

Francis City Planning Commission Meeting

Thursday, August 18th, 2022, 7:00 p.m.

2319 So. Spring Hollow Rd., Francis, Utah 84036

1. Call Meeting to Order---Chairman Henneuse welcomed everyone to the meeting.

2. Public Hearing---Short Term Rental Conditional Use Permit/Doug Sobieski---Chair Henneuse turned the time over to Planner Henneuse. Planner Henneuse reminded everyone to grab a Frontier Days Flyer while signing in. She also introduced the new City Treasurer Antini Henderson. She then explained that Dave Sobieski is a resident of 557 Aspen Road, he has applied for a short-term rental permit. She explained that Dave wanted to rent out his basement for less than thirty days, which is a vacation rental, which requires a conditional use permit. Dave has submitted a description of what he wanted to do and a copy of his parking plans with his application.

Planner Henneuse explained that the State Legislature began regulating short term rentals in 2021 and that Cities had to allow it. She reviewed the Ordinance being presented tonight and City Code 18 115.220. She then shared a map of the location of the property. Planner Henneuse explained that staff recommended that: 1. The Commission review and approve the conditional use permit or The Commission review and approve the conditional use permit and business license with reasonable conditions to mitigate any adverse effects this may have on the neighbors and surrounding community. Planner Henneuse does not recommend denying this conditional use permit, because there is no documented finding of facts or conclusion of law that reasonably anticipates detrimental effects the conditional use cannot be substantially mitigated. The City Attorney was consulted, and he agrees that the detrimental effects can be mitigated with conditions or codes and a guideline that we already have in place. Planner Henneuse stated that this is a public hearing item.

Chair Henneuse thanked Planner Henneuse and opened the meeting for public comment.

Brad Murdock informed the Planning Commission that he was against the proposal. He explained that is what happened in Pine Brook with Air B & B's and rentals and that is partially why he moved into Francis to get away from that.

Planner Henneuse explained that she had eleven letters from the following residents: Wyatt Smith, Elizabeth Smith, David Borowski, Jaclyn Payne, Heather Berry, Corey Dutton, Crystal Robinson, Kristin Price, Ashley, Deby Campbell, Vinh Truong and Tresa Clever. She read each one of the letters. The following are comments made from the letters. Please deny this request, if the City is allowing short term rentals, then he may rent his home out, vote against short term rentals, no rentals, against this rental, does not agree with rentals, loud noises coming from the property, don't allow, please don't allow, I don't agree with short term rentals, and we don't want to see short term rentals. These were the comments made in the letters.

Co-Chair Murphey felt that we should not allow it , the residents don't want this. Planner Henneuse explained that because of state law we cannot disallow this as the State Legislature regulates this and we are required to allow it. He doesn't agree with it.

Louise Brown spoke about traffic on Hallam Rd., she also said she could see this rental as a source of income for the City through room taxes and things like that.

Chair Henneuse said he felt that there was a lot of emotion and feeling in this subject. He explained that if codes aren't followed there are enforcement actions in place that could be taken. He also explained that he has talked with City Commissioners in Colorado, and they are facing the same issues. He feels that we can't stop Doug from doing this when there is no reason to, and state law requires that we allow it.

Commissioner Hunter motioned to approve the conditional use permit. Commissioner Perkins seconded the motion. Chair Henneuse, Commissioner Perkins, and Commissioner Hunter all voted in favor Commissioner Murphy voted against the conditional use permit. Motion passed 3 to 1.

3. Public Hearing ---Road Grade Text Code Amendment---Chair Henneuse turned the time over to Planner Henneuse. She shared her screen to show 17.25.150 General design standards. She recommends they review the code, make a decision, and then forward to City Council. She reviewed the code changes and why they were made.

The City Engineer weighed in and said he discussed the different grades and how common 8% was. Engineer Kettle explained what he had seen from his experiences and that he and Luke and had gone out and looked at things and discussed what grades they felt were appropriate and easy to maintain.

Co-Chair Murphey asked about guard rails and were they going to use them? He was told yes in some areas there would be guard rails.

This is a public hearing, and the Chair opened the meeting to public comment and there were no public comments.

Chair Henneuse stated that he heard them say 8% is fairly common and he was told yes.

Co-Chair Murphey asked if it would ever be more than 12% and he was told no.

Co-Chair Murphey motioned to accept the code text amendment as written. Chair Henneuse seconded the motion. All Commissioners present voted in favor; motion passed unanimously.

4. Town Center Site Plan/Russ Witt---Planner Henneuse stated that Russ Witt had submitted plans for the Francis Town Center. She explained where the property was located and that it would be in the City Center.

She reviewed the trash storage area and where it would be. (See attached map). Next up is the landscape plan. She presented a map for all to see. She explained that no plans should be approved until submitted to the Planning Commission. (See staff report). Landscaping is highly encouraged and what the City is looking for. She then reviewed the applicants landscape plan and what applied and what should be changed. Looking at the site plan again she explained what the code requirements were and that the lot was relatively flat.

Engineer Kettle explained how the water and sewer system would be taken care of and he asked about the irrigation ditch and how things would be done there.

Russ explained he has had a soil study done and it is not a swamp. The water they are seeing is from the irrigation ditch. He explained the City Council felt they should do the street parking and the reciprocal parking as well. They have been working with the irrigation company to pipe the ditch and he explained what was going on there.

There was some discussion on the parking and what the City Council had discussed. Russ explained what he thought had been decided on the parking and Planner Henneuse explained what had been changed and why it had been changed.

Engineer Kettle explained if you look at the corner and they have nice landscaping it will look better. Chair Henneuse said he would change some of the grasses in the landscaping. Co-Chair Murphey asked if they had looked at artificial grass and he was told no. There was some discussion and ideas thrown out about what type of grasses could be used in the landscaping.

Chairman Henneuse asked about the rooftops and the pitching. One picture is 43' 6" and the other 40'. City code is 40" and people get really worked up over the height. Russ explained his thoughts on the height and why the architecture had been done the way it had. Planner Henneuse again said the code on the height is 40'. Chair Henneuse explained that the architecture has been discussed several times and what the City Council is looking for and they don't feel they like what they have seen. Engineer Kettle agrees with Brian on this. This will set the precedence.

Russ explained he has dealt with building and parking lots a lot.

Commissioner Hunter asked if our building was going to be done and if that would be done before the parking. Planner Henneuse explained what had gone on in the past with the building they wanted to build. She explained that since then Suzanne has been a good budgeter and that we have the money now to cover things.

Russ explained that no one will want to run a business there if there is not parking spaces. Chair Henneuse explained with the soccer fields there then it would make good pedestrian access there.

Commissioner Hunter wanted to know if they were even going to consider the taller building.

The Commission discussed the landscaping plan with the applicant. The applicant agreed it was okay to table it. They will come back with a plan with more street trees and less grass.

Landscaping plan will be tabled as the Planning Commission approves the landscaping.

Commissioner Hunter motioned to approve the trash. Commissioner Perkins seconded the motion. All Commissioners present voted in favor; motion passed.

Co-Chair Murphey motioned to pass the reciprocal parking, parking, and the pass through. Commissioner Perkins seconded the motion. All Commissioners present voted in favor; motion passed.

Commissioner Hunter motioned to approve the architectural with them dropping the roof down to follow City code. Commissioner Murphy seconded the motion. All Commissioners present voted in favor; motion passed.

Commissioner Perkins motioned to approve parking with the stipulation of drawing in how all the parking will connect at a later date. Commissioner Hunter seconded the motion. All Commissioners present voted in favor; motion passed.

Russ asked about deed-restricting two units since he will be renting and not selling.

Planner Henneuse said there was not a deed restriction, but it needed to be moderate income for the two units.

5. Blind Rabbit Parking Structure/Barry Primos--- Planner Henneuse explained that Barry would like to do a covered parking on his property. Planner Henneuse explained that landscaping and fencing was never done as planned. She explained everything that had gone on with the property. (See attached Staff Report). Her recommendation is to review the plans and decide what is acceptable or not and adding a condition to the approval of all the landscaping being done on 32. She would like him to complete the landscaping before issuing a building permit as it is against city code currently and the landscaping should have been done four years ago.

Commissioner Murphy asked if they should wait to see what his landscaping plan is with his new architect. Planner Henneuse explained that she didn't feel that they needed to do that. No matter what he is in violation of the landscaping.

Commissioner Hunter motioned to approve the carport structure, but he must finish the landscape frontage first. He can't have a building permit until the landscaping is done. There was a brief discussion with the Commissioners. Commissioner Perkins seconded the motion. All Commissioner present voted in favor; motion passed.

6. Approval of Minutes from June 16th, 2022---Co-Chair Murphy motioned to approve the minutes of June 16th, 2022. Commissioner Perkins seconded the motion. All Commissioners present voted in favor; motion passed.

Planner Henneuse updated the Commission on all of the items that had been going on during City Council. She explained that we needed help for ticket takers and concession help for Frontier Days, so please sign up. She wanted to update them on an annexation that was presented. Born to Run minor subdivision was approved, and Stewart Ranches Phase 11 was approved. She explained they are working on the City park and there are some encroachment issues that her and Engineer Kettle are dealing with.

Commissioner Murphey wanted to know if there were compression tests done when people come in and try to fill up wet areas. Engineer Kettle explained that yes, they were required to do compression tests.

7. Adjourn---Commissioner Hunter made a motion to adjourn. Co-Chair Murphy seconded the motion. All Commissioners voted in favor, meeting adjourned.