

Francis City Council Meeting
Thursday, October 10th, 2024, 6:00 p.m.
2319 So. Spring Hollow Rd. Francis, Utah

The meeting will be streamed via Francis City YouTube Channel
<https://www.youtube.com/channel/UC-9wahpEELShvGQZShXGIXg>
You can also comment by email to comments@francisutah.org

Staff: Councilmembers Shana Fryer, Sam Hunter, Clayton Querry and Clint Summers, City Planner Katie Henneuse, City Recorder Suzanne Gillett, and City Engineer Scott Kettle

Excused: Mayor Jeremie Forman

Others Attending: Lori Haslem, Porter Spencer, Avi Snegirev, Lori Snegirev, Bob Murphy, David Sutherland, Lindsey Hancock, Rex Larsen, Jamie Larsen, James DeGrey, Korbie DeGrey, Jeff Faulkner, Wes Harwood, Josh Call, Phillip Dunn

1. Welcome, Call to Order and Pledge of Allegiance---Councilmember Hunter started the meeting at 6:04 p.m. for the 10-10-2024 meeting. Council was going to start with the Pledge of Allegiance, but the flag was covered due to firefighters information on the board.

2. Consent Agenda---Approval of check register dated October 10th, 2024, and minutes from September 12th and September 30th, 2024---Councilmember Hunter asked Engineer Kettle if he had any big bills on the check register. He explained what he had.

Councilmember Fryer and Querry asked about the Rhino bill.

Councilmember Fryer motioned to approve the check register, and both sets of the minutes. Councilmember Querry seconded the motion. Councilmembers Fryer, Querry, Hunter all voted in favor; motion passed. Councilmember Summers was not yet present.

3. Public Comment---Councilmember Hunter opened the meeting for public comment.

Ennis Gibbs was present to ask if the City would participate in Wreaths Across America. He explained what he was asking for.

Councilmember Fryer stated that it was amazing last year.

Lorrie Haslam from the Governor's office was present. She wanted to take the opportunity to thank the Council for their help and support with the fire and everything going on. She wanted to announce that on October 29th, 2024, that Ryan Starks will be coming to Summit County to speak if any of the Council would like to come. She explained everything that was going to be discussed. They will let the Council know where the meeting will be as they are still working on that.

James DeGrey, lives just off of Foothill. He wanted to go into some of the qualifications on the conditional use permit for the Best Western and he and several in attendance feel that it doesn't meet code. He mentioned code

number 18.65.090. He shared his thoughts on this. He said that it is not within the height of surrounding structures. It is a substantial building and bigger than anything around it. Use is not consistent with the General Plan. He explained that he didn't think that the hotel could mitigate the surrounding area. He doesn't feel there is a mitigation plan possible to make this work. 18.45.150 talks about buffers, fences, and wells. He quoted the code. He feels that it needs to be run during normal business hours and doesn't feel that with a hotel that is possible. So, it does not meet city code so it should not be allowed. He continued to quote his interpretation of City Codes. He doesn't feel that the roads would supply the right amount of access. He feels there will be massive chaos. He understands they are bound by the terms of the conditional use permits. He feels it would be unreasonable for Council to approve.

Davied Sutherland lives on Village Drive. His concern is that it is not at all in harmony with the General Plan and it is access to our City, and he does not feel that anybody wants to see the welcome sign backed up by this. He feels that the building is just too large for the City. He feels that it is also wetlands. He feels this is the inappropriate location on that parcel. He feels that the city needs to enforce the codes that they already have, and they are not doing that with the commercial that we have already. He feels we need to not pass the buck to other parties. We need to require more of what the residents are requesting.

Porter Spencer 707 Oak Lane. He is here to plead with Council to not allow this. He says most of the people are against this. He is doing work to see how opposed the people really are. He hopes the Council will put in the time and effort to help them mitigate this and we have stuff going in that's going to bring in money already. He is pleading to please, please save our town.

Councilmember Hunter closed the public comment portion of the meeting.

4. Public Hearings

A. Nuisance Abatement Code Text Amendment Exhibit "A" ---Planner Henneuse explained that the City Council has talked about the nuisance ordinance in the past and she reviewed what they had talked about and how the code conflicts in some cases, so this is her approach of taking care of the conflicts in the code. (See attached staff report)

She explained that the Planning Commission forwarded this with a positive recommendation. She reviewed the changes that had been made. (See attached staff report). She explained that the Planning Commission and staff feel this is the most reasonable way to follow up on this.

Planner Henneuse explained all of the options to the City Council.

Councilmember Hunter opened the public hearing.

Porter Spencer said it is really difficult to get rid of things here. You have to take everything to Henefer. So, it's difficult to screen unless you can drive all the way to Henefer. He thinks the City should call Republic or someone else to pick up the junk.

Planner Henneuse explained that we have a small staff, and she does the code enforcement, and she explained that she only does something if she gets a complaint, but she won't enforce unless she gets a complaint.

Councilmember Hunter closed the public hearing.

Councilmember Querry wanted to know if it was there discretion on the junk. Planner Henneuse said she agreed that one man's junk is another man's treasure. She said in this code it is pretty black and white.

James DeGrey commented to make it purposeful design or artistic installation. Porter Spencer said if someone does have a tractor in their yard then it's a grey area.

Councilmember Fryer said she has a manure spreader that she will never get rid of in her yard.

Planner Henneuse explained it is not taking anything out of code just saying it needs to be screened.

Councilmember Hunter feels it needs to be screened for no one to see.

Councilmember Query said the point was to clean up the code. Councilmember Fryer liked how it looked.

Planner Henneuse explained if they approve of this it does take one problem out right now. Councilmember Hunter agreed.

Recorder Gillett explained that there were two sections to this Ordinance, and they would approve the Ordinance after both sections had been discussed.

5. Discussion, Updates and Approval on Potential Action Items

A. Commercial RV Campground Code Text Amendment Exhibit "B" ---Planner Henneuse explained they have been working on this since April and they have been working on it before someone comes in to apply for one.

She explained that they tried to make it similar to the Forest Service. She reviewed and read the code changes (see attached staff report). She is trying to make it so someone can't live there. No public hearing on this item as they did that last month.

Councilmember Query had two thoughts. The point is trying to keep people from living there. 72 hours isn't really very long. Planner Henneuse said they had to pick up and go somewhere else, not even in the same place and then come back. The other question he had was did they ever ask about how many permits could be provided. Planner Henneuse explained her thoughts.

Councilmember Summers asked, "could they lock permits at 5? Councilmember Query said he wouldn't want more than two. Planner Henneuse said it had to be on a 5-acre parcel of land.

Councilmember Query asked if 10 permits came in at the same time would they all get permits? He was told yes. He would like to be proactive on it and not allow that many.

Engineer Kettle feels they should have to check with the City Attorney.

Councilmember Fryer suggested that they put it in the Ordinance.

Recorder Gillett explained that the next item was the Ordinance, and they could motion on both the Nuisance Abatement Code Text Amendment and the Commercial RV Campground Code Text Amendment.

B. Ordinance No. 2024-09 Nuisance Abatement Code Text Amendment Exhibit "A" and Commercial RV Campground Code Text Amendment Exhibit "B" ---*Councilmember Fryer motioned to pass Ordinance 2024-09 Nuisance Abatement Code text Amendment Exhibit "A". Councilmember Summers motioned to*

approve the Commercial RV Code Text Amendment Exhibit “B” with the limit of two permits with the City Attorney’s approval. Councilmember Querry seconded both the motions. Councilmembers Fryer, Hunter, Querry and Summers all voted in favor; motion passed.

C. Uinta Cabinet Site Plan ---Councilmember Hunter explained his understanding of what changes were going to be made and turned the time over to Collins Prescott to explain.

Collins Prescott explained that his plans were to expand the existing building, and he tried to explain the plans that were shown on the screen.

Planner Henneuse reviewed her staff report. She explained that cabinet shops are an allowed use, and they are just adding on to what is already there. She explained that with as old as things are we can’t make them comply with everything. She explained that parking was one thing they are working on. She informed Council that they are going to pave the parking and bring the parking spaces up to code. She explained the mix and uses and displayed it for everyone to see. She feels that this meets code the best it can given the circumstances. (See attached staff report) She explained that everything looks like it fits all of the requirements. They have started grading.

The architectural design and materials. Planner Henneuse reviewed the code and the themes. In this case they can do agricultural or mountain tourism. She informed Council that they are going with agriculture. She said the max height of the addition meets the code. They will need to submit a lighting plan before occupancy of the building.

Planning Commission reviewed and approved the trash storage and landscape plans. They are forwarding the site plan, parking plan, and architectural design plan to the City Council with a unanimous positive recommendation.

Staff Recommendation: Parking---approve. Site Plan--- Follow City Engineer’s recommendation.

Architectural Design---Discuss whether the renderings meet the intent of code.

Engineer Kettle explained that they had water and sewer, and he would have to put in a storm drain and he will need to submit that.

Councilmember Fryer liked it and is happy for Collins.

Councilmember Hunter likes it, the height is well lower than the 40 feet.

Councilmember Querry asked about the parking plan. Is it to scale and is it enough room for cars to back up without getting into the rights of way? Councilmember Fryer said there is plenty of room.

Councilmember Querry motioned to approve the parking plan the site plan and the architectural design for Uinta Cabinet expansion. Councilmember Fryer seconded the motion. Councilmembers Fryer, Hunter Querry and Summers all voted in favor; motion passed unanimously.

D. Best Western Concept Plan---Planner Henneuse explained that for the public this will be similar to the Planning Commission meeting. She pulled up her staff report map for all to see. (See attached staff report) This is the first step in the whole process. It allows Council and developer time to discuss things.

She explained the proposed hotel site and where it is located. She explained the background of the property and that it was annexed into Francis City 20 years ago in 2004. The main benefit to the City from this annexation was

the commercial property frontage on State Road 32. The initial developer planned to build out the commercial property before the residential portion, but economic constraints delayed development of the commercial property.

The C-1 Commercial Concept Plan is just for everyone to discuss the proposed project in the conceptual stage. (see attached staff report). Planner Henneuse explained that when we are looking at something this high level, they look at the General Plan and City Code in the land use vision sections.

Land Use Vision: Francis will continue to be a rural and family friendly community. Preservation of our agricultural heritage, dark skies, scenic views, and open spaces are our priority. Growth will be sustainable, well-planned, and consistent with the zoning map and General Plan.

Land Use Policy 2E: Condition development approval on construction of adequate culinary water, sewer, storm drainage, and transportation systems.

Land Use Policy 2F: Commercial uses should be highly accessible and provide adequate access and parking.

Economic Development Goal 1: The rate of commercial growth will be higher than the rate of residential growth.

Economic Development Policy 2A: Improve, diversify, and increase the tax base. Seek revenue growth from economic development activities to mitigate residential property tax increases.

Economic Development Policy 2C: Buffer commercial and industrial uses from existing single family residential areas.

Economic Development Policy 2E: Maximize revenues from tourism by implementing a transient room tax.

City Code Review:

18.35: C-1 Commercial Zone

Lot Area and Frontage

There is no minimum lot area in the C-1 zone except as may be dictated by off-street parking requirements, adequate circulation, and property size utilization. Lot area requirements are determined by the Planning Commission and City Council. Each lot in the C-1 zone is required to have a minimum of 35 feet of frontage on a public street.

The concept plan meets the requirements for lot area and frontage.

Setbacks and Height

Each structure in the C-1 zone shall be located at least 20 feet from the property line when adjoining an existing residence. Buildings in the C-1 zone shall not exceed 40 feet in height, unless an express exception in FCC 18.15.100 applies, nor exceed the recommendation of the South Summit Fire District.

The concept plan appears to exceed the setback requirement. The building height must be 40 feet or less to be compliant with code. A height exception may apply to certain architectural elements.

Architectural Design and Materials

The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Proposed

developments shall be designed with a common theme that reflects the heritage and community of Francis City. Themes shall be reviewed and approved by the Planning Commission and City Council and may include but are not limited to agricultural or mountain tourism.

The 4-story rendering is the Heber Best Western Plus overlaid with the materials the applicant is planning to use. The applicant also provided a 3-story rendering that more accurately portrays the overall conceptual design and proportions of the hotel.

The architectural theme appears to be agricultural with modern farmhouse design, materials, and elements. This design theme ties in with the Route 32 development which is planned nearby. The Premier Pet Lodge and Villages at Lambert Lane subdivision also utilize agricultural design themes.

Buffers, Fences, and Walls

Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be at the discretion of the Planning Commission and City Council.

Buffer treatment will likely be required for this project because of the adjoining residential use.

Parking

Parking is strongly encouraged to be located on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street. Parking shall not occur adjacent to any public street. One parking spot per room is required.

Parking is not planned adjacent to the street and will be placed behind a future structure on the site. The concept plan shows 11 trailer parking stalls behind the hotel and 70 regular sized stalls on the north, east, and south sides of the hotel. The parking plans exceed the parking required by code.

Staff Recommendation:

This is a discussion item only. No approval of a concept plan is required or given. Prior to the meeting, study the concept plan and staff reports, taking into consideration the requirements of the Francis City Code and the guidance of the General Plan. During the meeting discuss the project, answer the applicant's questions, and provide direction on development design and layout.

Direct the applicant to submit the concept plan to the South Summit Fire District and UDOT for review. The South Summit Fire District will determine if fire protection can be provided for a 40 ft tall building. UDOT will determine if the project warrants a turn lane or other traffic control measures on SR 32.

Community Review:

A public hearing is not required for this item. Public hearings will be held during review of the conditional use permit. Neighbors of the proposed project were consulted during the Planning Commission meeting to get their views and concerns. A summary of their concerns follows:

- Safety with increased vehicles on Lambert Lane. Concerns that Lambert Lane is narrow, many drivers speed, and there are several new residential developments already planned with access on this road.
- Privacy and children's safety for the Villages at Lambert Lane residents. Concerns about transient visitors in proximity to the homes. Concerns about the height of the hotel and hotel occupants being able to see in the windows and yards of the adjacent homes.

- Noise, especially from the outdoor hotel amenities.
- Outdoor lighting, lights shining on adjacent properties, and losing dark skies.
- Increased crime and no police force.
- Parking overflow spilling onto adjacent streets. Parking for trailers and large vehicles.
- Wetlands and the ground water present on the site.
- Dirt work, clearing, and piling that has already happened on the site. Weeds will start growing. Large piles of dirt were left on the site. It is untidy.

Councilmember Hunter turned the time over to the developer to give his presentation.

Josh Call representing the developer introduced himself. He said as Katie mentioned they had already been to the Planning Commission. He had a slide presentation to share with explanations on what they are looking at doing. He explained his background. He said change is hard, but it is necessary. They are looking forward to moving forward with this project.

Josh shared a slide presentation showing the agricultural theme (see attached presentation). He explained that they do want to listen, and that change is hard. They are committed to being open and transparent in the whole process. They can't address everyone's comments and concerns, but they will listen. He explained that it was originally four stories, and they changed it to three. They are not asking for any special favors or anything.

Josh explained that an Economic Impact study was done on the project and their study shows a 20-million-dollar economic impact over the next five years directly attributed to the hotel. This takes into consideration the Lodging/Bed Taxes, Sales Taxes and Real Estate Taxes. That doesn't include the sewer, water, and utilities. The hotel will create 12-18 much-needed jobs for the Valley.

Site analysis rated the property based on utilities, visibility, access, traffic counts, zoning, demand, and competition at an 84% rating.

Concept Build Out: The hotel is the anchor for the property. The full-built plans include a gas station, convenience store, grocery store, bank or credit union, flex space and sit-down restaurant. Some economic factors are out of their control and will play a part in the timing of things, but they are committed to being as transparent as possible.

UDOT—They have a team working with UDOT and will do whatever they say needs to be done.

Height Study: It was again stated that this area has been zoned Commercial for over 20 years. The nearest home is over 500 feet away, and the closest home with direct line of site to the hotel is approximately 900 feet away. Several pictures were shown showing the views.

Ownership: The developer owns the land, and there is a LoI in place with Henderson 500 to purchase the hotel site.

Wetlands Study and Mitigation: An approved jurisdictional delineation (ADJ) was granted in 2021. The entire property has had all wetlands delineated, and proper permits are in place.

Noise and Crime Concerns: Josh explained how everything would be laid out and that nothing will be louder than a neighbor's air condition unit. They will have 5 rooftop units behind a parapet wall, and the common area units are comparable to residential A/C compressors. He explained the quiet hours would be from 10 PM to 7 AM.

Deliveries would be between 11 AM and 3 PM. Most of the parking will be in the front and the Security/Crime concerns seem more about limited law enforcement in Francis rather than actual crime. In 20 years managing hotels, they never really had a crime or security issues, and they typically handle guest problems internally. Law enforcement involvement is minimal.

Josh thanked the Council for listening. He explained that they are just presenting what they would like to see.

Councilmember Hunter stated that this is not a public hearing, and it is up for the Council to discuss.

Councilmember Summers stated that it does look good and that it fits in and their desire to lower to three stories is nice. His concerns are that they are abiding by all of the City Codes. He feels that this increases the concerns with the traffic, and he mirrors the community concerns.

Councilmember Querry is concerned on if this is the right spot. He stated that in code 18.45.150 which has already been brought up it does state that late night facilities that require customers and activities should be located away from residential areas and that is in code, and he doesn't know if 500 feet away from residential counts as it is residential on three sides. He is concerned with people parking on the street on Lambert Lane. Lamberts getting a lot of traffic already. In the code further down in 18.45.160 it says parking shall not occur adjacent to any street except to certain qualifiers and how would you keep people from parking on the road. He wanted to know what kind of hotel it would be. Josh responded that it would be a higher end Best Western Plus and that they would have plenty of room for parking. There was discussion on the parking spaces. He then asked with all the residential that is approved if the hotel takes more water than a normal residential, are we good with water?

Engineer Kettle explained that right now we are good for 20 years for water and the sewer 10years or so. He explained what could happen with the growth rates.

Councilmember Querry said he would rather see it in the City Center.

Councilmember Summers asked about the anchor to the hotel. Why is he saying the hotel is the anchor. Josh couldn't answer that, he tried to explain what they are looking at. He believes the hotel is the key for these things. Councilmember Summers explained his thoughts. He feels a service station and a market are more desirable right there. There was a brief discussion between Josh and Councilmember Summers.

Councilmember Fryer feels they have really dug deep on everything. She says it has been Commercial for over 20 years and she loves everyone, but it has been planned for years. She is looking for the best for the City. She feels that we really do need commercial, and she appreciates the slide show and everything Josh has done.

Councilmember Hunter does understand it is Commercial, but he doesn't feel that corner is the best spot for it. He understands it is an allowable building to be put there. He feels there are great concerns with the conditional use. He feels they need to look at it before they go too far into it. He is concerned with the adverse impact of the people living around the area. He understands Francis does need Commercial. He does agree we need Commercial to help with the City revenue. Those are his concerns.

Councilmember Querry thinks a hotel is a scary thing, but if they think hard about it there are better places than right there. Other Commercial would be welcomed, but it is a concern being next to people.

Councilmember Hunter doesn't think 11 over sized parking spots would be enough. He thinks like Councilmember Query in that they feel people will park on Lambert Lane.

Josh thanked the Council again for listening and he explained there was plenty of room for more parking.

Councilmember Query thanked Josh for coming.

E. Wild Willow Park Improvements Project---Engineer Kettle explained that they put out a bid for the park improvement projects. And he explained the difference between the bids. He also explained that they have applied for the most recent Rap Tax Grant. They will start this fall and finish up in the spring. He wanted to get there blessing to move forward.

Councilmember Query wanted to know what happened if they broke it up. Engineer Kettle explained what would happen.

Planner Henneuse explained how much money that we had from grants.

Councilmember Query motioned to accept the bid from Prime Landscaping. Councilmember Fryer seconded the motion. Councilmembers Fryer, Hunter, Query, and Summers all voted in favor; motion passed.

6. Council Business

A. Council Reports---Councilmember Summers asked about Wreaths around America. He said sorry he missed it. He asked if he mentioned the option of putting up a wreath in the City Hall. He was told yes.

B. Planner Reports---Planner Henneuse said next month they might see a Subdivision Code update. Things just need to be in line with State Code. Then they will see another noise disturbance code. One other thing is they were all invited on October 23 to a meeting with City of Leagues and Towns & MAG in Heber City, Utah.

C. Engineer Reports---Rhino pumps is for the pumps at the sewer ponds affluent. That was repairing and replacing those. Building is coming along. Work on the floor will be in two weeks.

D. Mayor Reports---None

7. (As Needed) Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation, Purchase, Exchange, or Lease of Property and/or the Character, Professional Competence or Physical or Mental Health of an Individual.

8. Adjourn---***Councilmember Query motioned to adjourn. Councilmember Fryer seconded the motion. All in favor; meeting adjourned.***

Mayor Jeremie Forman

City Recorder Suzanne Gillett