

Harrisville City Planning Commission
363 W. Independence Boulevard
7:00 p.m., February 9, 2022
Conducting: Chair Chad Holbrook

Commissioners: Chad Holbrook, Chair
Brenda Nelson
Nathan Averill
Bill Smith

Staff: Jennie Knight (City Recorder)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)
Matt Robertson (City Engineer)

Visitors: Michelle Tait, Arnold Tait, Blaine Barrow, Jeff Hales, Gage Crowther, Mark Bailey, Chris Evertz, Jacob Glaze.

1. CALL TO ORDER.

Chair Holbrook called the meeting to order and excused Commissioner Elmer and Commissioner Shakespeare.

2. CONSENT APPROVAL – of Planning Commission minutes from January 12, 2022.

MOTION: Commissioner Brenda Nelson motioned for the Planning Commission minutes from January 12, 2022 to be approved as written. Commissioner Nathan Averill seconded. Voting was unanimous.

3. PUBLIC HEARING – Harrisville City Planning Commission will take public comments for and/or against Harrisville Ordinance 531; Land Use Amendments.

Jennie Knight reviewed the background on Ordinance 531 which will better align our appeal authority ordinance with state law. This repeals sections HCMC §11.02.040 and HCMC §11.020.050 and renumbers the remaining codes in those sections; updates section HCMC §2.02.010 with the establishment of Planning Commission; membership is composed of three (3) to five (5) members, and alternates as needed; terms are set to four (4) years which may be staggered from other members; with any vacancy in the Planning Commission is filled for the remainder of the unexpired term by appointment of the Mayor, subject to the advice and consent of the City Council; a member may be removed by the Mayor at any time. The Powers and Duties, the Presiding Officer and the Quorum, Rules and Compensation are all outlined as well and are very similar to our current code. The next section HCMC §2.01.020 amends the Appeal Authority. Ms. Knight stated the reason for this section update is because there have been some conflicts recently resulting in some issues. This new code will outline the establishment and appointment of the Appeal Authority. Along with the decisions, spokesman, and options the appeal authority would need to make a determination. The last section is HCMC §11.18.100 updates the revocation of a Conditional Use Permit.

Chair Holbrook opened for public comment.

No public comment was given.

Chair Holbrook closed the public hearing portion of the meeting.

Chair Holbrook asked commissioners if there were any questions. He expressed his concern with HCMC §2.01.010 (5) regarding the removal of a Planning Commissioner. He said where there are some criteria for inviting a new commissioner, there should be some criteria for removing a commissioner. Commissioner Averill said he does not have an issue stating this is part of the Mayor's authority. Commissioner Nelson agreed. Chair Holbrook recommended adding language for parameters for the Mayor's ability to remove a commissioner and not leave blanket authority. Mayor Tait was asked her opinion. She said she likes to know where her limits are but she feels she can determine on her own who she feels would best serve on the Planning Commission. However, if this is something the commissioners would like to see in the ordinance, she would not object to having those parameters outlined. Ms. Knight said that it is important to remember the difference between the council and the commission. The Mayor has no ability to vote with the City Council, with very rare exception. Commissioner Averill suggested adding the language with the advice and consent of the City Council. Ms. Knight asked if the language requested is similar to how it is stated in item #2 of this section; subject to the advice and consent of the City Council. Chair Holbrook and Commissioners all agreed they would like to see this language added to the ordinance under the removal of an appointment section.

4. DISCUSSION/ACTION/RECOMMEND – to recommend adoption of Harrisville Ordinance 531; Land Use Amendments.

No further discussion was given.

MOTION: Commissioner Nelson motioned to recommend adoption of Ordinance 531 with a language change to HCMC §2.01.010(5) Removal of a Planning Commissioner being, subject to the advice and consent of the city council. Commissioner Averill seconded. Voting was unanimous.

5. DISCUSSION/ACTION/RECOMMEND – to approve Conditional Use Permit for Walmart Fuel Station signs.

Ms. Knight explained the purpose of this conditional use permit is because HCMC §11.23.070(2)(c) specifies electronic signs; are only allowed as a conditional use issued by the land use authority. This action is to approve a conditional use permit as outlined in the staff memo dated February 3, 2022 with conditions regarding the impact to the surrounding community. Chair Holbrook thought the verbiage referring to the land use authority was interesting and asked for clarification. Ms. Knight explained that the Planning Commission has the authority to put condition(s) on an already permitted use. For instance, the commission can put a condition on the permitted use such as an automatic dimmer like the one here at the city building. Commissioner Averill reviewed items 6 and 8 of the staff memo, which includes: the location of exterior lighting and signage will not be directed to or impact adjacent residential uses. There are two items they need to address since Wal-Mart will be turning their existing signs into electronic signs. Commissioner Nelson asked for verification of where the new signs will be. Chris Everts explained the changes will be made to the exterior signs where the current pylon signs are. They are replacing them with electronic signs to include gas pricing. The signs will remain the same height, just a different configuration. They will not be placing a sign on the corner next to the station; only on the pylons. Chair Holbrook asked for the direction the signs will be facing to better understand the light direction from the new signage. Mr. Everts said the signs will be facing north and south. Chair Holbrook asked about the signage on the canopy where the pricing will be indicated. He saw one on the west side and wondered if there would be one on the east side. Mr. Everts said yes, so both entrances can see the price upon entering the complex. Commissioner Nelson asked if they would be following the guidelines given in the staff memo such as the automatic dimmers. Commissioner Averill asked if Mr. Everts had seen the staff memo. Mr. Everts said that he had seen it and was not

worried about meeting those requirements. Chair Holbrook asked about the 40% of the overall sign surface. Ms. Knight explained this percentage is inclusive of the total surface space of the sign which cannot exceed the 40% for digital display. Chair Holbrook asked if the commission wished to add the beautification effort discussed from last meeting on the site plan as a condition. Commissioner Averill said that was not necessary since that was a part of the site plan. Commissioner Nelson agreed. Chair Holbrook asked if there were any other questions from the Commissioners. He thanked Mr. Everts for his efforts on this project.

MOTION: Commissioner Averill motioned to approve Conditional Use Permit for Walmart Fuel Station signs subject to the staff memo dated February 3, 2022. Commissioner Nelson seconded. Voting was unanimous.

Ms. Knight stated there is a 15-day appeal period that needs to be adhered to. Once that is met, the conditional use will be issued.

6. DISCUSSION/ACTION/RECOMMEND – to grant preliminary approval for Bailey X Business Condos a commercial site plan located at approximately 2340 North Highway 89.

Justin Shinsel explained this site plan comes with a positive recommendation from staff through Project Management. There are a few criteria in the engineering needing to be addressed. As for the city code and the zoning, they meet all the criteria. Mark Bailey said that within the last hour he had submitted most of what the engineering criteria concerns were along with Will-Serve letters. The largest item they are addressing at this point is an UDOT agreement. Gage Crowther spoke up and said that they have had preliminary talks with UDOT and are going through that process now. There are already outlets that have been predetermined. It is only a matter of getting the approval. Chair Holbrook asked if the commissioners had any questions. Commissioner Averill asked what kind of businesses would be in this development. Mr. Crowther said that there will be a wide range of businesses from law offices to insurance agents. The front lots are to encourage a different type of retail business. Commissioner Averill asked if they were built to suit or all the same. Mr. Crowther said most are going to be built to suit. Mr. Bailey said he was not certain who would be in the complex. They are hoping for smaller type business with visiting client and interior storage. Mr. Crowther said that all the units are approx. 2000 sq feet per unit with a potential of combining units together. Mr. Bailey planned parking to be more of a retail use in the front. The intent of the units in the back is to be for smaller businesses with less visiting clients. Mr. Crowther said they do have an architect working on the final plans now. Mr. Bailey said it will be a nice presentation with a mix of materials for the city to dress up the businesses coming in. Mr. Shinsel said one more thing to point out is the shared access to the north of the project. There will actually be two accesses from HWY 89. Mr. Bailey pointed out there will be a new exit for the existing units to the HWY frontage at about where Treasure Fire is currently. Mr. Shinsel will work with the city engineer to make certain all outstanding matters are addressed. Chair Holbrook thanked them for working with the city.

Motion: Commissioner Averill motioned grant preliminary approval for Bailey X Business Condos a commercial site plan located at approximately 2340 North Highway 89 subject to the engineer memo dated February 3, 2022 and staff memo dated February 3, 2022. Commissioner Smith seconded. Voting was unanimous.

7. DISCUSSION/ACTION/RECOMMEND – to grant preliminary approval for Hales Building a commercial site plan located at approximately 995 North 375 East.

Justin Shinsel said that this project has been brought before the commission before as a rezone. Staff is recommending a variance hearing be held due to the commercial outlet onto a residential road. Commissioner Averill added his concern with the residential area and the proximity of this project. Commissioner Nelson asked for clarification since the time lapse from previous discussion. Ms. Knight explained the zoning change has been granted for this project but there is a significant hardship on this parcel due to the location of the outlet on Washington Blvd proximity to Larsen Lane. There is currently an issue with drivers using this as a thoroughfare from Washington Blvd to 375 East. The developer has proposed placing the building on the North side which would deter driving access through to the Washington Blvd. She outlined options presented by city staff. The commissioners have two options: granting preliminary approval now with the variance hearing as a condition, or tabling this item until a variance hearing can be held. Commissioner Averill expressed his desire to see the ruling from the variance hearing before making a decision. Jeff Hales said he currently owns Cowboy Trucks on Washington Blvd. The site sits directly behind that business. In years past, he has cleaned up the lot by removing junk and debris, but this has allowed access from Washington Blvd to 375 East. Residents use this access since the median was installed on Larsen Lane. He said his intention is to place the building on the North side to deter this drive through access. The proposed use of the building is for a photo studio and detail shop for the cars. There would be limited traffic in the parking lot and it would be a locked area. He provided a rendering of the building which will face southeast to help create curb appeal to the surrounding neighbors. Mr. Hales further explained the rezone was granted because this is consistent with the General Plan. The issue is with the access. Commissioner Averill suggested additional options with the plan. Mr. Hales said if a variance is not granted, they will have to rethink the plan. Moving the building to the south would create light issues in the studio. Ms. Knight explained this hardship is not created by the property owner and thereby should qualify for a variance, but there is no guarantee the variance will be granted.

Motion: Commissioner Smith motioned to table agenda item #7 the Hales Building a commercial site plan located at approximately 995 North 375 East subject to a variance hearing and any engineer recommendations. Commissioner Nelson seconded. Voting was unanimous.

8. COMMISSION/STAFF FOLLOW-UP.

Staff follow-up is a reminder for the Ben Lomond Open House going on February 16, 2022 at 7 PM. There was an article in the Standard Examiner on February 7, 2022, regarding this project and the open house.

Mr. Shinsel gave a brief overview of upcoming developments within the city. Montgomery Farms had their pre-con and are breaking ground with the detention ponds. Ashlar Cove has been staked out their project but are still working on elevations and ditch issues. Copperwoods will have their pre-con tomorrow after project management. There will be activity at the Ben Lomond commercial site. They are doing their Geotech survey. They received their approval with the zoning change from city council last night.

9. ADJOURN.

Chair Holbrook declared the meeting adjourned at 7:51 p.m.

Jennie Knight
City Recorder

Chad Holbrook
Chair