

## **Francis City Planning Commission Meeting May 21, 2020**

*This meeting was held as an electronic meeting*

**Present:** Chair Morgan Cox, Co-Chair Brian Henneuse, Commissioner Bob Murphy, Planner Mandy Crittenden, Engineer Scott Kettle, Attorney Brad Christopherson, Secretary Susan Moses

**Others Present:** JanaLee Marchant, Nick Berry, Pete Gillwald, Paul Watson, Dena Housel, Jack Walkenhorst, Kim Atkinson, Brent & Sherri Gines, Mont Lundgreen, Deloris Mansell, Doug Coe, Rex Campbell

### **Call Meeting to order**

Chair Cox called meeting to order at 7:29 p.m.

### **Public Hearings:**

#### **Kim Atkinson-Code Text Amendment**

Chair Cox read staff report. See attachment

Kim Atkinson stated he wants to open a car detailing business, not a car wash, not cars coming in and out. Nobody will really know what I am doing back there. It will be quiet.

Commissioner Henneuse asked what the amendment would be for. Planner Crittenden answered car detailing is not an allowed use in the City Center Zone, he is asking that it be added as an allowed use or with a C.U.P. or with a business license. He is asking for it to be added to the allowed use table.

### **Public Hearing Opened**

Doug Coe asked if the building is already built, how is it that the town allowed a building permit to that point and then he has to come back and make an amendment. Planner Crittenden explained the building right now is an opened garage, he is building a garage with an apartment above it. He wants to put a detailing shop in that garage, but as of right now there is nothing in that garage.

Commissioner Henneuse added the building permit doesn't necessarily attach to the use of the building.

### **Public Hearing Closed**

Commissioner Murphy asked if he would store cars overnight and if so, would the parking lot be lit. Kim Atkinson answered he doesn't think so, but maybe 1 or 2. Atkinson stated he wants them to drop them off and then pick them up.

Commissioner Henneuse asked the reason car detailing was excluded from the City Center Zone. Planner Crittenden answered she was not here when the table was created and the reasoning, they had for adding or not adding. Crittenden stated that this is a new zone and she thinks this is something they did not think of.

Short discussion about retail service.

Commissioner Henneuse asked do we want to set conditions that would prevent cars being parked there overnight. Planner Crittenden stated this is strictly a zone change to allow this, they would have to apply for the C.U.P. Commissioner Henneuse asked then what would the condition be. Planner Crittenden answered whatever the Planning Commission and City Council decide.

Attorney Christopherson explained the reason for a C.U.P. on this type of business is typically for water quality issues in the sewer system, if there is going to be car washing going on, oil and grease traps are required by the State. That gives us time to make sure we have those in our code, so we can allow this kind of use. It also gives us a chance when we make it a C.U.P. to make sure those conditions are met before we have a problem on the City's structure.

Chair Cox commented he does not have a problem allowing this kind of business. The reason for the City Center was to attract businesses and people into Francis where they could receive services in the City and have a nice place to do it in. Cox expressed concern about this already being a residential lot now and the building

being pushed to the back of the lot. Cox commented when he envisions the City Center, he sees the building upfront towards the streets, with parking up front.

Commissioner Henneuse commented this is a mixed-use zone, typically you might see an apartment above, but doesn't think it is necessarily outside of the scope of a mixed-use area.

*Commissioner Murphy motioned to accept the code text amendment.*

*Commissioner Henneuse seconded the motion. All voting in favor. Motioned passed.*

### **Premier Storage-Conditional Use Permit Amendment**

Chair Cox read staff report. See attachment

Nick Berry explained the reason he was asking for the change was because the neighbors have complained about the light. It has already been approved for 2 more rows of storage units and those will have lights on the exterior that you will be able to see. The new layout will be like a fortress style, the backs of the buildings will be around the perimeter and the doors will be on the interior, light will be on the interior. Berry stated on the exterior there will be a man door and he is asking for a motion activated light, he will comply with City guidelines.

Chair Cox stated he knows this has been an issue.

Planner Crittenden read a letter from the Housel Family. See attachment.

### **Public Hearing Opened**

Dena Housel asked what the new setbacks being proposed are.

Nick Berry answered 15 feet on the residential, 5 foot on the AG-1.

Dena Housel asked what code he is going to have to follow Commercial or Light Industrial. Attorney Christopherson explained Mr. Berry has a C.U.P. that is approved for two phases, he is not abandon any of his approves, he has not changed anything, if he wants to amend phase two, he has a right to amend phase two as long as he meets the City Code. My understanding is Mr. Berry's property is zoned commercial and his approvals under that zone do not go away even if the City changed it to light industrial or no longer allows storage units after the

approves have been done. That's what the Conditional Use Permit running with the land means. He will have to follow the setbacks for commercial.

Discussion about setbacks.

Attorney Christopherson recommended if the Planning Commission wants to forward this onto the City Council with a positive recommendation, he recommends making it conditional upon a review of the setbacks to make sure it is consistent with City Code.

Dena Housel commented the drainage needs to be looked at.

Nick Berry commented the drainage has been designed by an engineer.

Chair Cox stated we look at the drainage issue as we move forward with this.

Brent Gines commented the south side borders his property all the way up his lane and he is okay with the U shape building Nick is proposing to mitigate the lighting issue as long as the setbacks are in compliance with the City Code. Gines stated at the time this project went in, it was negotiated with Nick and the attorneys that there would be a 40-foot setback on the south side. And know that is going away to 20 feet. Gines asked why is the 40-foot setbacks that was negotiated, is suddenly gone, understands what the city code said, but had an agreement with Nick for a 40-foot setback.

Nick Berry explained the reason the 40-foot setback is going to change is because with this new layout this is the only way it will work. Berry commented this is a give and take, changing to this layout will shield the lights from their view, this is the compromise, or we stick with the old plan that has already been a proved. Berry stated he thinks this is a way to mitigate the issue of the light for them.

Brent Gines asked what the setbacks would be under the code on the south side of the project. Planner Crittenden said they will work with the City Attorney on this issue.

Attorney Christopherson stated if this is recommended as a positive recommendation to the City Council, we will make sure we have that reviewed and have that added to the staff report before it goes to the City Council.

**Public Hearing Closed**

Chair Cox commented lighting has been an issue, but it looks like the developer is trying his best to meet the lighting requirements with this new site plan change. He may have to change the setbacks.

Commissioner Murphy asked on the new design, the 2 corner units which are approximately 3,000 square feet each, are those rental spaces. Nick Berry explained they are set up with just one door, it will be a free stand, large single use, and will be occupied by 1 person.

Commissioner Murphy asked who would your client be for something like that. Nick Berry stated he is the client for one of them and someone who has a lot of stuff to store, someone who needs a lot of space. Berry stated no one can run a business out of this facility, that was one of the things he had put into the code, because he did not want anyone to run a business in there.

Commissioner Murphy asked if there were utilities in there. Nick Berry answered no.

Commissioner Murphy asked what materials would be used. Nick Berry answered it will match what is already there, the same materials.

Commissioner Murphy asked if there is lighting in the storage units. Nick Berry answered in the current units there is no power in them, but the larger ones there is a possibility of putting a light in there because of the big dark area, and you need to be able to see.

Commissioner Murphy asked if they would be temperature controlled if they would be able to put in a heater or anything like that. Nick Berry answered he does not want to say no to that, it is a possibility, but at this time right now we are not planning on it because of the expense.

Chair Cox asked about the drainage. Nick Berry explained if you look where it says building H, there is a swell that comes through the Housel's property into this little corner of AG property and it drains under my fence, the dark gray line is my underdrain that catches all the snow run off from behind his property through his property, on to my property, it keeps it flowing down stream. We will have the underdrain take everything from this and put back into the drain also.

Chair Cox asked if that drain was already installed. Nick Berry explained all of the infrastructure was done in phase one. That drain has been in place for over two years. It seems it is working as intended.

Chair Cox asked if the water from the swell on the Housel's property was also being picked up by the underdrain. Nick Berry answered yes. Berry explained 99% of the water that goes into the underdrain comes through the Housel's property.

Dena Housel commented a lot of the water issues was with the irrigation ditch above us and once the ditches company was able to clear that out, it dried up a little bit.

Dena Housel expressed concerns about the setbacks on the new phase going in, and how he is going to control the runoffs from his buildings. Nick Berry answered it will be controlled from the underdrains. Dena Housel asked if he was having an underdrain installed on the south the side. Nick Berry answered on the plans you can see the engineer draw about 50 feet into the southside is an underdrain, there is an underdrain all the way along the eastside and the westside the underdrain carries all the way to the catch basin. Dena Housel asked if that had been installed. Nick Berry answered that is part of the next phase.

Dena Housel commented she is not opposed to the U-Shape, she thinks it will block a lot of the lights, but she is still concerned about the light that is on the road next to the office that shines directly into her house, hopes that can get mitigated as well. Nick Berry responded come over and we can talk about that one.

Engineer Kettle stated he is assuming that the buildings are going to slope toward the inside as originally planned. Nick Berry responded with the setbacks he could put in rain gutters and run the rain gutters into the underdrain, it would keep everything on the roof until it hits the rain gutters, would prefer to have them go on the outside and catch the underdrain.

Engineer Kettle stated we need to look at that, and make sure if we get a large snow and there is 6 feet of snow packed up behind there, it is not going to go off onto someone else's property. Nick Berry stated he would come by and they could discuss that.

Commissioner Henneuse commented if we can come to an agreement or understand were we sit with the setbacks and as long as we can deal with any kind of drainage issues that would be created by any new development, it sounds like

we could have a better situation or at least an agreeable situation. Nick Beery and Brent Gines both agreed.

Brent Gines expressed his concerned about the setbacks, concerned about snow coming off the buildings onto their lane. Wants to make sure the setbacks are far enough to keep the snow from coming off the buildings onto their lane. Nick Berry responded, theoretically he could put a berm on the property line, so everything stays on his property.

*Chair Cox motioned to forward to City Council with a positive recommendation, allowing this new layout, also taking into consideration that the lighting must meet the new lighting code requirements, the verifications of the setbacks are meet and the defining of residence is also clarified, so the setback can be correct as far as the code goes, and take into account the pervious negotiations of setback at the beginning of this development. Recommend draining from buildings and property be addressed and properly mitigate before approval, and that included the snow from buildings and property. The originally Conditional Use Permit requirements be maintained. Commissioner Henneuse seconded the motion. All voting in favor. Motion passed.*

### **Stewart Ranches-Final Master Plan Approval**

Chair Cox read staff report

Pete Gillwald commented on the total number of lots, one lot in phase five, that was supposed to be open space and trail connection, was mark as a lot, that has been fixed on the plats and will be resubmitted. Rex Campbell is working with the irrigation company, and they have been going back and forth for a couple of months on trying to get a final agreement, he thinks they are getting close. They are going to meet with the postmaster on placement of the mailboxes. Water shares is a topic for discussion, still working on that. Rex Campbell is working with Mr. Crystal on getting an easement going through his property. They have a meeting with UDOT on June 4<sup>th</sup>, to discuss the enter location. They have provided an updated traffic study to UDOT. They are working with Summit County for addresses. Believes they have all the storm water calculations; they have been sizing ponds to make them both aesthetically pleasing and to work for the intended purpose. Last Tuesday they submitted the conservation open space landscape plan and they have also submitted an open space maintenance plan.

Commissioner Henneuse commented he wanted to remind everyone from the public perspective, he has seen the emails and comments, we do as a Commission understand that there is a fair amount of angst, that there is frustration as far as the existence of the project. Henneuse stated our role in the Planning Commission in this discussion is approval of the final plan, the existence of the project, that ship has sailed. At this point we cannot shut this project down. Our role tonight and our discussion is about these plans specifically as presented to us, and not to rehash what has happened over the existence of the project. Chair Cox agreed.

Engineer Kettle commented when you approved the subdivision you recommended that the connection at Gines Lane be gated, not a full connection. The City Council felt it should be a full connection for connectivity of the subdivision with the rest of the town, so that will be a full connection moving forward.

### **Opened to the Public**

Planner Crittenden read comments from Marion Wheaton. See attachment

### **Closed to Public**

Chair Cox commented Pete has answered a lot of his questions. Asked if they have talked to the postmaster, Pete responded they did forget about it, but they will get that taken care of.

Chair Cox asked if they have turned in the water shares needed. Rex Campbell stated the City Council approved turning the water shares in with each recorded plat. They have enough shares for 90 lots right now.

Attorney Christopherson explained the City is not approving 146 lots with this tonight, they are approving the master plan. There is nothing marketable yet as far as a lot bases, until there is a first phase 1 plat is approved. Typical we don't require turning in water shares until we create a lot, because we don't have a use for it.

Attorney Christopherson gave an update on the new well. The City has signed the contract with the well drilling company. We have a couple of things to work out with the developer to making sure we have access to that site once we start drilling. The well has to come into place before the developer can sell any lots. The first half of the annexation fees that have been paid, is what is paying for this well. The

new well will more than double the capacity and double the amount of water per minute the city can provide to residence. The Master Plan is step one and then phase 1 recording is the next step. In this subdivision about 57% of the overall property is remaining open space. The benefits to the City are overwhelming.

Chair Cox asked about the road connecting to Gines Lane. Asked about the widening of Gines Line. Engineer Kettle responded in the annexation agreement they are supposed to widen from the proposed intersection up to SR 35, there are some things we need to work out with the neighbors, and then we can decide what we can do.

Chair Cox asked the reason why that has not been worked out. Engineer Kettle explained that is something that will come further down in the project, that connection to Gines Lane probable will not be made for a number of years, that is something we will move forward with as we get further in, it is part of the annexation agreement.

Chair Cox asked if the water line would be upgraded on Gines Line. Engineer Kettle explained the water line that is going to be built in the subdivision will be a 10 inch water line and it will make connections into the Southfield subdivision, it will make connection at Gines Lane, so as those connections are made it will help improve the flow on Gines Lane and ultimately it is going to get to 1000 East. They didn't have to do anything with Gines Lane they are just connection to the Gines Lane water line. Not upgrading it.

Commissioner Murphy asked at what point does the developer put the HOA, CC&R's to the County. Pete Gillwald answered when we record the 1<sup>st</sup> plat for phase 1 lots, we will have to have CC&R's in place by then, because we will have future residents and they will need to know.

Commissioner Henneuse asked who is responsible for maintenance of the trail system? Will that all be within the HOA fees. Pete Gillwald answered yes, HOA is responsible for all the trails.

Commissioner Henneuse asked if the open space would also be taken care through the HOA fees. Asked if the developer would hold on to that until the very end or transfer portions to the HOA. Pete Gillwald answered in most developments he has work with, the owner will turn over the open space based on 60% or 70% of lot sales. It will be something worked out in the CC&R's.

Commissioner Henneuse asked about snow removal and when does the City take that over. Engineer Kettle explain the City will not maintain roads or do snow removal until 50% occupied in a phase.

Commissioner Murphy asked at what point do you put a shovel in the dirt. Rex Campbell answered we would have like to have begun last fall, but that didn't happen. Would like to be started this year.

Commissioner Henneuse asked about annexation fees. Rex Campbell explained the 1<sup>st</sup> half has been paid, the 2<sup>nd</sup> half will be paid upon approval of the project, or a year after the date of annexation, there is a prevision to extend for a year.

Discussion about construction, phasing, and roads.

*Commissioner Murphy motioned to forward to the City Council with a positive recommendation. Commissioner Henneuse seconded the motion. All voting in favor. Motion passed.*

**Code Text Amendment: Moderate Income - canceled**

**Code Text Amendment: Accessory Dwelling - canceled**

### **Planner Update**

1. We will have a work session with the City Council
2. We will schedule training for the Planning Commission
3. Looking for two new Planning Commissioners

**Approval of April 30<sup>th</sup>, 2020 minutes.**

*Commissioner Murphy motioned to approve the April 30, 2020 minutes. Chair Cox seconded the motion. All voting in favor. Motion passed.*

### **Adjourn**

*Chair Cox adjourned the meeting at 9:32 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  approved as presented.  approved as amended at the meeting held on June 18, 2020**