

**MINUTES OF A REGULAR MEETING
OF THE EPHRAIM CITY PLANNING COMMISSION
EPHRAIM CITY BUILDING, 5 SOUTH MAIN, EPHRAIM, UTAH
WEDNESDAY MAY 12, 2021
6:00 PM**

Commission Members Present: Planning Commission Chair Lisa Murray, Jan Jonson, and Darren Glather

Commission Members Present via Phone: Craig Rasmussen

Commission Members Absent: Steve Cornelsen and Dennis Nordfelt

Staff Members Present: Community Development Director Bryan Kimball, City Planner Devan Fowles, Community Development Clerk Megan Spurling

Others Present: Lindsey Field, Dayle Strickland, Luke Kochniuk, Robby Layton, Tim Cox, Kimberly Beck

Planning Commission Chair Lisa Murray called the meeting to order at 6:14 p.m.

APPROVAL OF MINUTES

The Commission reviewed the minutes of the March 10, 2021 and April 28, 2021 Planning Commission meeting.

Planning Commission Member Darren Glather moved to approve the March 10, 2021 meeting minutes as presented. The motion was seconded by Planning Commission Member Jan Johnson. All were in favor. The motion carried.

Planning Commission Member Jan Johnson moved to approve the April 28, 2021 meeting minutes as presented. The motion was seconded by Planning Commission Member Craig Rasmussen. All were in favor. The motion carried.

PUBLIC HEARING

Conditional Use Permit – Lindsey Field and Dayle Strickland – Review of a 5-unit multifamily development on property located at 64 W. Center Street in the R4 zone.

Devan addressed the planning commission, referred to the packet provided and explained the criteria for a conditional use permit. Devan read items 1-13 from the packet to clarify the requirements of a CUP. The applicant at 64 W. Center is applying for 5 units on the property. There would be 2 duplexes and the existing home. The drawing submitted by the applicant was shown to the commission. It does meet the parking requirements. The Fire department informed

Devan where the plan changed from tiny homes to duplexes the driveway should be widened to 20 feet and a fire hydrant installed at the entrance. The current driveway is 16 feet. Lindsey Field said they do have room for the larger driveway and are in agreement to make it larger. Staff needs to work out utility lines and the applicant will need to comply with the multi-family checklist based on our ordinance. Craig Rasmussen asked about previous projects and why the requirement for the driveway has changed. Devan clarified that the city should go off what the fire chief requires and that current code states 20 feet. Any flag lot with two or more buildings in the back, there will be a minimum width of 20 feet. The applicant has stated there is a possibility of tearing down existing home and replacing it, that is why all 5 units are included. Lisa clarified that Devan will work with them on the check list. There will be a more thorough review when the zoning application is submitted.

Planning Commission Member Darren Glather moved to recommend the City Council approve Conditional Use Permit – Lindsey Field and Dayle Strickland – Review of a 5-unit multifamily development on property located at 64 W. Center Street in the R4 zone, with meeting the conditions placed by Staff. Planning Commission Member Jan Johnson seconded the motion. All were in favor. The motion carried.

Conditional Use Permit – Luke Kochniuk – Review of a 14-unit multifamily development on property located at 746 N. 50 E. in the C2 zone.

Devan went over the location of the property. It is between the liquor store and Layton Autobody. The lot is currently under contract. The applicant is waiting for approval on the project to move forward with property.

Luke Kochniuk addressed the commission to explain their project. The applicant is planning a 14-unit condo project. They feel it is a good location with the surrounding businesses and for students going to Snow College. Originally the applicants were considering a mixed-use property, but where the applicant is going to build condos, carports would be required. With the 14 units it would restrict parking for future residents and the surrounding businesses. They did not want a potential fight over parking or to cause an inconvenience for the residents. Building costs were considered and a solely residential property made more sense. It would be a challenge to meet parking and green space requirements if they went forward with a mixed-use plan.

Devan explained this will be a purely residential application. This is an approved use in the zone based on CUP. They are working on recommendations with staff and will be worked out before a zoning permit is granted.

Robby Layton addressed the commission about his concerns. Robby operates a 24-hour towing business, works late hours in the night and is concerned about the complaints that will be raised from future residents because of noise. He also voiced concerns about children playing in his parking lot. He has an impound yard and a barbed wire fence, he is concerned about their safety. The current traffic situation is also a concern. Robby built his shop where it is because he was trying to get away from residential properties.

Bryan clarified that there are fencing requirements. Luke addressed the concerns and assured that there will be a grassy area of 25 x 160 with a fence around it for the residents. Lisa explained that Robby is established and new tenants may start to complain about the nature of his business. What will be done about complaints that may come in about this?

Shayne understands the concerns about the noise. He has worked in real estate for a long time. He gave examples about other areas that have residential property where noise is an issue. When potential owners sign papers full disclosure about the surroundings of that property will be provided. We plan on being fully transparent about the surrounding neighbors. Everyone that goes in and occupies should be well aware of the living conditions. Having been around there we don't feel the noise is anything that wouldn't want to make us go forward with the property.

Tim Cox, the owner of the car wash, stated he has the same concerns about children on his property. This is a high traffic area. Where this will be the resident's home, he feels, they will be more lenient with their children and where they are allowed to go. He also expressed he does not want to deal with confrontation with parents when he has to tell their children they cannot play on his property. This happens at one of his other locations as well. Tim's business also runs 24/7. Tim provided a letter from another business owner in the area. It expresses how the other businesses feel.

Commission Chair Lisa Murray read the letter from Kenny A Hardy, Swag Properties. (See packet for letter). Lisa stated by law the application should be approved if the qualifications are met. Devan explained that conditions can still be placed even if approval is granted.

Kimberly Beck, an owner of a surrounding business, came forward to express that she completely agrees with the letter. She is concerned there is no on-site supervision for the rental property. Kimberly is also concerned about the liquor store and would like to see this moved to a more suitable location.

Devan expressed understanding for the concerns and stated the green space requirements are being met. He also previously looked in to see if residential property is allowed near the liquor store. Devan said concerns have been addressed with the applicant, including the property being completely surrounded by commercial. No CC&R's were created to specify that area be solely commercial. On the city side of things, they aren't doing anything that would allow staff to deny them to move forward to this stage of review.

Bryan Kimball addressed the commission. It is a commercial subdivision and a mixed-use zone. We have other mixed-uses that are prevalent on Main Street. There are businesses on bottom and then apartments on top. Bryan reviewed item 2 of the requirements for a CUP. The bigger picture should be looked at. This subdivision is primarily commercial. There are large trucks coming and going delivering supplies. There is a lot of traffic. There are some residential properties that have been approved one parcel to the east of the property. There is a transition of residential going in to commercial. One of the reasons we support mixed-use is because a lot of businesses depend on foot traffic, this could be very beneficial for that. There are also adverse things too that could negatively impact residents. In this case it comes down to if this a good fit for the neighborhood and could it be better if certain things were implemented. We need supporting

rationale for either decision. Living close to where you work is a pro, a con is the noise and children being around the surrounding businesses.

Darren asked to see the map to get a better look at the property. Bryan explained the surrounding properties and their operations. We did not get concerns from the surrounding neighbors about the other condos going in in the area behind it. Devan explained that notices go out to surrounding properties within 200 feet. Devan assured that all property owners were appropriately notified. There are mixed uses that are not so far away. Darren asked what would make the surrounding businesses feel comfortable. They would feel more comfortable if there was an onsite manager. Bryan thinks that it could be considered as a condition.

Luke said having a property manager on site 24/7 is very rare. They are proposing a condo set up, these are for sale. The residents are going to take on the risk. Anyone purchasing should do their due diligence and would accept the risk. It will not be operated as an apartment facility.

Lisa referred to the packet and still has concerns. Darren brought up that other things are going in that are similar and not very far for kids on a bike or skate board. Jan feels uneasy either way. Lisa sees both sides and would like more time to think about it, so to not make a rash decision.

The applicant spoke to that time frame. He addressed the concerns about kids. These are going to be 2-bedroom, 1 bathroom. We are not expecting a lot of kids and families. The green space was designed in back for a reason, it will be behind the building and have a surrounding fence. They tried to have a lot of green space to combat that. They are under deadline with the seller, so would like to be able move forward as soon as possible. Waiting for the next meeting on May 26th would be past the deadline for the applicant. Lisa proposed holding a special meeting next week. They could hold it before City Council so it can move to them the same night. Luke made a request that feedback be given from the commission so they can address and satisfy the concerns at the next meeting.

Bryan brought up some of the options for the commissioners for either approving or denying. He talked about conditions, fences and how to deal with complaint. These are condos and will be bought and sold, the demographic cannot necessarily be controlled. There are things you can put in a purchase contract acknowledging the surrounding businesses. Another condition is long term parking consideration.

Robby is concerned about the impact of the condos to the surrounding businesses and what will happen after the property is sold.

Darren asked if the due diligence will continue on when the property is sold. Shayne clarified this and explained the due diligence that will take place. The real estate agent dealing with the property would point out the surrounding features, etc. Luke explained that a buyer is required to sign a due diligence check list and what waiving that would mean.

Planning Commission Member Craig Rasmussen moved to table this proposal until next Wednesday, May 19th in a meeting just prior to the City Council to allow the time to contemplate

the ramifications of this proposal. Planning Commission Member Jan Johnson seconded the motion. All were in favor. The motion carried.

The applicants were ok with this.

PLANNER'S REPORT

Devan addressed the planning commission. There will be 3 items on the agenda for the meeting on May 26th. One is a general plan amendment, a rezone and the other is for Simon Properties.

Darren asked if there are plans for stop light. Bryan explained that this is a U-DOT issue. We have requested traffic counts and it has not met the warrants yet. With what is coming eventually we will get there; it just depends on how soon.

Darren asked for more explanation on health, safety and welfare conditions. Bryan agreed that this is a very generic statement. It is the basis of zoning. The City Council has a lot of discretion to decide what meets health, safety and welfare. Their decision will normally be upheld if any reasonable statement as to why that decision was made.

Parking requirements are different for apartments and condos. It doesn't need quite the same amount of parking. Devan explained the parking that they have and met the minimum requirement for parking and green space. Lisa is concerned if it fits with the surrounding residents and the potential complaints that will come in.

We do have businesses that have spent a lot of money to be in just a commercial area. Bryan gave some examples of residential properties around businesses, such as Subway and the movie theater. The people that live there know what they are getting into. The City does not receive a lot of complaints on those. Are potential complaints enough to deny this application? What recourse do we have when the complaints come in? There can be a letter that is recorded against the property that it was approved based on certain conditions from Ephraim City.

Lisa asked what the square footage of the condos will be. Luke said they will be about 800-850 square feet. This is not necessarily low-income housing, although condos do cost less than your typical home.

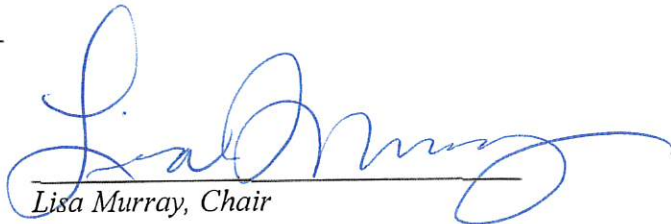
Similar things will be going in just around the corner. The commissioners and staff reviewed the map and the surrounding things there and things that will be going in soon. Bryan has looked at other cities and their examples to soften the impact, you could move the windows or turning the building. Playground equipment could also be installed. Lisa asked what the city's position will be when people do complain. Bryan explained as long as can point to something that shows the considerations that were made, the decision and the rationale behind it. If we approve this, we could simply say that we recognize the businesses that are there and we intend to protect them, while at the same time not disallowing what someone chooses to do with their property. We want to be fair to both sides.

Devan explained that in the Planning Commissions consideration, concerns from both parties should be considered with all applications, but also what is best for the City. How does the planning commission want to see growth? Is this a compatible use? Make sure this is kept in mind for the future.

ADJOURNMENT

Planning Commission Member Darren Glather moved to adjourn the meeting at 8:14 pm. Planning Commission Member Jan Johnson seconded the motion. All were in favor. The motion carried.

Minutes approved on: 5/19/21



Lisa Murray, Chair

Attest:



Megan Spurling, Community Development Clerk