

**Minutes of the FRANCIS TOWN Planning Commission and Public hearing**

**April 24, 2008**

**Recreation Building 2319 South Springhollow Road Francis, Utah**

The Francis Town Planning Commission convened in regular session Wednesday, April 24, 2008 in the Francis Town Recreation Building.

**PRESENT:**

Chair: Lorin Prescott  
Vice-Chair Susan Cann  
Commissioner: Bill Crystal  
Commissioner: Joe Eiting  
Commissioner: Sheldon Thompson

City Planner: Alison Weyher  
Secretary: Susan Moses

**ABSENT:**

City Engineer: Scott Kettle

Commissioner: Dax Shane brought a letter of resignation to the Town office on April 18, 2008.

**IN ATTENDANCE:**

Rebecca Williams, Steve Zabriskie, Bruce Riches, Kit Burton, Natalie Hatch, Kristy Major, Eileen Dunn, Cortni Swisher, Peter Swisher, Renee Atkinson

**Opening:**

Chair Lorin Prescott called meeting to order at 7:05

**Approval of Minutes:**

Joe Eiting motioned to approve the minutes for March 26, 2008. Susan Cann seconded the motion. Motion passed unanimously.

**Agenda Item Number Three: Angel Jonson Conditional Use Permit for a Pre-School & Day Care, with Public Hearing.**

Angel Johnson was not present; Alison Weyher went through staff report and State Requirements for pre-schools with more than 16 children. The applicant wishes to operate a pre-school for sixteen children in her home at 117 East Country Lane. The Development Code, Section 3.12 D, requires a conditional use permit for a home/ premise occupation “that is expected to generate or exceed eight children. The State of Utah also regulates Child Care for sixteen or more children. The applicant has applied for and received a license from the State. A pre-school was previously operated at this location by Becky Johnson with no reported complaints. The applicant has off street parking for six vehicles in a parking lot at the rear of the residence. The preschool is located in the basement of the home, with a separate entry. The play yard is fenced with a four foot fence in compliance with the State requirements. Discussion on State requirements, when do thy kick in. Alison Weyher to find out more information. Item deferred to future.

**Agenda Item Number Four continued review – Rebecca Williams Conditional Use Permit for a Pre-School with possible recommendation**

Rebecca Williams was requesting further information on a motion by Planning Commission at March meeting requiring that a proposed daycare she wants to operate include a fenced yard. The applicant requested information on what allows the Planning Commission to make requirements beyond what are specified in the Development Code and Alison Weyher read section 1.14 “The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserve neighborhood character and assure compatibility between the conditional uses, the uses on adjoining properties and the Town at large. Development of conditional uses will be subject to review by the town staff, Planning Commission and Town Council; and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects to the health, safety and general welfare, or injurious to property or improvements in the vicinity of the conditional use”. Ms. Williams presented a cost estimate for fencing, and indicated it would take 80 % of her revenues for the first year to cover the cost of the fence. Ms. Williams also indicated that outdoor play was 1% of time and the children are always supervised. Discussion was held regarding the kinds of fencing allowed in Wild Willow and that only 3 rail white vinyl fence is allowed. Joe Eiting and Susan Cann commented that Wild Willow Drive is the busiest street in the subdivision and that they felt it was important that children not be able to access the street. Joe Eiting indicated that the fence would present a visual boundary, even if not a physical boundary and would help keep children within the back yard. A discussion was held regarding fencing requirements in wild Willow and other options for the children. Loren Prescott also discussed the need for consistency and that our prior pre-school approvals have all required fences, setting a precedent. Joe indicated that we have been willing to work with applicants to allow them additional time in which to install the fence to help with costs. Alison Weyher interjected that the applicant has had several conversations with her, and there are three options available. Option 1 is to reduce the number of students from 8 to 7. Less than 8 students at the pre-school is a permitted use in the R-1 zone, and is an ‘over the counter’ permit not requiring Planning Commission approval. Option 2 for eight or more students requires a conditional use permit which the Planning Commission has previously ruled requires fencing the yard. Alison Weyher

noted that Kit Burton had volunteered to donate fence posts for a portion of this project. Option 3 would be to install an interior fence around the play area only.

### **Opened for Public Comment**

Questions from the public included restricting children to never being outside, effectiveness of the fence and the possibility of the applicant obtaining additional liability insurance. Also questioned what if CC&Rs do not allow fences.

*Susan Cann motioned to deny the Conditional Use Permit unless the yard was fenced. Joe Eiting seconded the motion. The motion failed.*

*A second motion was made by Sheldon Thompson, to deny Conditional Use Permit with 8 children. Susan Cann seconded the motion. Sheldon Thompson, Bill Crystal and Loren Prescott voted against Sheldon's motion and it was withdrawn.*

*Joe Eiting then made the motion to allow the applicant to reduce the number of students to 7 and obtain a business license, or fence the yard and receive a Conditional Use permit. Susan Cann seconded the motion. That motion passed on a three two vote with Susan Cann Joe Eiting and Loren Prescott voting in favor. Bill Crystal and Sheldon Thompson opposed.*

### **Agenda Item Number Five - Discussion Item - Z-Rock Amendment to Conditional Use Permit**

Alison Weyher reviewed staff report. Apologized that the report had not been handed out in the packet, but noted this was a late addition to the agenda. This item is for your review only. No action can be taken tonight, however the Mayor and Town Council would like an indication of how the Planning Commission feels.

This request is to amend the Z-Rock Conditional Use Permit to allow a six foot high concrete pre-cast wall along the southern portion of the gravel pit (as shown on the attached drawings) in place of the landscaped berm. The project owner is requesting this change because he believes that the fence will better meet the goals of reducing the visual impacts of the gravel pit as well as limiting dust and noise. In addition, it will require less maintenance and no water. He believes it would be difficult to provide adequate irrigation for the landscaped berm. This change requires amending the Conditional Use Permit because the development code only allows three foot high fences in front yard setbacks.

Steve Zabriskie further explained details of the proposal, indicating that there are a variety of wall styles the Town could choose from (handed out pamphlet on wall styles) and that he proposes to install the wall on the property line adjacent to the right of way.

Joe Eiting asked if the fence could be zigzagged to allow for future plantings. Steve Zabriskie said yes. Steve Zabriskie also indicated that he plans to install a section of the pre-cast wall along the entrance to the pit on Lower River Road. That section will be subject to review by the Town and/or County Engineer to be sure it meets sightline requirements. A discussion was held regarding the landscaped berm.

Loren Prescott stated that there are a variety of Xeriscaping plants that would work well in this setting, including rabbit brush, sage brush and native grasses. Susan Cann added that there are types of trees which need very little water after they are established. Bill Crystal asked Mr. Zabriskie if he had talked to anybody about the water, and commented it would be easier to do landscaping. Sheldon Thompson wanted to know why we were requiring either a fence or landscaping. Alison Weyher explained that the goal had been to shield abutting residential properties from the gravel pit, and at the time the landscaped berm was suggested a landscape architect had been on the Planning Commission.

### **Opened for Public Comment**

Audience members commented that there are several landscapers in the Wild Willow area who might be willing to donate their expertise. Steve Zabriskie stated he was open to all options. Renee Atkinson asked why the berm had not been completed last fall. Alison Weyher indicated that the developer was working on the berm, the Town was discussing the landscaping requirements and the snow came before work was completed. The Town reminded the developer of the need to complete the landscaping this spring, and that began the present discussion. Alison Weyher stated that while she was originally opposed to the fence idea, she has come to prefer it over a sparsely landscaped berm with no water or maintenance. However, she believes that the fence should run along the entire project, including that portion adjacent to the West Valley Sand and Gravel Access, and the retention basin. Loren asked what the next steps would be, and Alison Weyher stated that there would be a public hearing and possible action at the next Town council meeting, but that the Mayor and Town council had wanted to know what the Planning Commission recommended. A general discussion was held with the following results. Bill Crystal felt that the developer should not be required to install a fence because of the expense. Sheldon Thompson did not feel either a fence or berm should be required. Joe Eiting recommended a zigzag fence and Loren Prescott and Susan Cann preferred that the landscaped berm be installed with adequate vegetation and water to insure its success.

### **Village at Lambert Lane**

Bruce Riches asked for five minutes of the Commission's time to update them on progress he is making towards getting approvals from UDOT and the Army Corps of Engineers on his commercial development. He laid out his plans, which the Commission had seen previously. He stated that any wetlands crossing would require that the property be deed restricted wetlands subject to all Army Corps requirements. If there is no road access from Lambert across the wetlands, the Corp will not have any jurisdiction. He proposed an alternative without access from Lambert whereby the open space would be turned into playgrounds, horse trails and potential soccer fields. Alison Weyher stated that the approvals he received at the February Planning Commission meeting required that the open space/delineated wetlands be deed restricted in perpetuity, and if he wanted to change that, then we would need to re-impose the setbacks. Bruce also stated that he had been working with UDOT and was submitting a variance which had been requested to allow the three entrances and exits off SR 32, and that he expected that variance to be approved. Alison asked for further clarification on this matter because she had been told that UDOT was not going to allow three entrances in that short of a distance.

Bruce assured her they were going to approve it. He then asked for direction from the Planning Commission on how they would like him to proceed on the Lambert Lane/wetlands issue and a motion was made by Sheldon Thompson, to stick with the earlier approval which stated: “the Planning Commission approves waiving the setback requirements on lots one, three and five where they abut the open space lots (lots 2, 4, and 6) provided lots 2, 4, and 6 are deed restricted open space in perpetuity. The Planning Commission delays all further approvals until UDOT has ruled on the proposed entrances and exits into the development, including Village Drive”.

**Agenda Item Number Six Planning Commission Vacancies**

Alison Weyher updated the Planning Commission that there were now two vacancies, the Mayor had received a couple of letters of interest and he and Alison Weyher and possibly Lorin Prescott or Susan Cann would interview applicants to fill the vacancies before the next Town Council Meeting.

**Adjourn**

Susan Cann motioned to adjourn. Joe Eiting seconded the motion. Motioned passed unanimously. Meeting adjourned at 8:15 p.m.

These minutes were \_\_\_\_\_X\_\_\_\_\_ approved as presented \_\_\_\_\_ approved as amended at the meeting held \_\_\_\_\_ May 28, 2008 \_\_\_\_\_.

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Lorin Prescott, Chairman

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Susan Moses, Secretary