



# HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-1449 Fax

## Uniform Land Use & Development Application

For office use

Zone: CP-2 Filing Date: 3/26/18 Fee Paid: \$100.00  
Cash/Check/Credit Card (Circle One) Receipt #: 66666 Taken by: AB

Applicant's Name: M. Shain Dusenberry  
Applicant's Address: 481 N. Wall Ave  
Property Owner's Name: ir  
Harrisville Property Address: ir  
Name of Project: \_\_\_\_\_ Project Engineer: \_\_\_\_\_  
Property Acreage: \_\_\_\_\_  
County Parcel Number: \_\_\_\_\_  
Is site in the flood plan YES/NO. \_\_\_\_\_ Is the site in a hazard area YES/NO. \_\_\_\_\_

### Select Type of Application/Action Requested

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan/Use Permit                       | <input type="checkbox"/> Lot Consolidation           |
| <input type="checkbox"/> Amended Site Plan/Use Permit               | <input type="checkbox"/> Lot Line Adjustment         |
| <input type="checkbox"/> Conditional Use Permit                     | <input type="checkbox"/> Expand Nonconforming Use    |
| <input checked="" type="checkbox"/> Amended Conditional Use Permit  | <input type="checkbox"/> Sign Ordinance Review       |
| <input type="checkbox"/> Home Occupation without Visiting Clientele | <input type="checkbox"/> Zoning Map Amendment        |
| <input type="checkbox"/> Home Occupation with Visiting Clientele    | <input type="checkbox"/> General Plan Amendment      |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Agriculture Protection Area |
|   | <input type="checkbox"/> Vacate Public Right-of-way  |

Please describe your request:

I will be updating conditional use permit

Code Compliance (Enter the Code Sections Supporting this Application):

I hereby certify to the best of my knowledge that I have attached all the required plans, met the required codes and regulations, and paid all fees. I understand incomplete applications will be returned unprocessed:

[Signature]  
Applicant's Signature

3-26-18  
Date

Property Owner Signature and Authorization

\_\_\_\_\_  
Date

- b. All outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence made of the following materials:
  - i. Solid wood, vinyl or other fencing material having the appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no further apart than one-eighth inch (1/8");
  - ii. A decorative masonry wall; or
  - iii. Other fence materials and construction approved by the Planning Commission that provides adequate screening of the storage area similar to the above fencing materials;
  - iv. When adjacent to a residential zone the screen requirements are those required in 17-5.
- c. No salvage or scrap operations or outdoor repairing shall be allowed as part of such use; and
- d. Construction materials stored outdoors shall be limited to either new construction materials or items reused as part of the construction process.

#### 8. Vehicle repair services

- a. Repair work on vehicles shall take place inside an enclosed building and is limited to the hours of 8 a.m to 8 p.m.
- b. Outdoor storage of junk vehicles intended for restoration or limited salvage for repair may be allowed as an accessory use to a vehicle repair service provided the following conditions are met:
  - i. The area dedicated to outdoor storage does not exceed ten percent (10%) of the lot in the CP-2 zone and twenty percent (20%) of the lot in an MP-1 zone and the storage area is located behind the main building on the lot.
  - ii. All such outdoor storage shall be in a completely enclosed area screened by a seven foot (7') tall screening fence made of the following materials:
    - (1) Solid wood, vinyl or other fencing material having the appearance of wood of one inch by four inch (1" x 4") to one inch by eight inch (1" x 8") members spaced no further apart than one-eighth inch (1/8");
    - (2) A decorative masonry wall; or
    - (3) Other fence materials and construction approved by the Planning Commission that provides adequate screening of the storage area similar to the above fencing materials.
  - iii. When adjacent to a residential zone the screen requirements are those required in 17-5.
  - iv. Limited salvage of parts from such vehicles shall be permitted only as necessary for the repair of other vehicles on-site and not as part of any other type of salvage operation.

#### 9. Communication towers

The approval of any telecommunication towers shall require the tower to be designed to and require acceptance of co-location of service providers. The antenna array shall be as compact to the pole as possible if a pole is required. Attachment of the antenna to existing structures such as smoke stacks, steeples or existing poles is the first consideration in considering telecommunication tower placement. If this is the sole use on the site the facility shall meet all landscaping and setback requirements of the zone. If the use is to be installed on a site with another existing land use that use must meet all current landscaping and screening requirements.

#### 10. Utility substations

Utility substations shall be located on legal lots of the respective zone in which they are located. The lot area may be reduced to a minimum of 3,000 square feet in a manufacturing zone by the

**3. PUBLIC HEARING: to receive public comment on a Conditional Use Permit Application that has been received from M. Shain Dusenberry for property located at 481 North Wall Avenue for automobile repair and painting services including automobile sales.**

MOTION: Commissioner Shuman motioned to recommend to the City Council that they deny the conditional use permit for auto repair and painting services, and automobile sales; also caretaker on premises for property at 481 North Wall Avenue. The reason for the negative recommendation being because of health concerns due to paint fumes. Automotive repair and paint service is not conducive to the neighbors to the north, and there is also a concern for sales in front of the property. Concerning the application for a caretaker, there is a question if the house would be considered the primary structure on the property as it relates to the proposed business. The motion was seconded by Commissioner Singleton. Commissioners Shuman, Singleton, Wheelwright, Yarasaki and Chairman Christensen voted aye. Commissioner Hohosh voted nay.

**4. PUBLIC HEARING: to receive public comment on a second conditional use permit for M. Shain Dusenberry for the property located at 481 North Wall Avenue to include a dwelling unit for a caretaker on the premises should the conditional use for automobile repair and paint services including automobile sales receive favorable approval.**

NOTE: See the above discussion and motion.

**5. Site plan review/approval for construction on The Boyer Company commercial subdivision Pad A, 585 North Washington Boulevard.**

DISCUSSION: Brad Galvez addressed the four items on Kent Jones letter dated November 5, 2004, concerning the site plan for the 43,000 square foot retail building on Pad A.

- (1) He said that the storm drainage calculations have been provided to Kent Jones.
- (2) The site plan shows the sidewalk adjacent to the curb. The question they need to answer is whether UDOT will allow that. There is a twelve foot drop in elevation and putting it against the curb helps them with their plan.
- (3) The water meter location and design have been approved by Bona Vista and included on the plan.
- (4) The site plan has been updated to show ADA access ramps and detail.

Commissioner Singleton said that he does not care for sidewalks next to the curb because Washington boulevard is so busy. In the winter time the snow plows throw snow that covers the sidewalks. Mr. Galves said that normally sidewalks are four feet. These sidewalks will be six feet to make them wide enough to accommodate those concerns. Mark Babbitt of great Basin discussed the elevations. He said that would like some separation between the sidewalk and the retaining wall. He mentioned that they are dealing with some irrigation piping behind the retaining wall. He said that they are anticipating extending the foundation wall up about five feet to use it as part of the retaining wall. They will provide a parapet wall on the building to hide roof top units. There will be no access onto 700 North because of elevations. There is an island on the south of the proposed structure that is a Wal-Mart controlled. item. It has not been kept up and Mr. Galves said he would like to see it taken out and asphalted over. Singleton said his

because the improvements including the sidewalk are not in and the landscaping is not done. Once it is asphalted, MV Transportation, will have parking for drivers. As the buses are moved out, the drivers will park in the bus stalls. Commissioner Singleton stated it looks like he has done everything he can at this time. Councilman Hendrix asked where the bus driver parks his own car until the bus leaves. Dave Skeen said the buses leave at different times of the day for the bus routes. There would seldom be a problem where there would not be parking available for a driver's personal car. MV Transportation also has to leave enough parking for Dave Skeen to access his business. Dave Skeen asked if they are requiring a fence with privacy slats because he said that the police have a concern about not being able to see into the lot to check for vandalism. Commissioners determined that adjoining property is commercial so fencing is not a requirement. Dave Skeen said they are adding lighting for security.

MOTION: Commissioner Shuman motioned to approve the site plan submitted for Dave Skeen's property located at 2458 N. Highway 89 to accommodate the present use as well as MV Transportation. Commissioner Norseth seconded the motion and voting was unanimous.

**7. Reconsider a previous negative recommendation on a conditional use permit request by M. Shain Dusenberry for property located at 481 North Wall Avenue. The request is for automobile repair and painting services including automobile sales, and also a dwelling unit for a caretaker on the premises. The City Council referred this item back to the Planning Commission for review of additional information.**

DISCUSSION: Shain Dusenberry commented that he is appealing the Planning Commission's previous decision and he has provided additional information for commissioners to review. The re-zone was granted but the conditional use permit was denied. He said he is aware that a conditional use permit can only be denied on factual evidence and not on speculation. He said that the information the commissioners received in their packets states accurate facts. He said he is aware that Ms. Fausto has health concerns and he has brought evidence to show that there will be no reason for concern. He has also brought Mike Rudert, a paint booth expert, to provide more information. Commissioner Singleton said that he took offense with the request to reconsider this conditional use because it inferred that the Commissioners did not know what they were talking about at the last meeting, when in essence they were not given all the information. He feels that Mr. Dusenberry should have asked for a continuance at the last meeting in order for him to get his information together so that the Commissioners would be able to make a more informed decision.

Mike Rudert stated that auto body shops in the State work on conditional uses permits. The State building, fire, and mechanical codes are all adhered to and they have to meet air quality checks. He said the elimination stack will clear six feet above the roof and is well outside the limits to affect the property next door. The standard filters are 98% efficient. The fire code requires a meter and inspections must be done every six months. Odor can be an issue but there is technology out there to deal with that. There is a 30 foot clearance from the property line and 200 feet from the neighbors house.

Sherri Dusenberry wanted commissioners to know that at the last meeting, Shain Dusenberry did not feel that the Commissioners would be have a problem with the request so this has been a personal trial for them. In the information packets they can look at people living by Ray's Autobody and there have been no problems there with noise or fumes. One neighbor is on an oxygen tank and has had no problems. She said that if there is a concern about the aesthetics, they are not changing the appearance of the lot. She plans to put more flowers in the front. The office will be kept clean, with new furniture, etc., and she reported that Shain and Cody Dusenberry are very reputable people.

Chairman Christensen commented there are three issues: one is the paint booth or body repair, and one is the request for a resident caretaker, and one is for used auto sales. Mr. Dusenberry said that car sales would be only a few cars each year. His livelihood is the auto body shop and he would hold off on the sales request if this is a concern for Commissioners. He can consider this in the future. He is not changing anything on the site plan. Mr. Rudert stated if someone owns an auto body shop, they can bond and sell cars once they are repaired, but what they are proposing is not the typical auto sales lot. Chairman Christensen is concerned with the caretaker request because the facility has to be the principal use of the business and he does not feel that the office fits this situation. Mr. Dusenberry stated that the house is his office, because customers will come in and paperwork will be done there, and it would be helpful if a portion of the house could be used for a caretaker residence. Chairman Christensen questioned if the office or shop is the principal use. Commissioner Norseth said that this was a residence previously and questioned why this cannot remain a residence with a home office. Chairman Christensen pointed out that this changed with the rezone and request for commercial use.

Tony Fausto said that the structure of the garage is 3 1/2 feet from the property line and 115 feet from the house. He worried that if there is an inversion, the fumes will not go into the atmosphere. Ms. Fausto's daughter, Jule, stated the conditional use is to lessen impact on surrounding property. This will irritate the medical conditions of her mother. Commissioners read the letters from Nettie Fausto's clinic and physician. Jule said that what is being proposed may be alright for the general population, but due to her mother's health problems they have a concern.

Mr. Dusenberry stated the building is only 3 1/2 feet away but the 30 foot distance quoted above is where the paint booth stack will be. The exhaust will be located 30 feet away even though the building is not. Ms. Fausto said Ken Martin had a fireplace and when he used it she got smoke from this into her house.

Ken Martin stated that he lived at this residence for approximately 50 years. This was originally Nettie Fausto's father's property. The fireplace has not been used for eight years because he put in a gas burning one. Three feet is the correct distance for the building. He had a hobby of refinishing cars in the garage for many years prior to his moving, and he painted cars there without any filter system at all and this went unnoticed by the neighbor. He said that what is taking place in the fields on the property behind her home is probably more detrimental than this

paint shop will be. He mentioned the dust from four-wheelers being driven behind the home and cigarette smoke as well. Ken said that he moved from there for health reasons due to the exhaust fumes from the busy street, and also for the safety of his grandchildren.

Commissioner Singleton stated he read the information provided on the paint booth issue and he does not feel this conditional use would be a problem, but it may be wise for them to use an even better filter. He said that if the home is an office, the caretaker must be an employee of the business and no children would be allowed to live there. Chairman Christensen asked if noise would be a problem. Mr. Dusenberry said that the doors to the shop are not open much. Commissioner Norseth stated that this can be solved by limiting operating hours. Commissioner Singleton asked where the holding lot for repaired vehicles would be. Mr. Dusenberry said there is a gravel area between the house and shop. If there is no room in the shop then cars would be stored on this graveled area. Wrecked cars will go right into the shop on dollies. There is room for three cars at a time. If the additional storage area is used, the fence will block the view. He said that there is also room in the front garage for six cars if needed. Commissioner Shuman said there are chemicals associated with all paint booths. If these are blasted up high enough it may not be a problem but he mentioned that there is also a restaurant nearby. Mike Rudert said they will never get it so there is no smell. The filters are taking out solid particles but there are other chemicals you do not see. Commissioner Hohosh stated that she is not against the body shop. Her husband has a building behind their house and he does this as a hobby and it does not bother their neighbors.

**MOTION:** Commissioner Norseth motioned to recommend to the city council to approve the conditional use permit for the body shop located at 481 North Wall Avenue with the conditions that the operating hours will be between 7 a.m. and 10 p.m. and any cars being stored will be inside a building and the exhaust stack will be a minimum height of 20 feet above the ground. Commissioner Hohosh seconded the motion.

**DISCUSSION:** Commissioner Singleton said that he felt that 10 p.m. is too late to be open. He said that they need to consider the fence and the asphalted area to park car sales on. He suggested to change hours of operation from 8 a.m. and 6 p.m.

**AMENDMENT TO MOTION:** Commissioner Norseth motioned to amend the motion to include that public operation hours be 8 a.m. to 6 p.m. for the office, and shop hours from 7 a.m. to 10 p.m.

**DISCUSSION:** Commissioner Shuman felt that the requirement for all cars to be inside is too strict. They could possibly have two or three behind the house if they are screened from the road.

**AMENDMENT TO MOTION:** Commissioner Norseth agreed remove the strict application of storing cars inside a building and include that two or three may be stored behind the house if screened from the road. Commissioner Hohosh seconded both amendments to the motion.

**ADDITION TO MOTION:** Commissioner Norseth stated that they must have a six foot non-see through fence which may be any type, but the minimum requirement is slatted chain link. The fence is to be located on the north side of the property from the front of the home to the back of the existing shop.

**VOTING:** Commissioners Shuman, Hohosh, Czolowski, and Norseth voted aye, Commissioner Singleton and Chairman Christensen voted nay. Motion carried.

**MOTION:** Commissioner Singleton motioned to recommend approval of the conditional use for a caretaker in the house at 481 North Wall Avenue to include only adults, no children. The caretaker must be an employee of the principal use of Dusenbery Autobody. Commissioner Wheelwright seconded the motion and the motion passed with Commissioners Singleton, Hohosh, Shuman, Norseth, Wheelwright, and Czolowski voting aye.

**MOTION:** Commissioner Shuman motioned to recommend that the city council approval of the conditional use for automobile sales for the sole purpose of selling automobiles repaired by Dusenberry Autobody. Commissioner Hohosh seconded the motion.

**DISCUSSION:** Commissioner Singleton suggested adding that the car sales area must be improved with asphalt.

**AMENDMENT TO THE MOTION:** Commissioner Norseth motioned to amend the original motion to include that the car sales area be approved for a maximum of three cars on an asphalted area. Commissioner Shuman approved the amendment to the motion and Commissioner Hohosh seconded the amendment to the motion.

**DISCUSSION:** Commissioners talked about including a ten foot setback from the street for the sales area. Commissioner Singleton stated that he still feels that they need a better site plan on the car sales area showing the asphalted area and the placement of the car sales and fencing that was mentioned.

**VOTE:** Commissioners all voted nay to the original motion and the amendments to that motion.

**MOTION:** Commissioner Hohosh motioned to table recommending any approval of the conditional use for used car sales until a better site plan is received showing the improvements discussed. Commissioner Singleton seconded the motion and voting was unanimous.

Ken Martin reported that when the drain was run down the south side of his property to accommodate the WalMart detention basin, he gave a ten foot easement to the city along the south property line to get the drain pipe west to the drain ditch. He used to have about 30 feet of asphalt there, but the drain was so high that they had to take out some of the asphalt, reducing the asphalted area to 20 feet that presently exists. There can be no more asphalt go in there due to that elevated drain ditch.

and must go back to the Planning Commission. Councilwoman Anderson commented that if children were present with the caretaker residence, the primary use would then become residential. Councilman Hendrix stopped and looked at the property and building and he does not have a problem with the proposed use. The paint booth is on the west side and would be a good distance from the house. He would be more concerned with fumes of vehicles because there is a lot of traffic on Wall Ave. If we find that this business has a problem, a review will be done at renewal time of the license. Councilwoman Anderson asked if this filtering system and control of fumes going to stay consistent if he expanded his business? Mr. Dusenberry said the filtering system will be maintained. If more cars are done, then the filter is changed more often. This is inspected frequently. The size of building will limit his expansion. The paint booth representative inspects and the fire marshal sees these inspections. Councilman Richins stated if the system is not kept fresh, then particles will show up in the paint job.

MOTION: Councilman Robinson motioned to approve the re-zone of property for Shain Dusenberry from RE-15 to CP-2. Councilman Hendrix seconded the motion and voting was unanimous.

MOTION: Councilman Robinson motioned to issue a conditional use for an auto body shop and caretaker dwelling at 481 Wall with the following conditions: normal operating hours according to the Planning Commission recommendations are 7 a.m. to 10 p.m. with normal business hours of 8 a.m. to 6 p.m. A 6 foot fence which can be chain link with slats, will be placed from the front of the house to the back of the shop, approximately 200 feet is required and the exhaust stack will go approximately 20 feet above the ground or 6 feet above the highest point of the building. He must meet all recommendations of the Planning Commission which includes no children for the caretaker dwelling. Councilwoman Anderson seconded the motion and voting was unanimous.

9. Jeremy Fellows-North Valley Bible Church-Rental of cabin for 2005

DISCUSSION: Jeremy Fellows explained that their church has used the cabin for the prior year for services each Sunday. They plan to get another facility in the future but would like to use it again this year if possible but they aren't sure for how long. For the month of December this year, others had already rented the cabin on Sunday before they petitioned. Since December is a popular month for family parties, council members felt someone from the church should also wait in line on January 3<sup>rd</sup> to reserve the Sundays in December.

MOTION: Councilwoman Anderson motioned to approve the rental of the cabin for the North Valley Bible Church from January 2005 to November 2005 on Sunday mornings. Councilwoman Corp seconded the motion and voting was unanimous.



DISCUSSION: Commissioners suggested that Mr. Green get approval from the city to add security wire to the existing fence along the wetlands. Commissioner Norseth pointed out that the site plan designates the buildings as storage units. He wanted to clarify that these are not commercial storage units.

VOTE: Commissioners Singleton, Yamasaki, Norseth, Czolowski, Wheelwright and Chairman Christensen voted aye. Commissioner Hohosh voted nay.

**9. Consider site plan approval for Shain Dusenberry auto sales area at 481 North Wall Avenue.**

DISCUSSION: Dusenberry's original site plan did not include a satisfactory display area for car sales. He provided commissioners with a plan showing where he will park the display cars on a paved area of the property on the south side of the garage. There is already pavement there to accommodate the cars and no additional paving will take place. The plan included four parking stalls.

MOTION: Commissioner Hohosh motioned to recommend approval of the site plan for Shain Dusenberry auto sales area at 481 North Wall Avenue with no more than four cars to be parked south of the garage area as shown on the site plan. The motion died for lack of a second.

MOTION: Commissioner Wheelwright motioned to approve the site plan for Shain Dusenberry auto sales area at 481 North Wall Avenue according to the site plan provided. The motion died for lack of a second.

(Commissioner Shuman arrived)

MOTION: Commissioner Norseth motioned to approve the site plan at 481 North Wall for the auto sales area to include the area adjacent to and south of the garage. The motion was seconded by Commissioner Wheelwright and voting was unanimous. Commissioner Shuman did not vote.

**10. Consider preliminary recommendation of Pheasant Farms 23 lot subdivision Zone R-1-20 of the former Francisco Vasquez property located 600 West south of 2550 North.**

DISCUSSION: Jamie Kent addressed the items of Kent Jones letter dated January 6, 2005. He provided commissioners with an updated site plan revision with a date of 11 January 2005. He pointed out that the revised plan shows the sanitary sewer connection to the main on 2550 North Street. The "R" restriction has been indicated on the lots. Jamie Kent said that the detention basin area in conjunction with the church property, and the piping size and basin sizing will be included on the final site plan. Street numbers have been added to the plan. The revised plat notes that existing structures (barns) are to be removed. Mr. Kent said that the only irrigation that they have to maintain is to the William Hart property. He indicated that Mr. Hart is interested in vacating that irrigation if they provide him with pressurized irrigation. Commissioner Yamasaki referred to the January 10, 2005, letter from Kent Jones which included an addition to Item 6. In response to Item 6 addition, Jamie Kent said that they will berm along the properties so that water will not flow back onto Pheasant Farms. He stated that according to the neighboring property owners, previous farming irrigation practices are responsible for much of the flooding. Jamie Kent reported that they are still negotiating with the LDS Church for detention on the property the church is purchasing. They are trying to make detention work for the benefit this development and the church as well as Matt Lowe's development. If the church objects to detention there, then they will put detention on lot 1-R. Commissioners told Mr. Kent that this issue will need to be resolved prior to approval. Chairman Christensen pointed out that the plat indicates 23 lots but only 22 lots are shown. Mr. Kent said that they consider the church as lot 23. Chairman Christensen said that



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## Uniform Land Use & Development Application

For office use

Zone: CP-2 Filing Date: 4-11-18 Fee Paid: \$ 300.00

Cash/Check/Credit Card (Circle One) Receipt #: 664ee Taken by: JPB

Applicant's Name: JOE MITCHELL TRUCKSAVER PRODUCTS LLC

Applicant's Address: 2312 W 1475W PLAIN CITY UT 84407

Property Owner's Name: JOHN MITCHELL

Harrisville Property Address: 2323 N 750 W \*

Name of Project: \_\_\_\_\_ Project Engineer: \_\_\_\_\_

Property Acreage: \_\_\_\_\_

County Parcel Number: \_\_\_\_\_

Is site in the flood plan YES/NO.

Is the site in a hazard area YES/NO.

### Select Type of Application/Action Requested

- Site Plan/Use Permit
- Amended Site Plan/Use Permit
- Conditional Use Permit
- Amended Conditional Use Permit
- Home Occupation without Visiting Clientele
- Home Occupation with Visiting Clientele
- Other: \_\_\_\_\_

- Lot Consolidation
- Lot Line Adjustment
- Expand Nonconforming Use
- Sign Ordinance Review
- Zoning Map Amendment
- General Plan Amendment
- Agriculture Protection Area
- Vacate Public Right-of-way

Please describe your request:

CONDITIONAL USE PERMIT REQUESTED FOR COMERCIAL ZONE

Code Compliance (Enter the Code Sections Supporting this Application):

I hereby certify to the best of my knowledge that I have attached all the required plans, met the required codes and regulations, and paid all fees. I understand incomplete applications will be returned unprocessed:

[Signature]  
Applicant's Signature

11/APR/2018  
Date

[Signature]  
Property Owner Signature and Authorization

11 APR 2018  
Date