

Harrisville City Planning Commission

Harrisville City Offices

Wednesday, May 11, 2022 – 7:00 p.m.

Commissioners: Chad Holbrook, Chair
Brenda Nelson
Nathan Averill
Bill Smith
Kevin Shakespeare
Brad Elmer

Staff: Jennie Knight (City Administrator)
Maria Devereux (City Recorder)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)

Visitors: Alan Temkin, William Scott, Grover Wilhelmsen, Jennifer Reeder.

1. CALL TO ORDER

Chair Holbrook called the meeting to order and welcomed all visitors.

2. CONSENT APPROVAL – of Planning Commission minutes from April 13, 2022.

MOTION: Commissioner Smith motioned to approve Planning Commission minutes from April 13, 2022 as presented. Commissioner Nelson seconded. Voting was unanimous.

3. PUBLIC HEARING – Harrisville Planning Commission will hold a public hearing to take comments for and/or against Harrisville Ordinance 535; Commercial Land Use Amendments.

Jennie Knight, City Administrator, presented an overview of the commercial land use amendments. She began by saying, an application was received from Triple Peaks, LLC on April 26, 2022 to add a commercial swimming pool to approved CP2 zoning uses. Chair Holbrook asked for an overview of the parcel to be displayed for commissioners to know exactly where the property in question was located. Some discussion of where the project is in the process of approval along with some of the possible amenities occurred. Ms. Knight replied the project was in the Project Management review process with staff. It has not come to the Planning Commission as of yet.

Chair Holbrook opened the public hearing and asked for public comment.

Jennifer Reeder asked for clarification with pool requirements, and limitations due to current water restrictions.

Chair Holbrook closed the public hearing.

Mr. Shinsel noted that he reviewed the drought restrictions imposed by Bona Vista Water Improvement District. He mentioned the site concept would not be ready for this watering year. The intended water use would be contingent on next year's restrictions.

Commissioner Averill commented this would be a private pool so the water would be purchased directly from Bona Vista with any restrictions at that time. He mentioned a letter he received from Bona Vista which said the recommendation is to go to a public pool rather than keep your own full. This is due to commercial pools that have measures in place to reduce evaporation.

Commissioner Nelson asked for clarification on the land use amendment. She thought this would allow anyone in a commercial zone to have a pool.

Ms. Knight referred to staff memo HCMC 11.01.060 Commercial Recreation that expands the definition of commercial recreation to include swimming pools.. However, HCMC 11.12.020 (4) defines the use as indoor and this developer would be utilizing an outdoor use for the pool. Ms. Knight stated that staff recommends approval and adoption of this ordinance. Conditional use should be listed as part of the approval to ensure the hours of operation and lighting, which will have an impact on the surrounding properties, can be taken into consideration upon approval. This ordinance would allow swimming pools in the commercial zone to be a permitted use but would require a conditional use permit.

4. **DISCUSSION/ACTION/RECOMMEND** – to recommend adoption of Harrisville Ordinance 535; Commercial Land Use Amendments.

MOTION: Commissioner Averill motioned to recommend adoption of Harrisville Ordinance 535; Commercial Land Use Amendments. Commissioner Shakespeare seconded the motion. Voting was unanimous.

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

. Jennie. Knight, City Administrator, refreshed the commissioners with the findings of the February 2022 meeting when the commercial site plan application was presented to the commission for a photography studio with access onto a residential street. The findings at that time found the access point was against municipal code. The item was tabled at the February 2022 meeting with a variance hearing request. A variance hearing was held on May 3, 2022. The appeal authority found the request met the state requirements. Ms. Knight read the variance findings into the record.

A variance hearing was held on May 3, 2022 at 11:00 am at the Harrisville City Offices concerning a request for a variance. The request was made by Jeff Hales on behalf of C and J Real Property Investments LC, owner of property located at 995 N 375 E, which is a designated general commercial zone that abuts a residential road. The property is surrounded on three sides by commercial properties. The only apart of the property available for access is the one side that abuts a residential road. However, Harrisville City Municipal Code Section 11.13.060 prohibits access from commercial uses onto residential streets. Mr. Hales has requested a variance to allow ingress and egress from the property onto the residential road.

Utah Code Section 10-9a-702(2)(a) provides that an appeal authority can only grant a variance if:

1. *Literal enforcement of the ordinance would cause an unreasonable hardship for the application that is not necessary to carry out the general purpose of the land use ordinance;*
2. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*
4. *The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
5. *The spirit of the land use ordinance is observed and substantial justice done.*

After reviewing the testimony presented at the hearing, the site plan, the Harrisville Municipal Code and Utah State Law, I have made certain findings. In this case I have found that the property is located in a general commercial zone along with properties that border it on three of its sides. The surrounding commercial properties use and have access that is not on a residential street. However, the remaining border for the subject property abuts the residential street, which is the only available place for access to the property. This is a special circumstance that does not apply to other properties in that zone and is essential to the enjoyment of the property, because without access to the residential street the property cannot be developed. Additionally, the general plan does not preclude from commercial zones to residential streets. It only stated that commercial use should be located along major arterial streets and that when commercial uses are adjacent to residential areas, special care should be taken to ensure privacy and to protect personal property. In this case, granting the variance would not substantially affect the general plan because the proposed development is a small photography studio with approximately seven parking stalls, which will have minimal impact on the residential traffic.

In accordance with the foregoing, the request for variance is granted.

*Andrew H. Blackburn
Hearing Officer*

Commissioner Averill asked if anything had changed on the site plan.

Ms. Knight noted there are no changes for preliminary approval. All other items outlined on the engineer's memo will need to be addressed before continuing with the approval process. The variance was to deal with the access points.

Commissioner Elmer asked if there would be any development on this parcel.

Commissioner Nelson voiced concern with the access and wanted to know the impact of construction during development on the surrounding residential homes. Staff replied the impact should not be more than a regular residential home build.

MOTION: Commissioner Nelson motioned to grant preliminary approval for Hales Building; a commercial site plan located at approximately 995 North 375 East. Commissioner Averill seconded the motion. Voting was unanimous.

Engineer's memo was discovered along with staff memos from when the site plan was originally reviewed by the Planning Commission at the February 9, 2022 meeting. These are to be included in the amended motion.

AMENDED MOTION: Commissioner Nelson motioned to grant preliminary approval for Hales Building; a commercial site plan located at approximately 995 North 375 East subject to the Engineer's memo February 3, 2022 and according to staff and agency requirements. Commissioner Averill seconded the motion. Voting was unanimous.

6. DISCUSSION/ACTION/RECOMMEND – to grant preliminary/final approval for Millennium Park Site Plan.

Chair Holbrook asked Mr. Shinsel to address the agenda item. Mr. Shinsel reviewed the progress on the park thus far. He explained the city has been working diligently with Ben Lomond Development in regard to the Millennium Park improvements. Millennium Park will stay in the ownership of Harrisville City. The maintenance and upgrades will be completed by Ben Lomond Development, LLC. A site plan has been submitted for review by staff. Millennium Park currently has all structures removed including fencing. The new site plan includes new restrooms and playground equipment. The basin will be regraded to ensure flow. Upgrades to the track with lighting and fencing will be added as well. The ditch on the outskirts of the park will be completely revamped. Chair Holbrook asked if this could be used as a soccer field. Staff replied it was a possibility. Mr. Shinsel said the new grading is necessary to change the flow to prevent the backflow into the park.. The end result would be like receiving a completely new park. Mr. Shinsel reviewed some of the amenities which would be included within the park. Chair Holbrook asked if the plan was to keep the walking track. Mr. Shinsel replied it is the intent to keep the track since the city spent the money to repave it last year. In addition, a new sidewalk will be added all the way down 2000 North. There will also be a new parking lot with 38 stalls. Commissioners gave discussion on some of the other amenities to be included for clarification. William Scott, the developer, was asked to address the parking. He explained they were trying to obtain 40 stalls but the landscaping about the restrooms restricted this. Chair Holbrook asked for clarification on the entrance way. He would like to see the beautification along the entryway from the commercial area. The plan is to make it a nice green area with a walkway crossing over the ditch. Mr. Scott reviewed some amenities they are planning for the center park within the commercial area which tie back to the park. The engineer's memo notations about the fence at Millennium Park were discussed between staff and the commission for clarification in regard to Ben Lomond Development responsibility with the park.

MOTION: Commissioner Averill motioned to grant preliminary/final approval for Millennium Park Site Plan subject to Engineer's Memo dated May 5, 2022 and any staff and agency requirements. Commissioner Smith seconded the motion. Voting was unanimous.

8. COMMISSION/STAFF FOLLOW-UP.

Jennie Knight informed the commission that preliminary approval of Ben Lomond Subdivision Phase 2A was approved through the City Council at the their May 10th meeting. Commissioner Nelson asked when the developer anticipates construction to begin. Jennie Knight replied the developer will need to go through the final process and the preconstruction meeting before they can start any work on infrastructure.

Commissioner Averill asked about playground equipment for the Main Park. Nothing has been replaced with regard to younger children...Jennie Knight replied this is being considered as future budget items. The main park structure was removed due to deterioration and hazardous.. The city is looking into grants and such to try and replace the removed equipment. Chair Holbrook asked if pickle ball courts will be

at the main park. Jennie Knight replied there would be some in the new Municipal Complex. Commissioner Nelson asked about the splash pad. Jennie Knight informed the Commissioners the City Council unanimously agreed to postpone the splash pad for this season due to the water restrictions for the year.

Ms. Knight introduced Ms. Maria Devereux as the new City Recorder for Harrisville.

Chair Holbrook asked about training. Jennie Knight said they would get back to the commission to see if there were any more training requirements for 2022.

9. ADJOURN

Chair Holbrook declared the meeting adjourned at 07:39 PM.

Chad Holbrook
Planning Commission Chair

Cynthia Benson
City Deputy Recorder