



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

PLANNING
COMMISSION:

Kevin Shakespeare
Nathan Averill
Chad Holbrook
Brenda Nelson
Bill Smith
Brad Elmer

Harrisville City Planning Commission Harrisville City Offices Wednesday, June 14, 2023

AGENDA

[Zoom Meeting Link](#)

Meeting ID: 859 0169 5714

Passcode: 446989

1. **CALL TO ORDER**
2. **OATH OF OFFICE**
3. **CONSENT APPROVAL** – of Planning Commission minutes from May 10, 2023.
4. **DISCUSSION/ACTION/RECOMMEND** – to recommend approval for the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities.
5. **DISCUSSION/ACTION/RECOMMEND** – to approve conditional use permit for Blu Pearl Aesthetics located at 2174 N 225 W.
6. **PUBLIC COMMENTS - (3 minute maximum)**
7. **COMMISSION/STAFF FOLLOW-UP.**
8. **ADJOURN.**

Certificate of Posting and Notice

I, Cynthia Benson, certify that I am the Deputy Recorder of Harrisville City, Utah, and that the foregoing Planning Commission agenda was posted and can be found at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Meeting Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law. In accordance with the Americans with Disabilities Act (ADA), the Harrisville City will make reasonable accommodations for participation in the meeting. Please make a request for accommodation with the City Offices at 801-782-4100, x1004, at least three (3) business days prior to any meeting.



Harrisville City Planning Commission

Harrisville City Offices

Wednesday, May 10, 2023

Commissioners: Kevin Shakespeare, Chair
Nathan Averill
Chad Holbrook
Brad Elmer

Staff: Jennie Knight (City Administrator)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)
Matt Robertson (City Engineer)

Excused: Brenda Nelson
William Smith

Visitors: Tina Saunders, Casey Saunders, Katherine Berrett, Sean Wilkinson, Blaine Barrow, Brandis O'Toole, Christina Berriochoa, Nick Berriochoa, William Long, Michelle Tait, Arnold Tait, Steven Benson, Chris Sandberg, Kristy Sandberg, Tori Flinn, Chris Cope, Larry Lily, Debra Call, Michelle Dodson, Blair Christensen, Mark Apuna, Jamie Nunez, Joanna Richardson, Jeff Richardson, Mike Bowdish, Savannah Bowdish, Devin Pettit, Mark Apuna, Diana Wilhelmsen, Grover Wilhelmsen, William Allen, Doug Russell, Casey Saunders, William Maughan, David Skeen, Dugan Frehner.

1. CALL TO ORDER

Chair Shakespeare called the meeting to order. He excused Commissioner Brenda Nelson and Commissioner William Smith.

2. CONSENT APPROVAL – of Planning Commission minutes from April 12, 2023.

MOTION: Commissioner Holbrook motioned to approve the Planning Commission minutes of April 12, 2023 as written. Commissioner Averill seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

3. PUBLIC HEARING - the Harrisville Planning Commission will hold a public hearing on May 10, 2023 at 7:00 p.m., in the Harrisville City Legislative Chambers located at 363 West Independence Blvd., Harrisville, Utah, to take public comment for and against the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities.

Chair Shakespeare reviewed the rules of a public hearing before opening the Public Hearing.

MOTION: Commissioner Averill motioned to open the public hearing to take public comment for and against the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities. Commissioner Elmer seconded the motion.

Jennie Knight, City Administrator, gave a brief staff review of the proposed Ordinance #540 at Chair Shakespeare's request. She reviewed the current and proposed zoning for the property. Additionally, the application includes a proposed amendment to the regulation restricting access from commercial uses onto residential subdivisions and streets, where the roadway is identified as a future collector or arterial on the Transportation Master Plan. The newest Transportation Master Plan for Harrisville City was adopted in February 2023 which identifies 750 West as a future collector. Building height comparisons were shown of the proposed building. Things to consider are compliance with the Utah Code for a Public Hearing along with noticing for this Public Hearing.

Mark Apuna, owner/developer, explained the proposed building will be an event center with synthetic indoor soccer fields, a football field, and lacrosse fields. The upper mezzanine, which is the reason for the height, is because this building would be the only place in the state of Utah which would allow for indoor football. Mr. Apuna had Suzie Becker, Zion's Bank, complete a financial analysis for this project. The project will bring in an estimated \$125,000 per year for Harrisville City. Included in the upper mezzanine will be volleyball courts and pickle balls courts. This will be a full public building without the public need to recoup the cost. Currently, the width and length of the building falls within Harrisville City code. The increased height is what is being asked for.

Larry Lily stated his concerns are with the increased traffic on 750 West, the current storm water issues already in the area, and the proposed access points are against Harrisville City Code.

Jeff Richardson said his concerns are with the proposed height and the increased traffic.

Mike Bowdish has concerns with the building causing an invasion of privacy with the adjacent properties and with the increased traffic.

Savannah Bowdish described how this proposed building will block her amazing views along with invade her privacy while she entertains in her backyard.

Chris Cope listed her concerns with the building height, the light pollution caused by the building and parking lot, traffic flow, and the parking lot being insufficient for an event center of this size. She added concerns on displacement of residents, traffic, and devaluation of surrounding properties.

Katherine Berrett concerns were with the traffic, children safety, residential taxes, storm water, noise, property values, and the ingress/egress onto a public street.

David Skeen spoke for the project. His development, which is CP-2, is expanding in this area and plans on utilizing the entrance on 750 West as an access point as it was always intended.

Sean Wilkinson pointed out the current proposed project could be allowed, outside of the height,

since the project is in line with the future land map of Harrisville City and the surrounding areas.

Brandis O'Toole concerns are with the building being in her backyard and the entrance being so close to her residence. Her other concerns were with storm water, limited access points, and lack of safety with no sidewalks on 750 West due to increased traffic. She asked the commission to consider this for the future, not for now.

Debra Call said to keep in mind the surrounding area is commercial and as it develops the surrounding roads will increase in traffic. She feels this is not a bad project, just not a good location.

Nick Berriochoa pointed out his concerns are with the property values dropping affecting his chances to retire and the traffic increase already on 750 West.

Casey Saunders stated his concerns are with the city losing its identity as a family-oriented community. His other concerns are with the accesses, storm water, no police presence, infrastructure to support the project, and the livelihood of those living on 750 West.

Kristy Sandberg said her concerns are with traffic, access point on 750 West, lack of sidewalks, flooding, and no police presence. She asked if there was a wetland study on the property completed because of the number of birds present.

William Maughan informed the commission about designation of wetlands prohibits building.

Katherine Berrett rose a second time restating her prior concerns for the access and traffic.

William Allen concerns are with the increase of property taxes, height of building, and dirt excavation. Opposed to the project.

Chair Shakespeare thanked those who commented and asked to entertain a motion to close the Public Hearing.

MOTION: Commissioner Holbrook motioned to close the public hearing. Commissioner Elmer seconded.

Kevin Shakespeare	Yes
Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes

All voted in the affirmative.

- 4. DISCUSSION/ACTION/RECOMMEND** – to recommend approval for the proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements for indoor commercial athletic facilities.

Mark Apuna spoke on the benefits his project will bring to the area along with the concerns expressed during the public hearing. He added UDOT has given approval for the access from highway 89.

Jennie Knight reviewed the considerations from staff in response to the comments from the public hearing. Some of these considerations are the history of the project, the project consistency with the city goals or with the direction the city wishes to go, and the viability of the project to bring in additional economic resources. The height of 45 feet is already an allowed use. Access on 750 West was discussed when the city council adopted the Transportation Plan after a public hearing in February 2023. There is a current transportation impact study occurring for the city's roads to identify the areas where infrastructure is deficient. The outcome will allow for the city to apply for funding to improve the identified areas.

The city and developer have addressed the access for the project. The developer will be required to obtain an access agreement with UDOT for this type of project. The city already has a corridor agreement with UDOT identifying the signal locations along Highway 89 and there is not one included here. Electronic speed signs are posted on 750 West and not throughout other areas of the city. This area was identified as an area where they were needed.

Commissioner Averill said this area was already zoned commercial which would eventually block views. This development would mitigate the storm water issues currently on the property.

Chair Shakespeare commented on the height of the building finding it surprising there were little comments on this subject which was the reason of the public hearing. Any future commercial development would increase traffic along this road regardless.

Commissioner Averill added there are no other comments from the public comments which can be addressed since the water, traffic, and such are not part of the public hearing discussion. In the proposed ordinance it allows for the road access for the commercial area. The 750 West access would help this area be developed. He would like to see the verbiage include Washington Boulevard since there is a potential of more development like this in a few areas along with Highway 89 which would allow areas additional access to place them.

Chair Shakespeare recommended this issue be tabled until more information can be obtained.

Commissioner Elmer asked Mark Apuna directly, if the height is not approved then will this inhibit the project and if the developer had cliental already ready to come to this structure. Mr. Apuna replied in the affirmative.

Jennie Knight suggested if the Commission does table this issue, the option to leave the public hearing comment period open for written comments until the next planning commission meeting.

MOTION: Commissioner Averill motioned to table this item and leave the public comment period open until next Planning Commission meeting on June 14, 2023, and have the access requirement in the ordinance changed to include other commercial road access options for state roads including Washington Blvd and Wall Ave. Commissioner Holbrook seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

5. DISCUSSION/ACTION/RECOMMEND – to grant final site plan approval for the Public Works Facility located at approximately 1750 North 750 West.

Jennie Knight presented the staff memo review.. Considerations relating to landscaping, including location, height and materials of walls, fences, hedges, and screen landscaping were identified. The red line on the concept will be a concrete wall, and the green line will be a welded wire fence. Landscaping and ground cover have been outlined to prevent dust and erosion and to provide a visual break. The developer has included a diagram of how the landscape will be perceived from 750 West. The conditions recommended are compliant with the International Building Codes and Will Serve letters from the various utilities are being collected.

Commissioner Averill asked if the Bona Vista Will Serve included the secondary water. Jennie Knight replied in the affirmative with conditions outlined. Justin Shinsel, Public Works Director, gave more insight to the Bona Vista Will Serve conditions along with expressing the fees for application have been paid. He added he has met with a representative from Rocky Mountain Power to install underground power for the facility and three (3) surrounding property homeowners. Dominion Energy has been contacted as well.

Dugan Frehner, Blalock & Assoc, displayed new renderings for the project to show the Commissioners what the berm and landscaping will look like.

Commissioner Holbrook asked more about the cement wall appearance. Justin Shinsel answered the cement would be a wood texture using an example of product across the street from the city office.

Commissioners asked about various features on the property including the retention pond, drought tolerant landscaping, and berm features. Access from the City Shops onto 1750 was discussed with connection to Highway 89.

MOTION: Commissioner Holbrook motioned to grant final site plan approval for the Public Works Facility located at approximately 1750 North 750 West subject to the Staff Memo dated May 2, 2023, the Engineer's Memo dated May 4, 2023, with all the requirements listed therein, and any other staff or agency requirements. Commissioner Averill seconded the motion.

Kevin Shakespeare Yes
Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes

All voted in the affirmative.

6. DISCUSSION/ACTION/RECOMMEND – to grant final subdivision approval for Ben Lomond Views Phase 2D located at approximately 200 West 2000 North.

Jennie Knight reviewed the engineer's memo and staff memo for the 122 residential units. Landscaping plan was not included with this application. City Engineer concerns were; the asphalt tie-in and new curb and gutter elevations on 2000 North need to be portrayed in more detail on the plans. Additional asphalt and grading work may be required on the existing 2000 North roadway to ensure that it drains properly and matches the proposed curb and gutter; the pavement section for the new roadways should match the City Standard (which is also what was approved in Phase 2-A); provide a "Will Serve" letter from Bona Vista Water for the culinary water improvements; provide a final approval letter from North View Fire District; provide improvement plans for the parks and open space included in this phase. Also, provide details or a plan for the required landscaping for this phase including street trees. Once the items are addressed, the final processing items include: complete a Storm Water Pollution Prevention Plan (SWPPP), file a Notice of Intent (NOI) with the State, and obtain a Stormwater Activity Permit from the City before any construction begins; an engineer's estimate for the cost of the public improvements needs to be submitted and approved by our office before the pre-construction meeting and will be the basis for the developer's agreement and the associated construction guarantee; the final set of plans will have a "City Engineer Acceptance" stamp and will be the only set of plans to be used during construction; prior to construction, the Developer and the Contractor must hold a pre-construction meeting with City staff to review construction requirements. Included in the Engineer's memo is the condition Phase 2-A of the overall site will need to be constructed prior to construction of this phase as several of the street accesses and the utility connections will be built in Phase 2-A.

MOTION: Commissioner Averill motioned to table final subdivision approval for Ben Lomond Views Phase 2D until items listed on the Engineer's Memo dated May 4, 2023 are addressed or represented on plans. Commissioner Holbrook seconded the motion.

Kevin Shakespeare	Yes
Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes

All voted in the affirmative.

7. PUBLIC COMMENTS - (3 minute maximum)

Chair Shakespeare opened public comment.

Chris Cope recognized and thanked the Public Works for their willingness and help with the flooding in and around the city. She would like to know if the south end of 750 West is also included as a collector. She added her complaints about the noticing for the public hearing was incomplete. She asked if there was some way to improve the public noticing for more public input.

Chair Shakespeare closed public comment.

8. COMMISSION/STAFF FOLLOW-UP.

Jennie Knight responded to public comments by saying 750 West is identified as a collector from 2550 North to West Harrisville Road. She expressed the staff goes above and beyond what is required by Utah State Code for noticing requirements.

She informed the Commissioners recently staff has been made aware of free training sponsored by the Ombudsman Property office which can be completed by the commissioners. These trainings can help to secure the annual training hours required. Commissioner Averill added he had received an email from the ULCT for trainings as well.

9. ADJOURN.

Chair Shakespeare adjourned the meeting at 8:32 pm.

Kevin Shakespeare
Chair

Cynthia Benson
Deputy Recorder

**HARRISVILLE CITY
ORDINANCE 540**

CP-2 (COMMERCIAL) ZONE AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE CP-2
(COMMERCIAL) USE STANDARDS IN THE CP-2 (COMMERCIAL) ZONE
ADDING HEIGHT REQUIREMENTS FOR INDOOR COMMERCIAL
ATHLETIC FACILITIES; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City has adopted Commercial Use Standards to governing land use within the City;

WHEREAS, the City desires to amend Commercial Use Standards of Harrisville City as indicated herein;

WHEREAS, after publication of the required notice the planning commission held its public hearing on May 11, 2023, to take public comment on the proposed ordinance, after which the commission gave its recommendation to approve this Ordinance;

WHEREAS, the council received the _____ from the planning commission and held its public meeting on _____;

NOW, THEREFORE, be it ordained by the City Council of Harrisville as follows:

Section 1: 11.12.020 Uses

4. Any use in the following table is permitted if such use has a "P" designation in the zone where the use is listed. A "C" designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An "N" indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in Chapter 11.14 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
RECREATION AND ENTERTAINMENT			

<u>Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial</u>	<u>C</u>	<u>C</u>	
--	----------	----------	--

Section 2: 11.13.020 Main Building Development Standards

3. Main Building height

Minimum – 10 feet

Maximum – 45 feet, with the following exception:

Commercial indoor athletic facility, specifically including regulation size football fields, with a maximum height of 70 feet, provided the facility has frontage on Highway 89, and is adjacent to property shown on the General Plan Land Use Map as General Commercial.

Section 3: 11.13.060 Access Limitations

Access directly onto a residential subdivision or a street that is primarily residential in nature to or from commercial and/or manufacturing uses is prohibited, with the following exception:

A commercial use may have access directly onto a residential subdivision or a street that is primarily residential in nature, if the subdivision is within an area identified on the General Plan Land Use Map as General Commercial, and the street is identified as an arterial, minor arterial, collector, future collector, or a local road where the connection will be within 150 feet of a state road, on the Transportation Master Plan.

Section 4: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 5: Effective date. This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JACK FOGAL
City Recorder

RECORDED this ____ day of _____, 2023.
PUBLISHED OR POSTED this ____ day of _____, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: _____

DRAFT



Cynthia Benson <cbenson@cityofharrisville.com>

Concerning triple peaks llc

Celecta Gee <atcelec@gmail.com>
To: questions@cityofharrisville.com

Wed, May 24, 2023 at 10:42 PM

I am against changing the current regulations to accommodate this building. We don't want more traffic up here.

Sent from my iPhone



Cynthia Benson <cbenson@cityofharrisville.com>

Proposed Ordinance 540; amending CP-2 (Commercial) zone height requirements1 message

Toni Flinn <toniflinn52@gmail.com>
To: questions@cityofharrisville.com

Wed, May 17, 2023 at 10:32 AM

Good afternoon. I live at 2350 N. 750 W. I have some concerns regarding the proposed amendment to Ordinance 540 height requirement. I understand the issue has been tabled so I would like my comments added to those who spoke at the Planning Commission meeting on May 10.

I OBJECT to the amendment and would like the Commission to consider the long term in their deliberations. The business representative indicated the building would be used for football, soccer, etc. He stated the building needed to be 75 feet high to accommodate a punted football; I am assuming this would include a kickoff. A decent game does not include many of these and the football season is short in comparison to soccer that has multiple seasons in a year. I think the kicked football is a poor justification for making a permanent amendment to an ordinance that I am sure was well thought out before being published to keep Harrisville the kind of place people want to live.

I am concerned about the number of patrons this may bring in and how public safety will be addressed. The business rep indicated they would have their own security but their jurisdiction ends at the parking lot. Anytime you bring in a large business that brings people from near and far, Walmart for example; there is an increased amount of traffic issues, violations and crime, which we do not need. Harrisville residents will incur that cost through taxation. The amount the representative indicated will not cover all the expenses related to increased policing and crime.

Finally, what is the plan for a 75 foot tall "monstrosity" if, say in 5 years, the communities they are targeting don't support this business. What then? It was indicated there was nothing like this in Utah, there may be a very good reason for that. Maybe no one else wants this kind of eyesore in their neighborhood either.



Conditional Use Application

Date / Time

05/08/2023

Phone Number

801-866-8080

Applicant's Address

2174 N. 225 W.

State

Utah

Property Owner's Name

Kenneth and Lisa Beed

Present Zoning of Property

R-1-10

Full Name

Lisa Beed

Email Address

lisa.d.beed5@gmail.com

City

Harrisville

Zip Code

84414

Harrisville Property Address

2174 N. 225 W.

List any conditional uses previously granted for this property and the date they were approved:

None under this ownership.

Please describe the proposed conditional use or uses for the property:

Lisa Beed will be operating a small lash and facial spa in the home. Blu Pearl Aesthetics LLC

Applicant's Signature

Property Owner Signature and Authorization (If you are not the property owner, please upload a signed letter from the property owner giving authorization to process this conditional use permit with Harrisville City)

Customers Information

Company Name

Blu Pear Aesthetics