

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION
HELD MARCH 13, 2025 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST
MAIN, HYRUM, UTAH.

CONVENED: 6:30 P.M.

CONDUCTING: Stephen Nelson

PRESENT: Chairman Stephen Nelson, Vice Chair Angi Bair,
Commissioners Averie Wheeler, Paul Willardson and Alternate Member
Scott Casas.

EXCUSED: Brian Carver

CALL TO ORDER: There being five present and five representing a
quorum, Chairman Stephen Nelson called the meeting to order.

OTHERS PRESENT: City Planner Tony Ekins, City Engineer Matt Holmes
and 50 citizens. Secretary Shara Toone recorded the minutes.

PLEDGE OF ALLEGIANCE: Commissioner Scott Casas led the governing
body and the citizens in the Pledge of Allegiance.

INVOCATION: Stephen Nelson

APPROVAL OF MINUTES:

The minutes of a regular meeting held on February 13, 2025 were
approved as written.

ACTION

Commissioner Angi Bair made a motion to continue the
minutes until the next meeting. Commissioner Averie
Wheeler seconded the motion and Commissioners Bair,
Casas, Nelson, Wheeler, and Willardson voted aye.

AGENDA APPROVAL:

A copy of the notice and agenda for this meeting was posted on the
Utah Public Notice Website and Hyrum City's website, distributed
to each member of the Planning Commission, and posted at the City
Offices more than forty-eight hours before meeting time.

ACTION

Commissioner Angi Bair made a motion to approve the
agenda for March 13, 2025, as written. Commissioner

Scott Casas seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

6. PUBLIC HEARINGS

- A. To receive public comment regarding a Planned Unit Development located at approximately 470 West 400 North. The development proposes a mix of nineteen (19) single and twin-family homes on approximately 2.8 acres.
- B. To receive public comment concerning a request for a conditional use permit for indoor pickleball located at 220 North Center Street. The requested hours of operation are 24 hours of operation, Sunday through Saturday.

7. SCHEDULED DELEGATIONS

- A. Todd Horman, Country Living PUD - To request a recommendation for concept plan approval for Country Living Planned Unit Development for 19 single and twin family houses on approximately 2.8 acres located 470 West 400 North. 25-006A
- B. Heather Godfrey, Sunrise Properties - To request approval of Conditional Use Permit for The Paddle Pickleball LLC. located at 220 North Center for indoor pickleball courts in the Light Manufacturing Zone (M-1). 25-011A
- C. Kirk Wilcox (Wilcox Landscaping) - To request site plan amendment approval at 1673 Anvil Road in Blacksmith Fork Industrial Park.
- D. Colter Leishman - To request approval for a three (3) lot single-family residential Mini Subdivision located at approximately 200 North 150 East.
- E. Floyd Faucette (Miller Companies) - To request site plan approval for a building addition located at 1836 West 4600 South to expand business operations.

8. ADJOURNMENT

PUBLIC HEARING:

THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENTS REGARDING A PLANNED UNIT DEVELOPMENT LOCATED AT APPROXIMATELY 470 WEST 400 NORTH. THE DEVELOPMENT PROPOSES A MIX OF NINETEEN (19) SINGLE AND TWIN-FAMILY HOMES ON APPROXIMATELY 2.8 ACRES.

Chairman Stephen Nelson read a statement, "On March 12th, 2025, Hyrum City was notified that a flyer was being circulated in regards to the March 13th, 2025 developer proposed planned unit development public hearing.

This flyer improperly bore the Hyrum City logo, but otherwise had no reference to the source or author of the leaflet. While some of the flyer information is correct, the general context of the flyer is misleading, and the inclusion of the city logo is without proper authorization.

The purpose of the March 13th, 2025 public hearing is to provide an opportunity for the public to voice any concern about the project. Our political system is not designed around public clamor, but as a representative government. The city council has been vested by the state to make decisions on land use matters. Opinions and concerns may be brought before the city council, and the council will make their decision based on the merits of the application.

The proposed planned unit development application is a legislative action that can be approved or denied by the city council depending upon whether or not they feel it is in the best interests of the community.

It would be inappropriate for the city to issue a flyer like the March 12th, 2025 pamphlet. The leaflet could improperly discourage citizen comment or imply that the council has already decided the matter.

While a flyer in favor or against a land use decision circulated by citizens is not prohibited, the implication that the flyer was issued on behalf of the city is incorrect and troubling. The city hereby disclaims the flyer as a publication by Hyrum City and encourages all citizens to use discretion when viewing the flyer. They also encourage citizens to reach out to the city or council members concerning any questions regarding this matter. We appreciate the opportunity to serve you.

ACTION

Commissioner Paul Willardson made a motion to open the public hearing at 6:36 P.M. Commissioner Angi Bair seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

Chairman Stephen Nelson invited the public to speak. He asked them to state their name and address for the record and reminded them to be polite and to stick to the matter of facts. He also reminded them to keep it to three minutes.

David Aaron Burrus shared that he moved to the area ten years ago, relocating from the countryside to a quiet town. He expressed concerns about the potential construction of multiple houses in a nearby corner, fearing it would significantly increase traffic and disrupt the tranquility of the community. Burrus emphasized that he preferred the area to remain as it is, with regular houses, instead of being developed with large buildings or apartments. He expressed a desire for the neighborhood to stay quiet and peaceful, similar to the rest of the valley, and hoped this kind of development wouldn't come to his community.

Penny Noland expressed concern about the increasing number of young families moving into the community, leading to more children walking up and down the street. She mentioned that around ten families gather at the bus stop near where the proposed development would take place. Noland highlighted safety issues, noting that people are already running the stop sign at that intersection, creating a hazard. She also mentioned the presence of semis and work trucks, though the location is on the backside of the neighborhood. Noland shared that they chose to live 45 minutes away in a quiet area, deliberately avoiding the type of congestion that could result from the proposed development. She urged that this peaceful environment not be disrupted.

Carmen Zollinger, who lives directly across from the recently approved apartment complex, shared her concerns about the impact the development has had on her life. She noted the lack of sidewalks and mentioned that some units have up to three dogs each. Additionally, Carmen reported drug activity and frequent law enforcement presence at the apartments. She expressed frustration with the bus stop placed across from her home, which she finds disruptive, and the inconsistency of its usage. Carmen raised concerns about heavy semi-traffic causing vibrations in her home and questioned the suitability of placing apartments in a production area. She pointed out that such areas, like those in Ogden, don't have houses nearby and noted that children are at risk in busy traffic areas. Carmen recalled being told that the apartments would cater to single families with no dogs, but those promises have not been kept. She concluded by stating that these ongoing issues were making her living situation increasingly difficult.

Laura Womack expressed concerns about the proposed subdivision being built next to her driveway. She shared that when she bought her home 21 years ago, it was quiet, but soon after moving in, she noticed frequent semi-truck traffic and cars racing down the road, often ignoring the three-way stop sign. She described the area as becoming a drag strip for teenagers and Miller's employees. Laura emphasized that she loves her home, but fears that the new development will worsen traffic, increase crime, theft, and drug issues. Additionally, since her bedroom faces the road, the noise prevents her from opening windows during the summer. Laura mentioned that while she has invested time and effort into remodeling her home, she would not stay there if the subdivision is approved, as the lot was originally quiet and private, a feature she believes will be lost.

Jessica Wilmore shared her concerns about the proposed development, noting that she chose to build her home in the area because it is a quiet neighborhood, where she grew up. She highlighted the issue of overcrowded schools, which she is familiar with from working at the elementary school. Jessica also mentioned the existing busy road with semi-truck traffic, which she is used to due to her father's work in trucking. While she doesn't mind the trucks, she expressed worries about the development's proximity to a dairy farm and businesses that involve loud activities like mechanics and truck work. She questioned whether the developers would honestly inform potential buyers about these issues. Jessica also raised concerns about the safety of young children, who tend to run into the road, especially with increased traffic. Lastly, she asked if the development would impact local businesses, which have been in the area for a long time, and she expressed a willingness to compromise, but emphasized the potential challenges that could arise from such a large development.

Kenzie, expressed concerns about the proposed development, highlighting the local wildlife, including deer, bunnies, and even foxes, which would lose their habitat if the houses were built. Additionally, Kenzie mentioned that the development would make it uncomfortable to walk to her father's workplace.

Craig Thornley, the owner of National Equipment, expressed strong opposition to the proposed development, which is adjacent to his property on 500 North. He has been in the area for nearly 30 years and voiced his concerns about the negative impact the development would have on the neighborhood. Craig described the development as benefiting only the developer, while exposing his business to significant liability, particularly given the high value of his

equipment and ongoing vandalism issues. He also pointed out the lack of police presence in the area, which has led to problems in the past. Craig expressed concerns about the increased traffic. He emphasized that the roads are inadequate. There are no sidewalks, and high-density housing is not suitable for the area. Additionally, he worried about the potential impact on property values.

Nick Presley, representing Sharp Transportation, spoke in opposition to the proposed development, noting that his company owns property directly adjacent to the site. Drawing from his experience in managing over 60 trucking facilities and working in areas where neighborhoods eventually encroached on long-established businesses, he warned that complaints about truck noise and congestion would likely arise if the development goes through. He echoed concerns about safety, particularly the risk to children playing in the street, and expressed worry that the proposed high-density housing could lead to increased crime and congestion. Overall, Nick strongly opposed the development, aligning with the concerns of other local business owners.

Alenae Mackey, who lives at 290 West 400 North, expressed her opposition to the proposed development, echoing concerns about the potential for increased congestion in the area. She mentioned feeling already too close to businesses, despite having a large parking lot between her home and Millers or JBS. Alenae noted the heavy traffic, including trucks, on the road and shared her experience of calling JBS to ask drivers to be more considerate by using their Jake brakes and slowing down. She also pointed out that employees in the parking lots can be noisy at night. Alenae worried that the proposed homes would bring the development too close to these businesses, resulting in more complaints and issues.

JD Ray, representing West Palm Dairy, expressed concerns about the proposed development, emphasizing that the area is an industrial zone. He mentioned that while they strive to be good neighbors, noise, lights, and other factors can sometimes be unavoidable. JD acknowledged that the neighbors are generally understanding but noted that it becomes more difficult to maintain a peaceful environment with developments like this. He stated that the proposed development doesn't seem suitable for the area and urged that it not be placed in an industrial zone. JD emphasized the desire to keep the area quiet and safe for those who live and work there.

Rex Womack, a resident of 446 West 400 North for 23 years, voiced his concerns about the proposed development. He noted the ongoing

issues with truck traffic in the area and expressed worry about the potential for increased congestion with the addition of 19 duplexes, which could mean up to 38 cars or more. Rex questioned whether the homes would be sold or rented, suggesting that owners tend to be better neighbors than renters. He also pointed out that the road west of Thornley's property is narrow and dangerous, and he feared the increased traffic would make it even more hazardous. While he found a few homes acceptable, he felt that a large development in that area, surrounded by commercial property, didn't make sense and would create more problems. Rex acknowledged that people invest money in businesses and seek returns but suggested that sometimes those investments are mistakes.

Chris Miller, representing Miller Companies, shared his concerns about the proposed development, particularly regarding the property in question. He owns the building to the west, which is currently leased to Red Bull for the next year or two. Chris explained that across the street, his company is stacking pallets for compost and working to stay ahead of orders, especially during this busy time of year. He highlighted the significant traffic, mentioning that over 160 loads left the feedlot last week, contributing to the already busy road. Chris expressed worry about the increased liability that would come with having children and others in an environment he considers unsafe due to the heavy traffic and industrial activity.

Wayne Nielsen, a resident of 487 West 400 North, expressed his opposition to the proposed development, noting that in a two-block area from east to west, there are currently only 18 homes. He argued that adding twice that number of homes to such a small space would not work, predicting severe parking issues with cars being parked everywhere. Wayne emphasized that the neighborhood has been quiet and peaceful, with residents getting along, and he strongly opposed the development.

Matt Thornley, a resident of 390 West 400 North for 15 years and an employee at National Equipment for almost 25 years, expressed strong concerns about the proposed development. He described the current traffic in the area as already overwhelming and warned that adding 19 more houses would only worsen the situation. Matt, who has three young daughters, emphasized that the neighborhood is currently one of the best, allowing his children the freedom to play. However, he stated that if the development goes through, he would never feel comfortable letting his kids play outside again. He explained that the peaceful environment was the main reason his family chose to live in Hyrum, and he strongly opposed any changes that would disrupt that.

Erin Malan, a resident of 1050 West 370 North for four years, explained that she moved to Hyrum for its small-town, rural atmosphere, seeking open space, mountain views, and a safe environment for her children. She emphasized that if she wanted to live near apartments, she would have moved to North Logan. Erin expressed her support for more family homes but opposed the idea of adding multi-family developments, such as apartments, to Hyrum. She argued that such developments do not align with the reasons people choose to live in Hyrum and would harm the town's character. Erin stressed the importance of preserving Hyrum as a beautiful, small-town community and warned against developers prioritizing profit over maintaining the town's appeal.

Craig Olsen, a resident of 485 West 400 North, expressed his opposition to the proposed development, particularly since it would be right across the street from his home. Born and raised in Hyrum, Craig lamented the town's growth and changes, emphasizing that many people, including himself, chose to live in Hyrum for its small-town, hometown feel. He stated that if the development goes through, he would likely leave the area. Additionally, he highlighted the narrow road between Hyrum and Nibley, which is already hazardous, and feared that added traffic from the development would worsen the situation.

Ada Sowby, a resident of 313 North 900 West, expressed concerns about the proposed development, echoing the sentiments of others in the community. She highlighted the heavy traffic on 900 West, particularly from diesel trucks, which already causes issues, including sometimes being blocked in her own driveway by semi-trucks and other vehicles. Ada acknowledged that she knew the noise and traffic were part of the area when she moved in, but emphasized that adding more vehicles with new development would only make the situation worse. She also pointed out the lack of sidewalks, making it unsafe for pedestrians.

Brian Luck, a resident of 300 North, expressed strong opposition to the proposed development, drawing from his experiences in other towns. He compared the situation to changes he witnessed in Vernal, where the introduction of a Walmart dramatically altered the town's dynamic, leading to increased traffic and congestion. Brian and his family moved to Hyrum four years ago from Harriman, where similar development led to the loss of the small-town feel, turning it into a more crowded and commercialized area. He criticized developers for prioritizing profit over the well-being of communities and expressed concern about the impact of additional housing on the town's character. With eight children, Brian

emphasized that his family values the small-town atmosphere and requested that the development not move forward.

Tessa Thornley, a resident of 390 West 400 North, expressed her concerns about the proposed development. She explained that her family chose to live in the area because it was close to her husband's shop, allowing her daughters to walk there every day. However, she stated that she would no longer allow them to walk if the new houses are built. Tessa raised concerns about safety, referencing crime in another nearby development and highlighting the lack of sidewalks, which forces her to drive her kids to school. She also questioned the area's power capacity, noting that they had to add large generators in their backyard due to insufficient power. Tessa strongly opposed the development and urged the decision-makers to consider these issues.

Ed Nash, a resident of 410 West 400 North, expressed concerns about the proposed development, which is just two doors down from his home. He explained that traffic in the area is already an issue, with vehicles racing up and down the street. Ed mentioned that the sheriff regularly issues a significant number of tickets in the area. With the addition of 19 new homes, he warned that traffic would worsen, and the risk of accidents, especially with children in the neighborhood, would increase. He urged decision-makers to take these traffic concerns into account.

City Planner Tony Ekins shared that, as part of the neighborhood noticing process, the public was given the time and meeting details to participate. Those unable to attend were encouraged to contact the planners via email or submit a letter. One letter, dated March 10th, 2025, was received and read during the public hearing. The letter, written by Craig N. Thornley, expressed strong opposition to the proposed high-density development in the area. Thornley outlined several concerns, starting with population growth, which would lead to a 114% increase in residents on 400 North. He argued that the area lacked the infrastructure to handle this growth, citing heavy truck traffic and the absence of sidewalks. He also raised security concerns, noting that he would need to build a 10-foot security fence to protect his property. Additionally, he mentioned the area's poor ground conditions, particularly a spring that runs year-round and has caused significant damage to his property. The presence of an aquifer and wetlands was also highlighted as problematic. Thornley expressed worries about safety, particularly with the lack of pedestrian infrastructure, making the area unsafe for children. Lastly, he argued that the development would negatively impact property values, citing unanimous opposition from local residents and businesses.

Colter Lishman expressed his opposition to the proposed development, stating that he grew up on the street and has personal ties to the area. He described the situation as a developer who paid too much for the land and is trying to make the project financially viable by opting for a high-density development. Colter criticized the developer's motives and emphasized that the community doesn't want the development. He urged Hyrum City to prioritize the well-being of its citizens over the interests of the developer.

Jake Thornley, a resident of 231 West 200 North, shared that he grew up working alongside his father and brother at a shop adjacent to the land where he now lives. He expressed pride in the hard work and time invested in the property, but voiced disappointment at the prospect of the area being developed into lower-end apartments. Jake hopes that the property will not lose its value or character due to such development.

Angie Thornley expressed concern about the long-term impact of the proposed development, questioning what the area would look like in 10 years. She highlighted the potential decline of the 19 homes or apartments, contrasting it with the longevity of the established businesses in the area. Angie urged the decision-makers to consider the future, stressing that businesses, which have been in the area for many years, could easily fold and leave, and this should be weighed when making a decision.

ACTION

Commissioner Paul Willardson made a motion to close the public hearing at 7:15 P.M. Commissioner Scott Casas seconded the motion and Commissioners Bair, Casas Nelson, Wheeler, and Willardson voted aye.

THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENT CONCERNING A The PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENT CONCERNING A REQUEST FOR A CONDITIONAL USE PERMIT FOR INDOOR PICKLEBALL LOCATED AT 220 NORTH CENTER STREET. THE REQUESTED HOURS OF OPERATION ARE 24 HOURS OF OPERATION, SUNDAY THROUGH SATURDAY.

ACTION

Commissioner Averie Wheeler made a motion to open the public hearing at 7:16 P.M. Commissioner Scott Casas seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

Dustin Hawkes said he received a letter from the City, which contained misinformation, including an incorrect address for a the pickleball location. As a result, some community members were misinformed. The speaker personally canvassed the neighborhood and gathered signatures from concerned homeowners through a petition. The letter outlines two specific requests:

1. If a permit is issued to the company, any future growth or expansion (such as adding more courts) should require the submission of a new application, allowing for public comment from neighbors.
2. The requested hours of operation for the facility should be from 7 a.m. to 10 p.m., Sunday through Saturday, to avoid disruption to the quality of life, especially at night when families are at home and trying to sleep. The speaker also mentioned concerns about the influx of traffic, vehicle noise, and headlights shining into homes.

Additionally, the speaker requested that the City change the yield signs at 200 North and Center Street to stop signs due to increased traffic and visibility issues caused by the new facility. The speaker, who has lived in Hyrum for nearly 12 years, also expressed concerns about a neighboring business not operating in compliance with its non-conforming permit, which has led to unresolved complaints. They fear that allowing too much flexibility with the new company could make it more difficult to address future issues. The speaker concluded by offering to leave the letter for further review.

Gary Gabler, a resident of 191 North 190 East, located near the proposed property, echoed many of the concerns raised by Dustin. He expressed support for holding another public hearing if the facility plans to expand, particularly if they wish to add more courts. Gabler believes that after the initial three courts are established, the community should have a chance to reassess the situation before any further expansion. Regarding the proposed hours of operation, Gabler disagreed with the need for the facility to remain open between midnight and 5 a.m., stating that nothing good happens after midnight. He emphasized the importance of being reasonable and respectful of the neighborhood, suggesting that the facility should not operate 24/7 if it intends to be part of the community. Gabler also supported the idea of moving the hydrant, as proposed, and agreed with Dustin's request for the City to change the yield signs at the nearby intersection to stop signs, citing a past accident involving a van flipping over due to the lack of a stop sign. He noted that it was only a matter of time before another accident could occur and urged the City to take

action. While Gabler supported the idea of growth and acknowledged that he knew he was buying a property near developing areas, he stressed the need for reasonable discussions with the new businesses to ensure they are good neighbors. He also mentioned the planned gym, noting that the community should revisit the issue of expansion once the gym and pickleball courts are in place to ensure that all aspects of development are appropriately addressed.

Kala Hawkes, a resident of 166 North Center Street, expressed concerns similar to those raised by others, particularly regarding the increased traffic in the area. She highlighted an incident from the previous week where two motorcyclists nearly ran a yield sign, which caused her to worry about safety at the intersection. She echoed concerns about the proposed 24-hour operation of the facility, fearing it would exacerbate the traffic issues already caused by nearby businesses, like JBS. Hawkes also shared concerns about the potential lack of regulation, drawing attention to issues with a nearby business that hasn't adhered to its permit requirements. She expressed worry that if permits are issued without proper oversight, the situation could worsen, and the community would have to deal with the negative consequences.

Chad Wright, a resident of Wellsville and the Director of Newly City Recreation, shared his perspective on the pickleball facility proposal. He noted that the city is in the process of hiring a recreation coordinator and that could help address these types of issues. As a recreation professional, Wright highlighted that pickleball is one of the fastest-growing sports in the U.S. and serves a wide demographic, including youth, middle-aged individuals, and seniors. While pickleball was originally associated with seniors, its appeal now spans various age groups. Wright also pointed out that pickleball is typically known for its fun and friendly atmosphere, and he didn't expect any disruptive behavior at the facility. In terms of accessibility, Wright expressed his support for indoor pickleball as a way to meet the community's recreational needs. He also addressed parking concerns, noting that pickleball courts typically accommodate four players per court, which wouldn't cause significant strain on street parking. However, he acknowledged that tournaments could require special consideration for parking and traffic.

Brad Lee, a resident of Hyrum, attended the meeting to answer questions about the proposed gym, as the Godfreys are currently in New Zealand. He addressed a few concerns raised by others. Regarding the yield signs, Lee explained that he could not address that issue. On the matter of the gym being open 24 hours, Lee

mentioned that peak gym times are typically between 5 a.m. and 8:30 a.m. and 5 p.m. to 9 p.m., but the gym's goal is to accommodate people working different shifts, including those who work late and sleep during the day, by offering more flexible hours. In terms of parking, Lee noted that there are 121 parking spots already marked off for the facility. Additionally, there are almost 5 acres of land next to the gym that could be used for additional parking if necessary, ensuring that parking would not spill onto the streets or affect nearby homes. Lee believed that he had answered all the questions directed to him.

ACTION

Commissioner Angi Bair made a motion to close the public hearing at 7:28 P.M. Commissioner Averie Wheeler seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

SCHEDULED DELEGATIONS:

TODD HORMAN, COUNTRY LIVING PUD - TO REQUEST A RECOMMENDATION FOR CONCEPT PLAN APPROVAL FOR COUNTRY LIVING PLANNED UNIT DEVELOPMENT FOR 19 SINGLE AND TWIN FAMILY HOUSES ON APPROXIMATELY 2.8 ACRES LOCATED AT 470 WEST 400 NORTH.

City Planner Ekins provided an update on the proposed "Country Living" Planned Unit Development. He explained that the development was initially proposed with 24 twin-family homes on 2.8 acres, but after receiving a petition opposing the project, the applicant revised the proposal to 19 single and twin-family homes. Ekins also discussed the zoning of the property, which is in an R2 mixed-density residential zone and eligible for planned unit developments if appropriately located. Ekins mentioned his site visit on March 4, 2025, where he discovered unsecured open wells on the property, which triggered a code enforcement action. He noted that the wells must be corrected and protected to comply with Hyrum City Code, with a deadline set for the following week. Ekins also reported finding a dog skeleton inside one of the wells, emphasizing the urgency of addressing the safety concerns. Further concerns included standing surface water on the property, the presence of a pressure reducer valve vault for Hyrum City's infrastructure, and water rights associated with a spring on the property. Ekins stated that an engineer would need to investigate the water issues, including the underground water flows and the impact of the wells. Ekins also observed semi-truck traffic during his visit and noted that a concrete block wall, built by a neighboring property owner, had been used as a barrier to manage

water runoff. He mentioned that any future development would require an evaluation of this wall. Additionally, he discussed a power line running through the property, which had previously been proposed to be moved underground in an earlier plan, and further investigation would be needed to determine any city easements related to the power line.

Commissioner Casas asked if the wall is on the property line.

City Planner Ekins shared that all staff evaluations and comments were available online for public review.

Commissioner Nelson raised a question regarding the letter issued by the city, which stated that the decision on the project was a legislative decision. He pointed out that the code designates a Planned Unit Development (PUD) as a permitted use, and asked for clarification on the discrepancy. He noted that understanding this distinction could significantly impact how the item is discussed.

City Engineer Holmes explained that a Planned Unit Development (PUD) involves exceptions to certain zoning or development requirements, which distinguishes it from typical residential subdivisions. He clarified that if a PUD was not listed as a permitted use in the zoning code, it would not be allowed in the area. Holmes further explained that while a single-family subdivision would need to meet all standard requirements and would be decided administratively, a PUD allows for some flexibility in exchange for features that enhance the development, such as open green space or community amenities. In this case, the PUD includes private roads that will not be maintained by the city, as they do not meet the city's standard of a 60-foot right-of-way with curb and gutter. Holmes emphasized that PUDs are essentially exceptions to the city's existing codes, typically allowing for higher density or other special considerations.

Commissioner Angi Bair explained that their role is to evaluate whether a proposal meets the city's requirements for a Planned Unit Development (PUD) and then make recommendations to the City Council, who has the final decision on approval.

City Engineer Holmes explained that the PUD process consists of three phases. The first phase is the concept phase, where developers present a general idea to determine if the city is open to considering it in that area. The second phase is the preliminary plat, where more details are provided, including plans for utilities and other features. The final phase is the final plat, where the city makes its final approval. He also noted that because

a PUD is a legislative action, the City council can decide at any point that the proposal is not a good fit.

Chairman Nelson stated that the committee can make recommendations based on whether a proposal aligns with the general plan. He explained that even if a plan meets the criteria for a PUD, if it doesn't align with the goals of the general plan, they could recommend denial. Similarly, if the proposal meets the goals of the general plan, they could recommend approval.

City Engineer Holmes explained that the committee can recommend approval, approval with conditions, or denial of a proposal. However, the city council, as the elected legislative body of Hyrum, has the final decision-making authority. They can either uphold the committee's recommendation or reject it, as long as they believe it is in the best interest of Hyrum.

Todd Horman began by expressing agreement with 90% of what had been discussed during the public hearing. He shared that he is a lifelong resident of Cache Valley, a small business owner, and has been self-employed for most of his adult life. He expressed concerns about sustaining positive growth as the community grows, particularly regarding homeownership, which is becoming increasingly difficult due to rising housing costs. He emphasized that the goal is to build homes that are affordable and of good quality, with single-family lots that homeowners own and maintain. He explained that Planned Unit Developments (PUDs) often feature smaller lot sizes and greater density in exchange for open space, attractive building designs, and amenities like playgrounds. He highlighted the importance of good-quality homes, with features such as larger garages to accommodate cars and provide storage. The homes will be fully landscaped with zero-scaping in the front yards and the backyard areas will be grassed and fully fenced for privacy and security. He stressed that there will be no HOA for maintenance, with each homeowner responsible for their lot. He also noted that the homes will be built with high-quality materials, including solid wood cabinets, granite countertops, and quality flooring. Additionally, he mentioned the possibility of twin homes, where two homes share a wall but are still considered single-family homes, to maximize space. He stated that he wants to build homes that he would personally live in and that provide long-term value to the community. He agreed with the concerns and assured that, according to the code, the necessary infrastructure, such as sidewalks, curb, and gutter, would be installed. The street will also be widened to 50 feet to accommodate parking. Regarding the layout, he explained that both houses will face the private road, with the backyards facing the sidewalk and fenced off. This

arrangement aims to keep children and others from going out onto 400 North, as the private road would have slower and less traffic. He also discussed a water right tied to the property, which is shared with an adjacent piece. According to the title company, their portion of the water right is approximately one-third of the total. He emphasized that the water right would need to be separated due to its age. Ultimately, he expressed a desire to be a good neighbor, improve the community, and promote responsible growth.

Commissioner Casas asked for clarification regarding the maintenance of the private road and the common area at the west end of the complex, noting that if there is no HOA, it would be unclear who is responsible for their upkeep.

Todd Horman apologized and clarified that there would be no HOA for yard maintenance, but there would be an HOA for the maintenance of the road or common areas. He explained that the west end of the property is challenging, but they have a plan in place. Regarding the spring, it's not a flood zone, wetland, or floodplain, just a spring. Their proposal is to create an open space with the spring, potentially turning it into a pond, similar to Spring Hall, where the water would be captured, funneled into a detention pond, and then directed into the stormwater system as per code. The area would also feature a playground, pavilion, and a sidewalk for public access. He emphasized their openness to feedback and suggestions, stating that they aim to be good neighbors.

Commissioner Willardson asked if the playground and open area would be maintained by the HOA and if it would be exclusively for the people living in the PUD or open to all of Hyrum City residents.

Todd Horman explained that the space would realistically be open to everyone, with no regulation or restrictions imposed on its use. The park will be designed to be low-maintenance, with landscaping, a playground, a pavilion, and seating areas.

Commissioner Casas said he loves the concept of the twin homes versus apartments. He said twin homes is a good idea, but he's not sure that is the right location for them. While praising the builder for his concepts and focus on long-term ownership, particularly emphasizing the importance of garages, he stressed the need for the community to find a way to localize the development. There are several concerns regarding the property. The water issue remains unresolved, despite the mention of a retention pond, and it's unclear how the water management will be handled. Additionally, the properties to the north are situated 10

to 20 feet lower, while the hillside to the east rises in elevation. There are also concerns about maintaining the spring, particularly as it seems there may be springs located at the northeast end of the property. Many trees along the ridge are dying, including some large 60 to 80-foot trees, although it's uncertain whether these trees are on the development's property or the hillside. A particular worry is that if the development proceeds, the trees on the northeast corner will pose a safety hazard and will likely need to be removed.

Todd Horman acknowledged the concerns and is willing to address them. He recognized that the spring has deteriorated over time and is committed to resolving the issue. His plan is to locate the source, collect the water, and properly divert it to prevent any future problems.

Commissioner Casas said the concern is about where the water will exit the property and which neighboring property it will flow onto.

Commissioner Wheeler said they need to see that addressed.

Commissioner Casas raised the concern about where the water can go, noting that the property is situated higher than all the surrounding properties, which are all downhill.

Todd Horman explained that part of the engineering process will involve creating detention ponds to collect rainwater. He suggested that the ponds could serve as a solution for collecting both the spring water and rainwater, ensuring they meet all necessary criteria. The purpose of the detention ponds is to manage the water levels, allowing water to flow into the stormwater system at a controlled rate once it reaches a certain level, preventing overflow. All of this will be calculated and engineered to meet the required standards.

Commissioner Casas mentioned that Hyrum City has another development with similar issues that has been ongoing for a while. He noted that he has been observing it for the past couple of years, and in that development, the detention pond is situated above the surrounding houses. It was pointed out that the proposed detention ponds would be situated above the surrounding businesses, which raises concerns about having water positioned higher than neighboring properties. The concern is that water may seep out of the pond and potentially flood the neighboring businesses.

Todd Horman explained that in every subdivision he has worked on, a detention pond has been required, and each pond has a specified saturation rate. He emphasized that the water would be collected in the pond until it reaches a certain saturation point, and the pond would be designed with the appropriate depth to ensure proper containment and water diversion. He agreed with the concerns raised and assured that the goal is to solve the problem without creating additional issues.

Commissioner Wheeler expressed concern about the corner lots, five and thirteen, noting that they have very little frontage and almost directly face another house. She felt it seemed like the space was filled out of necessity, which could lead to potential conflicts with neighbors. However, he considered the bigger issue to be lots one and two, which are west-facing. It was noted that lots one and two are not integrated into the neighborhood design and are instead surrounded by industry on three sides. The speaker shared their personal experience of living in a similar situation, describing it as uncomfortable and isolating, particularly given the proximity to an industrial zone.

Todd Horman acknowledged the concern and explained that all the houses will have fully fenced backyards, which would help create a cohesive space. He clarified that the fences would provide privacy, so the homes wouldn't feel disconnected, even though they might face industry. He also mentioned that the park and playground area would serve as a gathering space. Regarding access, he noted that the decision to use the west side or 400 North was made with safety in mind, particularly to avoid areas with water issues.

Commissioner Wheeler expressed that the two lots on the west side seem to have been forced into the industrial zone, noting that the area is already tucked into a corner of the residential zone, making the placement of those lots feel out of place.

Vice Chair Bair agreed with some of the previous comments and suggested that it might be better to designate the entire corner as open space. This would create a better buffer between the industrial and residential areas. She pointed out that the two lots in question seem out of place, as their neighbors are industrial properties, while other areas have more separation with residential lots across the street and industrial lots in the back. She felt that the lots appeared disconnected from the overall project and believed that more open space could also help address the water issues.

Todd Horman said they are open to whatever makes the most sense

for everybody.

Vice Chair Bair raised a question about whether the ratio of open space had been calculated, as the city had asked for this information. She noted that the city's estimate was a 75-25 split, but the concept plan didn't specify the amount of open space. She suggested that designating more open space, such as in the corner area, could help meet the required ratio. Bair also inquired whether there would be a sidewalk or other connection to integrate the area with the rest of the development, especially since sidewalks are planned for the interior, and asked if there would be any sidewalks along 400 North.

Todd Horman explained that the issue had been addressed by his engineer, noting that they initially hadn't included the connection due to the significant space between the road and the curb. However, they realized that they would need to connect the infrastructure, and as a result, they would be responsible for the curb, gutter, sidewalk, and roadway to connect to the existing road, at least up to the halfway point.

Commissioner Casas inquired whether the sidewalk would connect to the existing sidewalk in front of the property to the east. He also asked if the alignment would be straight or if there would be a noticeable jog in the sidewalk.

City Engineer Holmes stated that they would be able to better assess the alignment once everything is in place. He confirmed that the curb, gutter, and sidewalk are required by code.

Vice Chair Bair raised a concern about the lack of street parking or guest parking, given the size of the street. She suggested that eliminating two units could create space for additional parking in the open area. She emphasized the potential need for guest parking, noting that events like birthday parties could fill up the available space. If guest parking isn't addressed, it could push parking onto 400 North, which is a concern for many citizens.

Todd Horman clarified that none of the garages or driveways connect to 400 North, so if people park along the curb, the widened road would still provide enough space. He also addressed concerns about snow storage, proposing that the open space near the playground could be used for additional parking and could also serve as snow storage if needed.

Commissioner Casas pointed out that if the open space were used for snow storage, it would require different equipment for snow

removal, such as front-end loaders instead of plows.

City Planner Tony Ekins mentioned that state code prohibits pushing snow across the roadway, so that approach would not be feasible. It was pointed out that removing the playground area to create parking without replacing the playground in some way would violate the conditional use requirements.

Commissioner Casas shared his concern about the city's previous apartment complexes, where parking has often spilled onto the roads due to insufficient spaces. He expressed his hope that, as part of the planning commission, they could avoid such issues in the future, acknowledging that many households now have more than two cars. He praised several aspects of the concept plan, including the absence of driveways on 400 North and the twin home design, which he considered a great idea. However, he also noted that while the plan has many positive points, he wasn't sure if it was the best fit for the specific plot, and there were still several concerns that were difficult to address.

Todd Horman agreed with the concern about parking and explained that the design includes two-car garages for each unit, with driveways providing space for an additional two cars. He also noted that the 50-foot private road would allow for further parking space.

City Planner Tony Ekins clarified that while the development includes a 50-foot road section, the fire department's second comment states that there is no parking on that road.

Chairman Nelson confirmed that the code for multifamily developments requires 2.5 parking spaces per unit and that tandem parking is allowed if it is attached to the unit. He noted that, based on this, the development would meet the parking standards, as each unit would have a two-car garage and a two-car driveway.

City Engineer Holmes said that is correct if the driveway is long enough to actually fit a car in there.

Chairman Nelson noted that the current garage setback is 20 feet, and given that a standard parking space is typically 9 feet by 18 or 9 feet by 20 feet, he believed the setback would likely meet the parking space requirements.

City Planner Ekins confirmed that the development meets the parking standard. He said he was not aware of a specific guest parking standard. He raised a concern about potential parking issues, such

as during events like birthday parties, and the risk it poses if emergency vehicles need to access the road. He noted that while signs could be posted to address parking, enforcement would be challenging since the road is private.

Chairman Nelson asked the city engineer about the minimum required asphalt width for a residential street.

City Engineer Holmes stated that, according to state code, the required measurement has been reduced to 32 feet.

Chairman Nelson stated that 32 feet is the maximum width allowed by state code for a local residential road. He also noted that there is no smaller cross-section, such as 26 feet, and that 32 feet is the basic standard.

Commissioner Wheeler noted that the current road has a 32-foot width, and she believes it is asphalt.

Chairman Nelson clarified that the asphalt section is 27 feet wide, which is five feet wider than the fire code requirement.

Todd Horman explained that in the bottom corner, the design proposes a flat curb rather than an actual curb, allowing for parking over it.

Vice Chair Bair emphasized that if the fire department is stating there should be no parking on the street, then something in the plan would need to change.

City Planner Ekins explained that if vehicles park over the curb, they would be obstructing the curb, gutter, interior sidewalk, and the park strip within the development.

Vice Chair Bair raised a concern about the visibility triangle at the corner of lot one, asking for thoughts on that issue.

City Planner Ekins said it's a code disqualifier. It would not get approved the way that it is now.

Todd Horman asked if they could angle the fence there.

Commissioner Wheeler stated that the house is in the sight triangle.

Todd Horman clarified that the building footprint shown was for reference only and that they would ensure it meets the necessary

code requirements. He emphasized that the concept plan was intended to evaluate whether the Planned Unit Development (PUD) would make sense with the right elements in place.

Vice Chair Bair raised concerns about the potential impact of adding 40 more cars to local traffic. She asked if there were any traffic studies or concrete data available to assess how this would affect the area, or if the concerns were based on speculation. She inquired about how the traffic impact could be addressed without such data.

City Engineer Holmes stated that there are no traffic studies available at the moment, but the developers can provide those studies to help demonstrate the potential impact of the development.

Chairman Nelson mentioned that a traffic study would likely show that the road has the capacity to handle the development. He noted that while the road may need some improvements at intersections, it likely has enough capacity to manage the increased traffic.

Commissioner Wheeler expressed that there were already significant safety concerns about the road, even without the new development. She suggested that this issue might need to be recommended to the council for further consideration.

Vice Chair Bair agreed, noting that there is already significant semi-truck and other traffic in the area. She suggested that a traffic study could be valuable to better understand the situation, referencing the past decision to move the truck route to a different road in order to help divert traffic.

City Engineer Holmes explained that improving the road long-term is complicated because it is split between city and county ownership. He noted that aligning the two jurisdictions' standards and getting the county's approval for road construction is challenging. He suggested that annexing the land into the city would make the process easier, as it would create a single jurisdiction for road maintenance.

Commissioner Casas suggested that improving 700 North to accommodate semi-truck traffic could help divert such traffic away from the development.

City Engineer Holmes agreed that improving 700 North would help alleviate some of the truck traffic. He mentioned that the city and county have been discussing other potential truck routes with

local stakeholders, but noted that this is a long-term project. For now, the current route remains in use.

Commissioner Casas stated that 400 North is currently the best access road to several businesses in the area. He mentioned that other roads to the north are dirt roads, which are not ideal for some people.

Vice Chair Bair addressed the concerns raised by some businesses, noting that while something might be legal and meet requirements, people are likely to file complaints once they experience the issues firsthand. She acknowledged that the area is very close to an industrial zone, even though it's technically a residential zone, and expressed concern that future buyers might complain about issues.

Chairman Nelson asked if there was any additional discussion on the item after hearing the presentation from staff, the applicant, and the comments.

Commissioner Willardson expressed his opinion, stating that while various aspects, such as snow removal, traffic, and drainage, could likely be addressed, he felt the proposed PUD concept did not fit the area.

Commissioner Casas shared that he had spent about five hours in the community, visiting the property, sitting on the street, walking the sidewalks, and knocking on doors. After his visit, he expressed that, based on his observations, the proposed project did not seem to fit the neighborhood. While he appreciated the concept presented by Mr. Horman and believed it was a great project, he cited concerns about the nearby industrial area, water issues, and safety for young families. He felt the concept would be better suited elsewhere in the city, but not on that specific piece of land.

Chairman Nelson expressed agreement with Commissioner Willardson's point and highlighted that the decision was a legislative matter, allowing them broad discretion. He then discussed his review of the general plan, noting that the north side of Hyrum is primarily designated for industry and agriculture. He referred to the plan's recommendation to promote clean, light manufacturing and preserve agricultural greenbelt areas. Nelson pointed out that while the general plan supports a variety of housing in many areas, this specific location, being historically industrial and agricultural, raised concerns about approving increased density near heavy industrial zones. He emphasized the importance of maintaining a

separation between residential areas and industrial zones due to the nuisances industrial sites can create. Despite appreciating aspects of the site plan, Nelson expressed concern about adding more housing or units beyond the existing zoning in this area.

Vice Chair Bair acknowledged the point being made and expressed concern about the current zoning, which is R1 and R2. She pointed out that, under the current zoning, the property could accommodate 12 houses on 9,900 square foot lots without needing a PUD.

City Engineer Holmes clarified that it wouldn't quite be 12 houses, as the minimum frontage required is 82.5 feet, and the minimum lot size is 9,900 square feet. Essentially, the minimum lot size would be 82.5 feet by 120 feet.

Vice Chair Bair asked for clarification on the required frontage, noting that, based on the 9,900 square foot lot size, 12 houses could potentially be built, but she was unsure about the frontage requirement as she didn't have that information.

City Engineer Holmes clarified that they could have seven lots.

Vice Chair Bair expressed that her main concern is with the corner lot, suggesting it should serve as a buffer between the residential areas on the east and south sides. While she believes the area could accommodate residential development, she recommended that the corner lot be either changed to industrial zoning or something else to create a buffer between the commercial and industrial zones, given its current residential zoning.

Chairman Nelson stated that he could support a concept plan that includes different housing options in the area, as he acknowledged the developers' right to build a certain number of homes. He expressed openness to housing types that would use the natural topography to buffer between the industrial and residential areas. He shared his primary concern about increasing the number of units near an industrial park, noting that studies have shown potential health risks for those living close to industrial areas.

Vice Chair Bair suggested that placing homes on the eastern half of the property, while leaving the corner lot as a buffer, would benefit the area more than converting it entirely to industrial or manufacturing use. She argued that switching the entire area to industrial would negatively impact the surrounding residential areas, particularly on the other two sides, and that maintaining a buffer would be more beneficial.

ACTION

Commissioner Paul Willardson made a motion to recommend denial of concept plan approval for Country Living Planned Unit Development for 19 single and twin family houses on approximately 2.8 acres located at 470 West 400 North. Commissioner Scott Casas seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

HEATHER GODFREY, SUNRISE PROPERTIES - TO REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR THE PADDLE PICKLEBALL LLC. LOCATED AT 220 NORTH CENTER FOR INDOOR PICKLEBALL COURTS IN THE LIGHT MANUFACTURING ZONE (M-1).

City Planner Ekins provided an overview of The Paddle Pickleball LLC, located at 220 North Center Street. He described it as a new light industrial building with ample interior space and parking. The applicant is seeking a conditional use permit to operate indoor pickleball in Suites 1 and 2, initially with three courts and the potential for two more. The site has 120 parking spaces, with additional space available for expansion if needed. The applicant plans to operate 24 hours a day, seven days a week. Ekins mentioned that staff had reviewed the application, and while many departments had no comments due to the existing structure, the planning and zoning staff did have a few points. One was for the applicant to contact the fire department regarding fire hydrant concerns, as there was no fire hydrant shown on the original plan. Additionally, staff recommended that the planning commission discuss the proposed 24-hour operation, considering the impact on nearby residential properties. They also advised that the conditional use permit initially approve only the three courts, with any expansion requiring a future permit. While parking calculations were difficult without exact square footage, staff felt the 120 parking spaces would be adequate. They noted uncertainty about potential tournament events and parking overflow, though the applicant had additional space available for expansion. Ekins also acknowledged a request from residents to change yield signs to stop signs, but noted that the streets department, which controls such changes, was not present at the meeting, and he could not speak for them.

Commissioner Willardson asked what is required to change a yield sign to a stop sign, questioning whether it is solely the decision of the streets department or if the City Council must approve such a change.

City Engineer Holmes responded that changes to yield signs are

typically handled by the streets department, but they will discuss it, and if necessary, they can make the decision to proceed.

Chairman Nelson asked if a study is required to change a yield sign to a stop sign.

City Engineer Holmes noted that the department doesn't seem to have a formal warrant process like other agencies. Instead, they evaluate situations on a case-by-case basis as needs arise.

Commissioner Willardson remarked that, based on the public comment received that evening, the issue at hand needs to be addressed, regardless of whether it moves forward.

Commissioner Casas asked if the planning commission can recommend that to the staff.

City Engineer Holmes said Hyrum City will take care of that.

City Planner Ekins explained that the applicant is currently in the building permit process, with the fire department working with them on the required fire sprinkling for the use. Ekins also noted that the applicant will need a business sign permit if they receive approval for their conditional use permit. Additionally, Ekins requested that the hours of operation be discussed by the staff.

Chairman Nelson said there was an issue brought up with the notifications.

City Planner Ekins explained that the issue occurred because he had written two letters at the same time, and it was an oversight on his part. One of the letters included the address for a different development, with the correct address for the pickleball notice below it. Ekins mentioned he removed the map and made corrections, but may have ended up giving Shara the wrong letter.

Chairman Nelson explained that, according to his understanding of the code, a public hearing is not required for a conditional use permit, and it is typically held as a courtesy. He added that if this were a zoning change with an incorrect notice, he would be more concerned and would consider re-noticing. However, since this was a courtesy public hearing, they are not under the same legal obligations, though he acknowledged that he isn't the city attorney.

City Engineer Holmes said that's how he would understand it.

Commissioner Casas noted that they didn't see any provisions in the city code regarding the regulation of business hours and asked for clarification on how that is handled.

City Planner Ekins shared that he looked for regulations on business hours but couldn't find anything. He reviewed the noise and nuisance ordinances, which state that quiet time is from 10 p.m. to 7 a.m.

City Engineer Holmes explained that the noise ordinance primarily regulates what types of noises can be emitted from a property during specific hours.

Chairman Nelson explained that, as a conditional use permit, they have the right to the use as long as they can apply mitigations that meet their standards. He noted that the city code includes hours of operation as a consideration for conditional use permits, and suggested they should review factors such as the noise ordinance and other potential health and safety issues.

Commissioner Casas inquired whether the property would operate 24 hours a day and if staff would be present on-site around the clock.

Brad Lee explained that the gym plans to use door locks that require a passcode for entry, meaning only those with a passcode would be able to access the facility 24 hours a day, eliminating the need for staff to be on-site at all times.

Commissioner Willardson asked if the passcode would be provided to members, with the assumption that paying a membership fee would grant access to the passcode.

City Planner Ekins asked if a member with a passcode would be able to bring a large group of people, such as 50 friends, who do not have access to the pickleball facility, to use the passcode and enter the gym.

Brad Lee explained that the company he's working with, called Kizzy, uses a system where the passcode is sent directly to a member's phone, and only that phone can access it. If a member tries to let others in by holding the door open, the system detects the additional people and charges the member for each one, which discourages people from using the passcode to host parties.

Commissioner Willardson pointed out that they are not certain about the specific system being used.

Brad Lee explained that while he is unsure of the exact system being used, most facilities he has worked with, including those using Kizzy, aim to limit access to paying members. These facilities also have cameras to monitor who enters and to track if anyone allows others to enter, so they can address the issue if necessary. Just north of the location, some of those businesses already operate 24 hours a day, so the 24-hour operations are already happening nearby.

Commissioner Wheeler asked if that is similar usage.

Brad Lee clarified that the other building is more of an industrial-type facility.

Vice Chair Bair noted that there are several 24-hour businesses in the area, including West Point Dairy and JBS. While understanding the residents' concerns about the impact, Bair pointed out that only a small number of people, around 12, would likely be present between midnight and 7 a.m., and there wouldn't be tournaments during those hours. She emphasized that the area already experiences traffic from shift changes at nearby 24-hour plants.

Brad Lee explained that most people prefer to exercise either before work or after getting off work, as they typically don't want to do so during family time or while they're sleeping.

Vice Chair Bair mentioned that 24-hour gyms are becoming increasingly popular, as they allow people to exercise whenever they want. With only three courts available, Bair suggested that some people may prefer later times to ensure they can access a court.

Commissioner Casas expressed concerns about the impact of nighttime traffic in the neighborhood. He shared that, as a resident who works late, he drives through the area at 1:00 AM and finds it quiet with no traffic. He emphasized that current residents are also worried about the potential for increased traffic at night. Casas suggested enforcing a quiet period, potentially from 10:00 p.m. to 5:00 a.m., while being open to activity starting at 7:00 a.m. He stressed the importance of maintaining the neighborhood's calm atmosphere, noting that there is no industrial activity or significant traffic during the night. He strongly prefers keeping the street quiet during late hours.

Commissioner Willardson believes that the proposed 10:00 p.m. to 7:00 a.m. timeframe might be too restrictive. He suggested that a cutoff time of midnight would be reasonable, acknowledging that

people may want to workout or play pickleball as early as 5:00 a.m. He emphasized that midnight seems like a logical cutoff.

Commissioner Casas agreed with those times.

Chairman Nelson said he was thinking those exact same hours.

Commissioner Willardson acknowledged that other places allow 24-hour activity, but he felt it was different because those areas primarily involve businesses, whereas this situation involves a recreational activity. While he noted that there may not be a significant difference, he expressed that it felt different to him.

Commissioner Casas pointed out that while several gyms are open 24 hours a day, they are typically located in strip mall areas, far from residential neighborhoods. In contrast, this particular building is situated in a neighborhood with residential houses, requiring people to drive through these areas to access the facility. He expressed concern that this would impact the neighbors with car lights and increased traffic. He suggested establishing a set time for the conditional use permit, with the possibility of reconsidering it in the future if the operation proves successful. He expressed openness to change, but recommended initially limiting the hours instead of allowing 24-hour access. Casas proposed monitoring the situation to assess community feedback and how the business operates. He emphasized that the goal is for the business to succeed, noting that it is a valuable addition to the community and a good use of the property.

Chairman Nelson emphasized the importance of considering the potential for a similar facility in the area, even though no application is currently before them. He pointed out the need to apply consistent standards to any future facilities in the area.

Chairman Nelson noted that it seems there have been a few reviews conducted so far.

City Planner Ekins confirmed that the fire department is working on the permit in collaboration with the county.

Chairman Nelson asked if, upon approval, it would be necessary for the facility to obtain a building permit.

City Engineer Holmes explained that a building permit would be required for the internal improvements, as the bays in the facility are not fully built out and must be completed according to the

building permit.

City Planner Ekins explained that the staff is working to bring everyone up to speed on the current situation. He mentioned that while he has heard discussions about the time conditions, he has not yet received an answer from the street department. Ekins assured that staff is committed to contacting the roads department to address the concerns. However, he clarified that no one has the authority to make changes at this time with the current application, and he was unsure how to make that a condition.

Chairman Nelson raised a concern about fire issues, specifically asking if an additional fire hydrant needs to be added as part of the facility, referencing a comment from the water department regarding the need for an eight-inch line.

City Planner Ekins explained that after receiving a comment from the fire department, he spoke with the water department. They clarified that an additional fire hydrant and fire line were supposed to be included when the second building was constructed, but the fire department did not follow up on this issue. Ekins noted that the fire line and hydrant are not included in the construction drawings they have on file. He pointed out conflicting discussions about whether the fire hydrant is required, but it is not present in the official construction documents.

Chairman Nelson stated that the fire marshal has not yet determined that an additional fire hydrant is needed.

Scott Casas expressed confusion, asking whether the street has an eight-inch water main line as required, or if it might have a smaller four-inch or six-inch line instead.

City Planner Ekins stated that he does not have an answer regarding the water lines, as the water department has that information. He mentioned that while he had seen plans indicating an eight-inch water main going to the fire hydrant, he understands that this size is required.

Commissioner Casas asked if there are adequate water lines to the present building now.

City Planner Ekins confirmed that there is no issue with installing the water line and fire hydrant, but the question remains of when it is triggered to be done.

Commissioner Casas expressed concern about approving the

conditional use permit without ensuring that everything is in place, specifically mentioning the fire department and water lines, which, as far as he knew, were already in place for the current building.

Commissioner Casas clarified that if the conditional use permit is approved and the pickleball courts are constructed, the public would not be put in any danger.

City Planner Ekins explained that the county has already approved the building, and once the building permit is issued, the county's building officials will provide an occupancy permit for the use of the building. He added that the building plans were approved by the county.

Vice Chair Bair sought clarification, noting that the floor plan shows three courts, while the overview mentions the possibility of expanding with two additional courts. She asked whether the expansion would occur in the same building or if it would involve a new building.

City Planner Ekins clarified that the expansion would occur within the same building. He explained that if the additional two courts are added, they would need to apply for a second permit or the current permit could be amended to accommodate the expansion from two to three courts.

Vice Chair Bair asked for clarification on the reasoning behind limiting the number of courts to three instead of allowing up to five.

City Planner Ekins explained that the city can continue monitoring the parking situation as the development grows. Each time a new tenant arrives, they make their best effort to calculate the required parking for the new use. If a tenant's use takes up the remaining parking, and the additional courts don't qualify for parking, there needs to be a system in place to ensure that the expansion is either permitted or that parking is adjusted accordingly to accommodate it.

Commissioner Willardson asked about the situation if someone enters the building at 11:59 p.m., questioning whether they would be allowed to play until 2 a.m. or 3 a.m. He asked how to balance the timing and whether the 12 a.m. to 5 a.m. period is meant to be a quiet gap with no one using the space during that time.

Vice Chair Bair said key cards would be disabled between 12:00

a.m. to 5:00 a.m., meaning anyone entering before that time, like at 11:50 p.m., could stay and play. She feels it would be too restrictive to prevent anyone from being in the building at 11:59. Bair concludes that the 12:00 a.m. to 5:00 a.m. period should indicate the space is closed, but acknowledges that they can't lock the door to keep people inside.

Brad Lee stated that no additional cards would be able to enter.

ACTION

Commissioner Scott Casas made a motion to approve a conditional use permit for the Paddle Pickleball LLC. Located at 220 North Center for three indoor pickleball courts in the light manufacturing zone (M-1), with the limitation that the hours of operation are 5:00 am to 12:00 am Sunday through Saturday. Commissioner Angi Bair Seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

KIRK WILCOX - TO REQUEST SITE PLAN AMENDMENT APPROVAL AT 1673 ANVIL ROAD IN BLACKSMITH FORK INDUSTRIAL PARK.

City Planner Ekins explained that this item is a continuation from the previous month's meeting, as the applicant was out of state at the time. The application was carried as far as possible, including an overview and staff comments. The request for continuation was made during discussions about public right-of-way improvements and the berm around the building. Ekins offered to cover additional material if needed and mentioned that the applicant is present and ready to continue from where they left off.

Kirk Wilcox explained that about a year or two ago, he presented a concept plan to the council for creating a berm around his property, which he planned to heavily plant with trees and shrubs to improve the area's aesthetics. The council granted him permission to proceed and waived the requirement for plastic inserts in the fencing. Wilcox, who has nearly 50 years of experience in the planting and landscaping business, emphasized that he always aims to do things properly. He mentioned that he was unaware of the 10-foot utility easement along the property and accidentally piled dirt onto this area when building the berm. The utility department has since raised concerns about the excess dirt in that section. Wilcox is now seeking help to modify the berm, adjusting the dirt within the 10-foot easement and creating a gradual slope for planting trees and shrubs, as the soil in the area is mostly rock and cobble. He also asked whether planting is

allowed in that zone and if there are any restrictions.

Commissioner Wheeler said he should be able to plant in there.

Kirk Wilcox explained that he recognizes the need for utilities to be accessible, and he acknowledges that if excavation is required, it will affect the area. He mentioned that he proposes using buffalo grass and a planting plan covered with a weed barrier to prevent weeds while allowing water to percolate. Gravel or mulch would be placed on top to minimize maintenance issues, and the area would be irrigated using a drip system. He noted that this approach is common in the industrial park, as gravel or rock mulch is preferred over bark, which doesn't withstand the wind. He said he planned to install asphalt this year, but the need for a workshop and storage space led to the addition of a pole barn. He mentioned that the building design aligns with the existing structures in the area. Regarding security, there are two gates: a utility gate on the west side and an electronic keycard-operated gate on the east side. He agrees to install a lockbox on the gate for emergency access by the fire department. He also explained that his sewer and water lines are properly installed, with a backflow preventer in place for protection. The irrigation system is set up to water the trees and berm area and is also protected.

Vice Chair Bair raised concerns about the original site plan, noting that the public right-of-way landscaping is incomplete, the driveway accesses aren't paved, the interior asphalt hasn't been done, and the berm needs to be moved. She asked for a plan to address these changes or corrections.

Kirk Wilcox explained that he plans to complete the project by this fall, but is currently waiting for a building permit, which is causing delays. He said that Roper Buildings is handling the construction and has started the application process, but they need approval from the city and county before proceeding. Once the snow stops, he plans to regrade and move the material. He also noted that Johnson's company, which is contracted to install the asphalt, will do so once the regarding is complete.

Vice Chair Bair asked if the building permit can be withheld if the required improvements aren't made.

City Engineer Holmes explained that a \$2,000 deposit is required with the building permit for construction and landscaping. The city holds this deposit until all the required work is completed, allowing them to enforce the completion of the improvements.

Chairman Nelson said that once the building permit is issued, the city cannot withhold occupancy for issues outside of the traditional building requirements. If the building is deemed safe to inhabit, the county, which handles building inspections, will issue the occupancy permit regardless of the landscaping status. He said that state code prevents withholding a building permit due to landscaping issues. However, the city still holds the deposit even after occupancy is granted, until the landscaping is completed.

Vice Chair Bair asked how the city plans to enforce the requirement for paving the accesses to the road, aside from the landscaping issue.

City Engineer Holmes explained that during the review before occupancy is granted, the city checks to ensure that driveways are in place, similar to how they review residential properties. He said that the driveways must meet the city's code requirements before occupancy can be issued.

City Planner Ekins mentioned that the fire department will be involved in the inspection for occupancy. He noted that the International Fire Code could prevent occupancy if the necessary requirements are not met.

Vice Chair Bair observed that the power company might be responsible for removing the berm from the electrical facility, which could potentially delay occupancy due to electrical concerns.

Chairman Nelson referenced state code 10-9a-802 for the record, explaining that, except as outlined in subsections three and four, municipalities may enforce their ordinances by withholding a building permit. He clarified that subsection three states a municipality cannot deny a building permit or certificate of occupancy based on the incomplete landscaping, unless it pertains to public landscaping improvements defined in section 10-9a-604.5. Additionally, the municipality cannot withhold a building permit due to an incomplete portion of a sidewalk within the public right-of-way, as long as a bond has been posted to ensure completion of the sidewalk for single-family, two-family, or townhome residences.

City Planner Ekins suggested that the expansion of the site could potentially be denied until the public right-of-way landscaping is completed, as outlined in section one.

City Engineer Holmes clarified that this would be considered public landscaping, unlike in a PUD where the landscaping around the lots is private.

Chairman Nelson explained that the same section of the code also states that a municipality cannot deny a building permit or certificate of occupancy if the applicant has not completed an infrastructure improvement that is not essential for meeting the requirements of the building or fire code. This applies as long as the municipality has accepted an improvement completion assurance, such as a bond, for public landscaping or other infrastructure improvements.

City Engineer Holmes noted that this typically applies more to subdivisions, where bonds are used for unbuilt infrastructure. He said that further research would be needed to determine if this applies to individual site plans. However, he acknowledged that they could explore whether a bond is required if the applicant wants to obtain occupancy before completing the necessary requirements.

Chairman Nelson expressed that his biggest concern isn't necessarily the landscape improvements, but rather the removal of the berm from the public utilities.

City Engineer Holmes identified two main issues with the berm: first, if access to the conduits is needed for repairs, the extra dirt would need to be moved; and second, the weeds on the berm can become overgrown, leading to visibility issues. He mentioned that some neighbors had complained about difficulty seeing around the corner due to the tall weeds.

Commissioner Casas expressed appreciation for the concept of the berm, mentioning that he had visited the site, but questioned how it would be maintained with vegetation.

Kirk Wilcox explained that the berm will be covered with weed cloth and gravel. He said if someone could come to inspect the area, he would move the dirt and adjust it based on their feedback. He mentioned that he relies on his own judgment but is open to working with others to ensure the project meets the necessary requirements.

City Planner Ekins suggested that they could arrange for the power department to inspect the area again, and for the water department to do the same while the power department is present.

Kirk Wilcox asked about the requirements for the fire department access, specifically whether it needs to be paved.

City Planner Ekins explained that the type of construction would be determined when the building permit is submitted. He mentioned that fire trucks would need 26 feet of access on the northeast and south sides of the new building. He noted that the fire department would require a key box at the gate for access, so they don't have to cut the lock in an emergency.

Kirk Wilcox clarified that the fire department would use the gate code to open the gate in an emergency.

City Planner Ekins explained that water flow requirements would also be addressed through the building permit. Specifically, they need 750 gallons per minute at the hydrant for two hours. If the flow is less than that, the building will need to be sprinklered. The fire department, in collaboration with the county, will review this as part of the building permit process.

ACTION

Commissioner Scott Casas made a motion to recommend site plan amendment approval at 1673 Anvil Road in Blacksmithfork Industrial Park. Commissioner Averie Wheeler seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

COLTER LEISHMAN - TO REQUEST APPROVAL FOR A THREE (3) LOT SINGLE-FAMILY RESIDENTIAL MINI SUBDIVISION LOCATED AT APPROXIMATELY 200 NORTH 150 EAST.

City Planner Ekins explained that the application had been in progress since November, with the applicants working through land use authorities. He mentioned that the City Council had granted final approval for the plat. Since joining the staff, Ekins had seen the applicant work through two rezonings and the plat process. The application was submitted to the staff, who brought it to the recommending body for the zoning administrator's review. Ekins noted that the staff fully supports the application, having reviewed it and provided evaluation comments. He invited the Colter to speak further if desired.

Colter Leishman said he didn't have any comments.

Commissioner Casas made a comment regarding the lack of a street light at the corner of Second North and Second East, where three

buildings are planned to be constructed. He acknowledged that it wasn't Mr. Leishman's responsibility but raised the concern of how to get a street light installed at that corner.

Colter Leishman explained that the power lines will be placed underground, with the road being bored to accommodate this. He mentioned that the street light poles would be positioned along the area, and the street light itself would need to be located on the other side, in alignment with the setup.

Commissioner Casas suggested that instead of placing a new street light on a pedestal, it would be preferable to install it on the existing utility pole, as there is already power on that corner. He mentioned that the only requirement would be for the lighting department to agree to install the street lamp on the wooden pole.

City Engineer Holmes agreed that they could bring the street light installation up with the power department. He suggested that, when the power is brought across the street, they could also explore the possibility of adding the streetlight to the existing utility pole at the same time.

Chairman Nelson confirmed that the current standard is to install a street lamp on every corner in new subdivisions.

City Engineer Holmes explained that many subdivisions have different requirements, as they don't always have to meet the same standards as major subdivisions. He noted that, unless the Planning Commission deems it necessary, things like curbs, gutters, and sidewalks are typically not required. However, utilities must still be extended to the lots in most cases.

ACTION

Commissioner Willardson made a motion to recommend approval to the Zoning administrator for a three (3) lot single-family residential mini-subdivision located at approximately 200 North 150 East with the condition that the red lines, as noted by staff including the staff report, are addressed. Commissioner Casas Seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

FLOYD FAUCETTE (MILLER COMPANIES) - TO REQUEST SITE PLAN APPROVAL FOR A BUILDING ADDITION LOCATED AT 1836 WEST 4600 SOUTH TO EXPAND BUSINESS OPERATIONS.

City Planner Ekins shared that they received an application from Floyd Faucette from Miller Companies LLC, who plans to construct a building addition measuring 113'6"x 26'x 17' tall for production equipment and additional indoor storage. He explained that the addition would use existing stormwater management systems and would not affect parking requirements or cause other site changes. Ekins referenced a map showing the expansion area marked by a yellow line and noted that the applicant provided site information, including distances and details about the building addition. He also mentioned that City Engineer Holmes had made some comments on the project and asked if Holmes wanted to address any of them.

City Engineer Holmes explained that part of the issue is the current use of the area, where materials, such as pallets, have been stored in the public right-of-way. These pallets appear to be encroaching on the designated parking area. The main concern is ensuring that materials are kept out of areas where they shouldn't be.

City Planner Ekins mentioned that there are codes in place regarding the required distance from power poles.

Floyd Faucette explained that there has been some storage in the right-of-way, but they have been careful to keep materials away from the road and the normal travel path. He acknowledged that some pallets are currently in the right-of-way, but assures that there is no obstruction near the power poles and that they are committed to complying with access requirements for the power pole. He said that the photo showing the pallets is outdated, and there is now more space available for storage, with plans to move materials around. He mentioned that the site plan shows areas designated for paved storage, but some pallets are currently in this area, which can be relocated to make room for parking. He asked whether the road on the north side is under county or city jurisdiction, which could impact their current parking area.

City Engineer Holmes explained that the road on the north side is under county jurisdiction, but according to the city's code, all businesses are required to provide off-street parking.

Floyd Faucette explained that they can provide off-street parking as required, but some pallets are currently in the designated area, which needs to be moved out of the water storage way. He acknowledged the need to relocate the pallets to ensure proper drainage and to comply with the requirements.

Commissioner Willardson pointed out the requirement that materials

must stay away from the waterway.

Floyd Faucette explained that he applied for site approval before proceeding with engineered drawings for the proposed metal prefab building. He didn't want to invest in the engineered drawings if the concept was not acceptable. He said that the manufacturer will provide the engineered drawings if the concept is approved. He asked for clarification on the building permit process.

City Planner Ekins explained that the applicant would first need to get site plan approval from the city council. Once that approval is granted, the applicant should notify their engineer to create the engineering drawings and then submit them with the building permit. The zoning review approval will be completed with the current application.

City Engineer Holmes clarified that once the council approves the site plan, the applicant can apply for the building permit. The city will complete the zoning clearance, and the engineering drawings should be submitted to the county, not the city council.

Floyd Faucette stated that he can make the down payment on the building, and the engineering drawings will be provided along with that.

Commissioner Casas expressed interest in Miller Companies' footprint in the city, mentioning that he toured the property and is aware of the company's growth. He asked if the current space will be sufficient for the company's future needs.

Floyd Faucette explained that Miller LLC owns 50 acres of land. They also own additional surrounding land as a buffer for potential expansion. Faucette shared that the company recently installed a second automated line to accommodate growth, as they had reached capacity in production and sales. The new automated line is being integrated with the manual line and mixer, and the expansion will provide covered storage space for dyed mulch, which needs to be kept from freezing. This addition will help avoid the need to transport the material to another facility for storage.

Commissioner Casas expressed admiration for the company, stating that it is impressive what they have been able to accomplish.

Floyd Faucette commended the Miller family, noting that Junior Miller didn't start the business out of necessity but to provide jobs for people, including himself and his colleagues. He highlighted the fair treatment employees receive and the company's

positive work environment, which has led to employee longevity and the growth of a younger generation to take over. He explained that the current expansion will ensure the company's ability to compete in the marketplace for years to come, contributing to long-term stability.

Commissioner Wheeler asked about the waterway, noting that it is being diverted from its current path. She wants to ensure that proper grading has been planned to redirect the water so that it doesn't pool in the corner.

Floyd Faucette explained that the current waterway is a sloped drainage system that leads into a cement waterway, which is a slightly sloped ditch designed to handle large flows of water. This system directs the water to a culvert, ensuring that all water is contained on the site and doesn't impact the Spring Creek drainage. He added that the water flow will be redirected an additional 26 feet, with a narrow 10-foot cement waterway running off the building, moving the water across and down the site.

Commissioner Wheeler noted that she was unclear about the direction of the water flow.

Floyd Faucette explained that the water flow is naturally sloped, and while it could be stopped, it currently runs over asphalt. As part of the new building construction, a concrete footer will be installed, and a cement waterway will be created to manage the water effectively.

ACTION

Commissioner Angi Bair made a motion to recommend site plan approval for a building addition located at 1836 West 4600 South to expand business operations. Commissioner Paul Willardson seconded the motion and Commissioners Bair, Casas, Nelson, Wheeler, and Willardson voted aye.

ADJOURNMENT:**ACTION**

There being no further business before the Planning Commission, the meeting adjourned at 9:55 p.m.

Stephen Nelson
Chairman

ATTEST:

Shara Toone
Secretary

Approved: April 10, 2025
As Written