

Francis City Planning Commission Meeting

Thursday, January 20th, 2022, 7:00 p.m.

*The Community Center will be the anchor location for this meeting.
You may view the meeting via zoom, but no public comment will be taken via zoom.
Comments may also be made by email to comments@francisutah.org.*

Francis City is inviting you to view the meeting by following the link below or by calling 1-346-248-7799.

Meeting ID: 821 7604 9755 Password: 730679 or

<https://us02web.zoom.us/j/82176049755?pwd=WksyRVZEEddyVJEbGdoVOtmUU9FQT09>

Commission: Chairman Brian Henneuse, Vice-Chair Robert Murphy, Commissioners Elizabeth Reeder, Terry Perkins, and Sam Hunter

Others Attending: Paul Watson, Louise and Steve Brown, Dave Robinson, Barry Richins, Martina Nelson, and Jack Walkenhorst.

1. Call Meeting to Order---Chairman Henneuse called the meeting to order. It is Thursday January 20th, 2022, and it is 7:02 p.m.... He then recognized and welcome Elizabeth Reeder as the new Planning Commission member that will fill Jan Brussel's seat.

2. Elect New Chair and Vice-Chair---Chairman Henneuse explained that they needed to appoint a new Chair and Vice-Chair. He explained that he couldn't elect or vote for himself which he wouldn't any way. He moved forward to elect a chair and asked for a motion.

Commissioner Hunter motioned to keep Brian Henneuse as the chair. Commissioner Perkins seconded the motion. Chair Henneuse asked for a vote. He asked Elizabeth for her vote. She asked that they walk her through how this all worked. Chair Henneuse explained it to her. Commissioner Reeder aye, Perkins's aye, Murphy aye, Hunter aye, and Chair Henneuse abstained from voting. Motion passed.

Chair Henneuse then asked for a motion for Vice-Chair.

Commissioner Hunter motioned to have Bob Murphy be the Vice-Chair. Commissioner Perkins seconded the motion. Commissioner Reeder, Perkins, Hunter, and Chair Henneuse all voted aye. Vice-Chair Murphy abstained. Motion passed.

Chairman Henneuse explained to the new Planning Commissioner how the meetings worked and what they did in the meetings. He explained how long the meetings lasted. In general they make recommendations and with very few exceptions they don't approve anything. He explained how to make a motion and to enumerate the stipulations of your motion then they will ask for a second. Vice-Chair can make a motion, but the Chairman can't make a motion.

Planner Henneuse explained that tonight we will be approving or not a Preliminary Master Plan.

Commissioner Murphy asked about tonight. He thought it was concept plan review. Planner Henneuse explained they had already done that. She explained how, and what had already been done. Commissioner Murphy did not feel the concept plan review had been done. Planner Henneuse explained that it was in conjunction with the annexation. The concept and annexation are done all at once.

Commissioner Murphy explained his thoughts on the process, and he didn't feel things were being done correctly with the process. He explained discussions he had about Hart Ranch and what he was told then. He just doesn't feel the procedure is being followed correctly.

Planner Henneuse explained that the Planning Commission is more of an administrative role. They need to make sure they follow the lists. There can be some additional conditions put on, but she doesn't feel that it sets it in stone.

Commissioner Murphy said if it's in a concept plan as they saw in the annexation, now they say to have townhomes there instead of house lots.

Planner Henneuse explained the obligations that were in the Annexation Agreement and part of that was setting the density. They are allowed to have a maximum of 150 lots, 102 single family and 48 townhomes and that's what the City Council said they could do.

Commissioner Murphy asked if it's done in the annexation then it's set. Planner Henneuse explained the numbers are set. She tried explaining again how it all worked. Commissioner Murphy said he is reading things one way here and, in his eyes, they are not doing things right. There was again explanation of how the procedures and steps worked.

Chairman Henneuse asked what else Commissioner Murphy wanted to bring up. He asked if his points had been brought up. He said yes in the annexation, but he didn't feel it had been in the concepts. They both discussed back and forth the process and then moved forward with the meeting.

3. Hidden Meadows Preliminary Master Plan / Rusty Webster---Planner Henneuse put a drawing up and she feels it shows the phases the best and the number of units in each phase. She then reviewed the staff report. On October 28th, 2021, the City Council approved an annexation known as Hidden Meadow Ranches. It was annexed into Francis as an AG-2 Conservation Subdivision. Over 80% of the land will be held as open space in the conservation easement. 150 total units are planned (102 single-family and 48 townhomes).

She reviewed the master plans considering City Code. The developer met the requirement for a conservation subdivision and a preliminary master plan with no outstanding items. No significant changes were made from the concept plan. The entire loop of road will be completed in Phase 1. The application demonstrates that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. The developer will be building the entire road and putting in the water and sewer in Phase 1, there is an ingress and egress, and she feels that is going to make the phasing work. She recommends approval of the preliminary master plan.

Chairman Henneuse thanked her for the report. He then asked Engineer Kettle to go through his report.

Engineer Kettle wanted to re-iterate that beside the water and sewer inside the subdivision they will need to bring the water and sewer from outside of the subdivision into the subdivision. They are showing a proposed tank and location, but that could change.

Paul Watson project engineer feels the staff has informed everyone about the project. So he is here to answer questions.

Commissioner Perkins asked since they are going to build out the first section and be driving their trucks through there is there any mitigation for wash out and keeping the dust down where people are living. He asked if they had thought about starting another area first.

Paul explained the problem is the secondary access and that is why they are building the whole thing in Phase 1. He would rather do things in phases, but it just doesn't work. He is happy to look at changing the phasing with staff.

Engineer Kettle asked Commissioner Perkins if he is concerned with the construction traffic. He was told yes in the actual development itself.

Paul asked that be put in the staff report for further review. He sees his point and it is worth exploring.

There was a brief discussion between Commissioners and Paul on different ideas and ways the phasing could be changed.

Chairman Henneuse asked Scott about the roads, so it is a bit concerning about how traffic goes. Scott said the majority of the traffic will come through Lambert Lane. There is concern the way the traffic goes as the roads are not in good shape.

Chairman Henneuse didn't want to beat a dead horse, but he did go back and look at the meeting notes from September and that in the report it does say it was a concept plan and an agreement. But if he feels there are recommendations, he wants to make he can make those comments.

Commissioner Murphy said Rusty is not here, but his thought is he wouldn't vote for this development. He doesn't feel the City is getting anything out of it and Rusty isn't bringing anything to the table.

Engineer Kettles explained that yes, they were. They are bringing \$8,000 per lot plus paying all of the impact fees.

Chairman Henneuse explained to Commissioner Murphy what the Council had discussed and how the Council wanted to handle things in regard to a well and water.

Commissioner Murphy is a numbers guy and feels developers should bring water to the table. Engineer Kettle again explained that we are getting that with annexation fees and impact fees.

Chairman Henneuse feels it's his rights to make those comments as part of the record, but as far as making the decision to do the annexation that ship has sailed.

Commissioner Murphy is just saying that he has talked with the County and developers should bring water to the table. Engineer Kettle said we are getting that.

Commissioner Perkins asked if the well was going to be big enough for the City to use or just that system.

Engineer Kettle said the plan is to run them off the existing system and the thought process behind it.

Commissioner Murphy said again that Rusty said you wouldn't be able to see the homes on the hillside, but if you look at the contour map there are homes above the meadow and then 32 for the roof line so you will see them. He explained his thoughts on it. He feels you will be able to see the homes.

Chairman Henneuse explained the County has a village overlay plan so he would say this is 100% perceivable to be a village overlay and then you would see them.

Engineer Kettle explained that one of the big points was to save the whole hillside from homes like Tuhaye.

Commissioner asked Planner Henneuse about a text he received, and he said he felt like that meant he just shouldn't say anything. Planner Henneuse explained that no that was not what it meant.

Chairman Henneuse said to clear the air multiple people have said that they feel Commissioner Murphy has a specific chip on your shoulder when it comes to Rusty. Commissioner Murphy asked who and he was told people in the office and people on the City Council.

Commissioner Murphy shared his thoughts. He then asked Paul about the trails. There was some discussion about the South Summit Trails foundation helping out with that. Paul said what was appropriate with staff would work.

Chairman Henneuse asked for a motion on the Preliminary Master Plan.

Steve Brown asked if he could speak, and he was told this was not a public hearing so there should not be any public comment. But, Chairman Henneuse allowed him to ask his questions.

Steve Brown said that they have referred to the bridge on Lambert Lane and he wants to know how they think the dump trucks can cross the bridge, the bridge will not hold that much weight. He wants to know what they are going to do about that.

Steve also said the road is only about one and a half vehicles wide, what are they going to do.

Chairman Henneuse explained his thoughts on that. Steve wanted to know about a traffic study being done and by whom.

Chairman Henneuse explained that a traffic study would have to be done and that he understood his concerns on the road. There was a brief discussion among Commissioners about the roads and things that could possibly be done.

Paul Watson explained they had already started the transportation study.

Louise Brown wanted to let the Commissioners know that they appreciate all of their hard work. They may not always agree with them, but they do appreciate all that they do.

There was some discussion on the agricultural easement and that there will still be cattle on that.

Chairman Henneuse asked if there was going to be a fence along the canal. Paul said that he would need to get with Rusty on that. He understands the concerns, but he doesn't know what type of fence it would be. Chairman Henneuse asked at what point the Commission would make conditions on the fence.

Chairman Henneuse asked if we had enough to make a motion. Commissioner Hunter said yes, we did.

Commission discussed how the motion should be worded.

Commissioner Hunter made a motion to approve the Preliminary Master Plan with the conditions that the developer supply a 3D rendering, in addition some type of concept for fencing bordering the canal and consider the construction of the phasing to maybe alleviate some of the problems with the existing

homes being built. Commissioner Perkins seconded the motion. Commissioners Reeder, Perkins, Henneuse, Hunter and Murphy all voted aye, motion passed.

4. Stewart Ranches Phase 3 Final Plat – Rex Campbell---Engineer Kettle explained that Rex Campbell was sick and couldn't make it.

Planner Henneuse reviewed the staff report with the commission. She explained that Stewart Ranches was granted Master Plan approval and Phase 1, 2, 3,4,5,6, and 7 final plat approvals by the City Council. Stewart Ranches is an AG-1 Conservation Subdivision to be built out in 11 Phases. The developer is currently requesting final approval for Phase 3 which has 23 townhome lots.

She explained that staff has reviewed the Phase 3 plat considering City Code. The developer met the final plat requirements for Phase 3 with one outstanding item. They need to finalize the address tables after addresses are obtained from Summit County.

Staff recommends positively approving the Phase 3 final plat.

Engineer Kettle explained that the water and sewer will be connected in Phase 1. Rocky Mountain Drive and Rocky View Drive will be a private road through the townhomes. He explained how the ingress and egress would work and that it would be a thorough fare during part of the project.

Commissioner Murphy asked if they had all the water shares, they needed, and he was told yes and that some of them had already been turned in.

Chairman Henneuse asked for any other comments or questions. There were none.

Commissioner Murphy motioned to forward this to City Council with a positive approval. Commissioner Hunter seconded the motion. Commissioners Reeder, Perkins, Henneuse, Hunter and Murphy all voted aye, motion passed.

5. Francis Cove Planned Development – Dave Robinson---Planner Henneuse reviewed her staff report (see attached report). She feels at this point it is really discretionary. She reviewed that Terri Richens and Dave Robinson have applied for the Planned Development Overlay Zone for parcels FT-13-E-2 and FT-16-1, located at 285 East and 2200 South, for a 2.67-acre development know as Francis Cove. A zone change to Residential Cottage zoning was previously approved. A subdivision application for this property was also submitted but has since expired.

City Code was amended in June to add the Planned Development Overlay. "The purpose of the PD Overlay is to encourage high-quality, innovative, and creative development in the City. It allows for flexibility in the consideration and approval of development plan, which serve public interests more fully than development permitted under conventional zoning regulations."

This item was discussed with the Planning Commission on November 18th, 2021, and was tabled. The developer has identified the points of concern from the last meeting and has addressed those below. (see staff report) He also updated the concept plan. As part of the planned development application, the developer has requested three variances: 1. Reduced frontage to 28 feet on an alley. 2. Reduced road width to a to 20-foot alley. 3. Reduced setbacks, 5 feet on side: front and rear may all need to be reduced based on non-traditional orientation of home.

Planner Henneuse wanted to know if Dave wanted to go through his points and she was told yes.

Chairman Henneuse asked Engineer Kettle if he had anything, and he said yes. He stated that they have to meet the international fire code and that they meet the South Summit Fire District Code. He reviewed what needed to be done with the water, sewer, roads, and storm drains. (see Horrocks staff report)

Dave asked Planner Henneuse to pull up his site plan. He explained that when they started looking at the Francis Development that had expired that was a permit that they had not submitted for, and he explained what the plan was.

Dave explained that a lot of people are not wanting to maintain a large lot. As he looks at Francis coming from larger lots to the City Center, they believe their plan makes sense. It's zoned residential, but it's on a busy street. When they go into a project, they try to divide all of the interactions with the shape of the parcel. He likes a number of things about this proposal. He doesn't feel like they have pushed the envelope.

Dave feels that what they have is setbacks of the homes are such that they recognize there is a busy street, and he explained their thought process on that. He feels they provide a five or six foot sidewalk. He then talked about the busy road and the sidewalks, and the sense of common safety goes out the door with on street parking. He feels that is good because then they have a buffer for the sidewalk. So again he feels they are providing a safety buffer for a walkable town and a walkable city, and he thinks they are starting that trend.

Then he explained why they did the roads the way they did. He feels it has an attractive façade. So they put the garages in the back. He feels they have a very functional open space. He feels again they have built in safety features. He explained everything they do for functionality.

Dave believes by doing this it makes things, so it is not a huge asphalt wide subdivision. Then there was discussion on the snow storage. Engineer Kettle asked Dave if he looked at the snow out there today. Dave explained that he feels the space is three times what the City has outside and feels that they have plenty of room.

Chairman Henneuse said you're assuming that all that snow melts straight down and doesn't go off your property. Dave said that is also interesting because part of their onsite perc's is they are following best management practices. He explained what he thought that was and how things worked with the neighboring properties in the past. Dave said for just a 20 foot alley they had a quarter of an acre.

Commissioner Perkins said yes 12,000 square feet in there.

Dave explained then you take these driveways and the sidewalks then you have all sorts of place to put your snow. But right now you have ten feet plus all of these larger areas. So then it was mentioned what about you're parking. If you look at the parking requirements, it's three. He explained everywhere he thought that they would have parking and he feels they have an obligation of 36 and they provided 86.

Engineer Kettle told Dave that we don't allow on street parking. Dave said that is fine and he understands that, and he explained what he thought they were providing in the real world. He feels they have exceeded that.

The questions was asked what if I have a big truck I can't turn around in there. Chairman Henneuse said he had a half ton truck and Dave asked why? Chairman Henneuse said his truck is still one of the smaller trucks and it is 20, 21 feet.

Commissioner Hunter asked how deep the garages were because it doesn't show any of that. Dave said 22 feet. Commissioner Hunter explained that his truck would not fit in that garage, and you are building things that won't accommodate everyone. Dave said are you going to live here, and Commissioner Hunter said I do, and I need to watch out for everyone.

Dave said this is where this Planning Commission needs to get very real about things. He explained what he thought. But as a Planning Commission member to say I looked at it and it won't fit my truck.

Chairman Henneuse said for a perspective of judgement we have to separate things into two buckets. We have to separate you have a half ton truck vs why don't you drive this. But there are things that are just up to the person that buys that house at the end of the day. However, when you say you only have 20 feet between the garage and the road that is just not feasible or realistic. Dave said you are wrong, and he continued to explain why he is right.

Chairman Henneuse shared a story from when he was an auditor and what he doesn't want to do from a planning perspective is he doesn't want to say if you have an F350 and you park sideways it will still fit in there. He feels that from a planning perspective there is a bigger picture perspective. I'm not going to try and cram as much as I can in there. He feels that when Dave discusses things and says he is doing the minimum, understand that is just a minimum and that we don't have to stay at that, and he doesn't feel comfortable saying that is the minimum so that is all that I am going to do.

Dave said this is where he believes this is wrong. When you are looking at a number of these issues when it is proposed a fire code at 20 feet, you are wrong. When you get over that 24, 26 feet you start to get side parking. So Sam when you start snarking at me on a garage issue when you have clearly not read and understand that this is... Sam said, "first of all you have no idea of what I'm thinking or what I do or do not know." Dave kept going at Sam and said what I am saying is this. This development is brought to them as a semi-custom development so if Sam had read his staff report he would have found these are semi-custom homes so what they do is time after time they pre market these and bring customers in and build what they want. Right now when your plan for your City says what it says you have zero workforce housing.

Chairman Henneuse asked him what he was talking about, and Dave explained what he meant. Dave said they bring in to you folks a development saying this checks off the boxes. Dave then went at Sam again on the truck issue. Dave explained everything he thought he could do in the space provided. Dave again went at Sam. Chairman Henneuse tried and tried to get Dave under control. He explained the whole point of this meeting is our body makes recommendations and tries to produce an agreement. He doesn't see this going towards any type of agreement it's not productive. Dave feels it is a productive conversation and again Chairman Henneuse had to try and get Dave under control. Chairman Henneuse stated "that arguing about this is not productive conversation end of story." You got into an argument last time with the individual who is now the Mayor of the City. I want you to understand that your attitude is not a productive one if you want constructive feedback, if you want confrontation, I will give it to you. "But I am telling you what you are doing is not productive." Do you understand me?

Dave asked him if wanted him to answer that. Chairman Henneuse said do you understand me? Dave said he wanted to state something. When I come into this town and when I have what is now your Mayor telling me he wants to keep out nurses and firefighters from Park City, Chairman Henneuse told him to hold on, did he actually say that and Dave said yes, Chairman Henneuse said he would dispute that. Dave said this is what is going to happen. If you feel what he is saying is confrontational he disagrees with that and the reason being is, you folks keep going down these arbitrary paths that is going to put this city in legal straights. It is going to be exceedingly difficult. I comply with statute State, Federal

everything with my developments so when I have someone from the Planning Commission tell me I can't get my truck in there and I say yes you can.

Chairman Henneuse again said we are not setting the rules here we are having conversation that will lead to a presentation that goes before the City Council who will make a decision. We are just here with you trying to have a conversation with you bringing up points you are going to hear in another month when you go before the City Council. If you want us to sit here and say Dave that's a great idea and then they go and say no they hate this. Dave said no actually the reason I am willing to stand right here and have these conversations isn't because I need to make money on these developments it's not that I need to be here. I have brought to different communities desperately needed projects. He then listed all of the awards that he has won. Then stated I am standing here saying we follow best management practices we follow pedestrian safety; we exceed the standards. He is not trying to stand here and make people feel uncomfortable, what he is saying is it comes down to have we minimized hard surfaces yes, have we separated pedestrian and vehicular traffic yes have we designed a development on a very busy road and protected our citizens yes have we in a City that has no storm water structure, have we shown that we can maintain it on site, are we bringing product to this town that is not offered anywhere else, am I complying with the cottage ordinance and the planned development ordinance and the spirit of both of those yes. I am not coming in here and telling you this is what we have to do and then explained why he felt that way. He feels they have smart planning, and he thinks they deliver.

Chairman Henneuse stated to Dave that no one in this body is questioning his integrity or that he has won awards or anything. Back to his point and it is a pragmatic point. They are going to make a recommendation either way. You can still choose to go to the City Council if you want them to give you a recommendation to say you did a really great job and they like it, that's fine, but if they know that is not going to fly with the City Council he is coming up at a loss as to what to tell him. He wants to know if Dave wants them to tell him what he knows are what he wants to hear.

Dave said this isn't about him, Chairman Henneuse said you are making it that way. Dave said this is about this City this is not about Dave Robinson. Chairman Henneuse feels Dave misinterpreted what he was saying, fine it's your project. I will tell you right off you are still going to run into the same issues with the City Council that you saw in the previous meeting with us. You're still going to get complaints.

Dave said so if that's the case do you just want to send it on. Just so you understand there are developments that do take five or six years to get approved. We will meet the standards we will continue to come back we will continue to engage if he has to move one inch to do an applications, he will pay \$100,000 in fees. Chairman Henneuse feels like that is an exercise in futility and he doesn't see that he has changed much in this plan.

Dave asked to push it to a vote.

Commissioner Perkins asked to say one thing. He still can't get past the 20 feet, and he explained his thoughts. Dave asked if they needed to have the fire Marshall come give them training. He was told we have a City Code that says what we follow. Planner Henneuse read what it said in City Code, so keep those two things in mind. She explained they are not comfortable with the variance being asked for.

Chairman Henneuse said it sounded like we had enough for a motion.

Commissioner Hunter asked if they had to approve it and push it forward. He was told no he could make a motion to table, he could motion to not recommend, or to recommend. He said that he read the report and you made statements that you want to follow the good practice of the storm water, but you haven't gotten a perc test yet. Engineer Kettle explained that would all come. If the storm water is the issue that

will come you just need to put in there that he has enough storage etc. that can be part of the construction plan. The road doesn't meet the standards that he has talked with the Fire Marshall about. The snow storage this year if we have another few storms, he is hauling stuff off. He will have to deal with the water running off to the neighbors he doesn't feel just having gravel will work. Chairman Henneuse wanted to put the icing on top of all this and go back this would be considered a planned development overlay and the original wording is and he read the exact wording on what would need to be met. But what they are looking at is the public generally served better by making exceptions to what we currently consider our general plan process or requirements.

Chairman Henneuse again said we can recommend, deny, or table.

Commissioner Hunter said right now I don't want to recommend moving forward. He doesn't agree with the variances in the setbacks at all. He would like some of these issues addressed before it moves on.

Engineer Kettle explained that right now do you want to allow these variances. So that is what they are looking at.

Commissioner Hunter said he has heartburn with those variances. Commissioner Perkins reviewed the three variance items.

Planner Henneuse explained her thoughts on all of this.

Commissioners discussed their thoughts on all of this.

Commissioner Murphy said he can make a motion, but his concern is the living space over the garage. So he motioned that they forward to the City Council with a negative recommendation specifically to make sure there is not living space over any of the garages and throw it at the City Council and then he can go and plead his case.

Councilmember Perkins said so you are going to give them a variance on everything else. He was told it goes to with a negative recommendation. Planner Henneuse explained that went against state law and they can't do that. We have to allow an ADU if it's part of the main structure we can't do that.

Commissioner Perkins again stated he doesn't like the road widths. Dave started explaining his thoughts on all of this again. There was another lengthy discussion.

Commissioner Murphy motioned that they pass this along to City Council with a negative recommendation and then let him state his case to City Council. Commissioner Perkins asked don't you want to have a reason as to why we referred this as a negative motion. He responded the bullet points, the frontage, the road width, and the setbacks. Chairman Henneuse informed Commissioners that every time you vote you are allowed to make comments. He explained that if Commissioner Perkins wanted to articulate his concerns, he could do that. Commissioner Hunter seconded the motion. Commissioner Reeder is an aye for the negative, Commissioner Perkins is an aye for the negative and he really would like to address the size of the road and the setbacks, Commissioner Henneuse is also of a negative recommendation. He feels like there was a long drawn out conversation on this and he still doesn't feel like they have gone far enough on this to get it past City Council, Commissioner Hunter is an aye for the negative and Commissioner Murphy was an aye. Motion unanimously failed to pass,

Chairman Henneuse explained that they didn't have minutes for the last two meetings. He then asked Planner Henneuse to give them an update.

6. Planner Update---Planner Henneuse explained Jan has asked her to update the General Plan. So she is asking the Commissioners to start thinking about that. She also explained that we will have our open meetings act training in February. She explained what the dates were and that she would get back with them and give them a couple of options.

She stated that she is going to do a code text amendment next month and she is looking at the decks code. She explained the issues that she has run into, and we need to resolve that issue. She explained some of the options that they can look at.

Chairman Henneuse said based on the conversation they just had with Dave Robinson he thinks 20 feet is the minimum he would ever want to go to, and he explained why. There was a brief discussion on the setback and how they should amend the code.

Some other things next months are Francis Commons with a Final Plat Approval for Phase 1, possibly Russ Witt who purchased the property on the corner by the City building, and then Wes Harwood's project may be on the agenda.

7. Adjourn--- *Commissioner Hunter motioned to adjourn. Commissioner Perkins seconded. All voted in favor, meeting adjourned*