

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., March 11, 2015

Commissioners:
Steve Weiss William Smith
Michael Murtha Patricia Young
Don Knighton Chad Holbrook
Kevin Jensen

Staff: Bill Morris (City Administrator)
Shanna Edwards (Secretary)

Visitors: Ruth and Jeff Pearce, Ilene Graves, Allen Graves, Michael Graves, Bob Gib...?, Paula Knighton, Donna Woodland, Dan Woodland, Tony Villerruel, Cathy Villarruel, Curtis Chatelain, Bob Howard, George Beseris, Fred Oates, Bob Dabling, Jerry Sorensen, Bernard ...?, Sam Richards, Robert Foster, Linda Gaz, John Gaz

Call to order and welcome:

Chairman Weiss called the meeting to order and welcomed everyone. Tyler Malmrose was excused, and Bill Smith was absent.

1. PUBLIC HEARING / RECOMMENDATION

a. To amend the Zoning Map from Residential/ Agricultural to Commercial for 21.81 acres on West North Street, west of the Deseret Industries.

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

Using the map displayed on the large monitor for all to view, Bill Morris explained the change to the zoning map includes the 21.81 acres (owned by Five "T") that the Church of Jesus Christ of Latter-Day Saints (L.D.S.) has under contract to purchase for a cannery and other welfare uses. There was not a representative present.

b. Amend the Harrisville Land Use Ordinance to allow eleemosynary and certain public uses in the Residential Zones and allow eleemosynary and cannery uses in the Commercial and Manufacturing Zones.

Bill Morris explained that an amendment to the list of uses is being considered in the Land Use Ordinance under (paragraph 11.08.020) "Recreation, Educations, Institutional" to provide for "Eleemosynary uses" as permitted in A-1, and as a condition use in the other residential zones; also as a permitted use in both manufacturing and commercial zones, with cannery as a conditional use in the CP-2 Zone and as a permitted use in M-1 Zone, and "Public office or service buildings" as a permitted use in all Residential Zones.

DISCUSSION: Commissioner Jensen asked about wetlands on the property. Bill Morris reported the buyers are getting a wetland delineation done, and based on that, they may have to adjust their site plan, but this is something commissioners will deal with at the site plan stage. Pat Young favored the amendment and commented that there are few homes to be impacted. It appears that they intend to access the property from the existing access from West North Street

behind the Deseret Industries Building. She said she does not see this as creating a traffic problem. Commissioner Holbrook referred to the little strip from West North Street just to the west of the homes. Bill Morris explained that when the applicant applied for zoning they asked for the whole parcel and that strip is part of the parcel. He does not know if they intend to loop traffic flow by using that as an access, but that will all be brought out during the site plan process. Commissioner Holbrook asked about the church's current operations location on Lincoln Avenue, and Bill Morris replied that city staff was told the services they have there will eventually all be moved to this location.

Public Comments: None

MOTION TO CLOSE THE PUBLIC HEARING: Commissioner Young motioned and Commissioner Knighton seconded with unanimous approval to close the public hearing.

MOTION: Commissioner Young motioned to recommend the amendment to the Zoning Map for Residential/ Agricultural to Commercial for 21.81 acres on West North Street, west of the Deseret Industries, and recommend the Land Use Ordinance be amended to allow eleemosynary and certain public uses in the Residential Zones and allow eleemosynary and cannery uses in the Commercial and Manufacturing Zones. Commissioner Murtha seconded the motion and voting was unanimous.

2. PUBLIC HEARING / RECOMMENDATION concerning adoption of a proposed overall new updated General Plan Map for Harrisville City.

MOTION OPEN THE PUBLIC HEARING: Commissioner Jensen motioned and Commissioner Knighton seconded with unanimous approval to open the public hearing.

Bill Morris used the computer mouse arrow to point out areas on the proposed map, displayed on the large monitor screen, that differ from the current map. These changes include extending commercial on Washington Boulevard, adding some commercial on the frontage of Highway 89, extending other commercial including the area just presented for commercial expansion for the L.D.S. Church, and open space areas where there are wetland and habitat issues. This is the overall General Plan Map for the city, and the city continues to update elements of the plan which include the transportation element, trails element, sensitive lands overlay, and others.

Public comments:

Ruth Pearce (295 E. 1150 N.) pointed out a strip A-1 to O-1 of open space by the city park. Bill Morris added that all detention basins and city park areas are being shown on the map as open space.

MOTION TO CLOSE THE PUBLIC HEARING: Commissioner Murtha motioned and Commissioner Holbrook seconded with unanimous approval to close the public hearing.

Bill Morris explained that the project management staff including himself, Jeff Pearce as city council representative, a representative of the planning commission, the city engineer, public

works director, and others, helped develop the map. He explained some of the thought processes that went into expanding the commercial. Commissioner Murtha reported that a 23.69 acre parcel (part of Hart subdivision) is for sale, and he questioned if the open space area included on the proposed General Plan Map would extend onto that property. Bill Morris stated that it has not been zoned open space, but the open space area designated may affect that property. The open space areas shown on the map follow those areas with wetland and flood plain issues, and include critical habitat. He explained that the General Plan Map is a guide for the future that can help identify what is proposed when applications do come in. Commissioner Murtha said he talked to the broker for the 23.69 acres who told him he has received interest in industrial or commercial, no high density, but there has been interest in subdividing into one or two acre lots. Bill Morris said that the area would qualify under the cluster subdivision concept which is a way of keeping homes outside the wetlands conservation easement or open space. Commissioner Young commented that putting homes in wetland areas is not a good investment.

MOTION: Commissioner Jensen motioned to recommend the city council adopt the 2015 General Plan Map amendment as presented. The motion was seconded by Commissioner Young, and voting was unanimous.

3. PUBLIC HEARING / ACTION on a conditional use application from Premier Choice Auto LLC for used auto sales at 1529 N. Washington Boulevard.

MOTION TO OPEN THE PUBLIC HEARING: Commissioner Murtha motioned and Commissioner Holbrook seconded with unanimous approval to open the public hearing.

Bill Morris stated that the applicant wants to put a used car lot on the site. The site plan presented with the application shows sales and customer parking areas. Planning commission may want to ask what he is planning with landscaping, and any if he is making any changes to the building.

Robert Foster representing Premier Choice Auto explained they propose to use the property at that location for a car dealership selling used cars, not to include mechanical work. They are only making small changes to the existing site. In the front area which is overgrown with weeds, they plan putting in landscape bark. Commissioner Knighton mentioned the landscape ordinance requirements. Bill Morris said that landscaping will probably be maintained as it exists since this may be grand fathered. Mr. Foster indicated that the lighting is sufficient. Commissioner Murtha inquired about a snow removal plan. Mr. Foster said snow removal will depend on where they put the cars, but they will probably stack snow in the back corner on the north side, next to the building. Robert Foster said they will not be changing the fencing. The present chainlink fence on the south side looks like it is falling down, and he stated that they will repair or match the existing fencing.

Public comments: None

MOTION TO CLOSE THE PUBLIC HEARING: Commissioner Young motioned and Commissioner Murtha seconded with unanimous approval to close the public hearing.

Bill Morris said that commissioners can set forth the condition volunteered by the applicant that no maintenance, mechanical work can be done on site, and that the applicant meets the requirements of the city code for site it is located on.

MOTION: Commissioner Murtha motioned to approve a conditional use application from Premier Choice Auto LLC for used auto sales at 1529 North Washington Boulevard, with conditions as set forth by the planning commission and staff. Commissioner Young seconded the motion and voting was unanimous.

Bill Morris explained that there is a ten-day appeal period. If no appeal is filed, the applicant can come in and receive the permit and apply for business license.

4. PUBLIC HEARING / RECOMMENDATION for preliminary site plan for C. LeVere Chatelain three lot subdivision (two lots located at the east end of 2425 North, one lot on 2550 North.)

MOTION TO OPEN THE PUBLIC HEARING: Commissioner Jensen motioned and Commissioner Young seconded with unanimous approval to open the public hearing.

Bill Morris referred to the site plan showing on the large monitor. He explained utilities on 2550 North are available to Lot 1, but a deferral agreement with Pleasant View City will be required deferring improvements on 2550 North. Lots 2 and 3 will front on the proposed cul-de-sac extension of 2425 North which will be the responsibility of the developer to construct. Some of the utilities are already stubbed in for extension into the cul-de-sac. Bill Morris reviewed the items on the most recent letter from the city engineer dated March 10, 2015. He mentioned there has already been some inter-city coordination with Pleasant View on issues with 2550 North.

RESPONSE: Ilene Chatelain Graves said she is the trustee of the trust which includes this land left by their father after his death to her and her two siblings. The proposed subdivision is how they plan to divide the property among the three. She said that she plans to build a home and live on Lot 3. Lots 1 and 2 will go to her siblings and will probably be sold in the future. She realizes they are responsible to develop the cul-de-sac which provides required frontage to Lots 2 and 3, and that approval of the land dedication including deferral of public improvements on 2550 North for the front parcel (Lot 1) must be coordinated with Pleasant View City, and she has made arrangements to meet with them.

Public comments:

Tony Villarruel, 340 W. 2425 N. (Lot 27 R Majestic View Subdivision)

He bought his house before the Majestic View developer fenced the subdivision. His property line markers are 13 inches beyond where the developer put the fence. He would like to gain the 13 inches back. He is also concerned about building height. Bill Morris said that the maximum height restriction is 35 feet, and he will address the fence after the public hearing.

Bob Dabling, 174 Cambridge (President of Cottages Home Owners Association, HOA)
He mentioned concern about water drainage issues, and if development of this property will impact The Cottages SAP western boundary.

Fred Oates, 2459 Dorchester

He said he appreciated the newsletter including notice of the public hearing, but residents in The Cottages only received it this afternoon. He feels that some residents should have been personally notified. His concern is that Bona Vista Water put in a separate meter so that this development is not connected to the line from the Cottages. He mentioned billing problems the HOA has had with New Towne Square on the east that is on the same their same meter, and they do not want to be responsible for this development's water as well. He commented that another cul-de-sac probably does not find favor with the city maintenance director. On the south end of Dorchester is a retention pond. It has a chain link fence on the border of this property. Fencing is vinyl up to the retention pond. He does not want the chain link fence removed unless they replace it with vinyl. He also mentioned that this development should control any storm water the development generates.

RESPONSE: Mrs. Graves said that the final plan she is presenting at project management meeting tomorrow has drainage shown. She plans to build on Lot 3 which is where the detention area of The Cottages is located, and she will make sure safety issues with the detention area are not violated, and she will take care of storm water drainage so it does not spill over into The Cottages or the Majestic View.

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

Bill Morris addressed the fence on lot 27R in Majestic View which seems to be a boundary offset. He explained this may be a case of what is called "boundary acquiescence" where the fence line becomes the boundary line after 10 years. He said that the city does not get into property disputes, but rather tries to facilitate resolutions. The city engineer and developer's engineer will look at it and try to mediate the disputed line at project management meeting tomorrow. Bill Morris said the property was thoroughly surveyed and the topography is shown on the plan. There appears to be no problem with the grading of the site. It will not drain into The Cottages unless the grading is significantly changed. He mentioned there is a little pocket where grading is close near Lot 28R in The Cottages, and Chatelain Lot 2 may need to raise the elevation some there. Lot three appears to drain into the cul-de-sac. Buyers of the lots may change the grading which could screw it all up, but grading as shown on the plat is acceptable. The Bona Vista Water line extension ends in the cul-de-sac. The lateral for these lots will end in the cul-de-sac. He said he will provide a copy of the plan to The Cottages HOA. The detention basin fence should remain as it is. Bill Morris suggested that with so few items on the city engineer's letter of March 10, 2015, the planning commission can consider giving preliminary and final recommendation in one action. It was also noted that the A-1 lots only allow single family homes, and the lots where large enough are allowed to have animals.

MOTION: Commissioner Young motioned to recommend preliminary and final approval of the C. LeVere Chatelain three lot subdivision subject to: (1) the fence line with Majestic View Phase 2 Lot 27R being addressed, (2) grading on all lots must follow the existing topography, (3) that staff raises the concern of The Cottages Bona Vista Water Line with the engineer at project management committee tomorrow, (4) that the fence line for the SAP detention remain as it is. The motion was seconded by Commissioner Holbrook, and voting was unanimous.

5. Consent approval of Planning Commission Meeting Minutes January 14, 2015.

MOTION: Commissioner Jensen motioned and Commissioner Murtha seconded to approve minutes of planning commission meeting held January 13, 2015, as written. Voting was unanimous.

6. Public comments: None

7. Adjourn

At 8:00 p.m., Commissioner Knighton motioned and Commissioner Holbrook seconded with unanimous approval to adjourn. The next regularly scheduled planning commission meeting will be held April 8, 2015, 7:00 p.m. at the city hall.

Shanna C. Edwards, Secretary

Steve Weiss, Chairman