

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., January 10, 2018

Commissioners: Brenda Nelson
Roger Shuman
Nathan Averill
Stephen Weiss
Kevin Jensen
Chad Holbrook
Blair Christensen

Staff: Bill Morris (City Administrator)
Laurence Boswell (Land Use Coordinator)

Visitors: Michael Gollegas, Steven Shetfield, Frances Lyon, Ruth Pearce, Jeff Pearce, Karen B., Glenn B., Maxine Grange, Ray Grange, Jay B., Christine Love, Steve Love, William Kirby, William Brechbill, Sharon Brechbill, June Brown, Bruce Brown, Jean Brown, Aaron Thornock, Heather Kraaima, Brittany Oconnor, Tarra Tippetts, Harold Mills, Dana Mills, Bob Howard, Nicole Shakespeare, Dave Hickson, Mary A Hickson, Brad Wild, Grover Wilhelmsen, Edd Caulford, Judy Caulford.

1. CALL TO ORDER.

Chairman Stephen Weiss called the meeting to order at 7:00 PM.

2. ADMINISTER OATH OF OFFICE to Kevin Jensen and Blair Christensen.

Bill Morris administers the oath of office to Kevin Jensen and Blair Christensen.

3. CONSENT APPROVAL of Planning Commission Meeting Minutes August 9, 2017.

MOTION

Motion by Roger Shuman, second by Nathan Averill, to approve minutes of Planning Commission meeting held August 9, 2017, as written. Vote called and passed unanimous.

4. REVIEW/ DISCUSSION/ ACTION on conditional use permit for a property off of 223 W 2150 N (Tarra Tippetts).

DISCUSSION

Bill Morris reads the municipal code 11.10.020, section 9 and explains that these are the regulations set forth for any home occupation in Harrisville City. Commissioner Kevin Jensen asks Tarra if she will be willing to comply with all the stipulations that were read by Bill Morris. Tarra responds with a yes. Commissioner Roger Shuman asks how many people Tarra expects to

sit in on a pottery class. Tarra responds and says three (3) people max, but usually she will be teaching a client one on one. Commissioner Chad Holbrook asks what kind of pottery will be made and if Tarra has a kiln. Tarra responds that she will generally be making plates. She will be using a big wheel for her pottery. She will not be making ceramics and she will fire all the pottery at a kiln located in Salt Lake City. Commissioner Roger Shuman asks about hours of operation. Tarra explains that she will be operating during the daytime, no later than 5:30 p.m.

MOTION

Motion by Nathan Averill, second by Commissioner Chad Holbrook to approve the home occupation located at 223 W 2150 N and to follow all the regulations of the municipal code. .
Vote called and passed unanimous.

5. REVIEW/DISCUSSION/ACTION on revocation of conditional use permit issued for Dusenberry Autoshop.

DISCUSSION

Mr. Boswell gave the staff presentation. He stated that he received a complaint at the property and has been meeting with the property owner for several months. The issue is the junk vehicles stored on the property. There are still fifteen (15) or so vehicles parked on the site. As stated in the packet material there are the minutes from the original approval that show the conditional use permit limiting Shain Dusenberry to four (4) parking slots for vehicle sales. In addition, he was allowed to store 2 to 3 vehicles being worked on outside on the lot. There are more vehicles than were allowed on the site and since this has been going on for months now, the issue is brought back to the planning commission to address the violation.

Bill Morris explains the process behind code enforcement and conditional use permit.

Shain Dusenberry states that he has been working with Laurence for several months. The main issue is the back of the lot. Shain states that the problem is that the original conditional use permit does not mention the back lot, but rather the space between the house and the shop. Previous code enforcer Tim Shelstead mentioned to Shain that the back lot is not part of the conditional use permit, so Shain thought he didn't have to worry about it. Shain states that no vehicles are being stored on the lot, but rather being cycled through. Shain declares that he doesn't see an issue with his lot as it stands. Shain talked to the ombudsmen officer and he mentioned that he would be very surprised if the planning commission would recommend a revocation for the conditional use permit.

Commissioner Chad Holbrook asks if the cars that are facing Wall Avenue are for sale. Shain states that yes they are for sale and there are about 4 right now. Sometimes there are fewer cars up for sale at a time. Shain states that Laurence did mention in the packet that the cars were never in their designated spot. There are some power wires up against the house, where the cars are supposed to be, so Shain found that moving the cars near Wall Avenue was a better option.

Commissioner Chad Holbrook asks if Shain feels like the property is out of compliance after reading the original conditional use permit. Shain replies with a no.

Commissioner Roger Shuman asks what the purpose is for the cars located in the back lot. Shain states that he uses the cars in order to replace parts in other cars. He also states that if a car is totaled, Shain takes it to get crushed. Shain reports that a lot of cars are left abandoned on his lot and it takes time to find the owner and get the car towed away.

Commissioner Roger Shuman states that he's been on the planning commission for 20 years. He sort of remembers when Shain Dusenberry originally received his conditional use permit and reminds Shain that the conditional use permit was for an autobody shop, not a junk yard or salvage yard. Roger states that 15 or 20 cars being stored in the back is too many. Roger suggests giving Shain 15 days to clean up his property before revoking the conditional use permit. Also, Roger mentions that any conditional use permit that is issued covers an entire property, not just sections of it.

Shain Dusenberry states that on page 12, in the planning commission minutes, second paragraph down, the gravel area between the house and the shop is where the cars would be stored. I thought the conditional use permit was saying that area was of more concern.

Commissioners Roger Shuman and Kevin Jensen agree that the lot should not look like a junk yard and needs to be cleaned up. Kevin suggests giving Shain 30 days to clean it up.

Commissioner Chad Holbrook asks if 30 days would be sufficient time for Shain Dusenberry to clean up his lot. Shain replies and says that with the mud and broken down tow truck, 30 days would not be enough time.

Bill Morris suggests that another option would be to bring in an amended site plan and then come back and amend the conditional use permit.

DISCUSSION

Commissioner Brenda Nelson likes the idea that Bill presented about getting a new site plan approved and a conditional use permit amended.

Bill Morris suggests to also have him update his plan to the conditions of the business. Bill also suggests having an ombudsmen come in if needs be.

Commissioner Nathan Averill suggests maybe having him clean up his property and update his site plan.

Commissioner Blair Christensen says that even with an updated plan, he should not be allowed 20 cars on the lot.

Commissioner Kevin Jensen states that he needs to have a time limit to clean up the property.

Bill Morris suggest giving Shain Dusenberry 2 months, but also giving a little flexibility if staff feels it is necessary.

Commissioner Roger Shuman says to give Shain no longer than 3 months to get the property back into compliance.

MOTION

Motion by Roger Shuman, second by Commissioner Brenda Nelson to table the revocation of the conditional use permit for Dusenberry Autoshop, turning it over to City Staff to come up with a resolution to come back with a new site plan and another conditional use permit and whatever steps need to be taken to do that. Vote called and passed unanimous.

6. PUBLIC HEARING. REVIEW/DISCUSSION/ACTION on rezoning from an RE-15 and CP-2 zone to an R-1-6 and CP-2 zone for a property to be located at 265 Larsen Lane.

MOTION

Motion by Brenda Nelson, second by Commissioner Nathan Averill to open the public hearing. Vote called and passed unanimous.

DISCUSSION

Bill explains Aaron Thornock's application and the general plan for the rezone. It is being zoned commercial and MU (mixed used), not R-1-6, although mixed use zoning follows the same regulations as the R-1-6 zone. Bill put in a reversion clause so that if no construction takes place within the next two years, then the zoning will revert back to what its current status is.

Aaron Thornock states that he purchased 265 Larsen Lane about a year to a year in a half ago. Aaron states that he came in with a simple residential plan at first, but as he was working with the City, he noticed there was a bigger need to build more and provide commercial area for the City. Aaron talked to UDOT and got a preliminary approval about the road being able to connect off Washington Blvd. After comments from the City, the commercial area is very important. Aaron has more than half of the proposed property zoned to be commercial, and then the other part zoned residential.

PUBLIC HEARING

William Brechbill – We have under 3 acres on the west side of Washington Blvd. It's commercial, we rezoned it a while back for my business and my wife's photo studio. It's been active for 12 years. It's my goal for it to stay commercial. We were presented with this project about a year ago and the road goes through part of my property. It disturbs me because I have just as much commercial area zoned. I'm afraid of eminent domain and for my commercial property to just go away disturbs me.

Greg Montgomery – The only parcel listed is 11-027-0023, and not the other parcels. What is really being rezoned? The other concern is no frontage on Washington Blvd. The third concern is the general plan. The properties off Washington are zoned commercial and the ones behind it is RE-15. So this is inconsistent with the general plan. The infrastructure is a concern. There seems to be so many conflicting issues within the City. The concept plan doesn't show enough information. The ability to get sewer to that area is impossible. There is no access. It doesn't make sense to have a dense development when you can only have septic tanks on those properties due to the natural lay out of it and no sewer. The intersection at Larsen Lane would be very backed up with so many additional proposed houses going in. That would defeat the purpose of widening Larsen Lane. The last concern is that the mixed use ordinance is poor. The density is high, but there is a lack of standards. Needs to be revised.

Bruce Brown – As a kid, I grew up in that area and it's a swamp over there. If they are going to build homes, they need to consider the ground and if it's going to support homes. The south side, where I live, is swamp land.

Dave Hickson – I have concerns about this development. I don't know a whole lot about it, but just curious about the impact it will have on the water and secondary systems. If the widening project decides it doesn't go through for a while, there is an improper turning radius on that road. Larsen Lane is already crowded. My concerns are with overcrowding and the effects on property values.

Judi Caulford – That property is higher than our property, and our backyard gets the run off. We've had water problems in our basement. It drains from Larsen Lane road down to our yard. Behind our fence, it's draining into our backyard. Can't imagine what impact this new development would have on us.

William Brechbill – The properties over by Washington is better off left commercial and getting access from Washington instead of from Larsen Lane. To add another light or entrance onto Washington Blvd. would be a major artery and wouldn't be good. It's better left commercial.

Mr. Chavez and Mrs. Chavez – We have an issue because our kids catch the bus right where the proposed street would intersect Larsen Lane and people don't stop and have wrecks on the street due to the busyness of the street. We also have water issues.

MOTION

Motion by Commissioner Brenda Nelson, second by Commissioner Kevin Jensen to close the public hearing. Vote called and passed unanimous.

DISCUSSION

Commissioner Steve Weiss states that he would like to table this item. There is not enough information and there have been lots of questions and concerns about it. Commissioners Brenda Nelson and Roger Shuman both agree.

MOTION

Motion by Nathan Averill, second by Commissioner Chad Holbrook to table the rezoning from an RE-15 and CP-2 zone to an R-1-6 and CP-2 zone for a property to be located at 265 Larsen Lane. Vote called and passed unanimous.

7. ELECT Planning Commission Chair and Vice Chair for the year 2018.

Commissioner Brenda Nelson nominates Commissioner Roger Shuman as Chair, Commissioner Nathan Averill nominates Commissioner Steve Weiss as Chair. Commissioner Roger Shuman nominates Commissioner Chad Holbrook. Commissioner Kevin Jensen seconds for Chad Holbrook.

MOTION

Motion by Roger Shuman, second by Commissioner Kevin Jensen to elect Chad Holbrook for Chair. Vote called and passed unanimous.

MOTION

Motion by Brenda Nelson, second by Commissioner Blair Christensen to elect Roger Shuman for Vice Chair. Vote called and passed unanimous.

DISCUSSION

Planning commission talks about an upcoming training at the end of the month. Bill Morris also mentions that Bill Smith used to come to Project management, but is on a mission and cannot attend. Commissioners Chad Holbrook and Roger Shuman will try to attend project management.

8. PUBLIC COMMENTS: *“This is an opportunity to address the Planning commission regarding our concerns or ideas on land use issues. Comments are limited to three minutes. The Planning commission cannot take action on any item brought to the planning Commissions’ attention except to instruct staff to place this item on a future agenda.”*

William Kirby – Is there a possibility where we can display any maps or properties talked about on the TV screen?

William Brechbill – There is no proper lighting in the streets of Washington Blvd. I don’t know if this is something Harrisville City can do anything about.

9. Adjourn

Being no further business, the meeting was adjourned at 8:00 p.m.

Chad Holbrook, Chair

Laurence Boswell, Land Use Coordinator