



PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley

Friday, August 13, 2021 at 6:00 PM

MINUTES

Chair | Allen Angell

Commissioners | Janet Prentice | Richard Fischer | Lee Fralish | Wenn Jorgensen

CALL TO ORDER- Chairman Allen Angell Called meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Commissioner Lee Fralish

Commission Allen Angell

Commissioner Richard Fischer

ABSENT

Commissioner Wenn Jorgensen

Commissioner Janet Prentice

CONFLICT OF INTEREST DISCLOSURES

No conflict of interest declared.

PUBLIC HEARING ON THE GENERAL PLAN DESIGNATION AMENDMENT FOR AV-1-3-5-211; AV-1355-A; AND AV-1354-D-9

Chair Allen Angell opened for public hearing, but asked Town Administrator John Barlow, to present on all three of these properties, get any concerns out there that might be discussed before we hear from the public. He noted that Shane and Julie Hutchings were present for application AV-1354-D-9, and Heber Allred for the other two applications, AV-1-3-5-211 & AV-1355-A, was not present (Carl Rasmussen came in later to represent the Allred applicant).

Town Administrator John Barlow, gave an overview of the 3 applications and where their maps appeared in the agenda packet, including what zone changes were being requested for each. He also said that even though normally he would make recommendations, as it was too late to be effective, he would just present the basic facts and a conceptual overview. He pointed the commission to the map on p38 for a general orientation as all the properties are in close proximity, all currently zoned Open Space Transitional OST. He also pointed out that Apple Valley ordinance 2020-09 designates a new zone in the General Plan: Tourist Commercial. The designation is on Main Street, so probably does not affect the applicant AV-1354-D-9.

Chair Allen Angell clarified with the Hutchings that their property was more than 500 feet from Main Street so not covered by the Tourist Commercial. Commissioner Richard Fischer also clarified that there was a half mile on both top and bottom, so they are covered either way.

Town Administrator John Barlow pointed the commission to look specifically at the maps on p5, for AV-1354-D-9 asking for zone change to A-10; p23, AV-1355-A, requesting two different zones, SF-.5 and C-3; and p38, AV-1-3-5-211, asking for SF-.5, C-3, and TC.



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Town Administrator John Barlow presented 4 points to consider, but in making their legislative recommendation to the Town Council, any rational basis for making the decision is okay. Generally, these questions were whether the zoning is consistent with goals of the general plan, harmonious with adjacent properties, will it adversely affect adjacent properties; and are there public facilities that will support the level of density they are asking for.

Town Administrator John Barlow also interjected one more point, that since Planning Commission likes to have a General Plan Amendment that is consistent with the zoning amendment, staff, not the applicants, initiated that General Plan application on the town side in order to have that done before the application zoning recommendation.

PUBLIC HEARING ON THE GENERAL PLAN DESIGNATION AMENDMENT FOR AV-1354-D-9

The Hutchings expressed that they had previously built on a portion of their large parcel, which has since been sold. Julie Hutchings pointed out that in the past, building on open space was allowed. They are now trying to get it zoned properly so they can build their own house on a section of the rest of the property. They expressed that when they sell other lots, those owners will have to get their own zoning. Julie Hutchings pointed out that the whole area is used as AG, all open land, open range. Shayne Hutchings showed the commission a General Plan Use map that satisfied them that they were consistent with the General Plan. Commissioner Lee Fralish suggested that we may not need the General Plan amendment as it is already consistent with the zoning request. John pulled up an outdated General Map that demonstrated that with the new zoning about property within 500 feet of Main Street being reserved for tourist commercial, there may be a problem, because a portion of the applicants' property that juts out is in that tourist commercial area.

Julie Hutchings argued that they had moved the location of their house back to ensure that it would not be within the 500 feet.

Town Administrator John Barlow pointed out that even though zoning generally is in accordance with the General Plan, this may be one of the times where there are enough reasons to make the zone change for this parcel. Later rezones may take the ordinance into consideration.

There was some ensuing discussion about the difference between the General Plan and the actual zone. The actual ordinance says one mile.

Chair Allen Angell closed the Public Hearing on this parcel only, stating that they would come back to the public hearing for the other parcels. He then stated that they need a Public Hearing on the zone change itself, so he opened that public hearing.

PUBLIC HEARING ON THE ZONING MAP AMENDMENT CHANGING THE ZONING DESIGNATIONS FOR THE FOLLOWING LOTS; AV-1-3-5-211; AV-1355-A; AND AV-1354-D-9

Chairman Angell stated that they needed a Public Hearing on the zone change itself, so he opened that public hearing.

PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION FOR ZONE CHANGE APPLICATION FOR LOT AV-1354-D-9 LOCATED NEAR 600 S MAIN STREET FROM OST TO A-10

Chair Allen Angel noted that they had already talked about it, and since there were no more comments, he closed the public hearing portion, and instructed the town members that this was the part of the meeting where the commissioners only talked.



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DISCUSSION AND POSSIBLE ACTION ON ZONING MAP AMENDMENT CHANGING THE ZONING DESIGNATIONS FOR THE FOLLOWING LOTS: AV-1354-D-9

The commissioners expressed agreement that they were okay with the recommendation to go ahead with the zone change.

Town Administrator John Barlow recommended that they break the motion into two parts: one for the General Plan and one for the zone change. Commissioner Lee Fralish pointed out that there was no agenda item to take action on the General Plan.

Motion was made by: Commissioner Richard Fischer

Motion: "I recommended that we approve the zone change for AV-1354-D-9 from Open Space to Agriculture 10."

Seconded by: Commissioner Lee Fralish

Vote:

Commissioner Janet Prentice, absent

Commissioner Lee Fralish, yes

Chairman Allen Angell, yes

Commissioner Richard Fischer, yes

Commissioner Janet Prentice, absent

Commissioner Janet Prentice, absent

The vote was unanimous, 3-0 and the motion carried.

Chairman Allen Angell further explained to the applicants that the Commission makes a recommendation to the Town Council, and they approve it.

Town Administrator John Barlow explained that it was the third Wednesday of each month, so it would be on the 18th but since they did one earlier this month it will be on the 8th or the next third Wednesday. He assured Julie Hutchings that he would call and notify her.

PUBLIC HEARING ON THE GENERAL PLAN DESIGNATION AMENDMENT FOR AV-1-3-5-211; and AV-1355-A

Chair Allen Angell opened the public hearing for both parcels as they were the same applicant. He asked John to show on the map where the two were, and asked the applicant's representative, Craig Rasmussen, to come up and present the project.

Craig explained that the developer wants to do some commercial as you come off the highway: a grocery store, a hotel, and some shops on the Main Street corridor. The developer wants to call this the Gateway Preserve, with some ½ acre lots, a 12-acre park, soccer fields, a ball field. He also expressed that he wants to keep Coyote Road separate, not going through the subdivision. He wants to put a full fence around it. He wants to do it gated, but the mayor had said he thought there was an ordinance preventing it, but the developer wants to request it anyway. In essence, it is almost gated as planned: on the top piece there are three in-lets, three out-lets; on the bottom, two in-lets, two out-lets. Since it is up against the highway, we will have to do a big wall,



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especially to contain the noise. He clarified that the shops may be a professional plaza, auto body shop, whatever people want to do that fits into allowed uses.

Commissioner Richard Fischer had heard someone was thinking of doing storage units. Craig affirmed whatever someone wanted to do that the use is allowed.

Public comment:

Forrest Kuehne, 1833 N Rome Ave, indicated that he didn't understand how the commercial they were contemplating on Main Street fit into tourist commercial. He also said that he didn't see any justification for the single family as it is not on the General Plan.

Chair Allen Angell closed the public hearing and said there was no action item on the agenda for this one.

PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION FOR ZONE CHANGE APPLICATION FOR LOT AV-1-3-5-211 FROM OST TO SF-.5, C-3, AND TC

Chairman Allen Angell opened the public hearing for lot AV-1-3-5-211.

Public comment:

Forrest Kuehne, 1833 N Rome Ave, stating again his concerns about the single-family requests.

Another community member indicated that with the developer bringing utilities out to that area it would benefit everyone, and it would be a plus for his family wanting to move out there.

Julie Hutchings 621 S Coyote Rd, agreed. Commissioner Richard Fischer was concerned that high density by Agricultural can present some issues. Julie reiterated that she was the one with Agricultural around there.

Chair Allen Angell closed this public hearing, reminding the community members that they were going into the Commissioners discussion and action.

DISCUSSION AND POSSIBLE ACTION ZONING MAP AMENDMENT CHANGING THE ZONING DESIGNATIONS FOR THE FOLLOWING LOT: AV-1-3-5-211

Motion was made by: Commissioner Richard Fischer,

Motion: "We recommend to the Town Council for approval, the zone change for AV-1-3-5-211 so far as it will be changed or amended to follow the General Plan as closely as absolutely possible; they need to include whatever structures are necessary, and sewer treatments that are done for that area."

Seconded by: Commissioner Lee Fralish

Vote:

Commissioner Lee Fralish, yes

Chairman Allen Angell, yes

Commissioner Richard Fischer, yes

Commissioner Janet Prentice, absent

Commissioner Wenn Jorgensen, absent



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The vote was unanimous, 3-0 and the motion carried.

Town Administrator John Barlow inserted that they have requested 3 different zones and wondered if they had addressed Tourist Commercial and General Commercial or were leaving it as drawn?

Commissioner Richard Fischer affirmed that they would have to conform to the General Plan.

Craig showed his map designating where those would fall. They are planning to stick with the Tourist 500 feet. Chair Allen Angell cautioned that it would take a chunk out of their single-family area. Craig said they would make it work.

John asked Craig to affirm that the part outside the Tourist area in conformity with the General Plan would be the General Commercial, so exactly as drawn, except changed to Tourist Commercial where the General Plan designates Tourist Commercial. Craig agreed.

PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION FOR ZONE CHANGE APPLICATION FOR LOT AV-1355-A FROM OST TO SF-.5 AND C-3

Chairman Allen Angell opened the public hearing for AV-1355-A.

Forrest Kuehne again stated concerns that there was nothing in the General Plan that supported single family designation. He also wondered if the Tourist Commercial affected this parcel, which it does.

There was some discussion about the difference with the old map being shown and the recent change in the General Plan.

Chairman Allen Angell closed the public hearing

DISCUSSION AND POSSIBLE ACTION ON ZONING MAP AMENDMENT CHANGING THE ZONING DESIGNATIONS FOR THE FOLLOWING LOT: AV-1355-A

Chairman Allen Angell reiterated that the map on the screen was an old map; the General Plan currently designated the Tourist Commercial one mile in both directions down highway 59 and Main Street.

John Barlow measured out on the map where the Tourist Commercial would extend through this lot, leaving only a tiny triangle available for single residents.

Commissioner Richard Fischer also asserted that, based on a conversation with UDOT, they want us to eliminate as many accesses onto the highway as possible. We can't allow any more access along 59, so we need to make an amendment to the General Plan. He felt that this one parcel is on hold for a while until we address the UDOT concerns and amend the General Plan. Chairman Allen Angell explained to Craig that in the current state, it would eliminate the residential. Based on their conversation, he suggested that they table this for now, while the commission recommends to the Town that they revise the ordinance for the Tourist Commercial to about ½ mile or less.

Craig wondered if they could make a conditional approval. Chairman Allen Angell expressed that it was too much of a process.

John interjected that the commission would have to do another public meeting, and then a recommendation, which means you have to take action. If you want the General Plan to align, you need another meeting.

Commissioner Lee Fralish said that in the interest of time, considering the financial constraints of the developer,



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if we can, we should; perhaps we could call an earlier meeting. John reiterated that they would not need another public hearing; today's would satisfy that.

Chairman Allen Angell confirmed that the public hearing today satisfied that requirement. He again suggested we table this application today to give them time to work with the Town. John confirmed that they could make recommendations based on this public hearing. But to take an action, they would need to post another meeting with an agenda action item. John added that he would reach out to the Town Attorney to make sure they were in line.

Motion was made by: Commissioner Lee Fralish

Motion: "We table the application zone change for lot AV-1355-A from OST to SF-.5 and C-3."

Seconded by: Commissioner Richard Fischer

Vote:

Commissioner Lee Fralish, yes

Chairman Allen Angell, yes

Commissioner Richard Fischer, yes

Commissioner Janet Prentice, absent

Commissioner Wenn Jorgensen, absent

The vote was unanimous, 3-0 and the motion carried.

ADJOURNMENT

Motion was made by: Commissioner Lee Fralish

Motion: "I move that we adjourn."

Seconded by: Commissioner Richard Fischer

Vote:

Commissioner Janet Prentice, absent

Commissioner Lee Fralish, yes

Chairman Allen Angell, yes

Commissioner Wenn Jorgensen, absent

Commissioner Richard Fischer, yes

Meeting Adjourned.

Date Approved: _____

Approved BY: _____

Chair | Allen Angell

Attest BY: _____

Recorder | Jenna Vizcardo