

**Naples Planning and Land Use
Regular Meeting
May 13, 2014**

Commission Present: Dale Harrison, Mark Partridge, Cresta Slaugh, Kerry Kinney, Bret Stringham, Andrew Bentley, and Szeth Simmons.

Commission Absent: Neil Cathey

Others Present: Chris Hoem, Mayor Dean Baker, Holly Baker, Evan Baker, Gary Harrison, Sandy Harrison, Winnie Pilling, Tommy Pilling, Kenneth Lind, Leann Southam, Wade Southam, Janeen Cattoor, Eddi Cattoor, Eve Cannon, Dawn Crum, Scott Duke, Jennifer Stewart, Aawn Stewart, Matt and Maegen Morton, Cliff Grua, Cable Murray, and Wade Olsen.

Verification of full Quorum Dale Harrison verified a full Quorum.

Approval of Agenda Bret Stringham moved to approve the agenda with the change to move the public hearing and public hearing discussion to be after the General Business. Cresta Slaugh seconded the motion.

Roll Call Taken:

Dale Harrison	Aye
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with all voting Aye.

Disclosures None

Approval of Minutes Mark Partridge motioned to approve the minutes for April 15, 2014. Bret Stringham seconded the motion.

Roll Call Taken:

Dale Harrison	Abstain
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with all voting Aye.

General Business

Final Plan Review and Recommendation – The Farm Phase 3 located at the end of 1900 South in The Farm subdivision

Andrew Bentley: I was wondering what the status of this is and if this can be moved ahead with. Chris Hoem: The thing they were waiting on was the change in the Subdivisions ordinance to allow for an alternative for their storm water retention. We're only looking at Phase 3 right now. Dale Harrison: Is it only 9 lots? Chris Hoem: Yes, and it includes 1820 South on the West side of the subdivision and the storm water retention area North of the gulch. Dale Harrison: Our maps don't include the storm water retention area. Chris Hoem: The plans include the storm water calculations, but they will need to add the area of the storm water retention to these maps. Cliff Grua: Our concept for the North side of the subdivision has been tweaked to accommodate the 100 feet wide requirement for the lots. We would just like to present Phase 3 tonight including the (1820 South) road. Chris Hoem: It says on the bottom right "Phase 3 will contain a surface depression able to retain 24,948 cubic feet of storm water. The depression's shape and location is shown on plans. The retention pond is sized to handle expected storm water flows from phase 4 that will be constructed at a later date." It really should say phases 1 through 4. Cliff

Grua: Yes, basically the entire subdivision is what it is built to handle. Mark Partridge: So with phase 3, the storm water retention will be built? Cliff Grua: Yes. Bret Stringham: It needs to change to say all phases. Cliff Grua: Yes, we need to change it so it says it will handle all phases. Someone in the audience: Don't they need a homeowner's association established? Chris Hoem: Their CC&R's state that they have to have a Homeowner's association. Mark Partridge: The drainage covers all four phases so I don't have a problem with it. Chris Hoem: They need to make sure that their street lighting is metered. They need to show fire hydrants on the map. Cliff Grua: I will make sure that on the final mylar, we have all fire hydrant locations shown. Dale Harrison: Where do you have street lights now, Cliff? Cliff Grua: I think every 300 feet. Andrew Bentley: Is everything that you're doing now date back to what was already agreed to? Chris Hoem: They submit plans for lighting and fire hydrants per phase, not all at once from the very beginning of the development. Kerry Kinney made a motion to recommend approval of the final plan for phase 3 of The Farm subdivision including the items discussed that need to be on the plat. Szeth Simmons seconded the motion.

Roll Call Taken:

Dale Harrison	Abstain
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with all voting Aye.

Review and Recommendation – Development Agreement with Pheasant Run Estates One, LLC

Chris Hoem: This development agreement has gone back and forth between the City and the developer many times. I wanted to show this to you so you have an understanding of what is in the development agreement. When the land in Pheasant Run was rezoned, it was done on conditions. These conditions are included in the development agreement. Dale Harrison: According to the CC&Rs, no changes can be made to the plats without a vote by the Homeowner's Association and a majority of 67% in agreement with said change. How can the city allow changes without the former residents knowing about it? Chris Hoem: This development agreement deals with the subsequent phases of the subdivision and it is simply an agreement between the City and the Developer, and does not include the Homeowner's Association. Any dispute over the Homeowner's Association is between the home owners and the developer. Bret Stringham made a motion that the developer needs to go back and have a vote between the homeowners to find out what the people want. The motion died for lack of a second. Dale Harrison: This is really concerning. It really bothers me that the developer changed this after the people bought into the subdivision, without their vote. Now he has made changes to this and now some of the homeowners are stuck there. They agreed to purchase their home based off of what we agreed with the developer. Chris Hoem: This agreement we are reviewing is only between the City and the developer. We send out public notice whenever there are changes in a zone. There were several meetings and opinions voiced, and that is how we got to where we are now. Since we recently changed our ordinance, the development agreement changed slightly. They want to put the storm water retention under the road and leave those park areas as just open space. Andrew Bentley made a motion to recommend approval with the concern attached to it in regards to the homeowner's association. Bret Stringham seconded the motion.

Roll Call Taken:

Dale Harrison	Abstain
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with the majority voting Aye.

Public Hearing

Rezone of ~28 acres located at 2151 S 2000 E from RA-1 to R-1

Cresta Slaugh motioned to open the public hearing. Bret Stringham seconded the motion.

Roll Call Taken:

Dale Harrison	Aye
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with all voting Aye.

Chris Hoem described the rezone. Bret Stringham: If it rezones to R-1, then they have the ability to go down to 12,000 square feet. Chris Hoem: That is correct. Ken Lind: I inherited the land, and it is not going to be made into a subdivision. Mark Partridge: So if there is a dispute, why are we having a public hearing about this? Chris Hoem: According to the Uintah County records, the owner is now the developer for Bishop Homes. If (Ken Lind) wants to dispute it, he needs to take his own action to do so. Sylvia Lind: We don't know all the aspects, but Ken inherited it. The access to that neighborhood will go right in front of our house. There are other neighbors here as well. Scott Duke: I own the 11 acres south of the area. I would like it to be known that I am worried about the fence. I would like the land to stay how it is, and I don't want to see a subdivision there. Janeen Cattoor: How will the road change near my property? Chris Hoem: The road in front of your house won't be changed. It will only connect to the new road in the subdivision to be built. Winnie Pilling: The street behind us that they are building on, they have trailers, trucks, etc. on the street. Chris Hoem: Are you asking who can park on the street? Winnie Pilling: No, I am talking about a Homeowner's Association. Andrew Bentley: If the homeowners don't get together, then nothing happens. Dale Harrison: We're here to talk about a different area than your subdivision. Winnie Pilling: Is the water going to be handled? Dale Harrison: The developer needs to work with the utility companies to make sure it is feasible. All we are talking about tonight is the rezone, not the subdivision development itself. Evan Baker: I live in the neighborhood. We want a farm neighborhood. If you allow for smaller lots, then the developer will take advantage of that. We've seen two other subdivisions come in and this will just compound the traffic and the congestion. There are almost 5,000 cars on the school road. I would hope that you and the City Council will not approve the rezone. I'm concerned because Park View has a house being built as a multi-family dwelling next to the Bee Hive Homes. Andrew Bentley: I share his concern. I grew up in that area. I can see concerns both ways: wanting to develop, and to keep a little bit of that. ????: I agree about the traffic. The 5,000 car count is only from the westbound side. Traffic is my major concern. Sylvia Lind: We live right behind the Naples Car Wash. The traffic now is very minimal with just our neighbors coming and going. If there is an access on our road to the new subdivision, I cannot imagine what it is going to be like, day in and day out, 24/7. I have grandchildren that come over. I don't want them there and I don't want them to be injured. I like the quiet farm area. I don't want any homes in that area. What we have in this area is enough. We don't need added traffic, added school buses. Mark Partridge: The problem is that someone owns the property. They can develop it. What we are deciding on tonight is bigger lots or smaller lots. Jennifer Stuart: We moved out here because we like the quieter lifestyle. I don't want to change to smaller lots because it will increase the traffic and there are already people going 45 mph on the streets. If they are going to build, then build on the lots that they have sold and don't downsize. Cable Murray described the difficulty in fitting 12,000 square foot lots in the subdivision based on the road layout and geometry of the site. Bret Stringham: The 100' frontage is a minimum. So you can widen the frontage to meet the 20,000 square foot lots. Cable Murray: The difference of the rezone in the end is 62 lots vs. 71 lots. Andrew Bentley: If we recommend rezoning, then they can wait and come back later, then the people here should be at that future meeting saying what was agreed to.

Andrew Bentley motioned to close the public hearing. Bret Stringham seconded the motion.

Roll Call Taken:

Dale Harrison	Aye
Mark Partridge	Aye
Cresta Slaugh	Aye
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with all voting Aye.

Public Hearing Discussion

Rezone of ~28 acres located at 2151 S 2000 E from RA-1 to R-1

The following votes took place. Please see the explanation in italics below:

VOTE #1

Bret Stringham made a motion to keep it as RA-1. Mark Partridge seconded the motion.

Roll Call Taken:

Dale Harrison	Nay
Mark Partridge	Aye
Cresta Slaugh	Nay
Kerry Kinney	Aye
Bret Stringham	Aye

The motion passed with the majority voting Aye.

At this point, the vote passed with a majority voting Aye. However, during the meeting, there was some confusion because all the alternate members were voting and their votes were unduly being counted. Below is a record of the motions and votes as they happened in the meeting. It should not be used to show anything official:

VOTE #1

Bret Stringham made a motion to keep it as RA-1. Mark Partridge seconded the motion.

Roll Call Taken:

<i>Dale Harrison</i>	<i>Nay</i>
<i>Mark Partridge</i>	<i>Aye</i>
<i>Cresta Slaugh</i>	<i>Nay</i>
<i>Kerry Kinney</i>	<i>Aye</i>
<i>Bret Stringham</i>	<i>Aye</i>
<i>Andrew Bentley</i>	<i>Nay</i>
<i>Szeth Simmons</i>	<i>Nay</i>

The motion failed to pass with the majority voting Nay.

VOTE #2

Dale Harrison made a motion to rezone it to R-1. Cresta Slaugh seconded the motion.

Roll Call Taken:

<i>Dale Harrison</i>	<i>Aye</i>
<i>Mark Partridge</i>	<i>Nay</i>
<i>Cresta Slaugh</i>	<i>Aye</i>
<i>Kerry Kinney</i>	<i>Nay</i>
<i>Bret Stringham</i>	<i>Nay</i>

Andrew Bentley

Nay

Szeth Simmons

Aye

The motion failed to pass with the majority voting Nay.

VOTE #3

Andrew Bentley made a motion to keep it as RA-1. Bret Stringham seconded the motion.

Roll Call Taken:

Dale Harrison

Nay

Mark Partridge

Aye

Cresta Slaugh

Aye

Kerry Kinney

Aye

Bret Stringham

Aye

Andrew Bentley

Abstain

Szeth Simmons

Nay

The motion passed with the majority voting Aye.

The result is the same either way, using the official vote or following the unofficial votes: that the Planning Commission had a majority that recommended leaving the area zoned as RA-1.

Andrew Bentley made a motion to table the rest of the business until the next meeting. There was no second, so the motion died.

Administrative Updates

There were no administrative updates.

Items for Future Discussion

Chris Hoem presented Ordinance 14-162 that was previously approved by the City Council.

Adjourn

Bret Stringham motioned to adjourn. Andrew Bentley seconded the motion.

Roll Call Taken:

Dale Harrison

Aye

Mark Partridge

Aye

Cresta Slaugh

Aye

Kerry Kinney

Aye

Bret Stringham

Aye

The motion passed with all voting Aye.

Next Planning and Land Use Meeting will be held on June 17, 2014 at 7:30 p.m.