

**MINUTES OF A REGULAR PLEASANT VIEW CITY  
PLANNING COMMISSION MEETING HELD**

**April 20, 2023**

[utah.gov/pmn/files/970991.m4a](https://utah.gov/pmn/files/970991.m4a) (Audio File)

**MEMBERS PRESENT**

Andy Nef  
Dean Stokes  
Jeff Bolingbroke  
Julie Farr  
Manya Stolrow  
Chad Kotter  
David Gossner

**VISITORS**

Shelley Bailey

**EXCUSED**

Sean Wilkinson

**MINUTES PREPARED BY:**

Brooke Smith, MMC  
6/18/2023

**STAFF PRESENT**

Amy Mabey, City Administrator  
Brandon Bell, Planning and Zoning Administrator  
Dana Shuler, City Engineer

**MINUTES APPROVED:**

Approved September 7, 2023

Commission Chair, Andy Nef, called the meeting to order at 6 pm

**OPENING PRAYER**

**PLEDGE OF ALLEGIANCE**

**DECLARATION OF CONFLICT OF INTEREST**

The chairperson welcomed everyone in attendance, expressing gratitude for their presence and participation. The commissioners were acknowledged for their dedication to the city's activities.

The meeting began with the recitation of the Pledge of Allegiance. Following that, a prayer was offered by Commissioner Bolingbrook, who expressed gratitude for the opportunity to gather as citizens and contribute positively to the community. Appreciation was expressed for the residents involved in neighborhood activities and the volunteers who had assisted in flood prevention efforts by filling sandbags. A collective hope was expressed for wisdom and guidance during the discussions that lay ahead, as the commission deliberated on matters concerning the city's future.

The chairperson acknowledged that all attendees had reviewed the agenda for the meeting. They then inquired if anyone needed to declare any conflicts of interest, providing an opportunity for disclosure. However, no conflicts were reported.

**ADMINISTRATIVE ITEMS:**

**Wildcat Storage Conditional Use Permit Application – Expansion of Storage Unit Facility at Approximately 900 West and 2700 North (Planning & Zoning Administrator, Brandon Bell) Public Hearing.**

The first administrative item on the agenda was the Wildcat Storage Conditional Use Permit Application for the expansion of a storage unit facility located around 900 West and 2700 North. The staff began by providing an overview of the application. The applicant had previously obtained approval for a subdivision plat that involved combining parcels in the area to facilitate the expansion.

The proposed expansion fell within the maximum size limit of 10 acres specified in an ordinance passed a few months ago, which allowed for expanded storage facilities as a conditional use in this zone. The expansion area was situated on the south side of the site, meeting the requirement of being more than 250 feet away from 2700 North.

The buildings within the expansion area adhered to the maximum height limit, with the tallest proposed building well within the permitted height of 65 feet. The master street plan designated 2550 as a major collector, and the city engineer confirmed that the necessary street improvements had been met. Some additional right-of-way had been dedicated as part of the subdivision. Minor technical details needed to be addressed in the site plan, such as specifying the new property line and the distance to the closest building. Additionally, an existing dumpster on the site needed to be brought into compliance with the ordinance by being enclosed on three sides with a solid concrete or masonry wall. The dumpster's location was suggested to be coordinated with the nearest building, considering it as the primary structure.

The applicant fulfilled the requirement for 15% of the site's gross area to be attractively and permanently landscaped, exceeding that percentage with 15.64% of the site. Secondary water was provided, and the staff highlighted an issue with the tree standard in the code, which mandated one tree per 300 square feet. Staff recommended that the applicant either provide the required number of trees or be given a condition of approval to meet a less intensive version of the ordinance. It was noted that smaller species of trees could be used to fulfill the requirement and also serve as a buffer.

Parking arrangements were unique for a storage facility, as most parking occurred during the loading and unloading process next to each unit. The applicant indicated that the primary need for parking was for new customer sign-ups. The staff deemed the provided parking arrangement acceptable, with the requirement for an ADA stall to be adjusted and the other stalls to be resized and repainted to comply with standards. A requirement for a berm on the south side of the property was highlighted, and the staff recommended that the plan be adjusted to include the berm while maintaining sufficient detention capacity. This adjustment could be approved by the staff.

As a conditional use, the commission was informed about the framework established by the state code, which specified that conditional uses could only be denied if there was no reasonable way to mitigate negative impacts on surrounding properties. Any conditions imposed should solely serve to address and mitigate such impacts. A fence with similar characteristics to the one already in place on the north end of the site was recommended to prevent issues like vandalism or violence. The staff requested that the location of the proposed fence be shown on the site plan.

Staff emphasized that any approval granted with conditions did not guarantee automatic progression to the building permit stage. The applicant needed to address the specified conditions before proceeding to the next steps. The staff provided a summary of the recommended conditions of approval and was available for any further questions from the commission.

One concern raised was regarding the four parking spaces designated for the new units being added to the facility. The attendee felt that the number of parking spaces was insufficient, considering the amount of activity involved in moving items in and out of storage units. The staff explained that there is no specific number of parking spaces required by the standard, and the applicant provided materials suggesting that the addition would only increase the number of units by approximately 20%. Staff agreed that the primary activity on-site is loading and unloading, and parking spaces might be limited.

Another concern raised was regarding the landscaping plan, specifically the requirement of one tree per 300 square feet. The staff acknowledged that this requirement seemed low and speculated that it might be a typo. They suggested considering alternative methods such as specifying a distance between trees or a more reasonable standard. The staff also discussed the possibility of revisiting the landscaping requirement and allowing the applicant to comply with an updated version if it becomes available.

The issue of enforcing conditions of approval was raised, and the staff mentioned their intention to provide a precise checklist to ensure compliance. The setback on the south side of the property was discussed, and the staff explained that it should meet the setback requirements, although it might not align exactly with the property line.

The petitioner raised a question about placing new trees on the north side of the property, and the staff clarified that the trees could be placed anywhere on the site to meet the requirement. The petitioner then had some specific concerns about the site plan and requested a specific page to be shown.

The speaker discusses various details regarding the site plan and addresses concerns raised during the plat meeting. They mention the dimensions of the right of way and setback requirements for the zone. The speaker also mentions the dumpster as an existing non-conforming element that can be further discussed. They agree with Brandon's point about excessive tree count and propose a revised landscaping count based on the calculation of 16,713 square feet. The speaker argues that the requirement for a two-and-a-half-foot berm along streets and parking does not apply to their site since they have proposed detention along the street instead of parking. They emphasize the need for a six-foot tall fence for security reasons and question the relevance of a two-and-a-half-foot berm when the fence already provides screening.

The speaker clarifies that the proposed fence will surround the entire site, replacing the existing fence. They mention the presence of trees along the frontage and in the rear of the existing storage units but state that there are currently no trees on the east side of the property. To meet landscape percentage requirements, they propose a five-foot landscape strip along the east and north sides of the site, behind the fence. The speaker also mentions a discrepancy in the tree count, stating that it should be 55 trees instead of 57. Finally, they acknowledge the potential delay in occupancy if the code is not changed or if they do not opt for option B, and seek clarification from the administration on this matter.

## **CITIZEN COMMENTS**

The chair requested a motion to open the hearing to anyone who would like to address the commission. Commissioner Parker makes the motion, which is seconded by another member. A vote is taken, and the motion passes. The public hearing is now open. The speaker then asks if there is anyone in the audience who would like to address the commission. After waiting for a response and receiving none, the speaker proposes a motion to close the public hearing. The motion to close the public hearing was made.

## **DISCUSSION**

The discussion continues with various commissioners expressing their thoughts on the requirements and interpretations related to berms, fences, and landscaping. Some commissioners believe that the requirement for a berm should be reconsidered, especially considering the existing facilities and the absence of parking on the south side. They question the need for a berm if there is no parking in that area. Other commissioners emphasize the importance of consistency and mention that similar requirements have been imposed in the past.

The discussion also touches on the location of the fence and the type of fence permitted, with some suggesting that it should be consistent with the existing fence. The issue of parking and its relevance to the berm requirement is also debated. The applicant provides clarification on the parking arrangements, stating that there is parking inside the gate for renters and some parking near the office for visitors or those paying bills. The applicant argues that the berm may not be applicable given the unique nature of the site's dual frontage and existing parking arrangements. It was suggested that the planning commission should make a decision based on the ordinance itself and interpret it independently of past decisions.

There was also a suggestion to table the decision to seek clarification from the engineer or obtain further information before making a final determination on the berm requirement. However, it was clarified that the responsibility of dealing with planning code matters falls within the purview of the planning commission rather than the engineer.

#### **MOTION**

A motion was made to approve the conditional use permit without the berm requirement. The motion was supported by the interpretation that the project complies with the code as written. It was mentioned that the motion includes the staff's other recommendations and allows for the possibility of some trees being placed on the north side.

The motion was put to a vote, and the majority approved it, while a minority voted against it. Therefore, the motion to approve the conditional use permit without the berm requirement passed.

#### **STAFF RECOMMENDATIONS**

*Staff recommends approval of the site plan and building elevations at 2647 N 1000 W, with the following recommended conditions of approval:*

- Staff recommends that the applicant needs to show, on a version of the site plan, where the property line defining the edge of the 2550 North right-of-way, will be once the subdivision is recorded, and show the distance of the proposed buildings from that property line to ensure they meet the required 20' setback distance from that property line, as that is the point from which setbacks are measured per City Code. The applicant needs to adjust the location of the buildings if they do not meet the required setback.*
- Staff recommends that the existing trash dumpster should be identified as being out of the required front setback, or moved, and should be brought into compliance with the standard, of being enclosed on 3 sides with a solid concrete or masonry wall, that relates to the primary structure. The dumpster may need to be moved in order to accommodate the 3-sided wall, or for other reasons. Staff recommends that the building or set of buildings that the dumpster ends up nearest to in its final location should be considered the main building, and therefore the dumpster should have a similar color to a portion of that building. Staff further recommends that approval of the design of the enclosure wall, and final dumpster location may be delegated to Staff for approval.*

- *Staff recommends the applicant have the option to either provide 57 additional trees, and show them on an updated landscaping plan, to meet the current requirements of City ordinance, or that the applicant also be given the option of complying with an updated version of the ordinance, that is adopted, on this issue, prior to Certificate of Occupancy for the buildings being issued, which we anticipated would be a significantly reduced number of trees. Staff also recommends that any adjustment to the landscape plan, including to meet the requirement for additional trees, may be delegated to Staff to approve.*
- *Staff recommends that the applicant needs to adjust the plan to be in compliance with this requirement for a berm, on the south side of the property, while still ensuring that sufficient detention capacity is still retained, and that this adjustment may be delegated to Staff to approve.*
- *Staff recommends that a fence with similar characteristics as the fence located on the north end side of the site, already in place, would be sufficient, and if required, that the applicant should show the location of the proposed fence on the site plan.*
- *A Long-Term Stormwater Management Agreement must be approved by City Engineer and completed prior to a building permit being issued.*
- *Adjustments to the elevations or design of the buildings be permitted, if there are discrepancies between the proposed plans, or other adjustments are needed, within the requirements of City Code.*
- *Any minor design changes, that are within the requirements of City ordinance and the Public Works Standards, that are needed to accomplish any recommended conditions of approval listed above.*

**Peak View Development Lots 3 and 4 - Site Plan Review, for New Commercial Buildings at approximately 400 West and 2700 North (Planning & Zoning Administrator, Brandon Bell)**

Planning & Zoning Administrator Brandon Bell presented item number two, which is about the Peak View Development Lots 3 and 4 - Site Plan Review for new commercial buildings at approximately 400 West and 2700 North. He starts by acknowledging a typo in the document that mistakenly states it is for an existing storage facility. He apologizes for the mistake and mentions that the applicants are requesting a conditional use permit or site plan approval for commercial buildings in the CTU (Commercial Transitional Use) zone.

Brandon explains that the applicants have completed and recorded a subdivision plat, which has been approved with a number of lots for the site, specifically lots 3 and 4. He mentions several proposed uses for the site, including Roxbury Juice, Orangetheory Fitness, Soda Mix, Sun Sun Asian Grill, and Rusty's Tacos. He notes that these uses fall under the category of Neighborhood Services, which is a broad category in the ordinance.

According to the ordinance, the interpretation of whether these proposed uses are substantially similar or customarily accessory to a listed use or category falls under the responsibility of the Community Development Director, Brandon Bell. Based on his interpretation and the definition in the code, he believes that Roxbury Juice, Orangetheory Fitness, and Soda Mix can be categorized as Neighborhood Services. Sun Sun Asian Grill and Rusty's Tacos, on the other hand, may be interpreted as falling under the category of sit-down restaurants, which are permitted use in the zone. He mentions that Marco's Pizza, although lacking a sit-down area, can also be reasonably categorized as Neighborhood Services, similar to Little Caesars.

Brandon confirms that the setbacks on the site plan are all met, and he mentions that there are two dumpsters on the site. The ordinance requires these dumpsters to be enclosed on three sides with a solid concrete or masonry wall that relates to the primary structure and is located at least 30 feet from residential zones. He states that the location of the dumpsters meets these requirements, as shown in the site plan.

He points out that this application is for a portion of an overall site and development, and to ensure that the required landscaping percentage is met for the entire site, the applicant has provided a table with the landscaping percentage for each portion of the project. Brandon recommended that as a condition of approval, the applicant should add additional landscaping in later phases if earlier phases have less landscaping than what is shown on the table. This is to ensure that the overall site meets the required 15% landscaping.

The applicant has secondary water for the site, and there was a landscape plan submitted. Brandon mentions that the main issue regarding the landscape plan is the number of trees. The code requires a specific number of trees based on the square footage, and the applicant has provided 20 trees when the requirement is 27. However, Brandon mentions that the code is flexible, and a custom parking amount can be agreed upon with the Commission. He suggests that the applicant can share data regarding the parking needs, and a parking agreement can be made to ensure the appropriate number of parking stalls.

Brandon also discusses the parking requirement based on the proposed uses and mentions that according to the code, there should be a total of 94 parking stalls required. However, he believes that the number of stalls required by the calculation is excessive due to the changing dining trends and the shorter time spent in sit-down restaurants. He recommends working out a reasonable parking number with the applicant and including it in a parking agreement.

He further recommends adding parking lot lighting to meet the lighting requirement and adding a 2.5-foot berm along 2700 North as part of the landscape plan. He emphasizes that all conditions of approval are permanent and need to be in place until the future.

Brandon Bell proposes that the signs for Rush Fun Center should not be put up on the site to ensure that the other sites have sufficient parking. He suggests that Rush Fun Center should enter into a new agreement allowing the other sites to use its parking as needed. Bell emphasizes that the shared parking agreement should be between the tenants and not involve the city. However, he suggests that a signed copy of the agreement should exist.

From a business standpoint, Bell points out that if a tenant realizes they will not have enough parking spaces, they may choose not to establish their business in the area. He believes that businesses should determine if the location is viable based on the available parking. Bell also mentions that shared parking can help reduce the number of empty asphalt spaces.

Kent, a participant in the discussion, asks if the plan aligns with the present ordinance, and Bell confirms that it does. He states that the proposed landscaping does not appear excessive based on their current guidelines. However, Kent raises concerns about the verification of the numbers and whether they have been properly assessed. Bell responds that the plans are being reviewed and the count is being done, but they still need to look at it in detail.

The conversation then shifts to the landscaping aspect. It is mentioned that the presence of a large detention basin on the southwest end of the site accounts for a significant portion of the landscaping area. This means that the number of trees required on the site may be lower because the detention basin already fulfills part of the landscaping requirement. Bell acknowledges that there are some trees not accounted for in the plan due to this realization.

Jim Flint, representing Anson and Associates, addresses the commission and shares that they conducted a study on various restaurants and uses similar to those proposed for the site. He mentions examples of establishments in different locations with varying numbers of parking stalls. Flint explains that they considered the specific uses and classified them under neighborhood services or sit-down restaurants, rather than applying a standard ratio like one stall per 250 square feet. He states that their analysis led to a different number of stalls compared to what is shown on the site plan.

Flint suggests that they are willing to work with the commission and establish a shared parking agreement. They can incorporate it into a Planned Unit Development (PUD) or record a separate agreement, depending on what the commission finds appropriate.

There is a discussion about the potential issues related to the number of parking stalls allocated to different businesses. It is mentioned that if one business fails and another takes its place, the parking requirements could change. The commission acknowledges that businesses will decide whether the available parking is sufficient for their needs.

One of the commissioners raises a question about accommodating drive-throughs and whether there is space for cars to wait if an order takes longer. The petitioner acknowledges that there is no specific area for cars to wait beyond the pickup window. They discuss the possibility of pull-through stalls to avoid backing onto an active street. The petitioner explains that the design includes curbed openings for drainage, which are part of the low-impact development plan.

## **MOTION**

Moving on to other discussion items, it was clarified that this particular matter did not require a public hearing since it pertained to site plan approval. With that understanding, a motion was requested from the commission members. One member motioned to approve the site plan as outlined in the provided notes, including the specified conditions and corrections. The motion was seconded by another member, and the floor was opened for further discussion on the motion. Following the discussion, a vote was taken, with all in favor expressing their agreement by saying "Aye." No opposition was voiced, and the motion passed successfully. The meeting concluded with gratitude for everyone's presence and participation.

### ***Staff Recommendation***

*Staff recommends approval of the site plan and building elevations with the following conditions and corrections:*

- The applicant needs to be required to add additional landscaping in later phases, if some earlier phases, end up with less landscaping than what is shown on the table the applicant has provided, in a manner that pull the landscaping percentage below the 15% for the site as a whole, to ensure the project meets the 15% required landscaping, when completed.*
- Staff recommends the applicant have the option to either provide 27 trees, to meet the current standard and show them on a landscaping plan, to meet the current requirements of City ordinance, or that the applicant also be given the option of complying with an updated version of the ordinance, that is adopted, on this issue, prior to Certificate of Occupancy for the buildings being issued.*
  - A shared parking agreement be completed to allow parking on other areas of the nearby development, including the Rush Fun Center with the requirement that Certificate of Occupancies should not be issued for the buildings as part of this site plan, prior to the total number of additional*

*stalls determined to be needed for these buildings, listed above, being completed and approved by the City as part of the Rush Fun Center Parking Lot, or other areas on the larger site.*

- Staff recommends as a condition of approval, that parking lot lighting for the parking needs to be added to the civil plans, in order to meet the lighting requirement.*
- A 2.5' berm needs to be added, along 2700 North, as part of the landscape plan.*
- A landscape plan needs to be submitted and approved.*

**2721 North Rulon White Boulevard – Site Plan Amendment | Building Material Adjustment (Planning & Zoning Administrator, Brandon Bell)**

The meeting discussed Item C, which was the site plan amendment and building material adjustment for 2721 North Rulon White Boulevard. The staff presented the case, stating that there was already an approved site plan for the site, but the applicants wanted to adjust the building materials. Since it was a site plan approval and there was no provision stating otherwise, the staff determined that it should come back to the planning commission. The proposed amendment involved changing the building materials from concrete blocks to metal. The staff report mentioned that there were only four models included in the application and that the proposed amendment also included a change to the roof.

Staff recommended approving the proposed building materials with the condition of retaining all the structural and design elements as previously approved. However, the Planning Commission suggested a slight modification to allow adjustments to the building footprint, building envelope, and other code requirements as necessary to accommodate the proposed building changes. The reason behind this modification was to account for minor variations in dimensions that might be needed due to different materials.

The staff explained that the zoning code standards, where the site was located, and aimed to minimize adverse effects on nearby property values and preserve the aesthetic qualities of the area. The staff mentioned that there were several metal buildings already approved in the area, which were made of three-inch insulated metal panels and had wainscoting. They suggested that as long as the proposed building was consistent with other buildings in the area, it would meet the code requirements.

The petitioner, representing the project, stated that they originally planned to use a steel building but opted for a concrete block building due to the long lead time for steel construction. However, the current lead time for steel buildings was shorter, making it a more viable option. They argued that a steel building would fit the area and the proposed use better, as there were already similar buildings in the nearby park. The petitioner provided the address and stated that they could provide a list of businesses using similar buildings if needed.

One of the commission members asked about the metal material and whether it would have met the code requirements if it had been presented initially. The staff confirmed that it would have met the requirements and explained that the need for the applicant to return was a matter of honoring the authority of the Planning Commission. They also mentioned that there were no issues with using metal materials in nearby areas.

The commission members reviewed the proposed building materials and roof adjustments in the staff report, specifically looking at page four for the proposed changes and page six for the older building and elevations. They discussed the requirement for wainscoting and windows, and the petitioner clarified that wainscoting and other details were typically included in their designs, particularly on the front of the building.



**MOTION**

After the discussion, a motion was made to approve the amended site plan for 2721 North Rulon White Boulevard, with the condition suggested by the staff regarding adjustments to the building footprint, building envelope, and setbacks as necessary within code requirements. The motion was seconded, and it was confirmed that the petitioner was okay with the amendment, as long as the setback requirements were double-checked by the staff. The motion was put to a vote, and it was unanimously approved by the Planning Commission.

**STAFF RECOMMENDATION**

*Staff recommends approval of the proposed building material adjustments with the condition of retaining all other structural and design elements as priorly approved.*

**BREAK**

After the approval of the motion, the meeting moved on to discuss legislative items. It was mentioned that there were four items on the table for discussion. The participants took a 5-minute break before the legislative items were discussed.

**CONTINUED DISCUSSION – ADMINISTRATIVE ITEM C**

The chair reconvened the meeting and acknowledged that they are running slightly behind schedule. They proceed to move on to the legislative items, starting with number one, which is the rezoning of the property located at 1496 West 2700 North. The proposed action is to recommend to the city council the rezoning of the property from C3 to C2 zone. The specific details of the property are mentioned as Weaver County parcel 19-390-0002.

Before discussing the rezone, Brandon Bell raised a point of clarification regarding the previous motion that was approved. He notes that during the break, it was realized that they did not address the number of parking stalls in the shared agreement. The chair suggests that they should revert to the original proposal, to which Brandon adds that there was a requirement for a shared parking agreement, but it did not specify the number of stalls. The discussion revolves around whether to specify the number of stalls or leave it open for negotiation between the staff and the applicant.

The chair proposes reopening the administrative item to amend their approval since it is not a public hearing but an internal decision. The applicants are still present, and it is determined that they can address the matter. They then decide to revisit administrative item C, concerning the Peak View development and the site plan review for new commercial buildings. The specific issue to be addressed is the number of parking stalls and the requirement for a parking agreement to be reviewed by the staff.

The chair asks if the applicant has any concerns about revisiting the issue and specifying the number of stalls.

**AMENDED MOTION – ADMINISTRATIVE ITEM C**

A motion is made to clarify agenda item one and amend the motion to specify the number of stalls. The chair suggests making an amended motion rather than abandoning the previous one. They discuss the number of stalls required and whether the current proposal is sufficient. The discussion

also touches upon the possibility of future buildings facing similar issues and the concept of shared parking.

They mention that it is common practice to have shared parking agreements for businesses and that it allows for a more walkable community. The proposal is made to use the staff-recommended counts in the application and have an overlap of up to 44 stalls, in addition to the 50 stalls already on the site, if necessary. The motion is seconded, and after confirming that all other conditions of approval will remain in place, the chair calls for a vote. The motion is passed, with no opposition.

#### **LEGISLATIVE ITEMS**

##### **Rezone - 1496 West 2700 North**

- i) Consider a recommendation to City Council to rezone property from C-3 to C2 zone, at 1496 West 2700 North - Weber County Parcel #19-390-0002. (Planning and Zoning Administrator, Brandon Bell)**
- ii) Public Hearing**

Following the Amended motion, the discussion moves on to the rezone at 1496 West 2700 North. Brandon presents the staff report. He explains that the purpose of the rezone is to update the zoning of a property that is currently zoned with a code that no longer exists (C3 zone). The intention is to bring it in line with the current code by rezoning it to a C2 zone. This rezone would clarify the potential uses allowed on the property in the future.

Questions are asked regarding the driving force behind the rezone, and it is clarified that the city initiated it, not the applicant. The applicant has been informed of the rezone. There is a discussion about the applicant's intentions and whether they would be able to utilize the property under the current zoning, which no longer exists in the code.

It is mentioned that there might be other areas that need to be cleaned up similarly, but the focus remains on the current rezone.

#### **MOTION**

A motion is made to approve the rezoning of 1496 West 2700 North from C3 to C2 commercial zone. The motion is seconded, and after confirming that this is their recommendation, a vote is taken. The motion is approved without opposition.

##### **Zoning Map Amendment – RE-20**

- i) Adding Daycares and Nurseries as Permitted Uses in the RE-20 zone (Planning and Zoning Administrator, Brandon Bell)**
- ii) Public Hearing**

During the Planning Commission meeting, the participants moved on to Item 3B, which involved a zoning map amendment. The specific amendment discussed was the addition of daycares and nurseries as permitted uses in the RE-20 zone. Brandon Bell, the Planning and Zoning Administrator, was given the floor to provide details about this zoning text amendment.

Brandon mentioned that there was a small parcel, approximately 1000 square feet in size, which had an outdated zone. He suggested that addressing this issue would require a separate meeting. Moving forward, he explained that there was an applicant who wished to open a daycare facility in the RE-20

zone. He noted that public schools were already permitted in this zone, and daycares and nurseries were allowed in the R1 zone, even though it had not been applied on the map.

According to Brandon, the city council had the authority to consider the general plan and decide whether it was in the best interest of the city to allow daycares in the R1 zone. He mentioned that another applicant, had submitted a backup application for the same property, anticipating the city's decision on the current application. Brandon felt it was important to inform the Commission about this backup application but emphasized that the current application should be considered on its own merits.

One of the commissioners requested clarification on the definition of a daycare facility, particularly the number of children or infants it would accommodate. Brandon acknowledged the difference between dropping off a couple of kids with a neighbor and running a daycare facility. He mentioned that the state had specific regulations regarding the number of children per caregiver and the required square footage per child. He also highlighted the potential impact on staff and parking requirements based on the number of children served.

Brandon further discussed the various conditions and uses permitted in different zones, urging the Commission to consider whether they wanted daycares in the RE-20 zone. He advised them to review the map carefully because if the text amendment were changed, it would open up a broad area of the RE-20 zone. He emphasized the importance of understanding the state regulations and requirements for daycare facilities.

The applicant, Shelley Bailey, was then invited to come forward and state her name and address. She clarified that her address, 3885 North Highway 89, was the location of the old charter school where she intended to open the daycare facility. A commissioner expressed concern about the lack of neighboring homes in the immediate vicinity and the potential impact on traffic due to the limited access to the street.

There was some confusion regarding the nature of the facility, with one commissioner initially assuming it was a house. Shelley clarified that it was the old charter school building. The discussion revolved around whether changing the zoning to allow daycares in the R1 zone would still permit schools in that zone or if a separate application would be required for that purpose.

In the absence of the relevant information to provide, Brandon suggested that the state licensing ratios for children to caregivers be used as a reference. He mentioned that the state had specific requirements for caregiver-to-children ratios based on age groups. Shelley provided further details, explaining that the state regulation allowed for up to 574 children in her current location, although she currently had around 150 enrolled.

The commissioners raised questions about the licensing of daycare facilities and the differences between in-home daycare and center-based facilities. Brandon clarified that daycare facilities were considered a different use in the city code, which was the reason for the zoning amendment discussion. He also mentioned the possibility of a future map amendment to allow R1 zoning in the same location.

Concerns were expressed about the potential impact of such a change, including the potential for additional houses to be built in the industrial strip area and the need to ensure the zoning change did not permit unwanted developments in the future.

There was a discussion about the availability of parking in the area, with one participant recalling that there was limited parking because it was primarily a drop-off zone. They mentioned that a parking lot study had been conducted in the past.

The main question before the Commission was whether they were open to recommending the change of allowing daycare facilities in the RE-20 zone or if they preferred exploring other options. There were concerns raised about potential future developments that might not align with the desired vision for the area. The Commissioners discussed the possibility of including specific conditions and requirements in the approval, such as meeting state regulations and obtaining site plan approval.

One Commissioner expressed discomfort with the idea of allowing daycare facilities in the RE-20 zone, citing concerns about potential overcrowding in residential houses. They mentioned the difference between in-home daycare and center-based facilities, noting that in-home facilities also had to meet city regulations in addition to state requirements.

The conversation shifted to discussing the impact of the proposed zoning change and the need for careful consideration. The Commissioners mentioned the potential for creating a business in the RE-20 zone and the significant change it would bring. Alternative ways of achieving the desired outcome were mentioned, including applying for a different zoning classification.

## **MOTION**

The Commission decided to recommend denying the text amendment to allow daycares in the RE-20 zone. The motion to deny was voted on and approved.

Reasons for the denial included concerns about opening up the zone to various uses that were not well-defined or specific to certain areas, concerns about parking and traffic in subdivisions, and the discomfort of authorizing a business next to a single-family residence without proper public notification.

Finally, one Commissioner expressed general support for more daycare facilities throughout the city but emphasized the importance of ensuring appropriateness in their locations. They mentioned that the previous school location could be a suitable place for a daycare facility.

### **Zoning Map Amendment – MP-1**

- i) Removing 'Single-Family Dwelling' from the list of uses in the MP-1 Zone (Planning and Zoning Administrator, Brandon Bell)**
- ii) Public Hearing**

The public hearing for the legislative Zoning Map Amendment MP-1 took place, focusing on the removal of 'Single-Family Dwelling' from the list of uses in the MP-1 Zone. The meeting was summarized by Planning and Zoning Administrator, Brandon Bell. He began by discussing the code change for the MP-1 zone and pointed out that the order of the documents in the packet was reversed compared to the agenda.

Brandon explained that the proposed amendment aimed to compare and eliminate certain uses in order to ensure that the zoning map accurately reflected the intended purpose of the MP-1 Zone. He mentioned the purple area on the map indicated the target region for the proposed change.

During the discussion, it was mentioned that there were two or three distinct areas within the purple zone that needed attention. It was suggested that this differentiation was necessary to avoid mixing incompatible uses, similar to the previous discussion about separating residential and industrial areas.

## **MOTION**

A motion was made to recommend the approval of the zoning text amendment for municipal utility facilities. The motion was seconded. The chairperson called for a vote, and all those in favor responded with "aye." There were no opposing votes.

### **Zoning Text Amendment – Subdivision Requirements for Municipal Use Facilities**

- i. **Amending & Eliminating Subdivision & Site Development Requirements for Municipal Use Facilities, and adding this as a Permitted Use in all zones (Planning & Zoning Administrator, Brandon Bell)**
- ii. **Public Hearing**

Next, the attendees discussed the zoning text amendment regarding subdivision requirements for municipal use facilities. The meeting began with a discussion on amending and eliminating subdivision and site development requirements for municipal use facilities and adding this as a permitted use in all zones. The Planning & Zoning Administrator, Brandon Bell, provided an overview of the proposed changes.

During the meeting, there was a question raised about whether public hearings were conducted for the other two items, but it was clarified that they had not been conducted. The suggestion was made to go back and conduct those hearings, and it was decided that it could be done as a formality, considering the limited presence of attendees at the meeting.

## **CITIZEN COMMENTS – ITEM # 1**

The meeting proceeded to discuss the first item on the agenda, which was a public hearing for a rezone at 1496 West 2700 North. A motion was made to open the public hearing, and it was seconded by another attendee. The motion was approved, and the public was invited to share their thoughts on the matter. A motion was made to close the public hearing, which was seconded and approved by all attendees.

## **CITIZEN COMMENTS – ITEM # 2**

Next, the meeting moved on to the second item, which was a public hearing for a zoning map amendment regarding the addition of daycare and nurseries as permitted uses. A motion was made to open the public hearing, and it was seconded. The motion passed, and it was noted that the petitioners had already spoken and provided their input on the matter. A motion was then made to close the public hearing, which was seconded and approved by all attendees.

## **DISCUSSION – ITEM # 3**

The final item on the agenda was a public hearing for a zoning map amendment related to municipal use facilities. The purpose of this amendment was to allow the city to construct additional water facilities to meet the growing demand for water capacity and pressure in various areas. The proposed amendment aimed to eliminate certain zoning requirements, such as lot size and setbacks, while retaining others, such as a 30-foot setback from the public right of way and a height limit of 40 feet for structures.

During the discussion, the topic of changes to the subdivision approval process was brought up. A recent state law, HB 406, created a statewide standard subdivision process that limited the involvement of city councils in subdivision approvals. The Planning & Zoning Administrator clarified that the planning commission would still review plans and provide preliminary approval, while the final approval would be designated to a specific authority, such as staff, the mayor, or a subset of the planning commission.

One attendee expressed concern about potential conflicts of interest if staff members were involved in the final approval process. However, it was explained that the staff's role would be limited to reviewing the plans and ensuring compliance with the predetermined conditions of approval. There would be no financial interest involved, as staff members would not be directly responsible for preparing the subdivision.

Amidst the discussion, some attendees expressed reservations about making a decision without fully understanding all the details and implications of the proposed amendment. It was suggested that the item be tabled to allow for further review and clarification. The Planning & Zoning Administrator acknowledged the concerns and agreed to make the necessary changes and updates to the proposal before presenting it again at a future meeting.

Considering the complexity of the matter and the need for additional discussion, it was decided to table the item and revisit it in two weeks during the next city council meeting. The attendees agreed that a more thorough examination and understanding of the proposed amendment was necessary before making a recommendation.

### **CITIZEN COMMENT – ITEM # 3**

Finally, a motion was made to open the public hearing for the proposed zoning text amendment for subdivision requirements of municipal use facilities. The motion was seconded, and the public hearing was officially opened. However, no members of the public were present to comment on the matter. And the public hearing was closed.

### **MOTION**

A motion was made to table the proposal for the municipal utility facilities text amendment. The motion was seconded. All attendees said "Aye."

### **REMARKS FROM COMMISSIONER AND/OR STAFF**

The chair of the planning commission then opened the floor for remarks from the commissioners and/or staff. He asked if there were any remarks from the commissioners and inquired about the date of the next meeting, confirming that it was scheduled for the first Thursday of the month.

One person from the staff mentioned that everyone was interested in getting more information, particularly regarding the suggestions mentioned earlier. They wanted to clarify the wording and ensure that the recommendations align with the state code. They suggested taking the time to review and revise the recommendations before sending them to the city council to ensure completeness.

The chair acknowledged the staff's concerns and thanked them for putting together a comprehensive packet for the meeting. They expressed appreciation for the effort and stated that if they needed to omit one item, it would be acceptable. They discussed the need to follow public notice requirements for certain matters and mentioned the possibility of another public hearing for the city council.

Someone raised a question about whether a public hearing is required for an ordinance. The response clarified that public hearings are not required for subdivision changes unless mandated by the state. The chair mentioned that all meetings are publicly noticed but administrative items may not always require public notification.

The chair brought up scheduling a land use training session with Craig Cole on June 27, after the Founders' Day event. They mentioned the effort to find a suitable date, preferably a Tuesday night, to accommodate both the council and the planning commission. They emphasized the importance of fulfilling the state requirement of four hours of training per year.

The chair also mentioned the need to document attendance for stipend purposes. A request was made for attendees to check off the meetings they had attended in the past six months on a sheet provided by Laurie. The chair acknowledged that the minutes contain some records but urged attendees to assist in filling out the attendance sheet.

Before closing the meeting, the chair asked if there were any updates from the city council, specifically regarding the budget workshop.

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**ADJOURNMENT**

A motion was made to adjourn for the night, and the meeting was closed after receiving unanimous approval.