

Minutes of the City of Harrisville
Planning Commission Meeting
Wednesday, October 12, 2011
7:00 p.m.
Council Chambers
363 W. Independence Boulevard
Harrisville, Utah 84404

Present: Jeff Pearce, Bob Howard, Ed Saunders, Kathy Hohosh, Steve Weiss, Roger Shuman, Paula Knighton, and David Eckersley

Staff: Shanna Edwards (Secretary)

Visitors: Ruth Pearce, Daniel Bates, Krystal Bates, Levi Piquet, Kristi Piquet, Lloyd Barker, Shelly Barker, Blain Barrow, Don Knighton

1. CALL TO ORDER: Chairman Jeff Pearce asked for a motion to open the meeting.
MOTION: Commissioner Eckersley motioned and Commissioner Saunders seconded to begin the meeting. Voting was unanimous.

2. CONSENT AGENDA: Approval of Minutes of meeting held September 14, 2011.
Commissioner Saunders requested the following correction to page 2, item (2) of the motion:
“...approve decorative rock in front of the office and on the south ~~east corner of the property~~ side of building one, between the building and the existing curb and gutter.”

MOTION: Commissioner Saunders motioned to approve the minutes of meeting held September 14, 2011, as corrected, and commissioner Hohosh seconded the motion. Voting was unanimous by commissioners in attendance.

3. BUSINESS ITEMS:

a. PUBLIC HEARING / REVIEW / ACTION on a conditional use permit application for property located at 1713 North 750 West in the MP-1 to boarder horses.

MOTION TO OPEN PUBLIC HEARING: Commissioner Weiss motioned and Commissioner Howard seconded with unanimous approval to open the public hearing.

PRESENTATION: Daniel Bates explained that his property including 1.19 acres is in the M-1 Zone. He owns 12 horses which he keeps on property in Idaho and other places, but sometimes he moves some of them to his property on 750 West where it is easier for him to care for them and maintain them in the winter.

(Paula Knighton arrived)

At times he has only one horse there and other times when he has five to ten. There were five horses being kept on the property when he purchased it, so he was unaware that keeping that many horses was not allowed until recently when he was approached by a Harrisville code enforcement officer. He wants the property to be in compliance with city ordinances. The M-1 Zone allows boarding of horses as a conditional use and that is what prompted him to apply.

(Roger Shuman arrived)

He usually has from five to eight horses in individual stalls through the winter. His home is also located on the property. He has put in new stalls and an exercising arena since he purchased the property. He sometimes takes in horses other than his own to care for short term. Secretary Edwards mentioned that Animal Services did report to the city offices that the horses are well maintained and in good condition.

Chairman Pearce opened the meeting to public comments:

Blain Barrow, 1785 North 750 West: He stated that he has had horses around, and as long as they are taken care of properly, they do not create a problem. He is OK with the conditional use requested as long as the adjoining property owners do not have a problem with it. He questioned who will monitor the use if approved. He stated that 750 West is basically agricultural but this property is in the M-1 Zone which he realizes allows it the option for this conditional use. He also stated that he feels 750 West seems to be a dumping yard, and he would like to see the dignity of 750 West maintained.

Don Knighton, 171 W. 1100 N.: He stated that with the keeping of horses comes the need to store hay and dispose of refuse from the horses and this needs to be addressed.

There were no further public comments.

MOTION TO CLOSE PUBLIC HEARING: Commissioner Knighton motioned and Commissioner Hohosh seconded with unanimous approval to close the public hearing.

DISCUSSION: Commissioner Shuman missed most of the original presentation and asked Daniel Bates to repeat. Mr. Bates returned to the podium and said he is just wants to continue to do what he has been doing. He has a barn that holds enough hay for a year for six horses and he does remove the refuse. He has eight stalls 16 x 16, five of which are covered. In winter he provides horses in the outside stalls with blankets. Commissioner Knighton expressed concern for setting a precedence. Her concern is how to approve this conditional use without creating problems in the A-1 Zone. She referred to paragraph 11.10.010 paragraph 6 (b) of the Municipal Code which states: "The allowed number of horses in all zones where allowed is based on 25,000 square feet for the first horse and 20,000 square feet for each additional horse." Commissioner Shuman stated he feels horse keeping on this property should not be any different from in the A-1 Zone. Commissioner Hohosh stated that the previous owner had five horses, and as a conditional use, commissioners are allowed to impose conditions. Commissioner Knighton stated that her impression of boarding horses does not necessarily mean keeping of the owners own animals, but rather boarding others horses for profit. Commissioner Howard feels it is way too many horses for the amount of property.

MOTION: Commissioner Knighton motioned to deny the conditional use permit application for property located at 1713 North 750 West to boarder horses, essentially because even though this request is in the MP-1 Zone, the ratio is so much more than what would be allowed in the agricultural zone. The motion was seconded by Commissioner Eckersley.

DISCUSSION: Commissioner Saunders asked how commissioners would feel about approving only five horses. He stated that the horses are being kept in a controlled environment and the owners do not want to leave the horses out in a pasture during the winter. According to Animal Services, the horses are healthy. Commissioner Weiss stated it would not be setting a precedence for the agriculture areas because this is not in an agricultural zone.

VOTE ON MOTION: Commissioners Knighton, Eckersley, and Howard voted aye. Commissioners Weiss, Pearce, Shuman, Saunders and Hohosh voted nay. The motion did not pass.

DISCUSSION: Commissioners discussed possible conditions which included allowing the conditional use for keeping of eight horses only from November 1 to May 31, and if Animal Services denote any problems, the conditional use would be automatically revoked.

MOTION: Commissioner Saunders motioned to grant a conditional use permit for property located at 1713 North 750 West in the MP-1 Zone to boarder up to a maximum of eight horses contingent upon horses being property taken care of, with the recommendation that Animal Services occasionally assess the situation, and upon recommendation of Animal Services that the horses are not being properly taken care of, the conditional use will automatically be revoked. Conditions include that eight horses be allowed to be kept on the property from November 1 to May 31, during the other months of the year, a maximum of three horses is allowed. Commissioner Weiss seconded the motion.

VOTE: Commissioners Weiss, Pearce, Saunders and Hohosh voted aye. Commissioners Howard, Knighton, Shuman and Eckersley voted nay, resulting in a tie.

DISCUSSION: Commissioner Eckersley mentioned that the applicant stated that this is for his convenience. Many other horse owners have to go to other property to feed their horses. He does not feel it is in the best interest of the city to allow this. Commissioners agreed that their main concern is with the number of horses.

MOTION: Commissioner Saunders offered the same motion he made previously, but changed the maximum number of horses allowed from eight to five. Commissioner Hohosh seconded the motion.

VOTE: Unanimous.

Commissioner Shuman questioned earlier in the discussion the logic behind the limit of horses allowed in A-1, and he recommended that the commission revisit the number of horses allowed in A-1 at a later date.

(Daniel & Krystal Bates, Levi & Kristi Piquet, and Blain Barrow left the meeting)

b. Discussion on consideration of a mixed use zone for small parcels less than three acres (with 15% landscaping or less)

Chairman Pearce invited Lloyd Barker to present his idea for mixed use on his commercial CP-2 property, 2222 North Highway 89, which also has frontage on 750 West. He gave commissioners

a copy of what he is proposing for his property including multi-family dwellings on the property facing 750 West. He compared mixing residential among commercial with to the Salomon Center in Ogden where people are living on the premises and supporting the surrounding commercial trade. His would be on a smaller scale, but he feels the multi-family units would be a buffer from commercial for the residents on the other side of 750 West. He pointed to landscaping around the proposed four-plexes and pointed to an area where he could put in a small play area for children. The city does not have an ordinance that will allow this mixed use, but he would like to see the city consider adopting something. He reported that he got information from Ogden City on mixed use zoning which he sent to Ken Martin to pass on to Bill Morris. He stated that he felt everyone at the project management meeting seemed to be in agreement with the idea, and he stated Bill Morris is ready to make a mixed use ordinance and identify mixed use as a CP-2M Zone if the planning commission is willing to consider it.

DISCUSSION: Commissioner Knighton said traditionally they look for some kind of buffer from commercial to residential. Commissioner Saunders said he feels town houses would be preferable to commercial for the residents on the other side of 750 West. Commissioner Hohosh said she did not have a problem with mixed use which might allow some creative zoning. Commissioner Knighton stated that mixed use usually includes businesses on the premises that the tenants will use like a grocery store. Commissioner Hohosh said if mixed use is adopted, the Future Land Use map will have to be changed, and other areas where this would be allowed will have to be identified. Chairman Pearce asked about the possibility of the proposed buildings being mixed use that include business on the bottom and living space above the business which is more what he perceives as the concept of mixed use. Commissioner Knighton stated that she has noticed at present there are many foreclosures on multi-family dwellings in the Harrisville area. Commissioner Hohosh mentioned the convenience to business owners in a mixed use zone who have their businesses on the bottom level with their living quarters above. However, there was some concern for businesses on 750 across from the residential homes. Commissioner Shuman said he is not against a mixed use zone that incorporates the walkable community concept, but there are a lot of details to work out, and he said besides the CP zone there are other zones within the city that could possibly be considered for the mixed use concept that could benefit the city as well as residents. He said that sometimes building a whole bunch of multi-family dwellings on a concentrated piece of property creates problems. If it is a mixed use concept, the living areas are not necessarily all located in one point. Commissioner Eckersley has seen mixed use work well in other places. Chairman Pearce said there is not much more land available so it needs to be used wisely. Commissioner Weiss stated that City Creek in Salt Lake seems to be working well, and although Harrisville will not get something on that scale, mixed use might be worth considering. Hohosh said the upcoming generation seems to want to live where they work and where they can walk to shopping areas. The consensus was that the commissioners are open to the mixed use concept and will ask Bill Morris to come back with some ideas and concepts, and not necessarily limit it to the CP-Zone. Lloyd Barker added that he has owned the property 18 years. Value of property is going down but he is paying more in taxes, and he would like to generate some revenue so he can continue to pay the taxes. *(Lloyd and Shelley Barker left the meeting)*

4. PUBLIC COMMENTS: none

5. CITY COUNCIL REPORT: Chairman Pearce reported that council passed the ordinances recommended to them by the planning commission. They discussed Heritage days and ways to cut costs. Ruth Pearce mentioned upcoming CERT training classes.

6. ADJOURNMENT:

MOTION: At 8:40 p.m., Commissioner Shuman motioned and Commissioner Weiss seconded with unanimous approval to close the meeting. The next regular planning commission meeting will be held November 9, 2011, 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Jeff Pearce
Chairman