

**MINUTES OF A REGULAR MEETING
OF THE EPHRAIM CITY PLANNING COMMISSION
EPHRAIM CITY BUILDING, 5 SOUTH MAIN, EPHRAIM, UTAH
WEDNESDAY MARCH 10, 2021
6:00 PM**

Commission Members Present: Planning Commission Chair Lisa Murray, Jan Jonson, Dennis Nordfelt and Craig Rasmussen

Commission Members Present via Zoom: Community Development Director Bryan Kimball

Commission Members Absent: Steve Cornelsen and Darren Glather

Staff Members Present: City Planner Devan Fowles

Others Present: Denny Parry, Lindsey Field, Dayle Strickland, Jeni Crookston, Steve Weller, Clayton Holbrook via Zoom and Mike Evans

Planning Commission Chair Lisa Murray called the meeting to order at 6:00 p.m.

Public Hearing

General Plan Amendment: Lindsey Field – Petition to amend the Ephraim City General Plan on property located at 64 West Center Street from Medium Density Residential (MDR) to Commercial (C).

Land Use Map Amendment: Lindsey Field - Petition to amend the zoning map of Ephraim City to change the zoning of property located at 44 and 64 West Center Street from Single-Family Residential Zone (R1A) to Central Business District Commercial Zone (C1).

Devan addressed the Commissioners to explain the General Plan Amendment. The applicant would like to extend a commercial zone over their property. The purpose would be to match some of the surrounding businesses that are in that area. Devan referred to the map. Manti Telephone is to the east of the property and they are in the General Plan commercial area. Devan is addressing the first and second items on the Public Hearing at the same time. The General Plan Amendment would come first and then Land Use Map Amendment. The applicant is purposing to change the property at 44 and 64 West Center from the R1A single family residential historical zone to Central Business District which is C1. The owner of Manti Telephone has agreed to be included in this rezone.

Lindsey Field addressed the Commissioners. The applicant feels that they already live in a commercial area. She referred to pictures that she brought to show what happens all around her home. Hermansen's Hardware is directly across from the applicant's property. Lindsey stated

that she does not mind the commercial activity that happens around their home. Right next to the property is Manti Telephone, next to Manti Telephone is the Ephraim Ambulance station. On a weekly basis semi-trucks are unloaded in the area. Lindsey referred to several pictures that showed the commercial activity happening daily. There is a cell phone tower, fiberoptic lines and the Senior Citizens Center directly behind the applicant's property. Within one block of the property there are multiple commercial buildings. The applicant gave several examples of the surrounding businesses. Lindsey expressed multiple times that she supports these businesses and wants to encourage people to patronize them.

Commission Chair Lisa Murray asked Lindsey Field what she would like to do on the property if the rezone was granted. The applicant would like to do something like what Larry Christensen is doing, but on a much smaller scale. Lindsey would like to build a few tiny homes on the property. Eventually she would tear down her existing home and build a tiny home there as well. Lisa asked the size of the property. Lindsey stated the property is .33 acres. Lindsey assured the commissioners that guidelines would be followed in the next phase.

One of the commissioners asked if the purpose would be to sell the homes. Dayle Strickland confirmed that he and Lindsey would be living there. The applicant is from the east coast and has family that want to come visit and enjoy the area. Her family would be staying there. They would like to have some Air BnB units on the property. Dayle commented on the several buildings built in the time he has lived in his house. He reiterated his desire to improve his property.

Sarah Parry addressed the commission. She stated she is a 3rd grade teacher here in Ephraim and her husband Denny is retired from the railroad. The Parry's live next door to the applicant and they are against the commercial zoning. They acknowledged the commercial activity that takes place in the neighborhood, but they do not want to see it expand. They want to protect the livelihood they have built at 82 West Center. Sarah went over zoning laws and how the purpose is to keep businesses from negatively impacting residential neighborhoods. The Parry's have restored their home and would like to not live closer to commercial property. They also wish to avoid spot zoning and believe the residential value of their property would decrease. They are concerned about the noise and traffic increasing. Preserving the historic district is important to them. Concerns for future use were also expressed. Sarah showed some pictures of her home and the view from her home. She expressed that her neighborhood is a quiet area and is concerned about what having an Air BnB would do to that. They are also concerned about what would happen to the property if it were sold after being approved for a commercial zone. Sarah asked questions about the zone changes. Devan explained the property is currently showing MDR in the General Plan and would be changed to Commercial if approved. He further explained the current plan allows up to an R3 zone within the Medium Density Residential (MDR) General Plan designation. The General Plan and the Land Use Map are two separate things. 1.) The General Plan is a plan designed for future use. In this case, it states what the property can be zoned to. 2.) The Land Use Map shows what the zone currently is, which determines what rules apply to each proposed use. The applicant is asking to change the General Plan from MDR to Commercial to allow up to a commercial zone on the Land Use Map. If the applicant were approved for the General Plan and the zone change, then the portion of this historical zone would go away over their property. The historical overlay would remain unchanged over the Parry's

property. The applicant is currently zoned as a R1A, which is single family zoning with a historical zone overlay.

Dayle Strickland addressed the concerns that the Parry's brought forth. He expressed that they have a very good relationship with the Parry's and their children. Dayle expressed they just want to improve the area. The applicant is not going to cause any more traffic because there are parking requirements for what they would be approved for. Parking for the tiny homes would be provided on the applicant's property. When the homes were purchased, there were already functioning commercial properties surrounding them. The applicants are not expecting more than a few cars at a time.

Devan explained the General Plan currently would allow up to an R3 zone, if the Planning Commission and City Council chose to approve that change, which would allow up to 4 units per parcel, if the applicant could meet the size requirements for the lot, parking, set back and landscaping requirements. Changing it to a commercial zone would allow for the Highest Density Residential (HDR) on the property. It was asked if having tiny homes would require a commercial zone. Devan explained it is not required but a commercial zone allows you to do a certain number of units per parcel for residential and it matches most existing neighboring properties. The commercial request mainly has to do with density.

Denny Parry reiterated his concerns about adding more business to their historic residential area. He also expressed they are concerned about the noise level. Denny commented if the property has a commercial zone the property owner does not have to be on the property, whereas if it were a higher density residential zone that would not be the case.

Lindsey Field stated that as part of the application process she was encouraged to go around to her neighbors, and she understood the Parry's concerns. Dallas Cox, with Manti Telephone, signed a paper in support of the zone change, which was submitted to the city. Carl Hermansen is also in support. Other surrounding neighbors are in support. There is also a case where a home is being rented to college students.

Commission Chair Lisa Murray closed the Public Hearing for General Plan Amendment: Lindsey Field – Petition to amend the Ephraim City General Plan on property located at 64 West Center Street from Medium Density Residential (MDR) to Commercial (C) and Land Use Map Amendment: Lindsey Field - Petition to amend the zoning map of Ephraim City to change the zoning of property located at 44 and 64 West Center Street from Single-Family Residential Zone (R1A) to Central Business District Commercial Zone (C1).

General Plan Amendment: Amy Johnson – Petition to amend the Ephraim City General Plan on property consisting of 10.58 acres located at approximately 150 East 700 North from Low Density Residential (LDR) to Commercial (C).

Land Use Map Amendment: Amy Johnson - Petition to amend the zoning map of Ephraim City to change the zoning of property consisting of 10.58 acres located at approximately 150 East 700 North from Residential Agricultural Zone (RA) to General Commercial Zone (C2).

Devan addressed the Commissioners and referred to the map provided. Devan is addressing both the General Plan Amendment and the Land Use Map Amendment at the same time for the Public Hearing. This area is currently zoned for Low Density Residential in the General Plan and Residential Agricultural (RA) on the Land Use Map. The property is across the street from the property that came before the City Council last week and the Planning Commission the week before for approval for a commercial zone. The applicants would like to extend the commercial zone in the General Plan and the Land Use Map over their property as well. The east and south sides of the property are owned by Snow College. Devan explained that they have not received any comment from the neighbors. If approved to change the plan from LDR to commercial in the General Plan, they would like to change the zoning from Residential Agricultural (RA) to General Commercial (C2) on the Land Use Map. The General Plan Amendment does have to come first for the zone change to be reviewed and approved.

Lisa Murray asked if there were any buildings on the property. Devan explained that currently it is a field.

Steve Weller addressed the Commission to explain what they are purposing. Steve is a long-time member of the community and teaches at the middle school and the college. He loves this area. Housing prices have begun to skyrocket making it harder for people who want to be here. Steve is purposing to build some affordable housing opportunities for people to get a start. The change from agriculture to commercial would allow them to create housing for people who have been renting for a long time to get their start. The applicants are trying to provide affordable options, not necessarily low-income house. Condos, small houses, and duplexes have been considered. This would provide smaller structures for people to live and build up equity. So many homes that are currently being built are out of the price range of the people who live and work here. We are trying to address the needs of the people who have been renting for a long time and need a place to call their own.

Lisa Murray asked why the applicant is seeking a commercial zone as opposed to and R4. Steve stated that they are looking for the density. It is currently zoned for 1/3 acre lots and that would not meet the need right now. The applicant is possibly looking at mixed use and thus the request for a commercial zone.

It was asked if town homes were considered, Steve said they had and they are in the conception phase right now.

A Commissioner asked Bryan and Devan what was being considered for the road on 700 North. Devan explained that at the time a permit is pulled they are then required to improve their portion of the road. The applicant would then have to work with Ephraim City Staff to identify where the road needs to be. There may need to be some review on Ephraim City's side to see where the road needs to be placed.

Planning Commission member Craig Rasmussesn motioned to close the Public Hearing for General Plan Amendment: Amy Johnson – Petition to amend the Ephraim City General Plan

on property consisting of 10.58 acres located at approximately 150 East 700 North from Low Density Residential (LDR) to Commercial (C) and Land Use Map Amendment: Amy Johnson - Petition to amend the zoning map of Ephraim City to change the zoning of property consisting of 10.58 acres located at approximately 150 East 700 North from Residential Agricultural Zone (RA) to General Commercial Zone. Planning Commission Member Jan Johnson seconded the motion. All were in favor. The motion carried.

Business

General Plan Amendment: Lindsey Field – Petition to amend the Ephraim City General Plan on property located at 64 West Center Street from Medium Density Residential (MDR) to Commercial (C).

A Commission Member expressed when making decision they lean in favor of the applicant unless there are serious or reasonable objections. This is a tough one. Lisa expressed that she would like to come up with a way for the applicant to do what they would like to do, because it is their property. She also acknowledged the concern of the Parry's and what might become of the property. Lisa asked what the setbacks are in a High Residential Area. Devan explained that all residential development, even those in a commercial zone are required to follow the same requirements as an R4. Those include a 20-foot setback from the front and the rear, and 8 feet on the sides. At least 20% of the property must also be landscaped. Hard surfaced parking spaces are also required according to the type of use proposed. If they choose to use it for commercial use instead of residential the codes allow you to be right on the property line if you can meet fire code. You also need side obscuring fence. Bryan confirmed this information, he also explained that we would treat multi-family as a residential and not commercial.

A Commission Member expressed their thoughts on the motion. The applicant is in a commercial area, because of the surrounding businesses the argument that it is a residential area is not valid. Based on the pictures shown he feels the potential development would improve the property. He understands the concern about the noise. His recommendation would be to approve. Another Commission Member said they do not see a health and safety issue developing with this potential project. Commission Member Jan Johnson stated if a commercial zone means the Field family could build on the property line his vote would be for them to go to an R3. Bryan explained they would have to follow the guidelines for whatever they are zoned as. If it is residential, they would have to follow those setbacks. If a commercial building were decided they could have a 0-foot setback if they met the fire wall requirements. It is a combination of building code, firewall and zoning. There are clear distinctions between the two.

It was asked if there is potential to put some stipulations in a commercial lot approval, for example even though you could build to the property line you would have an 8-foot setback on the sides. Lisa explained that if you did it this way you could ignore the back lawn setbacks. Height requirements for residential and commercial were discussed. The structure can be as high as 45 feet in an R3 and a C1. An example was given where the parties involved settled on an R4 because it gave the applicant the density they wanted but protected the neighbors from the potential commercial, that could be a possibility here. An R4 would give the applicant the same

density as a commercial zone. The Parry's concern was the commercial zone. Based on the size of the lot, the applicant could do up to 5 tiny homes with an R4 zone, if they can meet the parking and landscaping requirements. It would also protect the future use of the land. City Attorney Bryan Page is looking in to see if the applicant would have to go through the whole process of giving notice if they decide to change their request to an R4. Dayle Strickland expressed that if this change would bring peace to all involved he doesn't care if he has to go through the process again. Commission Chair Lisa Murray stated that she thinks this would be a good compromise.

Brian Page explained that because there is a change, another notice would have to be sent out to surrounding neighbors since it could potentially affect those not present here tonight. Lisa Murray asked the applicant if they would be ok with resubmitting for an R4 zone. There will be a new hearing where concerns can be brought up. This item was tabled until the applicant resubmits.

No motion was made as the applicant will be resubmitting.

Land Use Map Amendment: Lindsey Field - Petition to amend the zoning map of Ephraim City to change the zoning of property located at 44 and 64 West Center Street from Single-Family Residential Zone (R1A) to Central Business District Commercial Zone (C1).

No discussion was had.

No motion was made as the applicant will be resubmitting.

General Plan Amendment: Amy Johnson – Petition to amend the Ephraim City General Plan on property consisting of 10.58 acres located at approximately 150 East 700 North from Low Density Residential (LDR) to Commercial (C).

No discussion was had.

Planning Commission Member Dennis Nordfelt moved to recommend the City Council approve General Plan Amendment: Amy Johnson – Petition to amend the Ephraim City General Plan on property consisting of 10.58 acres located at approximately 150 East 700 North from Low Density Residential (LDR) to Commercial (C). Planning Commission Member Craig Rasmussen seconded the motion. All were in favor. The motion carried.

Land Use Map Amendment: Amy Johnson - Petition to amend the zoning map of Ephraim City to change the zoning of property consisting of 10.58 acres located at approximately 150 East 700 North from Residential Agricultural Zone (RA) to General Commercial Zone (C2).

No discussion was had.

Planning Commission Member Dennis Nordfelt moved to recommend the City Council approve Land Use Map Amendment: Amy Johnson - Petition to amend the zoning map of

Ephraim City to change the zoning of property consisting of 10.58 acres located at approximately 150 East 700 North from Residential Agricultural Zone (RA) to General Commercial Zone (C2). Planning Commission Member Jan Johnson seconded the motion. All were in favor. The motion carried.

The Estates at Ephraim Crossing Phase 1 Subdivision: Gary Anderson/Camino Verde Group – Resubmittal of final plat for approval to do 8 lots instead of 22 lots in The Estates at Ephraim Crossing phase 1 subdivision at approximately 245 West 400 South.

Bryan explained this is the subdivision at Ephraim Crossing that we had previously looked at. A first phase of 22 lots was approved. There is a piece of land right through middle of the property that was previously owned railroad property. It has been agreed to purchase but officially has not been completed, while it is in process of being completed the developer would like to move forward without any further delay. They have asked to reduce the number of lots to 8. This will not impact any more or cause any more delays on the project. This is just a smaller phase so they can go forward and sell the lots. The expectation is when paperwork is resolved the applicant will come in and propose the next phase for the subdivision.

Planning Commission Member Dennis Nordfelt moved to recommend the City Council approve The Estates at Ephraim Crossing Phase 1 Subdivision: Gary Anderson/Camino Verde Group – Resubmittal of final plat for approval to do 8 lots instead of 22 lots in The Estates at Ephraim Crossing phase 1 subdivision at approximately 245 West 400 South. Planning Commission Member Craig Rasmussen seconded the motion. All were in favor. The motion carried.

Discussion Item: Clayton Holbrook – Discussion about the possibility of amending the Business Park (55 East 450 North) CCR's to allow mixed use. Additionally, discussion about development at 266 S 200 E.

Clayton Holbrook addressed the commission. Clayton introduced Paul Warnock from JZW Architecture and Michael Lishfeld who is the applicant's attorney. Paul Warnock referred to pictures that were provided. Paul explained the proposal is to provide a mixed-use building, as commercial occupancy on the main floor and then they would like to have residential units on the second and third level. The applicant wants to meet the city's needs as well as make the project feasible from a financial point of view. The applicant would like to create a successful retail location. There would be a total of 12 residential apartment units above the retail stores. These would be up to 4 bedrooms.

Jan asked where the parking for the residential units would be. The applicant is trying to meet the city code parking requirements. The pictures of the plan they prepared give an assessment of the parking ratios. The applicant is required to have 1.5 parking stalls per unit which results in a very heavy parking requirement. The applicant is requesting a 25% reduction for the shared use. That calculation would result in 50 stalls being required. The site plan currently gives 54 stalls. Currently this is just proposed for lot 6, but they are open to expand if it is something the city likes.

Lisa Murray asked what the applicant needs from the Planning Commission so they can move forward with the project. Michael Lishfeld addressed the commission and stated there is a one-line provision in the declaration that says commercial only. The applicant is asking for it to be changed to mixed use. The City is key to getting an amendment to allow mixed use. It was asked if the surrounding businesses have been approached. The applicant has approached them, and they are all in support of the change in the CCR.

Brian Page stated they would have to get the surrounding businesses to sign off on the proposed amendment. The CCR does lack clarity on the amendment so the city would have to make sure all parties agree to it. The applicant would be happy to provide this.

Bryan Kimball explained the property in question used to be old rodeo grounds for the city. The original intention was to develop a commercial park to promote economic development. As a courtesy to the surrounding businesses, we need to solicit their opinions. Bryan is happy with look of the building.

The applicant explained more about who they are. The applicant has built the last 5 buildings at UVU, a couple buildings at Dixie and another at SUU. They believe they are very tuned in to the look and feel of buildings right now. They want to provide something that not only is functional but looks good too. The applicant has been working with the architect for over 20 years.

Lisa Murray stated that the Planning Commission is excited to work with the applicant.

A member of JZW Architecture asked if a mixed-use building would be a permitted use for the space, would they be subject to commercial zone setbacks and other requirements or is it a mixture of R4 and commercial. Bryan explained as a mixed-use development, staff would have to look at what is being proposed. It is not clearly defined in the codes as to how to delineate that. We would look at the specifics and try to find the best solution. Discussion was had about parking. Parking requirements will lean more towards the higher demand which will most likely be in the evening for the residential use. Right now, as it stands with parking the applicant feels that their parking lot would be mostly empty a lot of the time and that is why they are asking for the reduction in requirement. Bryan said there are surrounding businesses that are not utilizing their parking and staff will do their due diligence as far as this is concerned. Bryan reiterated the Planning Commission makes the recommendation to the City Council and they have the final say. The applicant stated the units will be high end and not just cookie cutter designs. They are hoping having the mixed-use building will also help increase foot traffic to the other surrounding businesses as well. The applicant is wanting to bring in quality residents that will bring business, be good tenants and add to the community.

Discussion was had about the 266 East and 450 North property. The applicant would like to apply for the PUD process. They have this property under contract. There is an existing home and .84 of an acre behind it. The applicant referred to the picture that shows three lots they are proposing. The front lot on 200 East is for the house, the center one is for a building that will be on the south border and the third one is for a building on the south border. There is 16,000 feet on the west and center lot and about 12,000 feet on the front lot. The applicant would like to build 4-plexes. It would fit into the zoning of an R3. There will be approximately 30 parking

spots. The applicant presented this so the commission would get a feel for what they were trying to accomplish. They explained that there is a little slope and retaining wall would be built. The applicant is hoping to rent to young married couples and students. Devan explained the city has received a lot of proposals for this type of housing and explained that the need is housing for young married couples. There have been approvals for developments that would accommodate that, but the structures have not been built. Devan also stated that a lot of these details can be worked out amongst staff and when the details are ready it can be presented. Devan reiterated what the next steps will be and what will be required to come before the Planning Commission. The applicant clarified the next steps they will have to take and expressed that they are excited to be a part of the town.

Discussion Item: Clayton Holbrook – Discussion about the possibility of amending the Business Park (55 East 450 North) CCR's to allow mixed use. Additionally, discussion about development at 266 S 200 E ended.

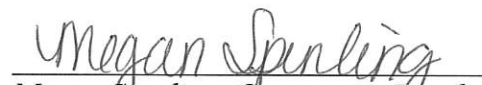
ADJOURNMENT

The meeting was adjourned at approximately 8:30 pm.

Minutes approved on: 5/12/21


Lisa Murray, Chair

Attest:


Megan Spurling, Community Development Clerk

