

Francis City Planning Commission Meeting
Thursday, January 16th , 2025, 6:00 pm
2317 South Spring Hollow Rd, Francis, UT
New Francis City Hall

Comments may also be made by email to comments@francisutah.gov

The meeting will be streamed live on the Francis City YouTube channel:
<https://www.youtube.com/channel/UC-9wahpEELShvGQZShXGIXg>

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

Staff: Planner Henneuse, Recorder Gillett, and Engineer Kettle

Others: Tammy Woodward, Sandi Coe, Douglas Coe, Korbie DeGray, James DeGray, David Sutherland, Madeline Prescott, Dean Prescott, Wes Harwood, Dave Diehl, Kevin Henderson, Carlie Frandsen, Vicki Jensen, Bob Wheaton, Suzanne Querry, Rusty Webster, Lori Burns, Richard Young, Brent Simmons, Jackson Coleman, Lori Snegireu, Avi Snegireu, Porter Spencer, John Davis, Tresa Cleaver, Greg Cleaver, Tyree Mitchell, Brad Murdock, Paul Wynn, Shelly Bingham, Steve Brown, Riley Atkinson, Thea Atkinson, Delores Mansell Atkinson, Michelle Abosoda, Devan Earl, Tay Faulkner, Jeff Faulkner, Annalee Zivkonitt, and Trevor Beck

1. Call Meeting to Order---Chair Ciampi called the meeting to order and welcomed all in attendance.

2. Public Hearings

A. City Center Zone Architectural Review Code Text Amendment (to increase the maximum number of building stories from three to four)---Planner Henneuse explained that Mayor Forman directed staff to initiate a code text amendment to consider increasing the maximum number of building stories allowed in the City Center Zone. The current Code limits structures to three stories and the amendment proposes increasing the limit to four stories. (See attached).

She explained a little bit of history on this and that they did not realize there was a three-story limit in the code. The City Center Zone was established to create a strong commercial identity at the heart of Francis City.

The General Plan has quite a bit of guidance on this, and she read and reviewed what was in the General Plan. She discussed the Land Use vision and the Economic Development goals and policies.

She recommends discussing the proposed amendment and make any necessary changes if needed. Motion one of three options: Positive recommendation if the amendment is in the best interest of the City. Negative recommendation if the amendment is not in the best interest of the City. Table if more time is needed to discuss the amendment.

Planner Henneuse informed the Commission that she had several public comments to read. She read each email comment (See attached comments). The majority of the comments were against changing the code from three stories to four and thought that three stories was still too much. They do not like the 45-foot height.

Chair Ciampi stated in order to make things as efficient as possible, please state your name for the record. He also asked that people not re-state things that had already been said. He then opened the meeting for public comment.

David Sutherland would like a negative recommendation. This is not a question on the intent of the height in August, but what we should be doing now. He feels that this flies in the face of the core values and he would like the Commission to ask the Council to lower the height. He explained that he has started a petition on line, and he is trying to get this on ballot for referendum. He would like the Council to please reconsider what they took action on in August.

Steve Brown would like to have Planner Henneuse read the last three lines on the paper he handed her. Which she did. He feels a three-story building may be ok, but not a four-story building. He feels this is an additional problem. Then next with the additional height we are going to have additional cars, and he wants to know where they are going to park. He does not feel it is good to allow them City parking spots, especially with our City celebration.

Doug Coe lives right across the street and when they changed the zoning, he was opposed to it, and he does not agree with changing the height, he opposes that as well.

Porter Spencer is here because he feels deeply for this town. He feels Francis is not a big City and he feels this would be a big strain on our infrastructure. He said they all have the opportunity to preserve the scale and character of this town. He stated that in the past they limited the number of RV Parks, and he feels the hotels need to be the same way. He feels we should try to keep the height consistent with the valley.

James DeGray said the last time this was discussed the developer said that he was building 45 feet no matter what. He feels there are still many questions that still need to be asked. So, the questions for the City is do we really need to allow four stories or not.

Don Loftus 129 West 2200 South. He asked what the allowed height right now is. He was told 45 feet. He said we are just arguing over the terminology. His question is this like a restaurant with a bar in it or just a bar. Don explained his thoughts on that.

Chair Ciampi said that he realizes that these are all intertwined, but we still need to discuss things separately.

Don feels that we need a cornerstone set and if we are just arguing over the height it shouldn't matter. He wants all of the cards on the table to help give more clarity.

Commissioner Marchant asked for clarification, and it was explained to her which hotel was really being talked about.

Bob Wheaton lives on Hwy. 35. He thanked everyone for doing their job. He feels that 45 feet is way too high for a town center, and he does have a fair amount of background in this. He explained that if a 45-foot building has four stories then typical commercial construction is ten foot per story so 40 feet gives you five feet for any iconic building that should happen in the city center. In his opinion it is going to look more like the strip malls on state street. He would also like them to think about the latitude of lowering the height to 40 feet. He would like to see a building we can all be proud of in the City Center.

Chair Ciampi closed the public comment period and opened to the Commission.

Commissioner Buchanan said looking specifically at what they are trying to accomplish he appreciates the comments. He feels that there have been some good things pointed out. He said three or four stories doesn't matter, but the fire department needs to approve. He also knows there is a design review process. He feels they need to support property owners and what they want to do with their property. He explained that he would support four stories.

Commissioner Lawson thanked everyone for coming. She explained what she expected to see with this, and she can appreciate the height of 45-feet, but its huge and will astronomically stand out and it will really look out of place. She feels they should vote on behalf of the population so she would vote against this.

Commissioner Marchant explained this is where they get involved and come together and say what we do and don't want in the City. She feels that the public has made it very clear that they don't want this. She asked Planner Henneuse about the planner review process.

Planner Henneuse explained how it would work.

Commissioner Marchant feels that it is pretty obvious that they do not approve a 4-story building tonight.

Commissioner Christiansen feels three versus four is a significant change. He feels the comments made reflect the type of business that they want here. He said that property rights cut both ways. This does impact all of those around him. We can't say that the owner's property rights trump everyone else's. So, like Commissioner Lawson and Marchant he just doesn't see this as a path forward.

Chair Ciampi reviewed with Planner Henneuse the process and how it got to where it is today. He asked about how the heights and everything came about, and Planner Henneuse explained what had gone on. He said that he too was against four stories but would be good with three.

Commissioner Christiansen wanted to make a motion for a negative recommendation on this. In addition, he would also like to recommend that we notify land owners of potential code changes so that we don't get more applications that take advantage of current codes. Commissioner Lawson seconded the motion. Motion died.

Commissioner Marchant asked if that would block or stall development. Planner Henneuse explained how things worked and that yes in certain circumstances it could. But if something is already submitted

it would not affect them. She explained that as far as notices we already post everything on the City website, the public notice website and on both buildings, so she doesn't see that we need to be posting more notices. If there is a zone change then certain people are notified.

Chair Ciampi asked if we needed another motion. Planner Henneuse told the Commission it was up to them. She was just trying to clarify Commissioner Christiansen's comments.

Commissioner Christiansen wanted to motion for a negative recommendation and to again recommend to the City Council to do a moratorium on City Center and Commercial Zone projects until we have a chance to re-evaluate our City Center and Commercial Zone.

Engineer Kettle explained that you can't make a motion on something that is not on the agenda.

So, Commissioner Christiansen made a motion for a negative recommendation and separate from the motion we should recommend again to the City Council that we should re-evaluate things and put a moratorium in place until we can get the City behind everything. Commissioner Lawson seconded the motion. Commissioner Buchanan voted nay, but he supports the recommendation. Lawson voted aye, Chair Ciampi voted aye, Christiansen voted aye, Marchant voted aye. Motion passed 4-1.

B. Town Center Hotel Conditional Use Permit---Planner Henneuse explained this staff report was co-written with the City Attorney Brad Christopherson.

Commissioner Marchant wanted to know if this should still move forward even though the code text amendment did not pass.

Planner Henneuse explained they would still move forward with the Architectural review portion, and she would recommend having a condition based on the decision of the City Council on that item. She gave a couple of hypothetical recommendations. She explained they could send forward with a positive or a negative recommendation. They may or may not see it again. City Council will not be approving architecture until it meets the code.

Planner Henneuse dove into her staff report and explained this is the longest staff report she has done. She asked that everyone be respectful as she goes through the report.

Location: This site of the proposed Town Center commercial development is located on the southeast corner of State Road 35 and Spring Hollow Road. It is adjacent to and directly north of the new Francis City Hall. Town Center will be built on parcels FT-90, FT-92, and FT-99. The combined parcel acreage is 3.49 acres. The parcels are in the City Center (CC) Zone.

She pulled up diagrams on the screen for everyone to see. She continued reading her staff report. She showed on the screen where the retail spaces would be, where the restaurant would be, and where the hotel would be.

Background: Commercial Development plans for the Town Center project were approved in the fall of 2022. Two mixed-use commercial and residential structures on parcels FT-99 and FT-92 were approved

at the time. Russ Witt was the applicant. The Town Center property was purchased by Rusty Webster in 2024. Webster also became the owner of the neighboring property, FT-90 in 2024.

Executive Summary: The applicant, Rusty Webster, submitted five applications that will be considered in this report:

- Commercial Development updated plans
- Conditional Use Permit for a hotel
- Conditional Use Permit for a restaurant serving alcohol
- Conditional Use Permit for drive through 1
- Conditional Use Permit for drive through 2

The applicant also submitted a subdivision application that will be reviewed separately.

Webster is updating the commercial development plans to expand the Town Center project onto parcel FT-90, to add a hotel, and to add a building with a drive-through restaurant space, a retail space, and three apartments. The Town Center plans now include the following:

- Hotel with up to 70 rooms, a 1,400 square-foot conference room, a convenience store, two hot tubs, a possible fitness center, business center, and a shared courtyard with a gas fireplace.
- Restaurant that offers full-service sit-down dining and alcohol service.
- Two drive-through restaurants.
- Retail space for up to 9 businesses - 14,000 sq ft
- Residential - 21 apartments (14 2-bedroom and 7 3-bedroom)

General Plan Guidance: Mission Statement: The City of Francis has a core mission to provide the highest quality of life in a rural atmosphere through essential infrastructure, public safety, and recreation by allowing responsible growth within the constraints of fiscally responsible government.

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.

She explained they do want to be rural family friendly. Development needs to be approved with adequate utilities. She reviewed the economic goals already. She explained that when they established the City Center Zone there were seven goals, and she read through all of those goals and explained them:

City Code Guidance – Establishment of the City Center Zone (18.57.010):

The City Center zone, hereinafter also referred to as the CC zone, is established to:

1. Create a strong commercial identity at the heart of Francis City.
2. Encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.
3. Promote a diverse mix of residential, business, commercial, office and institutional, educational, cultural and entertainment activities for employees, visitors, and residents.
4. Encourage pedestrian-oriented development within walking distance.
5. Create a place that represents a unique, attractive, and memorable destination for visitors and residents.
6. Enhance the community's character through the promotion of high-quality urban design.
7. To provide opportunities to increase the city sales tax base, thereby helping to fund public improvements and public services.

The economic feasibility study provided by the applicant shows that the project supports the General Plan Economic Development goals, policies, and goal 7 in establishing the City Center.

She then went into the **Analysis for Commercial Development.**

All requirements pertaining to the commercial (C-1) zone are applicable in the CC zone, excepting a few provisions unique to the CC Zone.

Trash Storage - 18.45.100

“All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. Trash storage plans must be presented to the Planning Commission or Planning Department for approval, as applicable, prior to issuance of a building permit.”

” Two enclosed dumpsters are shown on the site plan in the interior corners of the parking lot. The dumpsters will be hidden from public and residential view by a dumpster enclosure.”

The trash storage area complies with the code.

Parking - 18.45.160, 18.57.050, 18.100.100)

“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 except when it has been established that such a location is needed or justified by other site conditions or building entrance location and the use is restricted to visitors/key employees.”

The applicant estimates that 255 total parking spaces are required for the project. On-street parking on Spring Hollow was previously approved for the Town Center project. Most of the parking spaces is planned behind the structures. The parking plan was previously approved with the expectation that there would be a 25% reciprocal use reduction and a shared parking agreement with Francis City.

During the business license approval process, the city will check that the applicant has adequate parking for each business use. The Planning Commission may authorize a reciprocal use reduction of up to 25% after the applicant demonstrates that they have overlapping daytime and nighttime uses.

They applicant is providing 170 stalls on-site and is seeking a shared parking agreement with the city for at least 21 stalls(see parking tabulation on attached staff report . A positive recommendation of the parking plan should be contingent upon the applicant reaching a shared parking agreement for at least 21 stalls with Francis City.

Planner Henneuse stated that 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. She explained how many parking spaces would be needed. Most of the parking is behind the structures and the reciprocal uses and some City parking. She explained how the reciprocal parking would work. She explained they were asking for 21 stalls from Francis City. It does meet the setbacks.

Site Plan – 18.45.120 and 18.57.060

The building layout as shown on the site plan meets setback requirements

“A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission and City Council before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade.”

The lot is relatively flat and does not require significant grading. The city engineer determines whether the site plan is compliant with city code and standards.

Moving on to the Landscape Plan, she pulled up more pictures on the screen. She explained the code is fairly lengthy. They encourage water conservation, and no lawn on the parking strips. She explained everything that was required and encouraged. She explained what the developer had planned for the landscaping.(See below for plan).

The site plans and landscaping plans conflict and she wanted to point that out. The Landscape plan is not compliant with City code. They do not want to see trees on the entrances or access points. Long park strips are not allowed to be compliant with State landscaping codes.

Her recommendation would be to table the landscaping plan until it is compliant with city code.

Landscape Plan - 18.45.110 and 18.114.080

“No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.”

“All submitted landscape plans shall be designed to encourage water conservation as a primary consideration. Lawn shall not be installed in park strips, paths or on slopes greater than 25 percent or 4:1 grade.”

“All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.”

Plant Materials

- a. Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.
- b. Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of one and one-half to two inches and evergreen trees with a height of four feet
- c. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.
- d. Street trees with a minimum two-inch caliper shall be installed along all public rightsof-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.”

“Trees shall be planted at the rate of at least one tree per 20 feet along the public street. The applicant shall provide appropriate guarantees on the trees, or they shall have no less than a two-inch caliper. No trees shall be planted within 45 feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.”

The applicant's landscape plan shows 66 2" caliper medium-sized deciduous trees (mixture of honey locust, quaking aspen, plum, and oak) and four medium-sized 8 ft spruce trees. 97 deciduous shrubs and 23 evergreen shrubs are planned throughout the development as well as two types of perennials and native shrub grasses. Crushed rock is planned as the predominant ground cover while Kentucky bluegrass park strips are planned on both sides of the State Road 35 entrance.

Eleven trees are planned along the Spring Hollow frontage (330 ft) and two trees are planned along the State Road 35 frontage (600 ft). In the previous approval, the Planning Commission allowed a reduced number of trees along the State Road 35 frontage so that the trees would not create a barrier in front of the street-facing store fronts.

The landscape plans include irrigation plans.

The site plan and landscape plans conflict. The site plan shows parking in areas where the landscaping plans show concrete planters and trees.

The landscape plan is not compliant with these code requirements and recommendations:

- 1. A cluster of 4 aspen trees near the Spring Hollow entrance and two plum trees near the State Road 35 entrance are within the 45-foot intersection clear view area.*
- 2. Kentucky bluegrass park strips are planned on both sides of the State Road 35 entrance. Lawn park strips are not allowed.*
- 3. The number of deciduous and evergreen species is not the 50/50 recommended mix (4 evergreen and 66 deciduous trees planned).*
- 4. Street trees are not planted at a rate of at least one tree per 20 feet on Spring Hollow Road and State Road 35.*

Architectural Design and Materials – 18.57.060

Planner Henneuse explained that “Proposed developments should undergo an architectural review by the Planning Commission and City Council. The review will determine if the developer has effectively incorporated a mountain aesthetic with neutral colors that is in harmony with the surrounding landscape and structures. Structures are limited to three stories. The maximum build coverage shall be 55 percent of the lot area. Buildings in the CC zone shall not exceed 45 feet in height.”

The applicant is proposing a four-story hotel. The building must be three stories or less to be compliant with code. A positive recommendation of the hotel architecture should be contingent upon the approval of Ordinance 2025-01 (increasing the limit on the number of stories in the CC Zone to four). The other buildings will be three stories and comply with code.

All the buildings are less than 45 feet and are compliant with code. The building coverage is less than 55 percent of the lot area and is compliant with code.

The applicant is utilizing a mountain design theme for the hotel that ties in with the previously approved architectural plans for the Town Center development. The hotel will be connected to the Town Center development by covered walkways. The Planning Commission should discuss whether the applicant has effectively incorporated a mountain aesthetic architecture that meets the intent of the City Center Code.

Residential Density - Section 18.57.070

“The maximum number of dwelling units allowed is eight units per acre.”

Up to 28 units are allowed without deed restrictions on these parcels totaling 3.49 acres. 21 units are planned (14 2-bedroom and 7-3-bedroom units). The number of dwelling complies with the code.

Planner Henneuse feels a positive recommendation should be approved. The applicant is using a mountain town theme.

She informed the Planning Commission what lighting plans they needed to submit.

Outdoor Lighting Plan - 18.118

“An outdoor lighting plan shall be submitted with the site/development plan. The plan must show the location, height, number, and type of fixtures to be used for all outdoor lighting.”

“All outdoor lighting must be full cut-off directing the light downward.”

“The maximum outdoor light output shall not exceed 100,000 lumens per acre.”

“All fixtures shall be mounted no more than 18 feet high when adjacent to residential zones.”

“Outdoor lighting shall be turned off or reduce total lumen usage output 50 percent by 11:00 pm except for the following conditions:

- a. Operations that are open for 24 hours
- b. Lighting that has been approved by the City Council for security purposes.”

The parcel is 3.49 acres, allowing up to 349,000 lumens.

Nine parking lot lights are planned at a height of 12 ft. Three types of parking lot lights are planned. The fixture is the same for all types, but some poles have two lights, and the lumen output varies. The fixture appears to be full cut-off.

Fifteen wall-mounted lights are planned around the sides of the buildings. They will be mounted at a height of 10 ft. The fixture appears to be full cut-off.

The applicant did not note that lighting will be turned off or reduced by 11:00 pm. The code gives an exception to this for operations that are open 24 hours, such as a hotel. The Planning Commission should discuss with the applicant whether lighting in other areas of the development is needed for security purposes after 11:00 pm.

The lighting plan complies with the code if the lighting does not need to be reduced after 11:00 pm for security purposes.

State Code - 10-9a-507 Conditional Uses

(1) (a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.

(b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

Note: The city planning and legal staff are in the process of revising the city code to bring it into compliance with recent changes from the state legislature. When state law and city code conflict, state law prevails because of the correlating supremacy clause in the Utah State Constitution

City Code – 18.65.090 Standards for Review

The city shall review each of the following items when considering a conditional use permit and proposing or imposing conditions on the permit:

1. Size and location of the site.
2. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
3. Utility capacity.
4. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
5. Fencing, screening, and landscaping to separate the use from adjoining uses.
6. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.
7. Usable and permanent open space considerations.
8. Signage and lighting.
9. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.
10. Potential for discharge into the air, ground water, surface and subsurface water, or soil.
11. Potential adverse impact on the ability of those who live or own property in the vicinity, including adverse effects to property values and the right to use and enjoy their property.
12. Other technical review matters as may be advised by the City.

Standards #1, 4, and 6 were reviewed as part of the commercial development portion of this report but should be considered as part of each CUP review as well. The city engineer will review standards #2, 3, and 4 in his staff report. Standards #7, 10, and 12 are not applicable to these CUP applications.

Staff have identified the following reasonably anticipated detrimental effects of the proposed conditional uses to adjoining residential properties: disruption of privacy, additional noise, outdoor lighting, additional traffic, decreased property value, and decreased enjoyment of property. These detrimental effects will be reviewed in relation to Review Standards #5, 8, 9, and 11 from Section 18.65.090. The measures proposed by the applicant and conditions proposed by the city to mitigate these effects are examined in the sections below. The city engineer will review the traffic impact study in his report.

The proposed development is on a corner of the main intersection at the heart of Francis City. There are several residential properties across the street from the proposed development on Spring Hollow Road and State Road 35. Additional noise and outdoor lighting from the project are not anticipated to significantly impact the residents living across State Road 35 because of the ambient levels of light and noise that already exist in this area from traffic. The residents that live across the street from the proposed development on Spring Hollow Road will be minimally impacted by noise and outdoor lighting because the main parking and loading/unloading areas will be behind the building. Very minimal wall lighting is planned on the front of the buildings. The on-street parking is about 100 feet from the residences. It is anticipated that noise impacts will be lessened by this distance by about 10 dB and will be in compliance with code. Therefore, the standards will be viewed in relation to their impact on the adjoining existing residence.

Standard #5 – Fencing, Screening, Landscaping Buffers

In Section 18.45.150 regarding buffers, fences, and walls, city code says, “The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.”

“Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission and City Council within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.

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. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.”

The applicant is proposing 6 ft vinyl fencing in an earth tone along the eastern property boundary adjoining a residential property as well as two property boundaries on the southern side of the development adjoining Francis City property near the soccer field and public works building.

Feather red grass is planned as a landscaping buffer along the fence on the eastern boundary of the project adjoining a residential property. An oak tree landscaping buffer is planned along the fenced portion of the southern property boundary with the city. The fencing planned will help mitigate the detrimental effect of disruption of privacy, additional noise, and outdoor lighting from the parking lot, building lights, and vehicle lights. Staff propose increasing the height of the fence to 8 feet to further mitigate disruption of privacy and outdoor lighting effects for the adjoining residential property owner.

The feather grass landscaping buffer may help to further mitigate additional noise. Since the feather grasses are placed in front of the fence, they will not mitigate lighting and privacy concerns. A tree buffer is planned at the boundary with the city property and will act as a landscaping buffer to help mitigate privacy, noise, and lighting concerns between the commercial property and the city property once the trees reach maturity. The primary purpose of landscape buffering is to provide a separation between residential and commercial uses. Staff propose replacing the feather buffer on the property line

adjoining the residential property with a 12 ft tall tree buffer to further mitigate noise, lighting (specifically 12 ft parking lights), and privacy concerns.

Standard #8 – Signage and Lighting

18.105.150 “One monument sign less than six feet in height and 60 square feet measured from the farthest extent of the sign to form a rectangle is allowed per commercial project. If a commercial project includes more than five potential businesses the Planning Department may approve a sign up to 10 feet in height and 100 square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monuments signs in a commercial project will be considered a conditional use. The applicant must demonstrate to the Planning Department that the additional sign(s) are necessary.”

“One wall sign not to exceed 30 square feet measured from the farthest extent of the sign to form a rectangle is allowed on the wall facing the primary entrance to the commercial project. Except as otherwise provided in this section, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:

- a. No part of any sign shall extend above the wall upon which it is situated.
- b. No sign, including any light box or structural part, shall project more than 12 inches from the face of the pan of the building to which it is attached.

The applicant is planning a marquee sign for the development on the corner of Spring Hollow Road and State Road 35. They noted on the site plan, “Each business sign to meet Francis City signage code requirements. Any sign proposed not meeting Francis City signage code must be submitted for a conditional use review.” Marquee signs typically have lighting around the perimeter of the sign, but no signage lighting was included on the outdoor lighting plan. The signage plans do not increase the listed detrimental effects.

18.45.150 “Outdoor lighting shall be designed to prevent exposure of light source to the view of residents.”

18.118 “The applicant in nonresidential zones must also provide a plan on how outdoor lighting will minimize impacts on adjacent properties.”

“All outdoor lighting must be full cut-off directing the light downward. The bulb or lighting source cannot be visible from the property line. Outdoor lighting cannot be directed towards any adjacent neighboring properties.”

In each CUP application, the applicant states that they “do not anticipate any abnormal ... lighting change ... associated” with the use.

Outdoor lighting was evaluated in the commercial development section of this report. The city code allows up to 349,000 lumens of outdoor lighting for this development. The outdoor lighting planned totals 178,990 lumens – just over half of the allowed limit. All fixtures appear to be full cut-off. Lighting may not be directed at neighboring properties to be compliant with code.

The applicant did not note that lighting will be turned off or reduced by 11:00 pm. The code gives an exception to this for operations that are open 24 hours, such as a hotel. The Planning Commission should discuss with the applicant whether lighting in other areas of the development is needed for security purposes after 11:00 pm and perhaps add a condition that lighting be reduced at night.

Car lights will also be an additional source of light at night. The detrimental effects of outdoor lighting and car lights can be mitigated with an 8 ft privacy fence and a 12 ft tree buffer on the residential property line.

Standard #9 – Noise or Odors

8.10.0020 “The following sounds are prohibited pursuant to this chapter:

1. A sound measuring 70 decibels or more between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday, or between the hours of 9:00 a.m. and 10:00 p.m. on Sunday.
2. A sound measuring 55 decibels or more between the hours of 10:00 p.m. and 7:00 a.m. Monday through Saturday, or between the hours of 10:00 p.m. Saturday and 9:00 a.m. on Sunday.”

In each CUP application, the applicant states that they “do not anticipate any abnormal odors ... or noise issues associated” with the use.

The Noise Disturbance Study performed by Francis City concludes that the detrimental effects of additional noise can be mitigated with a privacy fence and a landscaped tree buffer on the adjoining residential property line, restricting delivery hours to the daytime Monday – Saturday, and requiring that mechanical equipment for building 3 be placed as far from the adjacent existing residence as possible and be enclosed.

Standard #11 – Property Values and Property Use of Adjoining Owners

The city has no specific evidence of property value changes associated with this project.

The new City Hall is directly south of this development along with other city buildings and the soccer field.

A review of literature on the impacts of commercial development on nearby residential is inconclusive.

There is one residential property that borders the project on the east. The site plan has mitigation with fencing and landscaping to reduce noise and lighting impacts and staff has recommended additional conditions, so the impact complies with the city code.

Other residential properties exist across Spring Hollow and State Road 35. The residential homes are all at least 100 feet from the hotel and restaurants. This project is at the intersection of State Road 35 and Spring Hollow Road – which is the largest and most traveled intersection in the city. It is also located in the City Center zone, which was created to encourage development and begin to create a commercial center and bring commercial activity to the city. It is not unreasonable that development would arrive at this intersection. There are also commercial properties across the street to the west of this project. There

are no Commercial or City Center Zones that are not abutting, adjacent, or across the street from residential areas.

This proposed project will not prevent any of the uses currently surrounding the project but will bring increased traffic, noise, and lighting. These anticipated increases can be mitigated with measures taken by the applicant and the conditions proposed by staff.

Hotel

Hotels are a conditional use in the City Center Zone. (18.57.020)

The hours of operation of the hotel are 24 hours a day, 7 days a week.

The detrimental effects of decreased privacy, additional noise, and lighting caused by the hotel can be mitigated with an 8 ft privacy fence and a 12 ft tree buffer on the adjoining residential property line. Noise disturbances can be further mitigated by allowing deliveries only between the hours of 7:00 am and 7:00 pm.

The applicant is planning a 4-story hotel. The adjoining residential property will be visible from the upper floors of the hotel even with a 12 ft tree buffer. The adjoining residential property is more than 550 ft (in a straight line) from the hotel. The impact of decreased privacy from the hotel will also be mitigated by this distance.

Restaurant with Alcohol Service

“Any application for a permit to operate an establishment that offers alcoholic beverages for sale must first be reviewed for local consent by the City Council, which the City Council may grant or deny, in its sole and absolute discretion. If the City Council votes to grant local consent, the application will then be considered by the Planning Commission and City Council as a conditional use in accordance with FCC Title 17 and this title and in accordance with governing Utah law.” (18.15.110)

The City Council granted local consent on January 9, 2025.

The applicant’s stated hours of operation for the restaurant will be between 5:30 am and 11:00 pm.

The detrimental effects of decreased privacy, additional noise, and lighting caused by the restaurant serving alcohol can be mitigated with an 8 ft privacy fence and a 12 ft tree buffer on the adjoining residential property line. Noise disturbances can be further mitigated by allowing deliveries only between the hours of 7:00 am and 7:00 pm.

Drive-Through Restaurants 1 and 2

Drive-through restaurants are a conditional use in the City Center Zone. (18.57.020)

The applicant’s stated hours of operation for the drive-through restaurants will be between 5:30 am and 11:00 pm.

Drive-through restaurant 2 will be one of the closest businesses in the development to the adjoining residential property owner. The detrimental effects of decreased privacy, additional noise, and lighting caused by the drive-through restaurants can be mitigated with an 8 ft privacy fence and a 12 ft tree buffer on the adjoining residential property line. Noise disturbances can be further mitigated by allowing deliveries only between the hours of 7:00 am and 7:00 pm.

Staff Recommendation:

Commercial Development

Trash Storage - Approve the trash storage plan.

Parking - Positively recommend approval of the parking plan contingent upon the applicant reaching a shared parking agreement for at least 21 stalls with Francis City.

Site Plan - Positive or negative recommendation. Follow the city engineer's recommendation.

Landscape Plan - Table and ask the applicant to update the plan so that it complies with the code and does not conflict with the site plan.

Architectural Design – Positive or negative recommendation. Discuss whether the renderings meet the intent of code. If a positive recommendation is given, make it contingent upon the approval of Ordinance 2025-01 (increasing the limit on the number of stories in the CC Zone to four).

Outdoor Lighting Plan – Positively recommend approval of the outdoor lighting plan if the lighting does not need to be reduced after 11:00 pm for security purposes.

Conditional Use Permits

Hotel – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

Restaurant with Alcohol Service – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

Drive-Through Restaurant 1 – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

Drive-Through Restaurant 2 – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.
5. Mechanical equipment for this building be placed as far from the adjacent existing residence as possible and be enclosed.

Planner Henneuse turned the time over to Engineer Kettle.

Engineer Kettle said in regard to the traffic study the applicant did a study, and it came back that no additional turn lanes will be required, that is still conditional to UDOT. The utilities have already had these plans in mind with the growth on the 20-year plan. The water system for fire hydrants and uses they will need to turn in additional shares. He explained that they did talk with the Fire Service previously and they said they had a truck that would be acceptable.

Horrocks Staff Report

Dear Planning Commission: Horrocks Engineers has reviewed the submitted site plans and construction plans for the Town Center Commercial Development located on the southeast corner of State Road 32 for approval. The commercial development consists of a Hotel, restaurant, two drive-through restaurants, retail space and 21 residential apartments.

General Comments

- Correct redline comments.
- Need South Summit Fire District Approval
- UDOT approval for access onto State Road 35

Water

- The development will tie into the water lines in State Road 35 and Sprig Hollow Road.
- The development does not have a detrimental effect on the water.
- The developer will need to turn in the required water shares to accommodate this the proposed commercial development.

Sewer

- The development will connect to sewer main in State Road 32 in two locations.
- The development does not have a detrimental effect on the sewer collection system or the sewer treatment system.

Roads

- The development will be accessed from a Spring Hollow Road and State Route 35.
- The developer has performed a traffic study to determine the impacts from the development. The traffic study did not suggest any improvements that need to be made at this time.
- Work with UDOT to determine if curb and gutter along State Route 35 is required.

Storm Drain

- The developer has proposed to retain the storm water onsite.

We appreciate working with you in this matter. Please call our office with any questions. Engineer Kettle Please see attached City Engineer Report with conditions as well as City Staff Report.

Community Review:

A public hearing will be held for each of the four conditional use permits. The public hearings were noticed in accordance with State and local law. A public hearing is not required for the commercial development application.

Chair Ciampi turned the time over to the developer Rusty Webster.

Rusty explained he was here to hear their questions first. He said listening to the public tonight the 40-45 feet he thinks will really help if they see the plans. He said the first two years the City gets 13%. To him the four stories he was designing, he was thinking back to when the City Center got approved. He said it is a very small space. The only thing he feels they are talking about is that the height will be 45 feet tall, just the hotel. He feels that it will compliment well. He feels that they are the first ones, and he wants to make it nice. He said he has heard a lot of people in here say it's going to be unsuccessful. He feels that it is going to have the same impact either way. He said they are less than half of what they are allowed. With the hotel being open 24 hours he wants to hear the Commissions concerns. He stated that he was glad they were doing it. He said this is going to be locally owned and operated and very valley driven. He wants to keep it here in Francis. He explained that they have met with Marriot and Cobblestone, they have brought it forward in a way that they feel fits. He explained everything that they have eliminated. He explained how everything was tied in, and he feels it will look very appealing when you come into town. He said he is not here to take advantage of anyone. The whole thing together works very well together.

He asked what the population was, and he was told 1800 and he wanted to point out that a very small fraction of those people were here.

Planner Henneuse wanted to know which rendering gave the best look from the 4-way stop.

Chair Ciampi said he was going to get Commission input. He asked Rusty about the paint colors and Rusty told him this was the latest and greatest.

Commissioner Buchanan feels this is hard to imagine looking down the street directions. Especially when all he sees is the Spring Hollow side.

Commissioner Christiansen wanted to know why they are making the hot tub visible. Rusty explained that the seating area and hot tub have the best views and architecturally will break things up a little. He explained that there are actually two hot tubs. Everybody likes to go outside and sit in the snow.

Commissioner Christiansen wanted to know who was running this, Rusty explained who his partner is and that she is a strong ally. He stated that everybody in this is all local.

Commissioner Marchant wanted to know if residential spaces were rented or for sale units. She then asked about work force housing. Rusty said that his commercial workers will have the first opportunity. He said he is open right now to work with the hospitals for their nursing staff or schools for their teachers. He explained they wanted to be open in the spring of 2026.

Commissioner Lawson had some questions on the drive through. Rusty said they were working with a couple of different types of drive throughs. She said with Wolf Creek Pass she was thinking if maybe we got lucky an In and Out burger would be big, and she said that would have a long number of cars. Rusty explained that they are owning the hotel and everything. Commissioner Lawson said she just sees a bottleneck. She asked if they were worried about congestion with the drive throughs at all. She said she felt like it looked like an assisted living home. Rusty explained that with the renderings it's just really hard to tell what it looks like.

Chair Ciampi asked about the trees and drive through. Planner Henneuse explained things.

Chair Ciampi opened the meeting to public comment and asked that Planner Henneuse go first with the emailed comments. She read all of the email comments. (See attached).

Public comment period was opened.

Bryan Marsing 592 Spruce Way. He explained his background and what he did. He said there won't be a traffic problem because there are not enough people. He then asked about how many retail spaces there would be. He said there is no chance in Hell that this will succeed. He wanted to know how many times you have seen lines in any of the valley's retail spaces. He feels they are all going to be competing for jobs. If you go down in Heber, you can see everything closing down. He said if this goes through on both sides we will have multiple bankrupt businesses.

James DeGray 1744 South McNeil Circle wanted to talk about the City Code, as of now City Code 18.145 the buffers, fences, and walls. He read the code. He says there are no privacy concerns, and he feels there are. He said the code says shall and it is really strong so specifically shall be located in particular areas. He feels this is over and above any of the privacy issues. He specifically wanted to point out that these things should be learned from residential areas. He feels as a general rule how it can even be viable under City Code.

Dave Sutherland 1162 Village Drive. He feels there are detrimental impacts being caused by this project. Unlike what is being asked for here they are asking for more space and more parking, residents living above retail spaces. The developer is asking for more detrimental impacts. It has been brought up this might not be viable. The developer is not only asking not to mitigate but asking for more. He said it was

brought up that this might not be viable, and he just feels we should wait for a developer to do things right.

Shelly Bingham wanted to know how many doors this development brought. She said around 67 it could be double or triple that, so she begs to differ on the traffic report.

Porter Spencer 705 Oak Lane. He stated that he did not see any trailer parking. He also wanted to make a note that he talked with Oakley and there height is 32 feet and Kamas is 35 feet. Why are we so high?

Jeff Faulkner 915 Village Dr. in Francis. He said he is like a wizard driving a trailer and he doesn't see how that will not cause any problems. He also stated he did a grama request on the police situation and he received no documents as the City didn't have any.

Doug Coe 91 East 2200 South wants to challenge the traffic study, and he doesn't know if the State has approved any of this and he stated that there is irrigation water that comes down through there and he wanted to know if that had been talked about. He also stated that you are putting headlights right out into traffic and that could be a hazard.

Bob Wheaton said he is preaching to the choir. The decisions and recommendation that you make tonight are ongoing are truly 50-year decisions and that is an incredible responsibility. He would like them to keep that in mind. He said this is the City Center and the hotel has an outstanding opportunity to be that building, but he feels looking at the building proposed it looks like the Hotel 6. He stated that when Planner Henneuse read the seven things, she brought up safety and negative recommendation on 4 stories.

Don Loftus 129 West 2200 South wanted to know if it was limited to 11:00 p.m. at night. He was told yes that was part of the conditions.

Dean Prescott State Rd 35 said to be real careful with the lighting and the sound walls. It is not what you think. He thinks the hotel is too close to the road and they should flip it. He feels they need to re-start and think about a few more things and be re-planned better.

Deavin Earl 1875 So. Foothill Drive. He is concerned with the traffic flow and people pulling trailers and if you don't have good visible site then there is going to be some hard corner's and cars flipped in there. Snow storage, there is very little snow storage here. He is also concerned with the water storage, and he feels they are trying to fit too high of density in this area for this type of development.

Public hearing was closed.

C. Town Center Restaurant with Alcohol Service---Chair Ciampi opened the public comment period.

Planner Henneuse started by reading the online comments(see attached).

Brad Murdoch 443 East St Rd. 35 stated everything on his notes had been covered except one thing. That is where are the windows and he was told facing SR35. He feels that people that live there will

have a constant barrage of lights glaring in there window. He said with fast food comes packaging and with that comes litter. He feels this is one of the prettiest places on earth.

Public comment period closed.

D. Town Center Drive-Through Restaurant 1---Chair Ciampi opened public comment and there were no comments. Public comment period closed.

E. Town Center Drive-Through Restaurant 2--- Chair Ciampi opened public comment and there were no comments. Public comment period closed.

Conditional Use Permits

Planner Henneuse gave the following recommendations.

Hotel – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

Chair Ciampi asked Planner Henneuse if they needed to approve this one first. She explained it was up to the Commission. Chair Ciampi wanted to jump to the Alcohol consent.

Commision came back to the Hotel recommendation.

Commissioner Christiansen said we have a hotel that isn't compliant with City Code, and we can't positively recommend approval of that until all the conditions have been met.

Chair Ciampi said we need to go slowly because he feels he knows how this is going to turn out. Chair Ciampi made a motion with a positive recommendation with the condition that it meets the City Councils code change whatever that may be for the hotel and number of stories along with the conditions listed above. Commissioner Buchanan added that we have been talking about the fourth story, but what about the 24-hour operation, which hasn't even been addressed? He doesn't feel they should see it again until it is fixed. Commissioner Christiansen said the other thing tied to that, and he wouldn't even want to approve it with that. In his mind the other thing that is tied to that is the parking and the detrimental effects of that. He doesn't feel they can even begin to mitigate that until they know about the hotel.

Chair Ciampi said he would much rather use City parking that isn't being utilized after hours than see another parking lot. He feels it's more like recycling to him. He said it is very common. While some of the members seem hung up on it, it's not an issue for him.

Commissioner Lawson said whose not to say that two years down the road that doesn't change.

Commissioner Christiansen stated that the time they need that parking the most is during Frontier Days so we are setting up a situation when the town needs the parking there will already be a shortage. Especially with all of the trailers and everything coming in.

Planning Commission continued to debate back and forth their thoughts on things.

Planner Henneuse said yes it could be considered part of the parking.

Commissioner Christiansen brought up the fire this Fall and how we had the space to help out for the firefighters. He feels we are a public facility, and we need to have space. He doesn't feel good about approving this right now. He feels we are tying down our parking.

Planner Henneuse said we had a motion on the table. She was asked what was it.

Chair Ciampi said his motion was to approve the hotel conditional use permit as outlined with the stipulations required and with the added condition that it needed the code text amendment as approved by the City Council. Commissioner Buchanan seconded the motion. Chair Ciampi and Commissioner Buchanan voted to send a positive recommendation to the City Council. Commissioners Christiansen, Lawson and Marchant voted against that. Motion died. Chair Ciampi informed the Commission that they needed to give Rusty proper direction for this to have a positive recommendation.

Commissioner Christiansen motioned to table this, and they need to be provided a plan that complies with City Code. Commissioner Marchant added parking. She was told that it is part of City Code. Commissioner Marchant seconded the motion. Commissioners Christiansen, Lawson, and Marchant voted aye. Chair Ciampi and Commissioner Buchanan voted nay. Motion 3-2 to table.

Restaurant with Alcohol Service – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

Chair Ciampi said he didn't have any issues with the alcohol so they could just approve it if they were all good with it. Planner Henneuse said she had one more condition that came to mind and she thinks they should stay with the hours they proposed and make it a condition, so 5:30 a.m. and 11:00 p.m.

Commissioner Christiansen wants to change the privacy fence to a vinyl or poured concrete wall, so it is stone faced.

Commissioner Christiansen motioned to positively recommend approving the conditional use permit for the Restaurant with Alcohol Service with the additional requirements of 5:30 a.m. to 11:00 p.m. as the hours of operation as a condition. And the privacy fence is replaced with a pretty 8-foot cement structure with a decorative look with trees in front of it. Commissioner Lawson seconded the motion. Commissioner Marchant had a question. She wanted to know if this was just for the operation of the hotel. Planner Henneuse explained that this is just the Restaurant with Alcohol Service. Chair

Ciampi said we had a second. Commissioners Buchanan, Lawson, Ciampi, Christiansen, and Marchant all voted in favor. Motion passed 5-0.

There was discussion back and forth with the Commission, Planner and Engineer.

Commissioner Christiansen asked about parking and should they be discussing that now. Planner Henneuse explained no and why not. She didn't feel that would come into the conditional use.

Commissioner Marchant wanted to change her vote to no. Commission was all over the place. She tried explaining why she wanted to change her vote to no. She thinks they should have a better idea of what they are getting before they approve these things. She feels there are too many discrepancies. She feels like they should table this. Commissioner Lawson seconded. There was no motion made to second.

Chair Ciampi said then let's do each one of these separately. Planner Henneuse agreed and stated that we had already done the Restaurant with Alcohol so let's move on from there. So, let's go to Drive Through number 1.

Chair Ciampi explained that he sees this entirely differently and that the parking is attached to the conditional use permits they are approving. Planner Henneuse said it's more attached to the businesses. Chair Ciampi said at the end of the day if Rusty screws up his parking lot count, it's on him, he's a big boy.

Commissioner Marchant said it is also the Cities and their responsibility as a Planning Commission that we are passing and approving well based and thought-out projects, and she doesn't feel like it is a responsible thing to do right now. Where it is right now, she doesn't feel like she can approve. Commissioner Lawson agreed and said they have talked about inefficient parking. Commissioner Marchant feels we need to see a more ready project.

Engineer Kettle explained on the State RD 32 project they approved shells. He explained how that worked. He tried to explain that these are going to be shells as well and he can only put in what code allows.

Commissioner Marchant explained that she had more concerns than just that, but she knew we were on a time constraint.

Commissioner Christiansen jumped in and said another thing we can't approve a conditional use permit right now because it doesn't comply with the code. Code is a three-story hotel. This is a four-story hotel. He would like to table all of the conditional use permits. There is no way we can approve all of the conditional use permits right now until this is more fully baked.

Commissioner Marchant said we have had the public hearings. She wants to table until they match everything.

Chair Ciampi said you can't just do that if you don't go through each item individually. So next time we don't waste our time doing this all over again. Planner Henneuse said you do have to look at each item individually. Chair Ciampi said we will move forward getting as far as we can get.

Drive-Through Restaurant 1 – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.

*Chair Ciampi motioned to approve the Drive Through Restaurant 2 with the same conditions as Drive Through Restaurant 1. Commissioners all started giving their vote. Chair Ciampi had to rein them all in and get a second. Commissioner Buchanan seconded the motion. Chair Ciampi and Commissioner Buchanan voted aye. Commissioners Christiansen, Lawson, and Merchant all voted nay. Vote was 3-2 against. Motion died. **Commissioner Marchant proposed a substitute motion to table Drive Through 1. Commissioner Christiansen seconded the motion. Chair Ciampi and Commissioner Buchanan voted nay. Commissioners Christiansen, Lawson and Marchant all voted aye. Planning Commission will table Drive Through 1.***

Drive-Through Restaurant 2 – Positively recommend approval with the following conditions:

1. 8 ft privacy fence on property boundaries where site plan shows proposed fencing.
2. Plant 12 ft trees as a buffer on the east property line adjoining existing residence.
3. Hours of operation are between 5:30 am and 11:00 pm.
4. Deliveries are only allowed between the hours of 7:00 am and 7:00 pm.
5. Mechanical equipment for this building be placed as far from the adjacent existing residence as possible and be enclosed.

Commissioner Marchant motioned to table Drive Through Restaurant 2. Commissioner Christiansen seconded the motion. Chair Ciampi voted aye, Commissioner Buchanan voted aye, Commissioners Christiansen, Lawson, and Marchant voted nay. Planning Commission tabled the motion with the vote of 3-2.

Commissioner Marchant feels that there needs to be variance in the trees and number for the landscape buffer. She would like to see different ground cover rather than fresh rock. She explained everything she would like to see.

Commissioner Lason would like to see mitigation on the lights going into the neighbors houses across the street. She would like to see something different on the drive through plan.

Commissioner Marchant feels that they need to try to line up with the existing streets. And try to align the variances. She is on google maps looking at ways to keep existing residents in mind.

Planner Henneuse jumped back up to the Hotel conditions.

3. Discussion, Updates and Approval on Potential Action Items

A. Town Center Commercial Development--- Planner Henneuse again said she feels they need to give very specific instructions to the applicant on what they would like to see when they come back.

Trash Storage

Planner Henneuse said her recommendation is to approve the trash storage area.

Commissioner Marchant said she motioned to not approve trash storage because we do not have an accurate site plan right now. Commissioner Lawson seconded the motion. Chair Ciampi said someone needs to outline to Rusty what he needs. Commissioner Marchant asked, is this the correct foot print for the site plan and is it different from the parking and landscaping? Rusty said that's it. Motion died.

Planner Henneuse said these meet the code guidelines.

Commissioner Marchant then made a motion to approve the trash. Commissioner Christiansen then seconded the motion. Motion died.

Commissioner Lawson said she is concerned with what Mr. Earl brought up about somebody being able to get into them without being infringed upon with them getting out into the street.

There was then discussion from Commission with changing things around to align with things.

Engineer Kettle explained that it meets code, so he doesn't feel he needs to do that.

Chair Ciampi motioned to approve the trash plan with the east storage be aligned with the flow of traffic. Commissioners Christiansen and Buchanan both seconded the motion at the same time. Chair Ciampi and Commissioners Marchant, Christiansen, Lawson, and Buchanan all voted in favor. Motion passed 5-0.

Parking

Planner Henneuse read her recommendation, which is to positively recommend approval of the parking plan contingent upon the applicant getting a written parking agreement with the City approving 21 parking stalls.

Chair Ciampi asked if the 21 stalls met the guidelines. Planner Henneuse explained if they get the reciprocal parking yes. Chair Ciampi wanted to know if this could be met without the business licenses. He said there is no way to meet the proposed requirement. Planner Henneuse explained that they will never see a business license, which is staff approved.

Commissioner Christiansen feels that they need to get things together right, know it feel like it is held together by duct tape and prayers.

Chair Ciampi explained that this is no different than any other shell plan that they have done for years. So instead of driving the recorder nuts he is going to let them do what they are going to do. He feels they are really splitting hairs on this.

There was some discussion back and forth amongst the Commission.

Planner Henneuse explained that if they table, they need to have a specific reason so if it meets the code they have to approve.

Commissioner Buchanan said parking is the opposite situation. Parking meets the code. It's very clear if it is contingent upon the shared parking.

Planner Henneuse said if you table it, it needs to be very clear what you are tabling it for. This is for if the parking plan meets the code.

Commissioner Marchant motioned to approve the parking. Chair Ciampi seconded the motion. Commissioner Lawson and Christiansen voted against. Chair Ciampi, and Commissioner Marchant and Buchan voted in favor. Motion passed 3-2.

Site Plan

Engineer Kettle recommended that they approve it.

Commissioner Marchant feels this is the first thing that will be seen when people enter the City. She feels something neutral like a clock tower or something would look better. She doesn't think it would be a good aesthetic representation of the City to have the first thing people see when they drive up the dugway to the sign representing the development on the restaurant portion that faces that four-way stop. She thinks it should be something neutral like a clock or something. She feels there should be more street access to the buildings right, not a fortress from the street and not an inviting City Center Development. So, she is not in favor of approving the site plan.

Planner Henneuse said she felt like some of the recommendations that she had go to the architecture requirements. Do you feel like they are still applicable to the site though? They're applicable to both? Planner Henneuse explained why she felt the way she did and told them they needed to be specific about what didn't meet code.

There was more discussion back and forth amongst the Commission.

Chair Ciampi feels that this meets code and unless someone can articulate where it doesn't meet the code then we approve it. He reminded them that they make recommendations and not approvals and it has to be clear and concise.

Planner Henneuse said we need to tie it to where it doesn't fit the code.

Chair Campi motioned to approve the site plan as recommended by the City Engineer. Commissioner Buchanan seconded with the condition that UDOT approves it. Chair Ciampi asked for their votes. Commissioner Lawson nay, Commissioner Christiansen said quick question, so when we're approving the site plan what exactly are we approving? Planner Henneuse and Engineer Kettle explained what they were approving. Commissioner Christiansen feels like this all ties back into going back to Commissioner Marchant's points about headlights in the driveways or front rooms of the houses. I think

this all ties back into the conditional use permit. There was some discussion between the Engineer and Chairman Christiansen.

There was a lengthy discussion on this matter with not a lot of agreement back and forth.

Commissioner Marchant said she could see the other developers for the other hotel in the room tonight and she informed them to come in with an accurate site plan.

Chair Ciampi, Commissioners Buchanan, and Christiansen voted aye, and Commissioners Lawson and Marchant voted nay. Motion passed 3-2.

Landscape Plan

Planner Henneuse recommendation is to table and ask the applicant to update the plan, so it complies with the code and does not conflict with the site plan.

Chair Ciampi made a motion to table this until the plans align and it complies with City Code. Commissioner Christiansen seconded the motion. Chair Ciampi and Commissioners Buchanan, Christiansen, Lawson, and Marchant all voted in favor of tabling. Motion passed to table 5-0.

Architectural Design.

Planner Henneuse explained that this is a positive or negative recommendation this will go to City Council. They need to discuss whether the renderings meet the intent of the code. If a positive recommendation is given, make it contingent up on the approval of the ordinance to allow them four stories. She read what the code said on this. The review will determine if the developer has effectively incorporated a mountain aesthetic with neutral colors that is in harmony with the surrounding landscape and structures are limited to three stories the maximum building coverage 55% and they can't exceed 45 feet in height. That is our code on architectural design and materials. If you don't think it meets that code, be very specific on why it doesn't.

Commissioner Buchanan motioned that he thinks it meets code and recommends that it meets those standards, and it is contingent upon approval of the City Council, so that still hangs in the balance. Chair Ciampi seconded. Commissioners Buchanan, Lawson, and chair Ciampi all voted aye. Commissioners Christiansen and Marchant voted nay. Motion passed 3-2.

Lighting

Planner Henneuse recommends approving with a positive recommendation. They have talked a little bit about the security lighting and that was the only thing that stood out. She felt like it sounded like from the applicant they were willing to reduce the lighting they weren't sure about getting 50%, but the were willing to reduce it to some degree after 11:00 p.m... She wanted to know if the applicant had a percentage, they would be willing to reduce it by, do you have anything we can put a number on?

Rusty said they would reduce by 25% after 11:00 p.m. they would use just the bare essentials. They were talking about security.

Chair Ciampi motioned for a positive recommendation to Council that we approve the outdoor lighting with staff recommendations and to the extent possible lighting reduction. Commissioner Christiansen wanted to go throw one more thing in. He added and within the conditions that arise as part of the conditional use permit. Commissioner Lawson seconded the motion. Chair Ciampi and Commissioners Buchanan, Christiansen, Lawson, and Marchant all voted aye. Motion passed unanimously 5-0.

Chair Ciampi explained that he needed to leave and that he would like the minutes not to be approved tonight as he had a lot of mark-ups that needed to be changed. Commissioner Christiansen, who is Vice Chair, will continue on with the meeting.

Chair Ciampi needed to sneak out and turned the time over to Vice Chair Christiansen. There was discussion on the time frame of the meeting and things that could be done.

B. Wolf Creek Junction Commercial Development---Planner Henneuse read her staff report. (See attached staff report) She explained where this property was located and explained it was previously used for a landscaping company. She explained what Barry Primos, the applicant wanted to do and how he is updating his plans. She explained that one structure was eliminated so they now have 4 new buildings not 5, and they have a lighting plan now. She explained that Mr. Primos has made some efforts to complete some portions of the landscaping that was approved with Falling Waters, and he added some trees and ground coverage along the frontage, still not where Falling Waters had what they had approved, but we knew more development was coming so we just kind of waited. Mr. Primos was granted approval to construct a parking structure. She explained when all of the permits had been issued. Just as a note both permits expired and were recently renewed.

She explained that trash storage needs to be improved and enclosed. They don't need to make a motion on that. Layout of the parking areas meets the code, and she explained how many feet they were. There are 5 ADA parking spots. She presented a site plan.

Site plan the building layout meets the setback requirements. She appreciates the landscape easement being put on.

Landscape plan. Planner Henneuse read her staff report and explained everything that needs to be done. She explained that a couple of the trees were in the ditch and needed to be removed. (See staff report). Landscape plan appeared ok except for the trees in the ditch.

Architecture plan. She read her staff report (See attached). She reviewed everything that was displayed on the screen. She discussed the coloring and theme.

Outdoor lighting plan. They have 4 parking lot lights planned. She reviewed the outdoor lighting requirements. (See attached staff report). Lighting is all full cut off. They didn't note anything about lighting after 11:00 p.m. so she said they should discuss that with the applicant.

Her recommendations for parking are to positively recommend approval. For site plan positive or negative and to follow the Engineers recommendation. Landscape approve with the condition that the

two Japanese lilac trees be moved to another location along St. Road 32 outside of the irrigation easement. And then the two honey locust just be removed so we lose those ones.

Architectural again that goes to you positive or negative.

Outdoor lighting plan recommend a positive recommendation and to discuss the security lighting with them. Public hearing is not required.

Engineer Kettle reviewed his staff report. They will be connected to the 8-inch water line. They need fire district approval, but other than that the site plan meets our code.

John Davis is the developer's architect. He explained this has been approved once and he has taken over.

Commissioner Lawson asked why the trees were being removed. It was explained to her that they were in the ditch. She says the aesthetics were really nice. John explained a little bit more about what they were going to do.

John explained what they were doing with the buildings, and they are modifying the building that is currently there.

Commissioner Buchanan said broadly this project looks great. He wanted to pull back to the different approvals. He said in looking at this across the board and he thinks the project looks great and he is good with all five recommendations.

Commissioner Lawson feels the lighting just needs to come down a little and she likes the project. She loves the layout, and she likes the tree line.

Commissioner Christiansen said on behalf of Chair Ciampi he doesn't like metal buildings.

Commissioner Christiansen said personally he doesn't like this modern theme, but it looks like the building going up along 40, it looks like a lot of the higher end houses with the roof line and different things that he sees, and it sounds like the buildings already there.

Commissioner Marchant would agree with Commissioner Christiansen in regard to the buildings. In regard to the landscaping plan, I think it would be really cool if we started looking at some retention ponds that are not just crushed gravel, but instead incorporated like natural materials and she listed items she thought would work.

Commissioner Buchanan motioned to forward a positive recommendation for all five-line items. Planner Henneuse stopped him and explained that they do have to approve the landscape plan, because that doesn't go over to City Council. Motion died.

Commissioner Marchant made a motion to approve the landscaping plan and the outdoor lighting plan. Planner Henneuse told her she couldn't approve the lighting plan; that's a positive or negative recommendation. Motion died.

Commissioner Marchant made a motion that they approve the landscape plan and positively recommend the parking, site plan, architectural plan, the architectural design, and outdoor lighting plan with City staff recommendation. Commissioner Lawson seconded the motion. Vice Chair Christiansen and Commissioners Buchanan, Lawson and Marchant all voted inf favor; motion carried 5-0.

4. Approval of Minutes---*Chair Ciampi motioned when he left that the minutes be put off until next month. Commissioner Christiansen seconded the motion. All Commissioners voted in favor.*

5. Staff Update---Planner Henneuse said if you did not attend the open and public meetings training then please watch it on YouTube. She also explained that the Conflict-of-Interest Form needs to be filled out and back by the end of January.

Next meeting they will elect a chair and vice chair.

6. Adjourn---*Commissioner Christenson motioned to adjourn. Commissioner Lawson seconded the motion. All in favor, meeting adjourned.*