

**Minutes of the City of Harrisville
Planning Commission Meeting**
Wednesday, January 11, 2012, 7:00 p.m.
Council Chambers
363 W. Independence Boulevard
Harrisville, Utah 84404

Present: Jeff Pearce, Roger Shuman, Ed Saunders, Steve Weiss, David Eckersley, and Dave Stephenson. Commissioner Howard and newly appointed Tyler Malmrose were excused.

Staff: Bill Morris (City Administrator), Shanna Edwards (Secretary), Chad Allen (City Council)

Visitors: Ruth Pearce, Rena S. Dixon, Danny Byington, Stacey Byington, Kathy Burgess, David Burgess, Myron Ball, Lloyd Barker, Shelly Barker, Mike McLighton, DeAnn McLeighton

1. CALL TO ORDER: Chairman Jeff Pearce called the meeting to order, welcomed everyone, and introduced Dave Stephenson as a new commissioner.

2. CONSENT AGENDA: Approval of Minutes of meeting held December 14, 2011

MOTION: Commissioner Saunders motioned to approve minutes of the meeting held December 14, 2011, as presented. Commissioner Weiss seconded the motion. Voting was unanimous.

3. BUSINESS ITEMS: Commissioners unanimously agreed to move item 3a for later on the agenda.

3b. PUBLIC HEARING / REVIEW / RECOMMEND -A request to amend the Land Use Zoning Map from RE-15 to CP-2 for properties located at 405 and 417 North Harrisville Road for the purpose of establishing a 7-Eleven.

MOTION TO OPEN PUBLIC HEARING: Commissioner Weiss motioned and Commissioner Eckersley second with unanimous approval to open the public hearing.

Bill Morris explained the General Plan Future Land Use Map shows the properties as commercial, which means that unless there is a good reason, the city will approve the rezone.

Public Comments:

Myron Ball, 117 North Street

He expressed concern for the condition of North Street. He feels the road should be widened and improvements such as sidewalks should be put in before approval is given for commercial.

Michael McLeighton, 120 North Street

He said he cannot take another store going into that neighborhood. There are large trucks using North Street along with people in wheelchairs going to the Deseret Industries and patrons to the liquor store. It should be widened with a sidewalk before anything else is allowed there. He stated that he has hatred what has been allowed to go in there now, and it is hard for him to stay there. He cannot get out of his driveway. His dogs cannot run loose on his property because of the number of pedestrians. When he moved there it was country living, but it has grown out of proportion. He would like to get rid of it all, and is not in favor of putting more commercial in.

David Burgess, owner of property at 405 North Harrisville Road.

He stated that if a business is put in, there will be a sidewalk at least on that portion. A business would be appropriate there and it would clean up the area.

There were no further public comments

MOTION TO CLOSE PUBLIC HEARING: Commissioner Weiss motioned and Commissioner Saunders seconded with unanimous approval to close the public hearing.

DISCUSSION: Bill Morris addressed the North Street issue. He pointed out that North Street is an Ogden City street. None of the street is within Harrisville City's boundary. He reported that Gene Bingham is in the process of working with Ogden City to move the boundary so that half of North Street will remain in Ogden City and half will be in Harrisville City. Ogden City will put up funds to widen it and Harrisville will come up with \$50,000 toward that. He said that the city was going to widening Larsen Lane this year due to a serious traffic problem there, but city officials are actually looking at taking money that would have gone for that project and putting it into North Street. Commissioner Stephenson asked where the property would come from to widen the street. Bill Morris said Harrisville City and Ogden will have to agree on that. He is not sure about that at this point, or if only the portion where the 7-Eleven is going will be improved for now, but Ogden City is proposing Harrisville contribute the amount stated. Ogden City will figure out where encroachment will be. It is their road so they have done all the engineering. Harrisville will have more information on the street improvement by the time the 7-Eleven site plan comes in for approval. The action at this meeting is just the recommendation on the zoning.

MOTION: Commissioner Saunders motioned to recommend that the city council amend the Land Use Zoning Map from RE-15 to CP-2 for properties located at 405 and 417 North Harrisville Road for the purpose of establishing a 7-Eleven. Commissioner Eckersley seconded the motion.

DISCUSSION: Commissioner Shuman asked if it would be appropriate to amend the motion to include that the concept plan for widening North Street be strongly considered prior to city council approval of the zoning change for this property. Bill Morris suggested adding that if the 7-Eleven is not built timely, that the zoning revert back. Commissioner Saunders approved the suggested changes. Commissioner Eckersley seconded the motion and amendments, and voting was unanimous.

3c. PUBLIC HEARING / REVIEW / RECOMMEND - an ordinance to amend the Land Use Ordinance by adopting Chapter 11.15 entitled “Mixed-Use District (CX1 Overlay Zone)”

MOTION TO OPEN PUBLIC HEARING: Commissioner Weiss motioned and Commissioner Saunders seconded with unanimous approval to open the public hearing.

No public comment

MOTION TO CLOSE PUBLIC HEARING: Commissioner Saunders motioned and Commissioner Weiss seconded with unanimous approval to close the public hearing.

DISCUSSION: Bill Morris mentioned that a mixed use ordinance was proposed by a city land owner who wanted to use the concept for his property. Bill Morris reviewed the ordinance with commissioners and noted their corrections.

Additional public comments:

Lloyd Barker did not realize that the public hearing portion of the meeting had already taken place. When he realized the contents of the ordinance did not allow what he proposed for his property, he was permitted to give comment. He asked specifically if his proposal three months ago, which consisted of putting town homes in commercial, would be allowed under this ordinance. Bill Morris explained that what he proposed which is not mixed use according to the American Planning Association. Mixed use basically consists of commercial on the bottom floor with residential above. Lloyd Barker gave commissioners copies of his proposal to buffer existing commercial with town homes on 750 West across the street from the residential. Bill Morris responded that all the models for mixed use where property fronts on a street have commercial on the first floor, which is how to get mixed use in commercial, otherwise it is spot zoning. Mr. Barker will have to make it match the standard or separate the town homes from the businesses and get approval of a high density zone. Commissioner Saunders said he would rather see town homes there than commercial development. Commissioner Shuman explained that if the mixed use ordinance is written to accommodate Mr. Barker, it would apply throughout the entire city. Bill Morris said Mr. Barker is asking for town homes in commercial, not mixed use. He could rewrite the ordinance, but then it would not really be a mixed use concept. What the city adopts has to apply across the city under equal protection laws. Commissioners may not have understood at the last meeting what a mixed use really is. Bill Morris stated that the models from Ogden City that Mr. Barker provided to Harrisville do exactly what is proposed in this ordinance, only this ordinance is more concise. The main principal in all models is putting commercial on streets. Lloyd Barker stated that does not feel the concept in the mixed use ordinance is feasible for his property at this time. He said, “It may work down the road if there is a Wal-Mart across the street.” Commissioner Saunders asked what the next step would be for Mr. Barker to pursue the town home concept. Bill Morris said he would have to divide the property from the commercial and seek to have the city approve a high density zone. Commissioner Eckersley said he likes the ordinance, but he does not see how the planning commission can do a mixed use ordinance the way Mr. Barker is requesting.

MOTION: Commissioner Eckersley motioned to recommend the city council adopt the ordinance to amend the Land Use Ordinance by adopting Chapter 11.15 entitled "Mixed-Use District (CX1 Overlay Zone)" as amended. The motion died for lack of a second.

MOTION: Commissioner Weiss motioned to table action on the proposed ordinance to amend the Land Use Ordinance by adopting Chapter 11.15 entitled "Mixed-Use District (CX1 Overlay Zone)." Commissioner Saunders seconded the motion and voting was unanimous to table any recommendation.

3a. Elect a new planning commission chairman and vice chairman.

Chairman: Bill Morris asked if Jeff Pearce would be willing to still attend project management meetings whether or not he is the chairman of the planning commission. Commissioner Shuman nominated Commissioner Weiss as chairman. He said that because of his work, he definitely would not be able to attend project management meetings. If Commissioner Pearce is unable to attend those meetings while Commissioner Weiss is chairman, Commissioner Shuman said that he would attend. With that being said, Commissioner Weiss consented to serve as chairman which action was seconded by Commissioner Saunders. There were no further nominations, so Commissioner Weiss was elected by acclamation to serve as chairman during 2012.

Vice chair: Commissioner Weiss nominated Commissioner Saunders. Commissioner Shuman seconded the motion. There were no further nominations, so Commissioner Saunders was elected vice chair by acclamation.

MOTION: Commissioner Shuman motioned that Commissioner Pearce continue to represent the planning commission at project management meetings until further notice, with the provision that Commissioner Shuman will attend project management meetings when Commissioner Pearce cannot. The motion was seconded by Commissioner Weiss, and voting was unanimous.

4. PUBLIC COMMENTS: None

5. CITY COUNCIL REPORT: Commissioner Shuman reported that council approved the storm water project for 750 west, passed Ordinance 445 - Performance Standards, Ordinance 446 - Sewer Services update, and 447 - Limited Access Facilities, and authorized staff to proceed with RAMP grant application to complete the city park renovation project. He said the council also received the audit report before he arrived. The city council/planning commission retreat will not be held January 31. It has been postponed until February or March.

6. ADJOURNMENT:

MOTION: At 8:05 p.m., Commissioner Weiss motioned and Commissioner Eckersley seconded with unanimous approval to adjourn. The next regular planning commission meeting will be held February 8, 2012, 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Jeff Pearce
Chairman