

Town of Leeds

Planning Commission Meeting for January 2, 2014

1. Call to order:
Darrell Nelson, Commission Member Pro-Tem called to order the regular meeting of the Planning Commission at 7:00pm on Thursday January 2, 2014, at Leeds Town Hall, 218 N Main.
2. Roll Call:

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIR: Danielle Stirling	_____	_____x
COMMISSION MEMBER/PRO-TEM : Bill Lytle	_____	_____x
COMMISSION MEMBER: Darrell Nelson	_____x	_____
COMMISSION MEMBER: Reed Braithwaite	_____x	_____
COMMISSION MEMBER: Norm Peters	_____x	_____
COMMISSION MEMBER ALTERNATE: Elliott Sheltman	_____x	_____

3. Invocation: Norm Peters.
4. Pledge of Allegiance by Reed Braithwaite.
5. Declaration of Abstentions or Conflicts: None.
6. Approval of Agenda:
Darrell Nelson indicated on December 4, 2013 there was a Public Hearing on Hansen's Bed and Breakfast; however, all the stipulations were not met so it is being redone tonight. He indicated on discussion item (a), he would like the minutes to reflect that citizens who buy new lots can never be guaranteed that their lots will always remain a view lot and on page three the word "since" needs to be changed to "sense". With those amendments, Norm Peters moved to approve tonight's agenda and meeting minutes of December 4, 2013. 2nd by Reed Braithwaite. All voted "Aye". Motion passed.
7. Announcements: None.
8. Public Hearings:
 - a. Conditional Use Permit for Brian Hansen on Bed and Breakfast at 480 North Main Street.
Darrell Nelson brought a timer and asked citizens to keep their comments limited to 3 minutes and not to repeat what had already been said. He gave a brief description of the Conditional Use Permit for a Bed and Breakfast.
Reed Braithwaite moved to open the Public Hearing on the Conditional Use Permit request, Brian Hansen Bed and Breakfast. 2nd by Norm Peters. All voted "Aye". Motion passed.
Shelly Hansen discussed their Conditional Use Permit for a Bed and Breakfast. They have had renters for 18 years in one of their homes but do not want full time renters in this home. She felt like the traffic load would be less on the street as a Bed and Breakfast than a rental.
Kathryn Stoddard indicated she applied for a Bed and Breakfast from the County. She had to have the Health Department come to the home and do an inspection. She asked Shelly Hansen if she has looked into how many people could stay at her home and if they have looked into the breakfast part of the business. Shelly indicated it is 7 bedrooms so 14 people max and they have not looked into the breakfast part yet. Kathryn thinks it's a great idea; she had to give up her dreams of a Bed and Breakfast because the County required it to be zoned Commercial.

Roger Downward indicated he lives right behind the Hansen's, so if anyone should know if there will be a problem, it would be him. He knows them and is in favor of the Bed and Breakfast.

Lana Riddle has found it very unfortunate that they are put into this situation because she has loved Leeds and their home and that is changing now. She is very saddened to be put into this place because she has loved her neighbors and neighborhood and does not think their approach was fair. In doing research, Washington County does not allow Bed and Breakfasts except within forest recreation areas. Also Bed and Breakfasts are not allowed on shared non-paved roads. She checked with her insurance company and they are liable. She does not want a commercial business in her backyard. People who come to Leeds will probably bring ATV's and motorcycles. She has put up a privacy fence to try to screen out some of the noise. She is concerned about the road and safety. In order to get out of the parking lot, you have to backup into her yard to pull out. She would like her home to stay quiet, Leeds is her getaway. Lana indicated she is responsible for the insurance on the road that enters the Bed and Breakfast because she owns the easement and pays taxes on the road.

Shelly Hansen responded that the Bed and Breakfast was not a long time in the making and her insurance will cover anything within 1000 feet of the home. It is not a lucrative thing; they are just looking at all the options for the home. They will only rent to one family at a time. If there is no sign put up advertising the business the insurance company does not consider it a business. Norm Peters indicated that one of the basic requirements for becoming a Bed and Breakfast is that you have to have a sign. He advised Shelly to read the Utah Bed and Breakfast standards.

Lana Riddle indicated she has no problem with a family living there; however, does not want a commercial element added to a residential property. She also indicated you cannot have a business on a private shared road.

Roger Downward most insurance companies will add on an easement and it is not a big deal. Norm Peters asked Shelly Hansen if they met with the fire chief and recommended the Hansen's look through the Utah Bed and Breakfast standards before any decision is reached and look more into the easement. Shelly indicated they have met with the fire chief and he did not see any problems with the road access.

Elliott Sheltman looked into Rockville and Springdale's Ordinance on a Bed and Breakfast and found the following.

1. Springdale will not allow a Bed and Breakfast on a flag lot, you have to have road frontage.
2. The owners have to live in the home.
3. You can only rent out 4 of the rooms.

Reed Braithwaite would like to see a Bed and Breakfast in Town and agrees with Bob Nicholson's recommendations. One of the conditions indicates the road would need to be paved. Commission members discussed the Bed and Breakfast further.

Kathryn Stoddard indicated one of Washington County Health Departments conditions were you had to live in the home and one family unit was defined as use of one of the rooms. So if you have a 4 bedroom home, you could have 4 families in the home at a time. Shelly Hansen indicated they did not want that many families there at one time.

Reed Braithwaite moved to close the Public Hearing on the Conditional Use Permit. 2nd by Norm Peters. All voted "Aye". Motion Passed.

9. Action Items:

- a Discussion and possible action Conditional Use Permit for Brian Hansen on Bed and Breakfast at 480 North Main Street.

Norm Peters commented that this should be tabled. He has not personally heard from the Fire Chief and would like to hear from him personally. He also would like to look into the paving.

Lana Riddle asked Commission Members if the Hansen's have the right to pave her road? Joe Allen indicated that when an easement is granted, it is just an ingress/egress. Generally there is a maintenance agreement and it should be recorded on the deed.

Norm Peters made a motion to table the Bed and Breakfast in order to research the easement and give the Hansen's time to look over the Utah Bed and Breakfast Standards. 2nd by Reed Braithwaite. All voted "Aye". Motion passed.

Conditional Use Permit for Brain Hansen Bed & Breakfast tabled until road easement can be researched and Hansen's look over the Utah Standards for a Bed and Breakfast.	<u>Passed</u>	<u>Rejected</u>	<u>Tabled</u> <u>X</u>
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b. Discussion and possible action Zone Change for Parcel L-94-A-2 Mike Toe from Open Space to Commercial.

Susan Savage asked if the Town had some kind of form they could use for when people are asked to do things. That way we don't have to wonder what was said and might expedite things.

Norm Peters indicated that would help, that way the document would be in front of us.

Joe Allen discussed the application for the Zone Change

Darrell Nelson's concerns were the property is on a flood plain and would like the Town to consider step zoning for commercial property. He would also like to see everyone in town to receive a letter when a zone change is proposed because of the unique interchange that affects Leeds Main Street.

Joe Allen indicated only part of the property is on the flood plain. The property immediately to the north is also on the flood plain and is already zoned commercial. The real question is does it make sense to zone this commercial.

Elliott Sheltman asked Bob Nicholson the Town Planner if the planning commission is within their scope of practice to be looking at road issues, traffic mitigations and safety issues as a governing body. Bob responded yes; however, what we need to keep in mind is the sequence of the issues. When do those issues get raised? It could be at the zoning or development phase.

Elliott had the following concerns about the zone change.

1. The Master Plan indicates the southbound ramp does not have a safe acceleration access to get on the freeway.
2. The Overpass is too narrow and drew out a diagram of the current dimensions of the overpass and the road adjacent to the property.
3. There are currently over 90 residents that live out there and the road cannot be widened enough to meet the 66 foot overpass that would be required at 100 residents.
4. When it storms the overpass turns to solid ice and has washed out part of the road.

He did not recommend this zone change to go through.

Joe Allen indicated with roadways you have a couple of issues Elliott has mixed up. Lane width and right-of-way requirements were discussed further.

Bob Nicholson, the Town Planner, indicated a traffic study could be required at the time a development request is submitted. The tough thing is to permanently keep it zoned Open Space. As we all know you have to allow a reasonable use of the property. So the question is what a reasonable use of that property is? That is when you look at the General Plan. At some point you have to look at what you want that property to be zoned.

Elliott asked why it cannot just be left as Open Space as other Towns do that to have a rural feel. Bob indicated part of the responsibility of the Planning Commission is to decide what type of zoning will be put in that location.

Darrell Nelson looked at Washington City and how they classified their commercial zones.

They use C1, C2 and C3. That way they can specify different types of businesses that will be allowed within different zones. Until Leeds has adopted that, he does not think this should

be approved. For Planning Commission to zone it Commercial right now would not be serving the citizens of the Town.

Bob Nicholson agreed with Darrell Nelson. Under State Law you can have a 6 month moratorium while you adjust your codes. The Town Council would have to designate that. Darrell Nelson made a motion to deny the Zone request and forward it to Town Council to consider step zoning for Commercial property and a possible moratorium. 2nd by Reed Braithwaite. All voted "Aye". Motion passed.

Zone Change for Mike Toe from Open Space to Commercial. Rejected and sent to Town Council for possible Moratorium.	<u>Passed</u>	<u>Rejected</u> X	<u>Tabled</u>
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10. Discussion Items:

a. Road Easements

Darrell Nelson asked Bob Nicholson who is supposed to maintain a road with an easement recorded on it. Bob indicated that you look at the Deed and discussed further with Commission Members. Leeds Town code in section 6.3.3 of the Land Use Plan reads, "for all new construction and additions, where the driveway or private road meets a public paved road, the first ten(10) feet of driveway or private road starting at the public paved road must be paved, unless the remodel is less than 25% of the original square foot of the home". Lana Riddle indicated that Leeds could use a Bed & Breakfast but in a different location with main road frontage.

11. Citizen Comments:

12. Staff Reports: None

13. Adjournment:

Darrell Nelson moved to adjourn the meeting. 2nd by Reed Braithwaite. All voted "Aye". Motion passed.

Time: 8:41pm.

APPROVED ON THIS 5 DAY OF February 2014


Reed Braithwaite

ATTEST:


Kristi Barker, Deputy Clerk/Recorder