

Planning and Zoning Minutes  
February 5, 2008

**Present:** Mike O'Neill, Karen Hodge, Russ Barney, Jeff Secrest, Pete Linville

It was moved and seconded to approve the minutes for January 8, 2008 as amended.  
It was moved and seconded to approve the minutes for January 15, 2008 with no changes.

**Don Thompson/ Lot Split/ Public Hearing** Cari Golden read the staff report. The property is located at 140 W Center St. in the commercial business zone. The proposal meets with the ordinance and encourages more infill and activity in the downtown area. The City needs to decide what Center St. is desired to look like in the future. The building on the property will be moved according to the applicant's plans. A timeline will need to be proposed for this. A letter was received from the applicant about this issue. Staff recommends approval.

Don Thompson presented the project. The lot is 1.11 acres in size. His intent is to split the building off in the summer as it is in many separate portions. The house may be kept and turned into office space. The corner of the lot will be broken off for potential commercial building.

Chairman O'Neill opened the hearing up to public comment.

Jeff Stratton was concerned about any additional access from Dogwood. He explained that if the other parcel is sold, there will be no access to the rest of their property. The area is too narrow to have anything but a personal driveway.

Don Thompson explained that he will create an access if necessary.

Jim Shultz was supportive of the lot split. No public comment was made.

Chairman O'Neill closed the public comment portion of the hearing and opened it up to commission deliberation.

Commissioner Secrest saw no conflicts that had been raised. Everything within the lot split is consistent. He would like to see a wider window to move the garage. He concurs with the applicant's proposal of the schedule to move the building.

Commissioner Barney's only concern was that he doesn't want to see a half torn down house if the garage is separated.

Commissioner Linville has no concerns as long as the demolition is handled properly.

Commissioner Hodge would also like a wider window to move the garage and doesn't want to see a partial building.

Chairman O'Neill explained that future applications would have to petition for access to the other lot if it is sold.

It was moved and seconded to approve LS2007-9 with the stipulation that the applicant has 18 months time to move the garage as the applicant wishes to do.

**Traditional Neighborhood Overlay/ Public Hearing** Bill Knight represented the project. He explained that the TND is fairly specific. It states that 50% of the units will be bonded to ensure vertical improvement. This intent is to jumpstart the project. Bill recommends that the 50% requirement be revisited and changed to 10% instead of 50%.

Commissioner Secrest agreed with the change to 10%. He feels that this is just enough for the developer to get the project started. He would like to see the acre requirements rounded up instead of down. He likes the 5,000 square foot minimum lot size. He explained that in a 5 acre parcel with our current requirement (number of units x .0277 acres) would require 1.1 acres of park space in the subdivision.

Commissioner Barney wondered if there should be a graduated scale for the difference between a five acre project and a 20 acre project.

Bill Knight was also concerned about the open space figure of 10% and feels that this is too high of a number in this type of area. He would like to revert back to the original park space figure.

Commissioner Linville would encourage donations to existing parks instead of requiring so much space. He asked how it ties in with the Trail Creek Overlay.

Bill Knight explained that the commission would have full discretion over this issue.

Commissioner Hodge feels that crowding so many people into such a small space should have more open space.

Chairman O'Neill opened the hearing up to public comment.

Sandy Mason, representing VARD, was supportive. He feels that it would be unique in the county. He suggested figuring out where pockets of open space would be good throughout the one square mile area. He feels that the zone will be beneficial county-wide, not just for Victor.

Lucy Flood, also of VARD, was supporting. She feels that it looks like a lively, vital downtown area and likes the idea of being able to get to places quickly.

Herb Heimerl was supportive. He is concerned with bonding for the vertical area. He wonders if it is practical because of the constant change in the market prices.

Fletcher White was supportive. He feels that it is phenomenal that the City is taking a step toward this. It will enhance the quality and value of the City. He feels that bonding for buildings would decrease the lot value.

Megan Hill was supportive and had nothing new to add.

Dillon Leonoudakis was supporting and had nothing new to add.

Randy Blough was supporting and likes the sense of neighborhood, community feeling downtown.

Jim Shultz was supportive and had nothing new to add.

Quentin Bell was supportive. He thinks it provides a good family feel. He wants to create affordable living downtown. It will create a lot of "buzz" downtown and the area will be more vibrant and friendly.

Brenda Ostendorf was uncommitted and had no comment.

Josh Thulin was uncommitted. He feels that the idea is market driven. If a developer is forced to build vertical, he feels that the developer will build as cheap as possible.

Ed Thulin was uncommitted. He feels that it is a good tool to make sure developers will not flip their original intentions for the property.

Bill Knight feels that anyone committed to participate in this project will be happy with building 10% as a start.

Chairman O'Neill closed the public comment portion of the meeting and opened it up to commission deliberation.

Commissioner Hodge appreciated the time and effort of the public and their comments. She is concerned with how the City looks and wants to look out for the City and citizens inside it. This project will ensure that vacant land will not be flipped.

Commissioner Linville feels that the open space is not a big hurdle. He isn't concerned about something cheap being built because so much criteria is required within the zone. Construction standards will be agreed on before the zone is approved through the City. He is in favor of a guarantee being put on the number of units.

Commissioner Barney pointed out that a five acre parcel with a maximum limit of 40 units would only require four units to be built immediately with the 10% stipulation. He strongly supports the bonding to be kept where it is not a burden to anyone and it ensures that the lot use will not be flipped.

Commissioner Secrest explained that this idea is an up-zone. A bigger density will be allowed here than anywhere else in the City. He feels that the minimum requirement for vertical improvement should be 10%. He supports the idea of making an open space plan for the City and likes a fee in lieu of the park space.

It was moved and seconded to recommend approval of the Traditional Neighborhood Development ordinance as proposed by staff with stipulations included in:

- The memo dated January 31, 2008 that suggests the 10% vertical requirement and that the 2-5 acre unit requirement be rounded up.
- The memo dated January 29, 2008, part 4.1 in full.
- That the open space be defined as current subdivision requirements of .0277 acres per proposed unit with all components of that ordinance including fee in lieu of be considered.

**George McDaniels/ Sketch Plan Review/ Continuation** Chairman O'Neill summarized the events and feedback from the previous meeting.

Danielle Kingston explained that they have taken into account concerns and comments from the last meeting. The commercial area has been lessened significantly. Single family areas have been increased and the multi-family have been decreased. The tree buffers throughout the project have been kept.

Bill Seaton, a neighboring landowner, felt that the project is infill. The Comprehensive Plan states that commercial area is wanted down Highway 31. He is concerned that his agricultural business will not be able to maintain use if this project comes in.

Melissa Holme explained that the project is based off of the current Comprehensive Plan. 10 small shops are located in the entrance corridor. They have been working with adjacent landowners to create bike and walking trails that connect to the City.

Danielle Kingston explained that the main feature coming into the project will be a large water feature. There are alleyways that reflect the TND idea. The first phase is in the

front and will include single structure stores, the water feature, the clubhouse, and some single family structures. The second phase will include approximately 15 to 20 single family homes. More commercial will be added in the third phase.

Commissioner Hodge thinks that the project is too much for the moment and isn't willing to annex or zone the property.

Commissioner Barney doesn't want to put existing business owners out of business or have deserted buildings closer to the city core as a result of this project.

Commissioner Linville doesn't like three story commercial buildings so far out of town. He is concerned that we are trying to protect the downtown with the TND, and if this property is opened up to commercial use, it will create a chain effect. He is happy that there will be pedestrian connectivity, but feels that the downtown needs to be protected for now.

Melissa Holme was concerned that the project was not included in the TND overlay area. She also has talked to people that are ready to move business into this area.

Commissioner Linville wants commercial area close to the city core and the downtown corridor needs to be protected. This large of a project so far out will draw attention away from the city core.

Commissioner Secrest is concerned that the area labeled AC on the plat. He is concerned that all that has been committed is the commercial part of the project. He also doesn't want to put businesses out of business because of new people coming in.

Commissioner Secrest isn't sure that he wants to annex the piece at all.

Chairman O'Neill is concerned with the mixed use at the north end of the property.

Melissa Holme was concerned that the area is being held outside of the TND box when it hasn't even been passed yet.

Commissioner Linville would agree on an R1 zone should the area be annexed.

Commissioner Secrest is willing to go the R2 optional that bill has informally proposed if the applicant wishes to pioneer the idea. Until the public wants commercial use out in that area, he will continue to protect the downtown.

Commissioner Secrest left the meeting at the end of this application.

**Trail Creek Crossing/ Site Plan Review Continuation** Megan Hill presented a follow up on the items raised at the last meeting. New materials were submitted including: a master plan of the entire project as requested, a trails and pathways plan, transportation/roadway plans, a color pallet for external building materials, and a summary of car parking.

Commissioner Linville asked for clarification of the power line location.

Megan Hill explained that the property under the power line cannot contain buildings. The buildings are outside of the 100 foot easement.

Chairman O'Neill asked for clarification on the phasing plan.

Megan Hill explained that phase one will include building one and the parking lot and phase two will include buildings two and three. The residential area of the project will

also be developed in phases, but it is still in the design process, so the area is approximate.

Commissioner Linville was concerned about Pole Canyon Rd. turning into a line of parking.

Commissioner Barney suggested negotiating with Bonneville Power to put in a bike path in addition to the parking lot to soften it.

Commissioner Linville agreed that it would be nice to connect pathways with the property to the west. He suggested a meandering path with landscaping.

Megan Hill would be happy to do work on the pathways if information could be provided. An idea to have an under-road trail could be a possibility in the future.

Cari Golden wondered about condominiumizing.

Megan Hill explained that the intentions are to build the entire project and then eventually condominiumize it.

Stephanie Bonney, the city attorney, explained that the project wouldn't have to go through a subdivision application. It would have a master plan with guidelines set.

Cari Golden recommended adding the engineer's comments into the motion. Megan Hill had not received this letter, so it was read aloud.

Commissioner Linville pointed out that the project needs to contain storm water on site.

Stephanie Bonney explained the terminology differences between a sketch plan and a site plan.

It was moved and seconded that phase one of SPR2008-2 be recommended for approval with the stipulations of:

- A pathway to be considered along Pole Canyon Rd. under the west power lines.
- The engineer report be incorporated into phase one.
- The grading issue in the northeast corner needs to be refined to contain contamination into Trail Creek.
- A pathway will not be considered under Highway 31 until a future date

**Mike Flury/ Sketch Plan Review** Jake Flury presented the application. He explained that his father, Mike Flury, had bought 14 acres on Cemetery Rd. which was annexed and zoned R1. The request is for a conditional rezone for bigger density on the parcel. R1 would border the north and east boundaries and lot sizes would increase as they go closer to the foothills. This would shelter the neighboring property from the density. There is a proposed landscape buffer on all four sides of the project. Trees and sidewalks will be on both sides of the road. A bike path would be added that would connect to Pioneer Park. A donation to Pioneer Park is being requested in lieu of the park space since the property is so close to the park. Lots would contain affordable housing. All homes would be constructed by Flury Home Building in a three to four year timeline. All units are single family.

Margaret Dolentine also explained that there are existing water rights on the property to maintain the landscaping.

Chairman O'Neill thought that it would be helpful to have the CC&Rs and architectural guidelines.

Commissioner Barney was concerned with the two dead-end roads on the plat.

Cari Golden explained that there is potential connectivity for the road on the west side of the property.

Commissioner Barney felt that there was not enough detail to have an accurate sketch plan review.

Stephanie Bonney clarified the true definition and process of a sketch plan review.

Commissioner Hodge was concerned with something that is said in a meeting being perceived by developers as a real approval. She sees the project as unoriginal and wants something more aesthetically pleasing. She is also concerned that a park isn't included in the plan.

Commissioner Linville is concerned that there is high density with no open space. In the past, when this project was visited for the first time the commission was concerned with the grading plan and landscaping plan.

Bill Knight explained that with little land to work with, you end up with a loop subdivision that looks very dense, but really is not.

Commissioner Barney isn't concerned with the density, but doesn't like the design. He would feel more comfortable with more information when it comes down to the conditional rezone. He suggested re-working the design to make it more original.

Cari Golden explained that the roads line up where they are designated on the plat because they connect to Mountainside Village.

**Carpet Cleaning Type Business/ Business License** Additional information was requested and provided. It is a home business located in the trailer park. Information was provided about the cleaning supplies that would be used.

The license was signed.

The meeting was adjourned.

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P&Z Administrator Cari Golden

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P&Z Chairman Mike O'Neill