to local governments, schools are the worst ones, and they've given school sites to the local government to the school district, and then 10 years later the school district says, "Nah, we don't want that site, so we're going to sell it for \$10 million."

It sort of defeats the purpose. But, I take your point as use as a road as well taken, and when we present it to the city council, we will correct that.

**Jaime Topham made a motion to recommend a denial on the approval of the Amended and Restated Development Agreement for Worthington Ranch as the Planning Commission has denied the PUD. John Limburg seconded the motion. And all in favor? Motion carries unanimously**

**Bruce Baird** – Thank you.

#### **4. Discussion of Final Plat and Construction Plan Review for Hale Street Market**

**Mohd Alqaaydah** – Good evening. My name is Mohd. I'm the owner of Jay Sinclair. Okay.

**John Limburg** – What's your last name?

**Mohd Alqaaydah** – Alqaaydah.



**John Limburg** – Okay.

**Mohd Alqaaydah** – So we are here for the second part of our project. The first part of our project was approved last year for the market. We're talking about the second part of it, which is a mechanic shop basically. We demolishing that mechanic shop and pushing it back a little bit so we have enough space for parking for the new market.

**Jaime Topham** – I saw the staff's notes. You've been working with them closely. You feel like everything's ready to go. Are there any loose ends? Anything that we need to be talking about or is this ready for approval?

**Dan England** – I think it's ready for approval. Just a clarification, he has merged both projects into this one project that you'll be approving.

**Jaime Topham** – Okay.

**Dan England** – He did have the other one approved, and but this is the whole thing together.

**Jaime Topham** – Okay, that's great.

**John Limburg** – Can you remind me, there was an issue with tanks? And I don't know that you were here last time-

**Dan England** – Sure.

**John Limburg** –... and they said that you had said that there's not many tanks now.

**Dan England** – That is correct. If you showed the site back up there, there was some existing tanks that were sitting on a different property that was here in Grantsville and it was proposed that they move it out of this property. And due to the code, he was not allowed to move it here and so he found a different home for it so this no longer has that project issue.

**Kevin Hall** – And so all of the fuel pumps are staying where they're at, correct?

**Dan England** – Correct.

**Mohd Alqaaydah** – We're expanding them, but that's later on after we finish our project.

**Dan England** – That'd be a different project.

**Mohd Alqaaydah** – Yeah.

**John Limburg** – So the mechanic shop, what is that mechanic shop there? Is it coming down?

**Mohd Alqaaydah** – It's coming down. We're building a brand new one for him so and we pushing him just back a little bit in the property.

**Jaime Topham** – And then what are you doing as far as a privacy barrier between the drive-through and that house next to you?

**Mohd Alqaaydah** – There will be a fence. We'll have a fence built.

**Jaime Topham** – Like a solid fence?

**Mohd Alqaaydah** – Yep.

**Jaime Topham** – Six-foot fence?

**Mohd Alqaaydah** – Mm-hmm.

**Kevin Hall** – And the beginning of the drive-through comes off of Main Street, correct?

**Mohd Alqaaydah** – There's two of them. So one for the restaurants that will go end up on Hale Street and then the second one will end up on Main Street. That's why we're pushing the mechanic shop back so we have enough space for the cars to go through the parking lot into Main Street.

**John Limburg** – So does this meet the drive-in require the amount of cars?

**Dan England** – Oh, the number of cars?

**John Limburg** – So it keeps them off of Main Street on Hale Street?

**Dan England** – Yes, especially-

**Mohd Alqaaydah** – Yeah, there's two lanes.

**John Limburg** – How many lanes? How many cars can you put in the drive-through?

**Rick Barchers** – Where's the window for the drive-through?

**Mohd Alqaaydah** – On the market side there will be about five to six cars. On the restaurant side there will be about four to five cars.

**John Limburg** – So I thought a requirement was more than that.

**Dan England** – I'll have to go back and look, he's got a window that sits right in here. And so it'll have cars that will be backed up this direction. Coming the other direction, the window's right about here and he's set enough to go way back out and around. And so that one, he has closed off a number of driveways over there. And so where the access is gives a lot more road for that one.

**John Limburg** – Okay, all I know we had a number at some point and we held somebody else to it.

**Dan England** – Do you know what it is Shay, is there a stacking requirement?

**Shay Stark** – I just got to look and see because when this was approved, he met the requirements.

**Dan England** – Yeah.

**Shay Stark** – The issue is since then, but we had that discussion with the car wash and-

**Dan England** – But when it was approved the first time around?

**Shay Stark** – When this was approved, the building has already been approved and the layout around the building's been approved. At that time, it met the requirements but let me see if I can look that up again.

**John Limburg** – Because we just don't want, I'm going to just Guzzle. There's cars on Main Street.

**Mohd Alqaaydah** – Yeah, there's plenty of space. That's why we're moving the mechanic shop. So if you look at where the mechanic shop now, so the mechanic shop's currently is here and will go back so we have room up front.

**John Limburg** – Is the drive-through coming off Hale?

**Mohd Alqaaydah** – Yes, that's for the restaurant side. There will be cars coming from Main Street into the side of the building and exiting on Hale.

**Savanah Avina** – The restaurant side will be fast, right? The restaurant side is more like the drive-through at Virgs right, where you go pick it up real quick. It's like one car at a time if anything. So when we got it approved the last time they said it's not a continuing drive-through. There won't be a line. It's just when you do a call in for pickup.

**Rick Barchers** – So that part's already been approved?

**Jaime Topham** – Yeah more importantly, it's already been approved, so.

**Rick Barchers** – Okay.

**Jaime Topham** – Derek any other discussion? Do you guys need any further discussion on this item?

**Rick Barchers** – No, I'm good.

**Jaime Topham made a motion to move this to an action item. Rick Barchers seconded the motion. And all in favor? Motion carries unanimously**

**Jaime Topham made a motion to recommend approval the Final Plat and Construction Plan Review for Hale Street Market Kevin Hall seconded the motion. And all in favor? Motion carries unanimously**

**Jaime Topham** – Thankyou.

**Mohd Alqaaydah** – Thank you, appreciate it.

**John Limburg** – Thanks.

**Mohd Alqaaydah** – Thank you.

## **5. Discussion of PUD for Alington Subdivision PUD**

**Todd Castagno** – Todd Castagno here.

**Jaime Topham** – Hi, Todd.

**Todd Castagno** How are you?

**Jaime Topham** – Good.

**Todd Castagno** Missed you all.

**Jaime Topham** – It's been a minute.

**Todd Castagno** – We applied for, so the MU zone requires a PUD. We applied for the PUD. Paid the fees and all of that with our initial application. But as far as I know, we are not asking for any waivers as part of the PUD. The only reason we're-

**Rick Barchers** – Weren't there some engineering issues with the sewer or something? I mean this was a long time ago we talked about it.

**Dan England** – Yeah and just as a reminder, the sewer trunk line coming from the Lakeview Business Park comes through this development.

**Rick Barchers** – Right.

**Dan England** – They had previously done that on a plan of where the street would go so they could keep it under the street. They followed that plan with this design and so that restricts where the commercial area can be out front. But that was the only issue of what was with the sewer was just where that sewer line was and that place where the roads could be and that kind of the layout there.

**Jaime Topham** – And the preliminary plan was actually approved?

**Dan England** – Yeah.

**Jaime Topham** – Okay. And they're not asking for any variances under the PUD? It's just being required because of the code?

**Dan England** – Correct

**Jaime Topham** – For the zoning actually, okay.

**Dan England** – Yeah, it's the MU zone.

**Todd Castagno** – I guess we could come up with something.

**Jaime Topham** – Well, we can certainly create some work if you want to Todd.

**Rick Barchers** – You've been gone. You've been gone, buddy.

**Cavett Eaton** – We missed Todd. We just wanted to see him again so we brought him back.

**Jaime Topham** – Do you guys have any-

**Rick Barchers** – No.

**Jaime Topham made a motion to make an action item of number five, Discussion of the PUD for Alington Subdivision PUD. Kevin Hall seconded the motion. And all in favor? Motion carries unanimously**

**Jaime Topham made a motion to approve the PUD for Alington Subdivision PUD. John Limburg seconded the motion. And all in favor? Motion carries unanimously**

**Todd Castagno** – Thank you.

## **6. Discussion of Preliminary Plat for Heritage Farms Subdivision**

**Matt Christensen** – Two in one night, Matt Christensen FOCUS Engineering. I'm representing Shawn Holste.

**Jaime Topham** – So were you here during the public comment section?

**Matt Christensen** – Yes.

**Jaime Topham** – Okay, so there's a lot of concern apparently a lot of concern from South Willow HOA about connecting into their roads, their dead ends actually. How we need to talk about that and discuss that? Dan, we discuss this at all?

**Dan England** – The roads going through. The concern they have is a fair one. They don't want to have increased traffic going through their subdivision. The streets coming through is something that is the whole downtown is a grid. Personally, I like the grid that it makes it so that traffic can go more than one direction and it doesn't get all focused. The main street coming through their project is coming north-south through Nygreen and then it would come out. And over many years it's going to come all the way down to the Depot Road and then out to Sheep's Lane. At this point until the market changes, I've been told they're not looking to go forward with any more developments to the south of this until either they're allowed to go smaller lots or the market changes and wants to sell or wants to buy the large lots again. Now that doesn't mean anything as far as whether they're going to develop the next one. But for this one right here, there may be a few more cars that have come through this area. But I think they'll all be coming through the South Willow part that will be getting a shortcut going into get to the school.

**Kevin Hall** – Then how many instances of the three are they crossing the horse trail of walking trail that they're speaking of? One of them, two?

**Matt Christensen** – The two?

**Jaime Topham** – Is it here?

**Kevin Hall** – One at the top, one at the bottom as we look at that. Is that correct?

**Dan England** – I know that there was a horse trail that was coming in through this direction and so we ended up trying to make some sort of park up through there. I think they had something coming in here. You guys know better than I do.

**Matt Christensen** – So you've got to also understand the Zachary area with the church and Joshua Way is not going to reach them. Because the way it was added on at some point whenever it was added on. Because these homes in this square that you see here-

**Dan England** – What year was that done, Todd?

**Steve Nordfelt** – Those are not in their HOA. Including the three to four are on the at the north side of Shelly Lane they're not in their HOA either.

**Matt Christensen** – So the stub of Shelly Lane is not in your HOA?

**Steve Nordfelt** – Correct, but our HOA starts right here.

**Jaime Topham** – And he scrolls down-

**Matt Christensen** – That's where the horse trail is.

**Steve Nordfelt** – And see that's the problem it's all that traffic's going to come up Willow down Shelly to funnel in.

**Jaime Topham** – Okay, and then the other connection point? Cavett can you go back to the Google view or whatever yeah, and then scroll down to Mustang.

**Norma Fox** – In Presidents Park eventually. All these people are going to take Shelly Road to go through South Road-

**Steve Nordfelt** – To get to Twenty Wells they're going to bypass Nygreen because it's already even with Canyon View on Nygreen now because the only entrance into Canyon View is off Nygreen as well.

**Jaime Topham** – Okay.

**Rick Barchers** – Okay, I have a question sorry, for the mayor. Do you remember the circumstance in which we met?

**Mayor Critchlow** – Which time?

**Rick Barchers** – The first time I met you.

**Mayor Critchlow** – Yes.

**Rick Barchers** – Before I was on the P and Z board.

**Mayor Critchlow** – Right.

**Rick Barchers** – What's the name of the developer to the south, do you remember?

**Mayor Critchlow** – To the south?

**Rick Barchers** – Of this project?

**Mayor Critchlow** – That is-

**Rick Barchers** – You can't remember his name.

**Mayor Critchlow** – To the south of where this development is, I think belongs to-

**Rick Barchers** – To the south and east.

**Mayor Critchlow** – I thought it belonged to the livestock-

**John Limburg** – The wetlands out there?

**Mayor Critchlow** – No, it's not wetlands.

**Kevin Hall** – It's soil conservation, is that you're referring to?

**Mayor Critchlow** – Yes.

**John Limburg** – So where does this sit? Where does this new subdivision sit, right?

**Rick Barchers** – I had spoken to the property owner on down south of here. He was talking about doing some development eventually. And at the time I said is there a problem with not connecting to our neighborhood? His answer was he didn't really care. It didn't make a whole lot of difference to him. My question to you is if you didn't connect to that neighborhood, does it cause a problem for you?

**Matt Christensen** – Yes.

**Cavett Eaton** – How so?

**Matt Christensen** – We can only build so many units off of one access.

**Rick Barchers** – Okay.

**Matt Christensen** – So in order to-

**Kevin Hall** – We can build a second access.

**Matt Christensen** – What?

**Kevin Hall** – Do you have enough room to build a second access on to Nygreen?

**Matt Christensen** – Not to keep the lots that we have, no.

**Kevin Hall** – What's the width of the property where it meets Nygreen?

**Matt Christensen** – Across the frontage of Nygreen?

**Cavett Eaton** – How wide are those lots?

**Dan England** – Are you talking about Nygreen itself? Nygreen will eventually be 90 foot right away.

**Kevin Hall** – No, what I'm talking about is the distance. Their distance, their width going into their project against the fence where they're proposing the traffic come out of there.

**Matt Christensen** – On Nygreen.



**John Limburg** – Is this an extension of Matthews Lane?

**Jaime Topham** – It needs to be something other than Matthew's Lane.

**John Limburg** – Does it line up with Matthew's Lane eventually?

**Lanise Thompson** – Yeah.

**John Limburg** – It does?

**Dan England** – Yeah.

**Lanise Thompson** – Almost exactly. There's a lot between it. It will never connect.

**John Limburg** – It's just got a lot of property between them.

**Mayor Critchlow** – Who is to the east of you?

**Matt Christensen** – To the east is President's Park is to the east.

**Mayor Critchlow** – And there's already an access there.

**Matt Christensen** – Their next phase.

**Dan England** – Except they can't tie into them yet. They've only built this part and so this doesn't connect with that road. There's a certain number of homes that has to have second access.

**Kevin Hall** – Well, the discussion we had when we were talking.

**Matt Christensen** – So the other thing about the access on-

**Jaime Topham** – Okay hold on, we got to wrangle everybody back in.

**Matt Christensen** – So the-

**Jaime Topham** – One voice.

**Matt Christensen** – So the point of having the access to Shelly Lane, currently Shelly Lane discharges the stormwater from the subdivision that is not on part of South Willow onto our property. So, the connection there allows us to take their stormwater and discharge it into our storm block.

**Jaime Topham** – Okay.

**Matt Christensen** – So that one will always be there.

**Rick Barchers** – Is the street required for that?

**Jaime Topham** – I don't see an issue with it. In my mind it makes sense to connect those. And if that's not a part of the HOA, the HOA doesn't have a complaint because their horse trail should end wherever on their own property. It actually does. You can see it.

**Rick Barchers** – The concern is the additional traffic to the neighbor. There's two horse trails.

**Matt Christensen** – It's also providing a better access from that neighborhood to the school, so.

**Jaime Topham** – I think it's going to go both ways.

**Matt Christensen** – Yeah, traffic will go both ways. Their traffic will go through our subdivision to the school. Traffic from the school will go back to their subdivision.

**Jaime Topham** – It's very clear that South Willow intended to connect to other places in the future based on the way you built the road. They didn't put a hammerhead. They didn't-

**Matt Christensen** – If they had cul-de-sacs at the end-

**Jaime Topham** – Cul-de-sacs-

**Matt Christensen** –... of those lanes, we wouldn't be having this discussion.

**John Limburg** – Okay, so Mayor?

**Mayor Critchlow** – Yes, sir.

**John Limburg** – We were talking about the future roads. Didn't Nygreen go out onto 112 eventually?

Dan England:

No, it's got a gap in it that doesn't go through.

**John Limburg** – Isn't there an intersection with 112 that's going to get people to Nygreen?

**Dan England** – There will be an intersection, but it will not connect all the way across Nygreen. Where that wash should that comes across through there, there's a gap purposely made so that it would not connect through that area.

**Mayor Critchlow** – Hidden Valley is out there and that's our storm water, I understand.

**John Limburg** – So we have to build some kind of drainage.

**Mayor Critchlow** – Well, if we go this way and then out across towards the depot fence and up to Sheep Lane, that's where they'll go.

**Rick Barchers** – So that road going down to the Depot Road is going to essentially become a main thoroughfare, correct? So that's going to get traffic off of that road through this neighborhood into Willow as a shortcut because of the backup of the kids being dropped off to the school.

**Mayor Critchlow** – With the horse trails and everything that's there you guys, it's going to be very difficult for us to hook onto these roads right here. Unless the Homeowner Association says, "Yeah, this is a great idea." Which obviously they're not.

**John Limburg** – What happens if we don't connect these roads? Are they got to build hammerheads into these roads?

**Mayor Critchlow** – They're not that deep.

**Dan England** – Yeah, well it's over 100 feet.

**John Limburg** – 175 feet or something like that?

**Dan England** – It's only 150 feet before they have to have a turnaround to something.

**John Limburg** – So they don't have that situation anywhere?

**Dan England** – It looks like the one coming down there on... I can't see it.

**John Limburg** – I'm not on South Willow Estates. Not what he's saying. If they don't-

**Dan England** – Oh.

**John Limburg** – Those roads don't go through. The roads that are already built, should they have a hammer head on them if they're not going to go through?

**Dan England** – All right. Can you go back with the slides?

**John Limburg** – Do you understand what I'm saying?

**Jaime Topham** – I do.

**Mayor Critchlow** – They're not deep enough well so they would require that.

**Matt Christensen** – He's saying that here, should this require a hammerhead or a turnaround, which is it more than a 150 feet?

**Dan England** – And it is.

**John Limburg** – That's definitely more than 150.

**Dan England** – Right, and then you've got the other lot coming up there off Shelly that would do an extension through there. The way they've got it set up it-

**John Limburg** – You've got to be able to turn a firetruck around there.

**Mayor Critchlow** – And the one off of Shelly Lane-

**John Limburg** – Because this was designed to be hooked up originally.

**Jaime Topham** – Yeah.

**John Limburg** – You can tell.

**Dan England** – Yes, it was.

**Jaime Topham** – Obviously.

**Matt Christensen** – It was, which is why we want it to hook up.

**Rick Barchers** – Well, so what you're saying is they have to have room for a firetruck to turn around if they connect the road. If not, if they don't. If they don't but it's not connected now. So why do they not need one now?

**John Limburg** – It was future, they thought it was going to get connected when they did the phase three, phase four and phase five but they didn't know.

**Jaime Topham** – They should have done it.

**Dan England** – You can kind of see on the one down here.

**Norma Fox** – No, phase four and phase five are on the west side.

**Steve Nordfelt** – Yeah, they're on the other side.

**John Limburg** – They were obviously planning on these roads-

**Jaime Topham** – I'm sorry. We can't have community members talking. Sorry.

**Matt Christensen** – There was at one point there was a concept created for another phase of the development that had Joshua Lane and Zachary Lane in it. Those never got built. The connections were stubbed so that when that development would get built, it would connect. That's the reason why we are connecting to both of those streets as it sits.

**Jaime Topham** – Can you change your development so that it doesn't connect at Mustang?

**Matt Christensen** – Sure.

**Jaime Topham** – Because that one, the HOA's trails go across, oh it's just Mustang. So the HOA's land doesn't extend all the way to Shelly and their trail system clearly ends before those four houses and it goes inside of their perimeter. So the concern that I mostly heard was about well traffic, yes but this was also designed to be bigger and include. So it doesn't seem like that that was originally not a thought, obviously because it was designed to have a whole lot bigger space than it is currently. But the HOA owns the trail system that goes around it and that stops at this one at the bottom, which you're not talking about, I'm on Google Maps and then Mustang Ridge, but Zachary Lane and Shelly Lane are not solely the HOA's and their trail system would be contained within those parameters. Does that make sense?

**Gary Pinkham** – One concern I have is mentioned here, the intention of the original design was for those to go out, which meets our city code for connectivity within a city. As he's mentioned, with that intention, there's infrastructure that's already been built with the intention of it going out such as storm drainage. If those roads aren't connected, then South Willow needs to come back and figure out what they're going to do, whose house they're going to sacrifice for a pond and how they're going to take care of need for water, etc. Without those connection points we lose our water looping and stuff too. So this is an extension of something that's already been designed and improved.

**Jaime Topham** – And that's kind of what my thought also was, is that it clearly it was designed to connect. It was engineered that way. So, you're saying that currently their water is running onto your land?

**Matt Christensen** – Yes.

**Jaime Topham** – So they're not containing their own water, Mayor?

**Mayor Critchlow** – The expert on this is sitting in the back of the room because he's the one who developed Joshua Way and that area. You can ask him.

**Jaime Topham** – Okay. Who?

**Mayor Critchlow** – Todd.

**Cavett Eaton** – Todd.

**Jaime Topham** – Oh, Todd? Todd, come on up.

**Todd Castagno** – So when Heritage Grove subdivision created Joshua Way and Zachary Way, which is outside of the HOA, the same property owner had that property. The design was as the stormwater did flow over onto his adjoining property to be kicked down the road as the phases came in.

**Jaime Topham** – Dan, if they don't connect on Shelly Lane, then what does South Willow do about its storm drainage?

**Dan England** – I don't know that South Willow, I think it's the other development that he just referred to, which is just outside. It's the add-on that's already been done in that area. They don't have a place for their drainage if these guys don't take it and put it in their pond, which we've talked with them and they have done. One of the concerns that I've heard tonight is really these paths, and one, traffic going through, two, safety of people using in the paths. Some of the things that we might do is the tabletop crosswalk coming through there. That, one, discourages cars from going through there because it really slows them down. Two, because it slows them down, it makes it much safer for the crossing of horses or kids or scooters or whatever else is going through down those trails. And so that's something that might help make that a little bit better for everyone.

**Matt Christensen** – That'd be just on Mustang.

**Dan England** – I don't know yet

**Matt Christensen** – That's the only place the trail crosses.

**Dan England** – What about that Shelly?

**Matt Christensen** – It crosses on Shelly inside the subdivision.

**Jaime Topham** – So Mayor Critchlow, do you know what is on the west side? Is there plans for future development on the west side of South Willow that would tie into Baker Lane? Maybe I should know.

**Mayor Critchlow** – There is a 40-acre plot of land owned by the irrigation company that goes right there and they are hanging onto it. Where Hollywood Street is, where Baker Lane ends over to Quirk Street, and it goes from that point to Hollywood Street.

**Jaime Topham** – Cavett can you scroll over?

**Cavett Eaton** – Yeah, I was trying to find that. I've got the GIS map up too. I'm trying to see.

**Mayor Critchlow** – Oh, there it is. Just pull it down just a little bit, other way, other down.

**Jaime Topham** – North. We want to see more north. There you go.

**Mayor Critchlow** – Okay, there you go.

**John Limburg** – North of Baker.

**Mayor Critchlow** – Okay. This is an area that they're just going to hold onto. I've already talked to them. I'd love to expand Hollywood Park there and do some other things, but that is just the irrigation companies hanging onto it and they have no desire to develop it right now.

**Jaime Topham** – Okay.

**Mayor Critchlow** – No plans.

**John Limburg** – And where's Todd's, don't you have one that's just south of that, Todd?

**Cavett Eaton** – Yeah, Quirk and Hollywood.

**Dan England** – Where the green is.

**Mayor Critchlow** – So there is no future plan to make Baker Lane to extend it until somebody else does it. But see that's more than 150 feet as well. This is just how they allowed these things to take place back then, which you guys all know that that that's not good and not right. But I don't want to see them cut in front of the horse trails and affect South Willow Estates. The horse trails that goes through whatever, Todd, what was your... You're Heritage Grove? Okay, there's supposed to be a horse trail that goes to the east side of Shelly Lane Church that's right here. And it's nothing, it's just a weeded patch and we have to go mow it because there's no fence. There's nothing up there. And the houses that are on that cul-de-sac on the south of the church, they have just fenced clear over to the church where the horse trail was supposed to connect.

**Jaime Topham** – Wait? It is?

**Mayor Critchlow** – Yes.

**Dan England** – So on the-

**Jaime Topham** – Oh, I see

**Dan England** – On the west side of the church, is there a horse trail that comes across that side?

**Jaime Topham** – Mm-hmm.

**Dan England** – What happens if we move that tabletop crosswalk path over there?

**Jaime Topham** – Right before there.

**Christy Montierth** – Public Works doesn't support tabletop, no speed bumps.

**John Limburg** – Are they the ones that put speed bumps on Quirk?

**Christy Montierth** – Yeah.

**Jaime Topham** – So back to the conversation that is this development. They need to be able to develop their land and there's a public street that they can connect to for their other egress.

**Mayor Critchlow** – Zachary Way.

**Jaime Topham** – Shelly Lane is a public street, is it not?

**Mayor Critchlow** – It is.

**Jaime Topham** – I understand. I understand the concern but we have to balance the concerns. I'm going to just go ahead and ask this. How many on this planning commission live in South Willow? Two of you do. Okay. I understand the concern and I definitely understand horse trails since I have a whole lot of them, horses. But Shelly Lane, there's already a division across that road for that subdivision that's not contained and doesn't contain the horse trails. South Willow clearly has their horse trail on the west side of that church. There's already traffic that's not related to the development crossing that horse trail. I agree, down in Mustang Way, that is problematic. Your horse trail goes on the outside of that. If the developer can find a way to not utilize Mustang Way, that might be a more viable option.

**Matt Christensen** – We can take a look at it. We've been working with staff for 15 months on this.

**Jaime Topham** – Isn't that just the bottom? So go ahead.

**Dan England** – I'm not admitting anything.

**Jaime Topham** – So the bottom is 128 and then parcel B, is that where that's where Mustang Drive would connect?

**Matt Christensen** – Yes.

**Jaime Topham** – So would it be problematic to just put an end there and not put a road right through there and not have it... I don't even know what you're trying to connect to over here. Oh, Zachary Way, I see, that doesn't really go anywhere,

**Matt Christensen** – Right. We can stub that, make that a stub and not have a connection. We will still have utilities that connect through there though with water looping.

**Dan England** – We might be able to do, I've seen in other places, I haven't seen it here yet. And it's an idea for you. You can put bollards or some sort of crash gate across there so pedestrians can go through there, bikes can go through there, but you can't get cars through there.

**Rick Barchers** – Why couldn't you do that on Shelly Lane? Is there some reason you can't do that on Shelly Lane?

**Dan England** – If you have more than 30 homes, you have to have two points of access so that it's not there now.

**Jaime Topham** – And it's a public street for four other houses that are not related to the subdivision.

**Rick Barchers** – I understand.

**Jaime Topham** – It's not the same argument.



**Rick Barchers** – I understand what you're saying. What I'm talking about is traffic.

**Jaime Topham** – I get that.

**John Limburg** – We all do.

**Jaime Topham** – I know you do.

**Mayor Critchlow** – Can I make one more comment, guys?

**Jaime Topham** – Yes.

**Mayor Critchlow** – Those four houses that are on that Shelly Lane that's in the subdivision, this Heritage whatever it is, that was the detention basin and Todd requested that we allow him to build those houses if we could run the water down onto this other parcel. Isn't that correct, Todd?

**Matt Christensen** – Which we are taking-

**Jaime Topham** – They're willing to take that water-

**Matt Christensen** – We're connecting that water and taking it into our retention pond.

**Jaime Topham** – Otherwise if you don't allow them to utilize Shelly Lane at all, then they can't do their development.

**Kevin Hall** – And, again, I ask the question. There isn't enough frontage on Nygreen for you to put another other way in and out? The distance between fence and fence off Nygreen? What is that distance?

**Matt Christensen** – We have 1300 feet there.

**Kevin Hall** – So I guess wouldn't it be possible to come over in a corner here and create another way in and out?

**Dan England** – Is it possible to adjust 104 and 105 so that they both front onto the street that goes... If you extend that out that way?

**Matt Christensen** – I don't think with keeping the half acre lot-

**Dan England** – You don't think so? Because it looks like those are two big lots that you... But maybe they're not. Because you could lose the knuckle, you could adjust that and a lot of times you can keep the same number of lots and still be able to come out in a different location, bring that straight down.

**Matt Christensen** – It's a possibility. 104 would have to become a corner lot.

**Rick Barchers** – What's the distance?

**Matt Christensen** – And then you would have double fronting lots.

**Rick Barchers** – What if you took the distance there between 109 and 110 and just closed that gap, slid it down to give you more additional square footage to accommodate-

**Matt Christensen** – That stub was asked for by staff for future connections.

**Rick Barchers** – Okay.

**John Limburg** – Let me ask you if you're in your neighborhood, wouldn't Mustang help you guys more than it's going to help them if they can get out of the subdivision a different way? Say you live over here on Premier Lane; wouldn't you rather drive down Mustang and go right to Nygreen than go all the way back to Willow Street down to Durfee to get out of there? It's not going to help. They're not going to want to come out that way.

**Rick Barchers** – Well, for that neighborhood, the people that I know, everybody's got their own opinion and that's cool. I have no problem with that. But the people that drive through that neighborhood currently live in that neighborhood. You see what I'm saying? It's the same concept as living on a cul-de-sac. You don't have a lot of extra traffic. That's a big part of the concern.

**John Limburg** – I drove down Durfee the other day and Willow Street was backed up three blocks after school got out and so was from Twenty Wells, whatever that is, that road, Worthington Street, right? They're both packed. I guess they're asking if they don't want this and we're wanting to push it more towards one school than the other, I don't know.

**Rick Barchers** – Kind of lost me, but that's not hard. Being fair.

**John Limburg** – To me, that Mustang intersection doesn't help anybody in the subdivision he's going to build. It helps the people that live out there in South Willow Estates right now get out of their subdivision a little different way.

**Rick Barchers** – I don't think anybody's complaining at the moment.

**John Limburg** – But they also did buy homes there knowing... like if I bought a home there, I knew that street... If I drive down Box Elder, Box Elder dead ends. You look at that, that was meant to be built through. It just dead ends there. It's not like it has a hammerhead at the end. They didn't build that so a firetruck could turn turnaround there. That was for-

**Mayor Critchlow** – They didn't do any of that.

**John Limburg** – I know, but if you look at it's like that's how they were planning for future expansion.

**Mayor Critchlow** – They were also planning for the trail system go all the way through town and it's not. We've lost that.

**Jaime Topham** – Okay, so this is a discussion tonight and it's nine o'clock and we still have a bunch of stuff. So, what I'd ask that we do is continue to have a discussion and perhaps you come back on another discussion because we do need to move on rather than put it on for consideration another time. Because I think there's a lot of conversation to be had still. I get where you're coming from and honestly, I don't know why you've been at this for 18 months. So, this is just a subdivision. What's happening with open space? I don't see any open space on this. Did they have an application in prior to that change?

**Mayor Critchlow** – In lieu of. Yes.

**Dan England** – Shawn Holste normally does in lieu of on all his subdivisions. He put that on this too.

**Jaime Topham** – Okay, well we need that in our notes at some point, guys.

**John Limburg** – One more thing. Sorry. Zachary doesn't make as much sense to me because they'd have to go to Zachary and to Joshua and then out to Shelly. Do you get what I'm saying?

**Jaime Topham** – Yeah.

**John Limburg** – If we had to do away with one, Zachary makes less sense than Shelly.

**Jaime Topham** – Right? And they could hammerhead right here and not have Zachary continue.

**John Limburg** – If we have to have two come out, one onto Nygreen and one on Shelly, if we have to do away with one or maybe even Mustang two, it's these two that would make more sense to not do.

**Jaime Topham** – Agreed.

**John Limburg** – You get what I'm saying?

**Matt Christensen** – Yeah, I think so. It's questionable.

**Jaime Topham** – Okay. Thanks for the time. I'm sorry that we're still having a conversation, but it sounds like there's a lot that hasn't been discussed.

**Matt Christensen** – Is it worth work meeting to go over this? I know that if we push it off another month, you're going to have a very upset developer and not that he's the only person that matters, but we have put hundreds of hours into this.

**Jaime Topham** – Okay, so our next work meeting, oh sorry, I commit myself before you guys commit yourselves. Can we even do that? It would be the 21st.

**John Limburg** – I'm not here. I can be on Zoom but I'm not here.

**Jaime Topham** – Can we do a work meeting on the 21st? I'm sorry, that's your birthday. Will you be here for a regular meeting on the 21st?

**Kevin Hall** – I'll try to be. I might be a bit late.

**Jaime Topham** – Okay.

**John Limburg** – Yeah, I'm good the 21st.

**Derek Dalton** – I am.

**Jaime Topham** – So then a work meeting on the 21st, 6:00 PM.

Speaker 7:  
Okay.

**Rick Barchers** – One quick question.

**Matt Christensen** – Sure.

**Rick Barchers** – I just want to ask, are you doing containment on individual lots with the water?

**Matt Christensen** – Yes.

**Rick Barchers** – And you're doing that in the backyard?

**Matt Christensen** – Yes.

**Rick Barchers** – Okay. That just doesn't make sense to me, but okay, I just want to clarify. We've had a big discussion already.

**Matt Christensen** – We can get into that.

**Rick Barchers** – Yeah.

**Matt Christensen** – It's not a big deal.

**Jaime Topham** – All right, thank you for your time. So we're going to go-

**Steve Nordfelt** – Can the public attend your work meeting?

**Jaime Topham** – It's an open meeting.

**Steve Nordfelt** – Okay.

**Jaime Topham** – You won't be able to put input in but you can attend.

**Steve Nordfelt** – I just have to sit there and be quiet.

**Jaime Topham** – Correct.

**John Limburg** – You can pull faces. That's about it.

## **7. Discussion of C-N zoning district to allow drive-up window.**

**Mayor Critchlow** – Okay, I'm going to step up to this one. Okay?

**Jaime Topham** – All right. You're official.

**Mayor Critchlow** – Okay, in our city on Main Street, there is just a couple of C-N zones, there's one down there for Cloward's. There's one at Virgs. Okay?

**Jaime Topham** – Oh, yeah.

**Mayor Critchlow** – And they both have, the one at Virgs has a drive-in window and that one down for Cloward's, they just use that as a drive-in window for their ice hutch thingy that they have. I have no desire to tell them they can't keep these and they can do what they need to there. My problem is that we ought to be fair across that and I'm not quite sure why drive-in windows were left off of the C-N zone when they created that.

**Jaime Topham** – I think it makes sense.

**Rick Barchers** – Now, this property here, this is the one where they were going to put the carwash, right?

**Jaime Topham** – Yeah.

**Mayor Critchlow** – Yes, that's where they were trying to put the carwash. And then, just down there where Virgs are, there's CN as well. And then, down where Cloward's are, where the... Can't remember the name of the...

**Christy Montierth** – Sunshine.

**Mayor Critchlow** – Sunshine. That's it. The Sunshine Shack down there. I don't want to stop anybody from doing the business. That's not my issue here. It's just we ought to be fair across the board and I'm not sure why that would not be on the agenda or on the conditional use to make that happen.

**Jaime Topham** – Shay, is there any?

**Shay Stark** – Sorry. I don't see a problem with it. The only thing that has come up, I was just looking through this with Gary earlier with previous discussion on Hale Oil and in the commercial zone at the very top of it, the first statement that's in there is about queuing length for drive-ins or drive-ups and it says that they have to have between five and 20 vehicles or queuing length for between five and 20 vehicles.

I do think we need to add some language just to make sure that those are off the street and that it's adequate for whatever's there. But, just pulling this out in that CN zone, I think all the other zones allow for drive-up, so I don't see why it wouldn't be as long as it's, we just don't want the same issue that we had with the soda shop where we're out on the street.

**Jaime Topham** – Needed it to make them deeper.

**Shay Stark** – Yeah.

**Mayor Critchlow** – I thought that was going to last two weeks and fold, so guys, just so you know.

**John Limburg** – There is a phase on that where they're going to take the driveway and lengthen the drive-up area.

**Jaime Topham** – Initially, we should have, but we didn't realize soda shops were going to be such a big deal.

**Rick Barchers** – What is the difference between C-N and C-G?

**Jaime Topham** – Commercial neighborhood.

**Shay Stark** – The C-N zone, commercial neighborhood, and I don't know what discussion occurred when it was originally created. I have no idea. But, as I look at that, the place that this one gets interesting was the concept that we've put in the zoning map is, for instance, down there on the President's Park subdivision right there on that green across from the school, there's a piece of property right there that they can have a commercial node, a commercial neighborhood node.

There's another one shown on the zoning map over by either Mormon Trail or West Street over on that side. I think that the idea was that these two are smaller pieces of property. We're not looking for intense uses on that property, is really the big difference between that and say your C-G or that. We want uses that will fit into the neighborhood and are not going to cause problems with the neighbors around there that could potentially on Main Street there, some of those, but residential properties and just making sure that the use is appropriate for the surrounding neighborhood.

**Rick Barchers** – It's basically we're talking about the impact to the neighborhood, the surrounding areas, essentially, without-

**Shay Stark** – Really the difference. If you go down to the C-G for a second there, please, Cavett.

**Rick Barchers** – I guess what I'm kind of getting at here is the question is would a drive-in window constitute a greater impact to the local area, that generalized area? That's going to be the question if we're adding that to C-N. Does it really constitute something that's going to cause greater conflict for the people in the area? That's really the only question, right? Essentially.

**Shay Stark** – And that's a valid question. Totally. I think the issue there is what is the use?

**Rick Barchers** – Right.

**Shay Stark** – If you're putting McDonald's up there in a residential neighborhood, we may need to, at the very least, do more to mitigate it, right? Make sure we've got, who knows? Maybe 12-foot-high walls all the way around it to keep the light and the noise and everything or something like that. But, I don't see where a drive-up window in and of itself is the is the problem. It's the use associated with it.

**Rick Barchers** – Right. Right. Where I'm going with this is, I kind of agree with what you're saying here provided we put conditionals. If it's a conditional use within there, it shouldn't be a problem. Either we go ahead and define those conditions within the C-N zone now. But, either we define them now or just put them in as conditions. It'd be a conditional use. Am I-

**Cavett Eaton** – This is our requirement now for queuing. If we change this, then we want to change this requirement as well.

**Mayor Critchlow** – Well, we can review that as well. It's like the carwash that was going to go in there. Okay, we discuss and they had a drive-in window and it was going to be in a C-N zone.

**John Limburg** – What's the difference between the Sunshine Shack where it's portable there and say like the pop-up truck down on Main Street? There's no difference.

**Mayor Critchlow** – It's not our road.

**John Limburg** – No, I don't want the taco truck to go away. Trust me.

**Rick Barchers** – I don't want it to go away. I eat there all the time.

**Mayor Critchlow** – Okay, so anyway, that's just a discussion I'd like to have and you guys can put it on the agenda if you'd like and we can recommend it to the council. It's up to you.

**Jaime Topham** – Seems appropriate to me.

**Kevin Hall** – Can I ask just one quick question?

**Jaime Topham** – Sure.

**Kevin Hall** – That market at Main Street, I'm a little confused about how or why we would've let that inlet to the drive-in window go in front of the fuel pumps and not think we're going to create a problem on Main Street. I know that was done prior, right? But for me, when I look at that, again, there was nothing we could do about that. But, when we talk about issues with drive-in windows or traffic on Main Street or wherever it is-

**Mayor Critchlow** – It's going to be an issue.

**Rick Barchers** – It's already been passed.

**Kevin Hall** – And then, the other one goes this way in front of the fuel pumps and then around the building like that. It just seems, especially with Main Street there, it just seems crazy that we did that. I just don't understand the thought in that, I guess.

**Mayor Critchlow** – Well, the fuel tanks he was going to put those are the big white ones behind Chase with a lot of fuel. There's an ordinance that says you can't do that in that spot.

**Dan England** – They still have the car fuel pumps and that's what he's referring to.

**Kevin Hall** – No, I'm talking about the pumps themselves. Crossing the entrance to the fuel pumps with the-

**John Limburg** – Which pumps are staying? Are the diesel pumps...

**Kevin Hall** – All of them. All of the existing pumps are staying where they are.

**Mayor Critchlow** – For the time being, I think he plans on doing something with those other fuel.

**Dan England** – He did say tonight that he was going to make some changes to the pumps.

**John Limburg** – I'm sure if you move a tank or a pump, it's pretty expensive. Whole bunch of environmental stuff. The mitigation when you dig those up, nuts.

**Kevin Hall** – Anyway. I'm just curious anybody the-

**Mayor Critchlow** – Yeah, I wasn't part of that. The part that I came into was that he wanted the big tanks down there. We told him he couldn't even though he was previously told that he could.

## **8. Approval of minutes from the April 25, July 20, and August 17, 2023 work meetings**

**Jaime Topham made a motion to approve the minutes from the April 25, July 20, and August 17, 2023 work meetings. Derek Dalton seconded the motion.  
And all in favor? Motion carries unanimously**



## **9. Report from City Council liaison Mayor Critchlow**

**Mayor Critchlow** – Okay, there are a couple of things that we're going to... I brought it to the council the other day on Wednesday, yesterday, I guess.

Hale Street on the master plan goes straight through to Vegas Street. As soon as the Lawrence's decide they want to develop down there, if they want to develop down there, it goes through. The little dog leg thing that goes that way, I don't want to see that same thing happen that we did on South Hale where Hale Street goes this way, but we have a straight through street is something completely different.

I asked the people that lived down there, "What would you name it?" They come up with Pheasant Run Lane and it would start at the end of Hale Street going west and then go north to Vegas Street. Rachel Cowan has made the effort to go to every one of the homeowners that's there and change it. There's a process that we have to go through. We have to take it to the county and we also have to take it to the post office. Okay, so it's not going to happen in the next couple of days or anything. I just want to bring that up to you so you guys can start thinking that out. And then, there was another one we found up on-

**Rick Barchers** – On that one, you're talking about south end of town where it does that dog leg for Hale Street

**Mayor Critchlow** – North end. There on the south. We're not going to change Richard's. It's already done. But the other one, to the other hand, all of those homeowners are lined up.

But, the one on Cherry Grove, there's the same name and they don't even touch anywhere. Okay? And so, we come up with another name. We had several names where we ended up with Bing Cherry Lane.

**Jaime Topham** – Okay.

**Mayor Critchlow** – We thought about choke cherry, then we realized you already got one up to your neck of the woods. We're going to have to change that name anyway, and nobody lives on that street. We need to get that done prior to anybody building a house there.

**Jaime Topham** – Okay.

**Brett Coombs** – Really quick. This week I did a training for our planning and engineering staffs on the legislative changes that are affecting the... Basically, it'll affect our processes and just need to know if that's something that would be helpful to you.

**Jaime Topham** – Yes

**Brett Coombs** – And if so, when you would want me to do that?

**Jaime Topham** – How long do you need?

**Brett Coombs** – Well, I don't think I need to go quite as in depth as, because we did, we read the code line by line type thing. I have slideshow would go a bit quicker.

Meeting set for Sept 27, 2023 6:00 joint work meeting

10. Adjourn

**Jaime Topham made a motion to adjourn. Kevin Hall seconded the motion.  
And all in favor? Motion carries unanimously**

Meeting Adjourned at 9:54pm