

**Naples Planning and Land Use  
Public Meeting  
September 20, 2016**

**Commission Present:** Mark Partridge, Andrew Bentley, and Chris Clark

**Commission Absent:** Cresta Slaugh and Mishelle Rowell

**Others Present:** Joshua Bake, Heidi Lundberg, Jim Harper, Mayor Baker, and Cliff Grua

**Verification of full Quorum** Mark Partridge verified a full quorum.  
All commission members will be voting in tonight's meeting.

**Approval of Agenda** Joshua Bake mentioned there is one change to the agenda, we are going to postpone the Planning Commission voting for new vice chair. Commissioner Partridge asked if Mishelle would be moving into a full member. Mr. Bake replied she is automatically moved up to a full member and a new member will be appointed and approved on Thursday at City Council.  
He explained since we do not have all the commissioners present tonight we can postpone voting for the vice chair until next meeting, or since we will have to vote again for Chairman and Vice-Chair in January, we can wait until then. It is up to the commissioners.

Andrew Bentley motions to move the Planning Commission Voting discussion to the end of the meeting. Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

Mark Partridge motions to approve the modified agenda for the September 20, 2016 meeting, Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Disclosures** None

**Approval of Minutes** Commissioner Partridge pointed out a small spelling error in the August minutes on page two "Chris Clark motions approve..." should be "Chris Clark motions *to* approve..." Mrs. Lundberg noted the change.

Chris Clark motions to approve the August 16, 2016 minutes with the changes as noted. Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

Heidi Lundberg explained the changes made to the C1 Commercial Downton Zone Uses since the last meeting.

Mark Partridge motions to open the public hearing for C1 Commercial Downtown Zone Uses. Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

### **PUBLIC HEARING**

No comments

Chris Clark motions to close the public hearing C1 Commercial Downtown Zone Uses. Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

Commissioner Bentley asked about the accessory residential. Joshua Bake explained we can address the concerns with the definitions, and define it how we want to define it. Commissioner Bentley asked if we could address in definitions to have the owner/renter have an affiliation with the store. Mr. Bake mentioned typically it is an open space to rent.

Mr. Bake explained in our conditional uses permits we cannot dictate design standards. Design standards can be in the zone, but not as a conditional use standard. Mr. Bake mentioned we will discuss this further later and have a training next month. Commissioner Bentley asked if we should discuss conditional uses before sending these changes to City Council. Mr. Bake replied as long as the commissioners are ok with these conditional uses as permitted uses with standards then it won't affect this at all.

Andrew Bentley motions to recommend the changes on the C1 Commercial Downtown Zone Uses Chapter 02-27 to City Council. Mark Partridge seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

### **PLANNING/DISCUSSION**

Subdivision Concept Plan Application – Ray Nash

Mr. Bake stated we have a concept approval for the Farm 2014 concept phase 2. He explained that concept plans don't need much detail, as long as we can understand the developer's purpose. They are looking to do a very small phase of 3 lots; they have submitted phase 3 today but wasn't in time to be on the agenda. We do not need to look at the specifics right now, but water retention is something that needs to be discussed with Mr. Grua. Mr. Bake mentioned there are some other issues with

this that we will be working with Mr. Nash and Mr. Grua. Commissioner Clark asked if the concept plan can be to provide additional information to them if they see something. Mr. Bake replied it can be, but they are not required to submit their full plans. Commissioner Bentley asked if this needs any public hearings where it is only three lots. Mr. Bake mentioned we do not have public hearings for subdivisions any more. Minor subdivisions have different standards. Mr. Bake also mentioned we have a developer's agreement with this developer and we are seeing how this relates to that agreement.

Mr. Cliff Grua this phase will include lots 68, 69, and 70. He explained that most of this phase is already completed and ready to pave. As to storm water retention they have a temporary retention area until they complete the rest of the street. Commissioner Partridge asked why a 3 lot phase. Mr. Grua explained we wanted to submit another plan before the 18 month limit was up. They want to move forward with development on the east end also. Mr. Grua showed another concept plan for the Northeast end of the subdivision. Commissioner Bentley asked if they all had the 100' frontage. Mr. Grua explained they are all 100' plus. Commissioner Bentley asked if there is a need for a temporary roundabout for emergency vehicles. Mr. Grua explained the emergency access road that was required before is already in. He also mentioned almost all of the utilities are in and they will have a gravel path on the emergency access. Mr. Bake mentioned one of the concerns we have in our developer's agreement is that phases would be 800 feet; he asked Mr. Grua if it is possible to combine the two phases into one so we can get the 800 feet. Mr. Grua expressed they would be in favor of that. Commissioner Bentley mentioned if they are combining the phases then we should be able to see them both tonight. Mr. Bake responded technically they did not submit it in time, but since this is a concept plan we can allow him to show both phases together tonight if the commissioners agree. They would approve the phase 2 modified concept plan. The commissioners agreed to allow Mr. Grua to present the second phase submitted today. Mr. Grua showed the second part of the concept. The commissioners and Mr. Grua discussed the plat presented. Commissioner Partridge asked if the causeway will be finished. Mr. Grua replied yes. Commissioner Clark asked about storm water drainage. Mr. Grua responded they will be presenting the actual drainage plans; they will have under the road storage. Mr. Bake explained the letter submitted from Ray Nash discusses they have been working on this and investing in the area, basically they are moving forward and still working on this area and not leaving. Mr. Jim Harper asked what the blue stakes are on 1900 South. Mr. Grua explained they are getting the gas line, electrical and Strata; so they had those marked.

Andrew Bentley motions to approve the modified phase 2 concept plan as discussed. Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

## Land Use Ordinance Changes

### Discussion on Subdivision Ordinance

Mr. Bake explained there was discussion at the last meeting about subdivision extension and whether or not that should be done administratively. He explained they can be discretionary; and discretionary decisions should be done by the legislative body. Staff recommends that the subdivision extension approvals should stay with the Planning and Zoning Commission. Commissioner Clark agreed. Mr. Bake explained something for the commission to consider is to have subdivision approvals done administratively. It is also a big push of the State Ombudsman. If that would be commission's decision, staff recommends that the commission will still be presented all subdivisions. Mr. Bake mentioned we can prepare something for a future meeting, if the commission approves. Commissioner Bentley asked what

would happen if a check box was missed at the city and something gets built. Mr. Bake stated if it was approved it would go through. He explained the State Ombudsman's thoughts that unless the ordinance specifically says no, you have to let them do it, and then change your ordinance the next day. He used the example of vape shops; if they are not listed in the ordinance they are allowed. In all of our zones we have to list everything that is allowed and everything that is not allowed. We can put a catch all by saying anything not listed here is not allowed.

## **ITEMS FOR FUTURE DISCUSSION**

### **Land Use Ordinance Changes**

#### **Discussion on Conditional Uses**

Mr. Bake mentioned that conditional uses can be done administratively once the standards are set by the Planning Commission and City Council. The law is if the standards are not written in your ordinance, you cannot impose any standards. The State Ombudsman recommends having different standards listed for each conditional use. It puts the pressure on us to know what those future detrimental effects could be. Staff is recommending we go through all our conditional uses and set standards then bring them to the commissioners each month as quickly as we can. A conditional use, it is a permitted use. There are a few options where we can modify certain things such as public safety and health. Mr. Bake mentioned he would have an executive summary of the training he attended with the State Ombudsman and the attorney from the Utah League of Cities and Towns. With the commissioner's approval, we can move forward and get those standards to them. Commissioner Bentley asked if the conditional uses already passed would still have to follow the standards already set. Mr. Bake responded the ones that have already passed have to fulfill the standards they agreed to. He also brought up if we bring up a conditional use that we shouldn't have, that might cause public health concerns; you always have your nuisance ordinance for public health that could stop those. Conditional uses run with the land and can go person to person. Commissioner Bentley asked if the permit goes away after a year if they don't use it. Mr. Bake responded if the use changes for a year then it goes away, but the standard to prove that is on the City. There are other legal mechanisms to end it as well. Commissioner Bentley asked if a conditional use goes out of business for a year, does that mean the use has stopped. Mr. Bake replied yes. Commissioner Clark asked if it has to be specific by each use or can you have a set of standards and list which ones have to be addressed for each use. Mr. Bake stated you can do it both ways; the State Ombudsman recommends that we do it for each use, but it is up to the commissioners. The standards have to be reasonable to counter the potential foreseen detrimental effects, so design standards don't apply. Commissioner Bentley asked if we can still say no to a use. Mr. Bake replied yes. He mentioned staff is working on a new chart that will have every use and which zone it is permitted and which zones it is a conditional use; and have a catch all that says anything not listed is not allowed.

#### **Discussion on Chain-link fencing**

Mr. Bake mentioned that chain link with privacy slats constitutes a privacy fence. The city has set a standard right now that chain-link fences with privacy slats does constitute a privacy fence. We've had the discussion that we don't that to be a privacy fence in the C-1 zone. Once the Form Base Code comes back it will eliminate any need to address this, but in the mean time we can change that through definitions. By using a different word that commonly means privacy fence but is different, we can define it different in our C1 zone. We are also looking at updating all the definitions.

Commissioner Partridge asked if they will set the standards for all conditional uses or just administrative conditional uses. Mr. Bake replied any and all conditional uses listed in our ordinance. He explained we have to be careful that the conditions we set are reasonable to mitigate the foreseen detrimental effects. Commissioner Bentley asked if other things we don't like can be addressed in other ordinances; such as if we get a service station in the downtown area, we could have city ordinances that don't allow the lot to get super cluttered. Mr. Bake replied yes. We can also address

it by defining a service station that does not do X, Y, Z; you can use the definitions but not in the conditional use. The purpose is to make each conditional use the same, so it is an objective standard.

November and December Meeting Schedule

Mr. Bake explained the November and December months are busy so we might not have meetings that month unless the commissioners want them. The meeting dates would be November 15 and December 20. Commissioner Bentley commented it would depend on if there were items that needed to be addressed. Commissioner Clark stated it looks like we have a lot of ordinance changes that need addressed, so let's take care of it. Commissioner Partridge expressed he would like to have the meetings in November and December.

Discussion on Planning Commission Voting of New Vice Chair

Mr. Bake mentioned we are waiting to vote for a couple reasons, we have Commissioner Rowell absent this meeting and we are getting a new commissioner next month. Also, we have three meetings left in the year before we have to have the elections again in January. We are missing the vice-chair but we still have the chairman. In the event the chairman is not here, we elect a chairman pro-tem. He asked if the commissioners want to vote next month or wait until January. Commissioner Partridge suggested we should vote for a new vice chairman next month. The old vice-chair, Commissioner Simmons, moved out of Naples and is no longer on the commission, and we have another commissioner that we are in the process of thanking for her service and replacing due to unexcused absences. Commissioner Partridge expressed we should vote next meeting so there is no confusion on who is in charge if he is gone. Councilman Reynolds asked if the chairman could appoint a chairman pro-tem. Mr. Bake answered the chairman wouldn't appoint the pro-tem, the commissioners present would appoint as a group, if the vice-chair is also gone. Commissioners agreed to table the voting until next meeting.

**ADJOURN**

Chris Clark motions to adjourn, Andrew Bentley seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>

Motion carried with all voting Aye.

None opposed.

**The next Planning and Zoning meeting will tentatively be held October 18, 2016 in the Naples City Council Chambers @ 7:30 P.M.**