

1 ELK RIDGE PLANNING COMMISSION

2 October 12, 2017

3  
4 TIME AND PLACE OF MEETING

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, October 12, 2017,  
6 at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

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8 ROLL CALL

9 Commissioners: Jared Peterson, Bruce Thorpe, Wayne Jones, Jared Barton, David Clark, Jim Chase Absent:  
10 Shawn Ram  
11 Others: Royce Swensen City Controller, Laura Oliver, Planning Commission Coordinator  
12 Public: Barry Burnette, Courtney Burnette, Chelsey Tripp, Julene, Mikalauski, Chris Bernard, Tonya  
13 Bernard, Ben Ewell.

14  
15 OPENING ITEMS

16  
17 Jared Peterson welcomed at 7:00 PM. Opening remarks were said by Wayne Jones followed by the pledge of  
18 allegiance.

19  
20 JARED BARTON MOTIONED TO APPROVE THE AGENDA SECONDED BY BRUCE THORPE.  
21 VOTE: APPROVED - YES - ALL (6), NO -NONE (0) ABSENT Shawn Ram

22  
23 PUBLIC HEARING AND ACTION

24  
25 1. HASKELL CORNER COMMERCIAL DEVELOPMENT

26  
27 Shay Stark stated that commercial plans have been revised since the first time the properties came before  
28 Planning Commission. The buildings have been turned perpendicular to the road due to the topography. The  
29 revised plans show updates on parking. There will be residential on top of the commercial which is allowed  
30 under the city code. The parking was looked at closely from the previous meeting and has since been revised  
31 to meet requirements. The residential will now be walk out apartments with a couple steps to the front door  
32 instead of being on a second floor.

33  
34 Jared Peterson opened the public hearing.

35  
36 Julie Mikalouski asked what benefits the commercial businesses will bring to Elk Ridge. They bought their lot,  
37 as did others, as a premium lot. It is no longer a premium lot.

38 Chelsey Tripp stated who is going to drive to Elk Ridge to shop? This is devaluing her home with  
39 commercial/residential buildings.

40 Chris Hermansen asked how many businesses will there be? Lee Haskell 4 to 5 business per building which  
41 will be mostly service buildings. They will only build one building at a time. The buildings are 140 – 150 away  
42 from their homes to the north so he doesn't feel they will obstruct their views. The land has been zoned  
43 commercial for 30 years. He lives on Goosenest to and he doesn't want to ruin his view either.

44 Tawny Bernard asked if the apartments give any benefit to Elk Ridge and what happens if the businesses fail.  
45 Lee Haskell pays property taxes to the city on the buildings.

46 Julie Mikalouski is concerned about the traffic and children playing on the residential streets around this  
47 commercial development.

48 Barry Burnette is concerned about narcotics in apartments.

49 Tawny Bernard asked if there has been an analysis on retail done.

50  
51 Jared Peterson stated that the developer has the right to build commercial there. The Planning Commission  
52 has to base its decisions on the codes and regulations the city has in place.

53 David Clark stated the Planning Commission has always drawn from the General Plan. The property has  
54 been commercial for a significant amount of time and feels that there is a responsibility on the resident's part  
55 to look at the general plan of the city. If there is a plan in place for the past 30 years and someone fails to find  
56 that who is to blame?

57 Julene Mikalouski stated that the developer has the right to build there but is this really going to help the city,  
58 is it going to bring in revenue.

59 Courtney Burnette asked what are the codes that are in place and are there any other commercial properties.

60 Jared Peterson stated that there is a parcel across the street. There are codes in place for lighting, parking  
61 etc.

62 Shay Stark pointed it out on the map. He pointed out the areas that were zoned commercial for the past 30  
63 years and its history.

64 Courtney Burnette asked if there is regulations in place for lighting, parking, when a business can be open,  
65 and signage, etc. She is also concerned that cars will be pulling in and out and headlights shining in their  
66 windows all night.

67 Barry Burnette suggested changing the entrances off of residential streets and maybe putting in a rock wall.  
68 Lee Haskell stated that the city council asked that there only be one entrance on Elk Ridge Dr. and that the  
69 entrances are located for emergency services. If residential homes were built there they would block your  
70 views just as much. The business will increase the value of their homes instead of a weedy field and he has  
71 rented to numerous people over the years and he has not had any problems due to drug abusers.

72

73 **Jared Peterson closed the public hearing.**

74

75 Wayne Jones asked Lee Haskell if he would consider rezoning the property residential. His son stated, in a  
76 previous meeting, that Lee would consider rezoning this residential.

77 Lee Haskell stated he is not interested in rezoning. He has thousands of dollars invested in this commercial  
78 development. He tried to rezone it 15 years ago and the city council denied it.

79 Jared Peterson asked if previous exceptions that the city council had approved were still in place.

80 Shay Stark stated that the city council approved an exception for 4 stalls per 1000 sq. ft. instead of the  
81 required 5 stalls per 1000 sq. ft.

82 Wayne Jones asked if this was approved by the council to go forward or is it still at the Planning Commission  
83 stage.

84 Shay Stark stated that this commercial development has been before the City Council several times for  
85 different reasons, the biggest being the city code required commercial businesses being close to the street.

86 This was not desired by anyone. Various exceptions were made in adjusting this. There has been  
87 engineering changes on the plans and the commercial development has now come back to the Planning  
88 Commission for preliminary plat approval. It will then go to the City Council for Preliminary approval.

89 Bruce Thorpe asked if there were any other exceptions and asked for confirmation on residential being  
90 allowed above and if there is a barrier/buffer still in place.

91 Shay Stark stated there are no other exceptions and there is a buffer area in place.

92 Wayne Jones asked if there were CUPS in place.

93 Shay Stark stated there is a list of allowed businesses in the code.

94 Wayne Jones stated that he did not think there was enough information to approve this yet. He is concerned  
95 about the entrances and service vehicles being able to maneuver in the development. He wants to see the  
96 density and look at how much this is going to affect the residents.

97 Jared Peterson stated this is a preliminary plat approval. Each individual site will come through for approval  
98 with the full plans. That is when the more extensive criteria comes through. This is conceptual, although there  
99 are things that are needed on the plans which are there.

100

101 Jared Peterson stated this calls for an action today. This is a preliminary plat approval. The Planning  
102 Commission needs to look at this from a zoning /code perspective. The Commission can motion to approve it  
103 or not approve. The commission can also take this time to have questions answered.

104

105 David Clark asked if there were any laws concerning businesses that are permitted near an assisted  
106 living facility.

107 Shay Stark stated he is not an attorney but that there might be since seniors are a protected class.

108 Those types of businesses are already not allowed in Elk Ridge per the city code.

109 Wayne Jones stated that he just needs to look at the plans closer and have some things answered  
110 before he can approve this. He is concerned about signage and noise.

111 David Clark asked that those things are asked during the final phase.

112 Shay Stark stated that right now the Planning Commission is vesting the right for this development to be  
113 constructed. It is better to deal with those issues up front. Are there any statements made by the public  
114 that deal with land use concerns? The Planning Commission deals with land use. City Council can look  
115 at some of the other concerns. The city Council purview is health, safety and welfare of the community  
116 where as the Planning Commission's authority is land use side.

117 David Clark stated there are a lot of comments made by the public. The Planning Commission is making  
118 a recommendation to the City Council. The City Council ultimately makes the decisions. He feels that the

119 residents bring their arguments and their strength and energy to the wrong fight. He recommended  
 120 strongly that the residents go to the City Council: they are the ones who make the laws.  
 121 Shay Stark stated that the public hearings take place in Planning Commission but that they should also  
 122 take advantage of the public forum to make comment, write letters and ask that they be presented in  
 123 Council.

124 Jared Peterson stated that he became a member of the Planning Commission because he wanted to  
 125 become more involved in the community. He is a huge property rights advocate. There are regulations  
 126 and laws so that people can live civilly with each other. He is in favor of that when it goes through the  
 127 right process. If a piece of land is zoned commercial he is not going to trample on that owner's rights just  
 128 as he wouldn't want his rights to trampled on. There are some things that could be tweaked but those  
 129 discussions will take place at the individual phase approvals.

130 Discussion ensued whether the Planning Commission moves forward with recommendations or to have  
 131 the concerns answered first.

132  
 133 **WAYNE JONES MOTIONED TO APPROVE THE PRELIMINARY PLAT FOR HASKELL**  
 134 **COMMERCIAL DEVELOPMENT WITH THE FOLLOWING RECOMMENDATIONS:**

- 136 1. TRAFFIC ISSUES AND FLOW ON ELK RIDGE DR.
- 137 2. PARKING CONCERNS
- 138 3. INGRESS AND EGRESS PROPERLY
- 139 4. SIZE OF PARKING STALLS
- 140 5. PUBLIC SAFETY, EMERGENCY VEHICLES
- 141 6. PROJECTED CALLS FOR SERVICES
- 142 7. LIFE SAFETY CONCERNS
- 143 8. LIGHTING
- 144 9. DENSITY IMPACT
- 145 10. CUP
- 146 11. HOW IS THIS PROJECT GOING TO IMPACT THE COMMUNITY?

147  
 148 **JARED BARTON SECONDED**

149  
 150 **VOTE: APPROVED - YES - ALL (5), NO -NONE (0) ABSTAIN (1)**  
 151 **ABSENT Shawn Ram**

152  
 153 **2. GENERAL PLAN**

154  
 155 Shay Stark stated that the trails map was updated. This map shows the full trail system, parks and open  
 156 space which was discussed previously. Discussion ensued on a trail from Canyon View down to Loafer  
 157 Canyon. The road which has been used through the years by residents is on private property.  
 158 Discussion ensued on the forest land at the south end of the city and how it could be accessed. There  
 159 is a trail in place on the map that gives the city justification to have developers include the trail in their  
 160 development.

161  
 162 **CITY COUNCIL UPDATE**

163 No city council update

164  
 165 **OTHER BUSINESS**

166 No other business

167 **BRUCE THORPE MOTIONED TO ADJOURN THE MEETING JARED BARTON SECONDED. APPROVED**

168  
 169 **MEETING WAS ADJOURN AT 8:59 pm**

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 171  
 172  
 173

*Laura Oliver*  
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 Planning Commission Coordinator