

Francis City Planning Commission Meeting
Wednesday, March 5th, 2025, 6:00 pm
2317 South Spring Hollow Rd, Francis, UT

A recording of the meeting is available on the Francis City YouTube channel:
<https://www.youtube.com/channel/UC-9wahpEELShvGQZShXGIXg>

Planning Commissioners: Chair Justin Ciampi, Vice Chair Rich Christiansen, Commissioners Scott Buchanan, Kimberly Lawson, and McKenna Marchant

Staff: Planner Henneuse and Engineer Kettle

Others: Jim Matthews, Brent Simmons, Korbie DeGrey, James DeGrey, Hollie Firth, Julie Keyes, Jennifer Cann, Lisa Khajavi, Clayton Querry, Bob Wheaton, JR McRay, Rusty Webster, and Nathan Bracken

1. Call Meeting to Order--Chair Ciampi welcomed everyone in attendance. He called the meeting to order. Planner Henneuse explained the laws about posting agendas and public notices. She showed everyone where to find meeting information on the City website and the Utah Public Notice website. She explained that there would be no public comments at this meeting.

2. Crystal Farm Subdivision Preliminary Plat--Planner Henneuse read her staff report (see attached). Garrett Crystal wants to create a one-lot subdivision with an agricultural remainder parcel. She reviewed the executive summary, code analysis and staff recommendations. She explained that Garrett plans to keep the existing home and that it will become an ADU when he builds a new home on the parcel. Planner Henneuse shared the plat on the screen. The irrigation easement and UDOT right-of-way are shown on the plat. She recommended that the preliminary plat be approved.

Engineer Kettle read his staff report (see attached). The existing water and sewer connection will be used. There will be no new City infrastructure for this subdivision.

Commissioner Lawson motioned to approve the preliminary plat. Chair Buchanan seconded the motion. Chair Ciampi, Vice Chair Christiansen, and Commissioners Buchanan, Lawson, and Marchant voted in favor. Motion passed 5-0.

Chair Ciampi remembered something he was going to bring up earlier. He wanted to clarify that this meeting was scheduled because our agenda for the last meeting was getting too full and we needed to split things up. Planner Henneuse agreed and explained this was not a special meeting and that second meetings are usually scheduled the first Thursday of the month. There were some conflicts with Thursday so this meeting was scheduled for the first Wednesday. Commissioner Lawson asked if we would have a meeting on March 20th. Planner Henneuse said they would likely cancel it.

3 – 6. Town Center Landscape Plan and Conditional Use Permits--Planner Henneuse read and reviewed portions of her staff report (see attached). She explained that she would hit the highlights of what has been updated since the last meeting. Tonight, the Planning Commission will be looking at the landscape plan and the CUPs for the hotel and drive-through restaurants.

She reviewed the update, executive summary, and landscape plan. She presented the plans on the screen and explained how the landscape plans have changed since the January meeting. There are more trees now, especially along the street. The ground cover is all crushed rock. She felt that it complies with the code and previous approvals.

The Planning Commission decided to discuss and motion on the landscape plan before moving on.

Commissioner Marchant asked about the vote on the architectural plans at the last meeting. She confirmed with Planner Henneuse that it was forwarded to City Council with a positive recommendation 3-2. She is concerned that the applicant has resubmitted architectural plans that still show a 4-story building. She knows the related code text amendment is tied up with City Council and hasn't been decided yet. It is difficult for her to look at landscaping when the hotel itself doesn't meet code. Planner Henneuse explained that the hotel CUP was tabled in part because of the hotel architecture not meeting code. She is planning to discuss it when they get to the hotel CUP.

Chair Ciampi explained that he would like to split the Town Center items up and discuss landscaping first. He asked about the added tree buffer on the east boundary and clusters of trees on the frontage near the drive-through lanes. Planner Henneuse showed where the cluster of trees and tree buffer was added. Chair Ciampi asked about the trees along the east wall; he would like those to be changed to evergreen trees. The Planning Commission agreed.

Vice Chair Christiansen asked about the type of trees and the direction of travel around the drive-through. Rusty Webster and Planner Henneuse explained where the trees were planned to block vehicle headlights from going out on SR 35. Vice Chair Christiansen said they look small, will they mitigate the headlight issue?

There was a discussion about whether to keep going with the landscape plan or to move on to the CUPs because it seems to be intertwined with that.

Commissioner Marchant researched the height of the tree clusters. She thinks they may only be 4 ft tall at maturity. She suggested that the applicant change the tree clusters to one large evergreen tree that is at least over 6 ft tall at maturity. Rusty agreed to make the change. She also noticed that there seems to be a bare patch on the corner. She asked if landscaping could be added there.

Rusty responded and said that he exceeds the code as is. He also feels that the corner may change in the future with the sign and he isn't exactly sure what that will look like. He does not want to change the landscape plan right now, but he may add more there in the future if there is room once it is built.

Commissioner Marchant said she would like to see some beautification on the corner. She understands that the applicant may not want to block the view of the hotel. She hopes that the applicant wants to be a good partner with the City, especially on that busy corner coming into the community. A few more shrubs, plants and perennials will help. Rusty says that he will have to come back to get the marquee approved and he will address it then. Commissioner Marchant disagrees and says she doesn't think it will come up then. Rusty affirms that he meets the code and will address it later if needed.

Engineer Kettle said there will be a sidewalk that goes around the corner, but it's not shown on the landscape plan. Chair Ciampi asked if there was a door on the corner and was told there is not. The applicant and Engineer Kettle are working with UDOT to see what they will allow.

Commissioner Buchanan motioned to approve the landscape plan with conditions to change the clusters of pines on the drive-through lanes to single evergreen trees growing at least 6 ft at maturity and to change the tree buffer to evergreen trees. Chair Ciampi seconded the motion. Chair Ciampi, Vice Chair Christiansen, Commissioners Buchanan, and Lawson voted in favor. Commissioner Marchant voted nay. Motion passed 4-1.

Planner Henneuse read portions of her staff report about the conditional use permits. She discussed the changes with the tree buffer, precast concrete wall and retaining wall, and fence along the City property. The applicant made the changes requested by the Planning Commission at the last meeting. She discussed the vehicle headlight study that was done (see attached report) and the recommendations from that study. She explained that the home across from the access on Spring Hollow would be most impacted. Her report says it is best to keep the access where it is because there is not an ideal open area on Spring Hollow, Engineer Kettle wants the entrance to be as far from the intersection as possible, and this is where it was approved previously. The applicant said he will voluntarily work with the property owner to mitigate the issue.

Planner Henneuse continued reading the study and showing pictures from it. The access and drive-throughs on SR 35 align with driveways and outbuildings. The applicant added the trees to mitigate any concerns.

Vice Chair Christiansen had a question about the shrubs planned under the evergreen. He asked if they can be moved to the corner. Planner Henneuse reminded him that the landscape plan was just approved. If the developer wants to make any changes, he will need to come back to the Planning Commission for approval. Rusty says he is happy to walk the area with the Planning Commission when it is closer to being done and make changes if needed. Vice Chair Christiansen says it is difficult to approve a plan when there are changes expected. Rusty says the number of trees and shrubs will not change, but says he is open to the Planning Commission rearranging the placement of shrubs in the future.

Commissioner Marchant thanked Planner Henneuse for her work on the headlight study. Planner Henneuse thanked the developer for addressing the concerns and having the surveyor put the markers in.

Planner Henneuse explained the parking numbers with a 3-story and 4-story hotel and where they are at with the shared parking agreement. Commissioner Lawson asked about the shared parking agreement and reciprocal parking and confirmed that the parking tabulation included that. Planner Henneuse confirmed that it did. She explained that they are not approving the reciprocal parking reduction at this meeting. The applicant will need to come back in the future and prove that there are daytime and nighttime uses that overlap. The applicant is taking a risk by estimating the parking with reciprocal parking because a business license could be denied in he cannot prove there are reciprocal uses and there is not enough parking.

Planner Henneuse read her staff report and explained the detrimental effects expected from the conditional uses and the conditions she is proposing to mitigate them.

Commissioner Lawson said she called the Property Rights Ombudsman's office in regard to conditional use permits. They told her that it is true that State Law will override the City Code, but they told her that we need to follow the City Code about 24/7 businesses near residential and vote no. Commissioner Marchant clarified with Commissioner Lawson – is she saying that the City's zoning code takes precedence over new conditional uses? Planner Henneuse explained the conflict with the word “near” in the ordinance as it was explained to her by the City Attorney. Near is not objective; it can be interpreted differently by different people. She explained that State Law says conditional uses must have objective standards and this code is not objective.

Commissioner Lawson asked if the hotel CUP should be tabled so they can figure it out. Planner Henneuse said no, she thinks it would be better to give a negative recommendation if they are not comfortable with it. She will note it in her staff report and the City Council can discuss it with the City Attorney at the next meeting.

Nathan Bracken, the attorney for Rusty Webster, said that he is on the Ombudsman's advisory board and asked for clarification. He confirmed with Planner Henneuse that a hotel is listed as a conditional use in the zoning code. He argued that when the City approved the code allowing hotels as a conditional use, it basically approved a hotel. He explained that these two code sections must be read in harmony and that the more specific section controls. He argued that the code provision about 24-hour businesses near residential is more general and that the hotel conditional use is more specific and therefore takes precedence. Vice Chair Christiansen interprets the law differently and thinks it is the opposite; the 24-hour business code is more specific and takes precedence over the hotel conditional use. He says it is a fallacious argument that conditional uses do not have to follow City Codes. Nathan Bracken pointed out that State Law says that conditional uses must be approved if detrimental effects can be mitigated, and the staff report says they can. He asked which code section was being discussed. He was told 18.45.150.

Commissioner Marchant said she has five things to discuss about the hotel. First, the plans for the four-story hotel. She is concerned that the code only allows up to three stories right now and these plans show the true intentions of the developer. The developer is trying to push the envelope and circumnavigate the code and say the 4th story will be attic space. The way the code is now with three stories and some height allows for architectural features and beautification of the building.

Chair Ciampi doesn't feel it is relevant to discuss the architecture because the Commission has already sent their recommendation to the City Council about the 3 vs 4 story amendment. He says the Commission can write a caveat that the hotel follows what is approved by the City Council. Commissioner Marchant wants good partnerships within the City; not just, you meet the code, you have to approve us. The other hotel applicant listened to the concerns, went above and beyond, and showed good intent and good partnership.

Chair Ciampi felt that the developer has implemented several requested changes. Commissioner Marchant questioned why the developer had not been receptive to the changes she requested.

Commissioner Marchant asked about the access point on Spring Hollow. In the headlight report, it was noted that the developer will voluntarily work with the impacted property owner on mitigation and pay for a landscaping barrier. She would like it in writing that the current owner agrees to the mitigation

measures. Chair Ciampi explained that the City can't enforce mitigation on a property that is not the developer's property. Commissioner Marchant pointed out that the purpose of conditional uses is to mitigate detrimental factors. Chair Ciampi said the City can only mitigate detrimental factors on property the applicant owns.

Commissioner Marchant made a recommendation to move the access point. Chair Ciampi pointed out that Engineer Kettle already said he didn't want to move the access point and prefers it as far from the intersection as possible. Commissioner Lawson thinks it could be moved closer to the corner. Engineer Kettle said we can't have an intersection that close to another intersection.

Commissioner Marchant wanted to get something in writing that the affected property owner acknowledges they will be contacted by the developer and that he will pay for mitigation. She is concerned that the applicant is a bad actor and will not follow through on working with the affected homeowner. Chair Ciampi does not think that they can legally do that. Commissioner Lawson asked, "Then, what is the point of the Planning Commission?" Commissioner Buchanan felt this is squarely outside the scope of what the Planning Commission should be doing.

There was a discussion about the staff report and what it said about the applicant voluntarily working with the affected homeowner on mitigation and the staff recommendation that concerns have been mitigated. Commissioner Marchant asked about something she had heard that happened at Hart Crossing with the well water rights. Planner Henneuse questioned it and said there are no wells at Hart. Chair Ciampi said it is not relevant, and Rusty felt this was a personal attack. Chair Ciampi does not want a back-and-forth with the applicant. He wanted to stay within the purview of the Planning Commission and recommend mitigation measures for the CUPs.

Commissioner Lawson said she would like to get a motion to send this to the City Council so they can get the City Attorney and State's recommendation on how they want to handle the code. Planner Henneuse and Chair Ciampi thought this was reasonable.

Chair Ciampi said he would entertain a motion. Planner Henneuse explained the only change to her recommended conditions from her previous staff report was to change delivery hours from 9 am to 7 pm.

Commissioner Lawson motioned to negatively recommend the conditional use permit for the hotel citing the City Code. Commissioner Marchant seconded the motion. Vice Chair Christiansen and Commissioners Marchant and Lawson voted in favor. Chair Ciampi and Commissioner Buchanan voted nay. Motion passed 3-2.

Planner Henneuse reviewed her recommendations for the drive-through restaurants. She will make the changes with the evergreen trees. Commissioner Buchanan asked if the pre-cast concrete wall condition is applicable to drive-through 1. Planner Henneuse explained that it is in case something changes with drive-through 2 in the future.

Commissioner Buchanan motioned to positively recommend approval of drive-through 1 with the conditions noted on the screen. Chair Ciampi seconded the motion. Commissioner Buchanan voted in

favor. Vice Chair Christiansen and Commissioner Marchant needed time to think about it. The motion died.

Commissioner Buchanan asked if there are apartments planned above the drive-through restaurants. The applicant explained it and said there are apartments above the drive-throughs. Commissioner Buchanan thanked the applicant for producing the 3D rendering.

Commissioner Christiansen confirmed the changes to the conditions. Chair Ciampi reminded Planner Henneuse about the evergreen tree changes on the drive-through radius and eastern wall.

The following conditions from the staff report were shown on the screen and notations were made to reflect the following:

1. Build and maintain an 8 ft precast decorative concrete wall on the east property line adjoining the existing residence.
2. Plant and maintain an evergreen tree buffer as shown on landscape plan on the east property line adjoining the existing residence.
3. Plant and maintain an evergreen tree that reaches at least 6 ft in height at maturity on the drive through turning radius.
4. Deliveries are only allowed between the hours of 9:00 am and 7:00 pm.
5. The hours of operation are between 5:30 am and 11:00 pm.

Commissioner Buchanan motioned to positively recommend the conditional use permit for drive-through restaurant 1 with the staff notations and the notations about the evergreen trees on the landscape buffer and drive-through radius. Chair Ciampi seconded the motion. Chair Ciampi, Vice Chair Christiansen, and Commissioners Buchanan and Lawson voted in favor. Commissioner Marchant abstained. Motion passed 4-0.

Commissioner Lawson asked to see the site plan. She is concerned that there will be too much happening in the parking lot with two drive-throughs and a hotel. She thinks it is an accident waiting to happen. She suggested that they not put in a building where drive-through 2 is located and instead add more parking so he doesn't have to get reciprocal or shared parking. Commissioner Buchanan asked if this is relevant to this application. Commissioner Marchant asked if the code considers flows of traffic. Planner Henneuse said it does not get that specific. Planner Henneuse showed the conditional use standards and pointed out that standard two lists traffic circulation as a consideration and this standard is most related. She explained this is something Engineer Kettle addressed in his report.

Engineer Kettle said that drive-throughs are a City Engineer's worst nightmare. He doesn't think a large drive-through will come to this location because there is not enough room. The way the City code is written, he feels they meet the requirements. Commissioner Lawson brought up the issues with popular drive-throughs like In-n-Out. Engineer Kettle explained that we can't have a code that only allows drive-throughs that are unpopular. He pointed out that they have circulation and there are other ways to get through the parking lot.

Commissioner Buchanan said that the staff report says this will function and when the Planning Commission gives a negative recommendation it has to be based on information they have. He

understands it would be personal opinion, but he doesn't know if they can impose a recommendation when the staff report doesn't support it. Commissioner Lawson argued they do not meet the parking requirements. Commissioner Marchant explained that this is subjective because they don't know what the building will look like or how many cars will come through. She said that as a body and with their collective experiences, they can decide together how best to mitigate the detrimental effects in addition to staff's expertise. She thinks they have the leverage to add an additional condition or say that it will not work.

Vice Chair Christiansen asked if it would help if the location of the parking on the island were flipped, so that the parking stalls are on the opposite side? He explained that cars would be able to queue up in front of the building without blocking parking stalls.

Rusty said that the design considers fire codes with how the parking and main roads are laid out. There was a discussion about how this change could affect the parking lot. Rusty doesn't see how flipping it would help mitigate the issue. Commissioner Buchanan said it could keep the drive-through line up from blocking the parking. Commissioner Lawson went back and forth about the site and parking layout with Rusty. Chair Ciampi asked them to stop and said he thinks it is unprofessional to bicker with the applicant. Commissioner Marchant added that the applicant shouldn't bicker with them.

Vice Chair Christiansen said that maybe flipping the island doesn't address the concerns. Engineer Kettle asked about eliminating the island all-together. Commissioner Marchant was concerned that landscaping would be lost if that happened. Vice Chair Christiansen asked Rusty what he thought about removing the island. He said they can forward it with that recommendation, but he would like his engineer to look at it first. He is not prepared to make the decision tonight. Commissioner Lawson asked if they should table it. Chair Ciampi felt they need to make a timely recommendation, even if it is not a positive recommendation.

Chair Ciampi explained that although they should strive for unity, it is okay if they don't agree. He appreciates different viewpoints. He is not trying to shoot down anyone's ideas. He struggles when things are repeated, or issues are brought up that are black and white to him. He wants to encourage dialogue, but he also wants to be efficient. He felt that sometimes things are pulled in that aren't related to what is being discussed.

Chair Ciampi will entertain a motion.

The following conditions from the staff report were shown on the screen and notations were made to reflect the following:

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2. Plant and maintain an evergreen tree buffer as shown on landscape plan on the east property line adjoining the existing residence.
3. Plant and maintain an evergreen tree that reaches at least 6 ft in height at maturity on the drive through turning radius.
4. Deliveries are only allowed between the hours of 9:00 am and 7:00 pm.
5. The hours of operation are between 5:30 am and 11:00 pm.

6. Mechanical equipment for this building is to be placed as far from the adjacent existing residence as possible and be enclosed.

Commissioner Buchanan motioned to forward a positive recommendation for drive-through 2 with the conditions in the staff report and the changes that were discussed with the drive-through 1 conditional use permit. Chair Ciampi seconded the motion. Chair Ciampi, Vice Chair Christiansen, and Commissioner Buchanan voted in favor. Commissioner Lawson voted nay. Commissioner Marchant abstained. Motion passed 3-1.

7. Approval of Minutes---Chair Ciampi said he read the minutes and thought they were an accurate reflection of the meeting. Commissioner Lawson agreed. ***Chair Ciampi motioned to approve the minutes of February 20th, 2025. Commissioner Christiansen seconded the motion. All voted in favor. Motion passed.***

8. Staff Update--Planner Henneuse explained that the City is considering eliminating the Planning Commission individual emails to save money on licensing fees. She said the City could set up one Planning Commission email and that staff would put the emails in Dropbox so the Commissioners can read them. She asked their thoughts on this. The Planning Commissioners were all fine with it.

Commissioner Buchanan asked that the City Attorney be present in future high-profile meetings. Planner Henneuse agreed that it would be helpful in certain circumstances, but that she was told it wasn't necessary because the Planning Commission is an advisory board.

9. Adjourn---Vice Chair Christiansen motioned to adjourn. Commissioner Lawson seconded. All voted in favor. Motion passed, meeting adjourned.