

Francis City Planning Commission Meeting

Thursday, May 17, 2018 at 7:00PM

2319 South Spring Hollow Road

Francis, UT 84036

Present: Chair Casey Vorwaller, Co-Chair Trent Handsaker, Commissioner Amy Mortell, Commissioner Morgan Cox, Planner Marcy Burrell, Engineer Scott Kettle, Planning Secretary Susan Moses

Excused: Commissioner Lisa Khajavi

Other Present: Renee Atkinson, Steve Fitzgerald, Gab Morin, Loraine Flygare, Jane Wilford, John Keyes, Clifta Keyes, Paul Watson, Dave Wilson, Steve Zabriskie, Jessica Thompson, Karen Smith, Scott Loomis, Steve Lament, Jeff McNeil, Shane Herzog, Gene Atkinson, Vicki Hanks, Tina Early, Betsy Leavitt, Bill Leavitt, Greg Griffin, Michael Demkowicz, Britney Jonaitis, Devan Earl, Scott Welling and others who did not sign the roll

Call meeting to order

Chair Vorwaller called meeting to order at 7:05

Chair Vorwaller stated we have a lot of people here and so we ask when you get up for Public Comment please sign in at the podium and stated your name. Comments are limited to 2 minutes per person per issue. He asked everyone to please sign the roll in the back as well.

**Public Hearing: Francis Cove re-submission of Minor Subdivision.
Preliminary and Final application.**

Planner Burrell read staff report

Engineer Kettle read the Engineer report

Michael Demkowicz with Alliance Engineering stated they have gained conditional access permit from UDOT, we have to apply for an extension. We have to get the encroachment permit in a timely manner as well.

Opened to Public

Gene Atkinson commented he would like to address the issue of Public Hearings, it has turned into a farce, it's a joke. It used to be in our old code that we were to be notified 14 days ahead of time and when that notice was filed it would also state that a more detailed information would be available to the public to pick up at the City office, that has disappeared.

John Keyes stated he lives next to this project. He asked the property owners to get rid of their dandy lions before they spread to his lawn. Keyes asked if their water would go in the drainage that runs down along the road. Scott Kettle answered the storm drain from the subdivision will be collected and retained on the subdivision side. The water that runs along the highway will stay the same, any new storm drainage created by the subdivision will be retained on site. John Keyes stated any water that goes into the curb and gutter ends up in Mark Mitchells field.

Vicki Hanks asked if there has been a current survey, it is her understanding that the property encroaches on John Keyes property. Hanks expressed concern about snow removal. Engineer Kettle explained and showed on the map where the snow would be pushed and explained it would remain in the subdivision.

Chair Vorwaller asked before we do final do they need the water turned in and UDOT approval. Engineer Kettle stated they will need to have UDOT information before they go to City Council, the water shares are turned in before we record the plat.

Commissioner Handsaker motioned to forward on to the City Council for approval pending the additional information outlined in the Horrocks Engineer letter. Commissioner Mortell seconded the motion. All voted in favor. Passed unanimously.

Public Hearing: Frontier Cottage Subdivision, Preliminary application.

Planner Burrell read staff report

Engineer Kettle read Engineers report

Chair Vorwaller asked if they are only paving the road to the back of their property, the rest will be paved when development happens. Engineer Kettle answered correct.

Commissioner Handsaker asked how much water they need to turn in. Engineer Kettle answered we will have to evaluate that because these are smaller lots and the 1-acre foot is based on half acre lots, we will have that for final approval.

Chair Vorwaller asked about the second UDOT access for the second business. Engineer Kettle explained they are working with UDOT to gain a second access, but the classification of this highway is different than SR 35, so the accesses can be every 500 feet.

Commissioner Cox commented as far as the sewer goes I know lift stations are not popular, have you talked to the developer about doing a pressure sewer system. Engineer Kettle answered that is something we will look at, but with the potential of that getting sewer back to the school property, it would be more beneficial to the residents to be able to have gravity in the future so if that property ever develops and they can get off the lift station, then the homeowners would not have low pressure pumps. Cox asked until that time would the City be responsible for that. Kettle answered we could work with the developer that we have some kind of agreement that the homeowners have to pay for the maintenance.

Greg Griffin explained there is an existing access onto SR 32, with the reclassification of the road is to keep the existing access and it is not our plan to access the commercial lots through the subdivision, we are anticipating a driveway at the back of the commercial lot before it goes into the residential, want to keep it separate. The reasons for the road change is better layout and better access for emergency vehicles, trash pick-up and school busses, and the main reason it gets rid of the hair pin curve, which makes the school district happy. Griffin stated the average lot size is 89,000 square feet, one lot is 70,000 square feet.

Chair Vorwaller asked what are you doing to separate the residential from the commercial. Greg Griffin stated some type of a fence, both commercial properties

are under contract and we are working together. We are working with both neighbors on either side of the cemetery.

Chair Vorwaller asked if they had spoken to UDOT about the existing access on the smaller commercial lot and are they keeping that access. Paul Watson, project Engineer explained they had talked with UDOT and that goes back to the roadway classification, right now historically there is an access point, once we record the subdivision we will try and change the use a little bit, if we are successful with UDOT in changing the road classification, it will benefit the entire commercial corridor access. If we can't get that from UDOT we will keep that access point in the back. The intent is to keep it off HR 32.

Scott Kettle stated we have been working with UDOT to help get commercial here, right now with the 500-foot spacing it limits what can happen, they are willing to work with us on a case by case bases, they do not want to go in and reclassify the whole road right now. At one time we were talking about reclassifying from the 4-way stop to almost Kamas.

Paul Watson stated that is an application the City has to be a part of.

Greg Griffin stated through the wetland they have plenty of room for snow removal. The wetlands delineation should go right back through, they require a certain amount of spring vegetation height and we are just there now. It should be through before final.

Opened to Public

Britney Jonaitis stated she lives across the street and has some concerns about the vertical of the property, what is the parking, what is the intended commercial use, what type of lighting and signage. Greg Griffin answered we don't know exactly what the applicant has planned, they will have to be fully compliant with the City Codes. Griffin stated they don't anticipate three story houses, it will be what the code allows, we are not the builder we are the land developer.

Planner Burrell stated there are height restrictions, for residential it is a maximum of 32 feet and for commercial it is a maximum of 40 feet, the current applicants are not looking at doing anything two story. Anything that goes into commercial has to go through commercial application and will be brought back to Planning

Commission and City Council for review of parking, lighting, signage, and the aesthetics on the outside.

Chair Vorwaller stated all of those issues are in the code and they will have to come in for approval.

John Keyes asked if they will have sidewalks and curb and gutter. Asked what are you going to do with the drainage? Engineer Kettle answered the road profile that is planned is the same as in River Bluffs, asphalt with the 6-foot walkway on one side and the developer has to maintain storm drainage on their side.

John Keyes asked about the irrigation ditch. Engineer Kettle responded they will have to work with the ditch company.

Public Hearing Closed

Commissioner Cox motioned to move forward to the City Council for preliminary, pending they meet the requirements from Horrocks Engineers, also at final have delineation plan of separation of residential and commercial. Commissioner Handsaker seconded the motion. Motioned passed unanimously.

Public Hearing: Cloverleaf Ranch CUP

Planner Burrell read staff report and letter from applicant Steve Fitzgerald.

Engineer Kettle read Engineering Report.

Chair Vorwaller asked what is in the code for hours of operation. Planner Burrell will get that information.

Chair Vorwaller asked if the material being brought in for reclamation is not going to be sold out as materials. Engineer Kettle answered they are hauling that in to level it up, they are not allowed to sell it.

Commissioner Cox asked how many truck trips and how long will it take to bring the floor of the pit to the level they want.

Planning Commission had a short discussion about trucks on lower river road.

Steve Fitzgerald stated last year bring in full dirt to the pit, the average truck trips a day was 3.5. Some days more and some days no trips.

Steve Fitzgerald stated we have been paying taxes on that ground as commercial ground since it started as a gravel pit. We feel we have a right to use it that way. Fitzgerald commented he knows the big issue is trucks, but feels it is designed to get trucks in and out. He does not feel there is that much material to make any difference to anybody, not going to build a subdivision, just small loads for driveways.

Chair Vorwaller asked how high are you bringing the floor of the pit. Steve Fitzgerald answered up a ways, it is an uneven slop down and we will bring it up so we have a slope here and a slope here. Vorwaller responded a shelf.

Steve Fitzgerald stated they are willing to work with the town. Fitzgerald would like to look at the fees before they comment on anything.

Steve Fitzgerald stated they are getting some topsoil and they would like to screen it. Chair Vorwaller asked if it was the top soil they were bringing in or existing. Fitzgerald responded what they are bringing in, he explained they want to take the stuff they screen off and put it on the slopes. Chair Vorwaller asked Planner Burrell if that presented any problems of how our code is written. Planner Burrell responded not that I am aware of.

Commissioner Cox asked are they screening topsoil just for revegetation. Chair Vorwaller answered some of the topsoil that gets brought in they are planning on screening and selling. Commissioner Cox asked if that was part of the Conditional Use Permit. Chair Vorwaller read from the Horrocks Engineers letter “The property owner is currently accepting fill material. The fill material is being used to level the floor of the pit. They are also planning on screening topsoil from the imported material to sell and use as cover for the slopes as they raise the floor of the pit”

Chair Vorwaller asked about their hours of operation. Steve Fitzgerald explained Mike starts his work at 7am and sometimes they get done late and trucks come in, but they have no intentions of taking fill or selling anything after 6 pm. Fitzgerald stated if you want to make changes to the hours, he is good with that.

Planner Burrell stated as far as she can remember the hours of operation are 7am – 7pm, but she will look in the code to verify. Chair Vorwaller asked if the

Conditional Use Permit affect the contractor storage yard, will that still remain. Engineer Kettle answered that has nothing to do with the Conditional Use Permit to get rid of the material. Vorwaller asked if it was a Conditional Use Permit for the storage yard. Kettle answered that is a permitted use. Vorwaller asked if that permitted use would remain. Kettle answered yes.

Scott Welling stated he was representing Clover Leaf Ranch, he summarized this is a pit that Mr. Fitzgerald is trying to clean up and restore it aesthetically as well as useful in the future. That will require some imported material to bring those benches up to where they need to be. There is a plan as to how high each progressive stage or step is going to be, when those levels are reached there will be no more need for import. The issue of exporting the sand, it may not have the highest mark in value because of the granulation and the type that it is, so it will take a while to export it out of the pit.

Devan Earl Engineer for Cloverleaf Ranch showed pictures of the pit and stockpiles of sand. Earl stated by selling those stockpiles of sand it will help recoup the cost, so he can make the pit look pleasing again, we have it designed to go down to 20 percent slopes to flatten out to a 2 percent slope bench, it will provide a flat area that will be better vegetated. It will take time and there will be truck traffic.

Opened to Public

Lorraine Flygare stated she is a neighbor and they come out by her property. The trucks coming in and out doesn't bother her, the concern she has is the kids walking up the road and trucks coming up the road. Flygare suggested the trucks slow down.

Chair Vorwaller asked what the speed limit was on Spring Hollow Road.
Response was 15 mph.

Renee Atkinson stated she is opposed to this pit. That pit was put in there and it made lots of money. Atkinson stated this pit should have been reclaimed in 2009. Atkinson stated she had every letter, everything that was ever written on that pit.

Jane Wilford commented she lives across the street from the gravel pit. She is concerned for the safety on that road, it is narrow, and two cars can't pass safely

on that road as it is and now you are adding large trucks. Wilford stated we dealt with trucks when the gravel pit was open, the reclamation project was supposed to take place and that was supposed to be closed out and here we are still dealing with this. Biggest concern is the traffic. Would like to see an end, we need a time when this is closed.

John Keyes asked do you think there is a possibility a business will move down there. He suggested the Planning Commission goes and looks at the pit.

Jessie Thompson, she lives on Spring Hollow Road. Thompson asked how long this will take, will there be a time limit on this C.U.P. She is concerned about the traffic on Spring Hollow Road and concerned because the City Park is on this road and there are kids. She suggested the trucks use Lower River Road. She is concerned because trucks are going faster than 15 miles per hour and there is no one to enforce it. Does not like that trucks are idling in front of her house.

Loraine Flygare commented not all of the trucks on the road are coming from Steve Fitzgerald, there are trucks coming from the other gravel pit.

Chair Vorwaller responded to Jessie Thompson that we can request additional patrol from the Summit County Sheriff.

Summit County Police Officer Jeff stated they have a dedicated three-man traffic unit that only deals with community complaints about traffic, if you see a problem call it in.

Jessie Thompson asked how long the Conditional Use Permit is good for. Chair Vorwaller responded that is a question we asked the City Attorney and we legally cannot set a limit to how long they can do this. What we can do is review periods, when we can review to make sure all things that are set forth in the Conditional Use Permit are being complied to, if there is not compliance they are in breach of their C.U.P. and then we can take action upon that. That is also a yearly thing, their Business License has to be renewed annually and if they are in breach of their C.U.P. we can revoke their license.

Commissioner Mortell asked if we could work out a time line of when the reviews will occur. Chair Vorwaller answered yes.

Betsy Leavitt stated she was born and raised in Francis and Steve Fitzgerald is her dad. Leavitt stated traffic has increased in front of her dad's house over the past ten years, so when we take about traffic, it is here, the growth is here, and it is not going to change. When we talk about trucks the trucks go in and out of the Staker pit on Spring Hollow Road. Leavitt stated Steve cannot control if someone is speeding, if they are speeding give them a ticket. Leavitt stated they are trying to better their property.

Tina Early stated she lives on Spring Hollow Road and has lived here for 18 years. Early stated that Ordinance 53 Traffic on South Spring Hollow Road section 3 states no commercial hauling may occur on said road between of 6 p.m. and 7 a.m. Planner Burrell stated that Ordinance was repealed.

Tina Early stated her concern is the traffic. Early commented she was under the impression that only one gravel pit was to be open and operating at a time. Early stated she has not seen trucks from the Staker pit going to the pit on Spring Hollow Road only coming out of the pit on Spring Hollow Road. Early stated there have been days when 50 to 60 trucks go by her home in both directions all day. She cannot have her windows open because of the dirt from the trucks. Unable to enjoy being in her yard or house because of the noise from the trucks.

Stanley Ricks stated he lives in Francis and the growth is exploding, there is traffic everywhere, there are trucks everywhere and we cannot stop it. He is a truck driver. If Steve Fitzgerald sales his property to industry they you have delivery trucks, you have cars. As a truck diver we do 15 miles an hour down this road, our trucks are safe, we don't want to hurt anybody, we don't want to run your kids over, we are safe drivers, you should be more worried about a teenager with a cell phone than a dump truck.

Chair Vorwaller asked if the trucks come in on Lower River Road and exit on Spring Hollow Road. Stanley Ricks answered we haul in on Spring Hollow Road because there is a 20-ton weight limit on Lower River Road. Their trucks with a pup weight about 85,000 pounds.

Chair Vorwaller asked if at the top of the hill is it difficult for trucks to pass one another. Rick Stanley answered no. Stanley stated he and Cal can go past each other just fine.

Renee Atkinson stated her husband drove trucks for 75 years and they know what they are taking about.

Mike Leavitt stated he lives in the valley. Leavitt commented what Steve Fitzgerald is selling is not something everybody wants constantly. If it was it would be gone when they crushed it, it is something people want here and there. There will be more hauling in than out. Development is going to increase the traffic. Leavitt commented if school buses and garbage trucks can pass, so can dump trucks they are no bigger.

Gabriel Morin lives on Spring Hollow Road, his two boys play in the front yard and the back yard and they love to watch the trucks go by. Morin stated he has seen close calls and heard Jake-brakes in both directions. In the last month he has seen 50 to 100 trucks a day not 3.5. Morin stated he counted 8 trucks in one hour starting at 7a.m. At some point that pit is going to be full and there should be some sort of consideration to what that limit is. If he is selling stock pile so be it, but if he is screening and selling that is an open pit. Morin stated he has seen an increase in truck traffic, noise and dust.

Gene Atkinson commented this community need some help, the traffic is getting bad.

Commissioner Cox responded we cannot control the action of everyone.

Gene Atkinson suggested we put a sign up at the Dugway saying no left-hand turn onto Hill top road.

Steve Zabriskie stated he runs the gravel pit and safety is the first issue. Zabriskie stated that he has to submit a yearly report showing truck loads per day, and they pay a \$50,000 fee yearly. Zabriskie stated he has a hard time seeing the difference between what they are doing at the gravel pit and what Steve Fitzgerald wants to do. Zabriskie asked the Planning Commission to be fair.

Vicky Hanks asked the Planning Commission to consider the quality of life for the residence of Francis, and what our future is going to be and what do we want. We are talking about having a wonderful Town Center, are all these trucks going to be coming thru our Town Center? People are living with this, this is their homes, they have invested a lot of money and they don't have a lot of choices, would you want to be living in those conditions.

Dave Wilson works for Staker & Parson. Wilson commented Fitzgerald's pit has 68,310 tons of sand on the property and they are going to be selling it, we need to be fair to anybody who is in the same business. Wilson asked how many tons of incoming needs to come in to match these design elevations? Wilson stated hours of operations needs to be consistent and fair. Wilson stated they are not allowed to come in on Spring Hollow Road.

Commissioner Handsaker asked what the hours of operations were for the gravel pit. Steve Zabriskie answered he thought it was 7 a.m. to 6 p.m. but it could be 7 a.m. to 7 p.m. does not remember. Planner Burrell will find out.

Steve Zabriskie stated in their Conditional Use Permit they are not allowed to sell topsoil, it must be stockpiled for reclamation of the slopes and floor of the pit.

Steve Zabriskie stated they cannot crush on Saturdays, but they can haul out on Saturday.

Shane Herzog lives on Spring Hollow Road, he is concerned about the traffic, and trucks stopping in front of their homes. Herzog asked if there was something we could do to stop the trucks from disturbing the neighborhood so much.

Devan Earl stated one thing the Conditional Use Permit does not cover is what is already allowable under land use and they can import material; this permit is about getting rid of sand. Earl stated Steve Fitzgerald has logs from all the trucks that have come in and out his property, that is where the 3.5 truck trip average over the year comes from. Earl stated the volume of the stockpiles give or take how many trucks and how full they are and if they are pulling a pup

Commissioner Handsaker asked if you have done calculations on the finished slopes right. Devan Earl answered yes. Handsaker asked if they had an estimated

yardage of what is needed to accomplish that. Earl stated they were not asked to produce that, but he can.

Public Hearing Closed

Commissioner Cox suggested not overloading so all trucks can enter on Lower River and then exit onto Spring Hollow Road.

Chair Vorwaller asked if we currently have something for the other C.U.P. that is enter off Lower River Road and exit on Spring Hollow Road? Engineer Kettle answered the existing use for Steve Fitzgerald's contractor's storage yard does not require a C.U.P., it is an allowed use and they can enter and exit off Spring Hollow Road. The gravel pit C.U.P. requires they enter off Lower River Road and they exit on Spring Hollow Road. When Steve Fitzgerald's property was a gravel pit their C.U.P. required them to enter off Lower River Road and then exit on Spring Hollow Road.

Discussion on:

1. Enter off Lower River Road, exit on Lower River Road
2. Cannot screen and resell materials brought in
3. Can only sell existing stocked piled
4. Review every 3 years
5. No accepting of hazardous materials, construction debris, concrete or unmilled asphalt.
6. Hours of operations to be consistent with the Staker Parson pit.

Chair Vorwaller motioned to forward this Conditional Use Permit onto the City Council with the following conditions. 1. The traffic flow will be consistent with the adjacent pit, enter off Lower River Road, exit on Lower River Road. 2. No new materials will be sold as product, it stays there. 3. In 3 years from time of approval there will be a review to insure all the requirements are being met and any adjustments that need to happen at that point, along with the annual business license inspection review. 4. Hours of operation be the same as the adjacent pit and/or the City Code whichever is the more restrictive. 5. No hazardous materials, construction debris, concrete or unmilled asphalt will be excepted as fill. 6. And the conditions within the review done by Horrocks

Engineers be met. Mortell seconded the motion. All voted in favor. Motion passed unanimously.

Conservation Subdivision discussion

Burrell went through changes made in the draft Conservation Subdivision

Discussion about Conservation Subdivisions

Commissioner Handsaker asked if we needed to clarify 25% if it was homes or lots or do we need to add something. (page 2)

Chair Vorwaller asked if the setbacks would be the same on small lots. Planner Burrell stated no and that is something we need to look at. (page 3) Chair Vorwaller would like to see what other cities do for setbacks.

Discussion about affordable housing.

Planner Burrell will clarify what is affordable with the City Attorney and research other Cities setbacks for multifamily.

Discussion about Landscaping on page 4

Chair Vorwaller asked if we have other landscaping codes. Planner Burrell answered no, but we have a city list of approved trees in title 12 of the Code.

Planner Burrell will review and make changes to 17.60.40 number 6

City Center Zone discussion

Planner Burrell asked the Planning Commission to review uses for the City Center

Planner Update

Planner Burrell reminded everyone that Arbor day was this Saturday at 9:00 am at the Francis City Park and we will be planting 7 trees. Burrell invited everyone to come.

Adjourn

Commissioner Handsaker motioned to adjourn. Commissioner Mortell seconded the motioned. All voted in favor. Motioned passed unanimously. Adjourned at 9:42 p.m.

The content of the minutes is not intended, nor are they submitted as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

These minutes were X approved as presented. approved as amended at the meeting held on June 21, 2018.