

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

CONVENED: 6:30 P.M.

CONDUCTING: Vice Chair Angi Bair

PRESENT: Vice Chair Angi Bair, Commissioners Stephen Nelson, Averie Wheeler, Paul Willardson and Alternate Member Scott Casas. Chairman Brian Carver arrived at 6:31 P.M.

EXCUSED:

CALL TO ORDER: There being five present and five representing a quorum, Vice Chair Angi Bair called the meeting to order.

OTHERS PRESENT: Zoning Administrator Tony Ekins, City Engineer Matt Holmes and 10 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: Commissioner Paul Willardson

APPROVAL OF MINUTES:

The minutes of a regular meeting held on January 9, 2025 were approved as written.

ACTION Commissioner Angi Bair made a motion to approve the minutes of January 9, 2025, as written. Commissioner Stephen Nelson seconded the motion and Commissioners Bair, 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 Stephen Nelson made a motion to approve the

agenda for February 13, 2025, as written. Commissioner Scott Casas seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

6. PUBLIC HEARINGS

- A. To receive public comments on proposed changes to amend Hyrum City Code Title 17 Zoning to define "Health Club" and include a "Health Club" and other Service Industries in the Light Manufacturing Zone M-1 Title 17 Zoning.

7. SCHEDULED DELEGATIONS

- A. Sunray Properties LLC - To request an amendment to Hyrum City Code Title 17 Zoning to define "Health Club" and include a "Health Club" and other Service Industries in the Light Manufacturing Zone M-1.
- B. Wilcox Landscaping - To request site plan amendment approval at 1673 Anvil Road in Blacksmith Fork Industrial Park.
- C. Jesse Elsmore, Jardine Builders, LLC - To request site plan approval for two (2) identical two-story mixed-use buildings located at 139 West Main Street & 127 West Main Street, consisting of 0.96 acres.

8. ADJOURNMENT

PUBLIC HEARING:

THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENTS REGARDING CHANGES TO AMEND HYRUM CITY CODE TITLE 17 ZONING TO DEFINE "HEALTH CLUB" AND INCLUDE A "HEALTH CLUB" AND OTHER SERVICE INDUSTRIES IN THE LIGHT MANUFACTURING ZONE M-1 TITLE 17 ZONING.

ACTION

Commissioner Paul Willardson made a motion to open the public hearing at 6:32 P.M. Commissioner Angi Bair seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

Lee Hendrickson said he lives in Hyrum. He asked if the property is an industrial zone changing into a recreation zone.

Commissioner Stephen Nelson explained that the proposal is to

allow for certain recreational uses to take place within the M-1 zone. Zoning will remain the same, but the uses allowed within that zone are being proposed to change.

Lee Hendrickson asked if this is for a pickleball court.

Commissioner Paul Willardson said the public hearing is for comments regarding a health club or some type of recreational activity in the M-1 zone.

Chairman Brian Carver said an indoor pickleball court would be considered health or athletics club activity.

Lee Hendrickson asked if it could be turned into a rec center.

Chairman Brian Carver asked if he means in the sense that it were run as a private business. He added that the Planning Commission is looking for input on what the public thinks a health club means. It would not be a publicly owned and operated activity. It is for a private business operating a health and wellness center type activity.

Lee Hendrickson clarified that it's the buildings located on North Center. He asked if there is a lot of parking there.

Vice Chair Angi Bair said it would be better if Lee stated what his concerns are. Then the Planning Commission can make note of those. She explained they aren't looking at parking right now, they are just deciding if it is a good use. She asked him to phrase statements in ways of what his concerns are, so they can address those concerns after the public hearing.

Lee Hendrickson said parking is one of his concerns. The other one is obviously it being turned into a rec center, which would bring a lot more traffic to the area.

Vice Chair Angi Bair asked if there are other concerns with the rec center besides traffic.

Lee Hendrickson said he's glad it's a personal thing, and his only concern is about parking. He has driven by and it doesn't look like there is a lot of parking there.

Vice Chair Angi Bair said that is a valid concern and thanked him for bringing it up.

Chairman Brian Carver asked if anyone else would like to provide

comment.

ACTION

Commissioner Stephen Nelson made a motion to close the public hearing at 6:37 P.M. Commissioner Averie Wheeler seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

SCHEDULED DELEGATIONS:

SUNRAY PROPERTIES LLC - TO REQUEST AN AMENDMENT TO HYRUM CITY CODE TITLE 17 ZONING TO DEFINE "HEALTH CLUB" AND INCLUDE A "HEALTH CLUB" AND OTHER SERVICE INDUSTRIES IN THE LIGHT MANUFACTURING ZONE M-1.

Heather Godfrey said they currently own a new 40,000 square foot building on 220 North Center Street. They are requesting to put a privately owned, indoor pickleball facility there. They lease the building to tenants, and they have a tenant who would like to have a gym there, but code doesn't allow that. The closest place to play indoor pickleball is at the Pickler, which is in North Logan, and the closest gym is Planet Fitness. They would like to bring that benefit to the city and the south end of the valley. The rec center, that was mentioned, is still out quite a few years, so it would be a benefit to the community and high schools.

Commissioner Scott Casas asked how many parking stalls are on the site.

Heather Godfrey said about 120 right now. There's plenty of land to allow for more parking.

Commissioner Paul Willardson asked Matt what zone a health club is allowed to be in.

City Engineer Matt Holmes said the way he understands the code; they would only be allowed in commercial zones. The code doesn't have anything that specifically states, "health club" or "gyms". He said he doesn't think they thought about gyms or health clubs when the code was written thirty years ago, but they have become quite popular. It's unfortunate that they have this building that people want to lease, but they can't because that zone doesn't allow those kinds of businesses. He explained they are deciding if it is appropriate to make this change to the M-1 zone and allow these uses there. They also need to define

"health club", in the code, so that they can add it to the permitted uses or conditional uses.

Commissioner Stephen Nelson asked if this is being proposed as a permitted use.

Vice Chair Angi Bair said it is being proposed as a conditional use and added that it will include allowing some other service industries in the M-1 zone.

Heather Godfrey said some service industries are allowed in light industrial zones, like auto body shops or kennels, but not health clubs, barbers, or other repair shops. They had a physical therapist who wanted to lease from them, but that would not have been allowed there, even though it's great location in Hyrum to get a service.

City Engineer Matt Holmes said if the industrial complex is advanced, Hyrum City is going to want WorkMed clinics close by.

Commissioner Averie Wheeler said she thinks a health club fits right in with the rest of the services allowed in that zone. It wouldn't stand out in any way.

Commissioner Stephen Nelson said there are a lot of unique industrial areas with metal buildings that have volleyball courts, soccer, or trampoline parks in Logan.

Vice Chair Angi Bair said for those types of businesses there is a need for space for big buildings and they won't be affordable in commercial zones.

Commissioner Stephen Nelson said he doesn't have any issues with the ordinance as it's presented.

Commissioner Scott Casas said he feels like there's enough parking, especially with on-road parking. The road is wide enough to have parallel parking. It will bring more traffic to the area, but that area will be able to support it.

Heather Godfrey said she thinks traffic will be early in the day and later in the evening, because residents are at work during the day.

Commissioner Scott Casas said the sidewalks on Center Street are far back from the road, so he doesn't see any safety concerns with traffic.

Chairman Brian Carver reminded the commission that this request would impact all of the M-1 zones in the city, which would include the Blacksmith Fork Industrial Park.

City Engineer Matt Holmes said Blacksmith Fork is M-2.

Commissioner Paul Willardson said it feels appropriate.

Vice Chair Angi Bair said it allows more businesses to come into Hyrum and she thinks it would be a great addition to Hyrum.

Heather Godfrey said they appreciate Hyrum. It's a great city to work with.

Chairman Brian Carver said staff has made some recommendations that they revise the Godfrey's request to exclude auto body shop and equipment repair from the language, since it's already an allowed use, and to give restaurants their own tagline as a food service, which would also include caterers, bakeries, etc.

Vice Chair Angi Bair added that the health club be a conditional use.

Chairman Brian Carver said he would also like to see service industries be defined a little more broadly. Barbers are brought up as a great example, but they should take a look at all types of cosmetic services, such as nail salons, hairdressers, and barbers.

Chairman Brian Carver said there is a bill before the state legislature right now that would require cities to define uses in their land use zoning very broadly. This would make it possible for a business to come into a community with something that is not explicitly listed as a use, but as long as it fits within a broad category of permitted uses, the city would be able to approve it without having to go through the administrative and legislative steps they currently have to go through. He added it will save business owners and city staff time.

Commissioner Stephen Nelson said they're looking at 17.48.020. He asked if they would want to include language to include laundry, car wash, etc. He said they could say "other similar impact uses" or "uses of other similar nature". He asked if that is what Brian is thinking.

Chairman Brian Carver said he thinks that might be a good approach, but they will have to wait and see what the legislature does. He said they might be making some more revisions in July. He thinks service industries fit into that zone, and that they may need to look at whether the uses need to be conditional rather than permitted. That would allow them to account for things like time of use, traffic, parking, noise, and hours of operation, project by project.

Chairman Brian Carver asked if there is any other discussion.

ACTION

Commissioner Stephen Nelson made a motion to recommend an amendment to Hyrum City code Title 17 zoning to define "health club" and include a "health club" and other service industries in the light manufacturing zone M-1, as proposed by staff. Commissioner Scott Casas seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

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

City Engineer Matt Holmes said Kirk was not able to make it.

City Planner Tony Ekins said Kirk Wilcox had got a previous approval, for permitted use, to have a storage yard on his property. He had proposed some changes to the site plan that included an outdoor storage building and three previously approved modular-type shipping containers. Staff made a site visit and determined that since the original approval, the berm in the public right of way has not been completed. Kirk was advised and instructed by staff to modify that berm, but staff cannot confirm that that has happened. Hyrum City staff have concerns which are included in the packet. He told them if they have any questions, he could do his best to answer for Kirk, but he needs to be careful because Kirk isn't there.

Stephen Nelson asked if the use that's being proposed is permitted.

City Planner Tony Ekins said that is correct. He's permitted as a storage yard.

Commissioner Scott Casas asked if Tony could tell them what the city is expecting them to do with the berms. He added that it

looks like the berms on the property to the north look finished with gravel on top of them.

City Planner Tony Ekins said he proposed a full built out landscape.

City Engineer Matt Holmes said part of the issue with the berm is that it's right up against the curb, and that makes it hard for utilities to get in there without digging up the whole berm.

Chairman Brian Carver said it's also right up next to the utility box, the fire hydrant, and the water meters.

City Engineer Matt Holmes said part of the discussion before was that he was supposed to leave a flat area so they could access those and move the berm further back close to the fence.

City Planner Tony Ekins said the planned expansion of more than 1,000 square feet, on the property, is what triggered his application to come back.

Commissioner Stephen Nelson asked if they have the authority to withhold approval subject to him not following the initial conditions of the original approval.

City Engineer Matt Holmes said his initial response is they can because they can withhold deposits. There will be a deposit with the building permit when he comes in to apply for it. He said they can withhold that until the site is actually put together with correct landscaping. He believes they have the authority to make sure that the easements are protected and kept in a manner where Hyrum City can use them properly.

Vice Chair Angi Bair asked if he could amend the proposal if he doesn't want to do all of the landscaping.

Chairman Brian Carver said he recognizes that the staff recommended that he could simplify that landscaping plan considerably.

City Planner Tony Ekins said he can always come back to amend his application to be more clear if he wants to do it that way. He added that there are also safety concerns with his property.

Commissioner Scott Casas said his concern is that it was done in 2023, so he's had two summers to get it done. He feels that withholding permit money probably isn't enough incentive to

finish the berms. He asked if the berms have to be there. City Engineer Matt Holmes said it could be flat. He was just looking for the berm for screening of the site.

Chairman Brian Carver said there is a screening requirement for storage yards, and he thinks he chose to use a berm instead of putting in a slatted fence.

Vice Chair Angi Bair said there was suggested landscaping of what the berm needed as screening. That's probably why the landscaping was on there because there were a few things that were required to get that screening.

Commissioner Paul Willardson said that seems right.

Commissioner Averie Wheeler said it looks like he had dogwood, burning bush, arctic willow, and cotoneaster on the site plan.

Chairman Brian Carver said it's a great landscaping plan, but it's more than he needs.

Commissioner Averie Wheeler said she wants to give him the benefit of the doubt. Maybe he was planning to do all this at once instead of in stages and permitting got in the way.

Commissioner Paul Willardson said that's where his mind went. Maybe he switched gears a long time ago and was just waiting to get the building done. He might be planning to complete everything with the building. He asked if they move to approve the building, could they put the same contingency on that to make sure the berms get done with the building.

Vice Chair Angi Bair suggested that they condition that he come in with an application that addresses what he's going to do with the building and the berm. They could have him come back with plans that show them the total project.

Commissioner Averie Wheeler said they could give a time. It could say something like, "six months after the building is finished, the berms need to be finished as well".

Commissioner Scott Casas said he would like to table this for a month until Kirk Wilcox can be there and answer their questions. He said he doesn't want to do something without his knowledge or him being present to defend himself.

Commissioner Averie Wheeler said she thinks that's fair.

Commissioner Paul Willardson clarified that Kirk was wanting to revise the plan that was already approved because he is improving more space than what he originally planned. He asked if that is correct.

City Engineer Matt Holmes said the overall land footprint is the same, but any change of 1,000 square feet or more and or 25% of the site requires a new site plan review, and he wants to add a building that is well over 1,000 square feet.

Commissioner Paul Willardson asked what was submitted for the current site plan.

City Planner Tony Ekins said the site plan and the building elevations.

Commissioner Paul Willardson asked if he provided the berm or anything like that on the new application.

City Planner Tony Ekins said he provided the minutes from the other meetings so they could read them.

Commissioner Paul Willardson said he wanted to make sure he wasn't trying to give them both plans, just the amended one.

ACTION

Commissioner Angi Bair made a motion to table the site plan amendment at 1673 Anvil Road in Blacksmith Fork Industrial Park until Kirk Wilcox can attend the Planning Commission meeting and provide a plan to complete items two and three, in the staff comments, along with a site plan. Commissioner Paul Willardson seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

JESSE ELSMORE, JARDINE BULDERS, LLC - TO REQUEST SITE PLAN APPROVAL FOR TWO (2) IDENTICAL TWO-STORY MIXED-USE BUILDINGS LOCATED AT 139 WEST MAIN STREET & 127 WEST MAIN STREET, CONSISTING OF 0.96 ACRES.

Jesse Elsmore (Jardine Builders) said Jardine Builders is a design builder, not a developer and the owners hired them to help design and build the project. The ownership consists of three partners who are all local, and care about small communities.

Chairman Brian Carver asked if one of the other owners is Annette Francis.

Andrea Nielsen said the owners are herself, Annette Francis, and Amy Knight.

Chairman Brian Carver asked if this is really what they want. He said they have spoken with Annette numerous times, and the motivation behind the project has been to provide small unit housing opportunity. He said he was concerned that their new proposal is a 30 day short term rental and that's not the same as an apartment. He asked if senior style living is still their endgame or are they pivoting to make it fit what the city allows.

Andrea Nielsen said Annette wanted to do the senior housing and that did not work out. She brought the other two partners on, and they discussed what they wanted to do. Revitalization of downtown is the biggest goal, so they want short term rentals, and long-term rent studio apartments.

Chairman Brian Carver said they can't have long term rental studio apartments with the way Hyrum City code is currently written. He asked if they are open to requesting a change to the C-2 zoning language to allow multifamily residential units. Currently, the code allows mixed use development, but the residential units must be on the Second Floor. It does not allow long term residential use. In short term (30 days or less) room occupancy, which is generally interpreted to be a motel. It's not student housing. There would be no kitchen. Depending on how the room is designed, the fire marshal is going to have a problem, even with hot plates. People would have to cook everything in a microwave. It would be one room with a toilet in the corner.

Andrea Nielsen said that is what it's designed as, and they are fine with that. They are mostly looking for businesses, restaurants, shops, and short-term units.

Chairman Brian Carver said he thinks that's great with the commercial use incorporated. He just wanted to make sure that they are not setting them up to do something that really isn't what they want to do in the first place.

Andrea Nielsen said she thinks it has pivoted into what they want to do and it's what downtown really needs.

Chairman Brian Carver said it has been a tricky problem for a long time. He thinks the Planning Commission and the City Council would like to see something happen with this project. He wants to make sure everyone is on the same page towards achieving their goals as property owners and finding a way to make it fit in the city.

Jesse Elmore said the goal or the plan is to construct two similar buildings, which will be two stories tall. The first level will be a commercial area, which will be split into two different units. The East Building on the property will be left for now as shell space. The goal is to look for a tenant, and those tenants will most likely be a cafe, bakery, or a small restaurant type of a business. The second floor will be short-term residential. The West Building will be identical in appearance, but the first-floor commercial space will be a market type plan where local vendors can come and sell local goods. The other half of that commercial space will be an open classroom where classes, local gatherings, after school programs, etc. can be held. The second level will be a short-term residential rental. They have planned for off-street parking with the parking lot in back. They currently show 25-30 parking stalls. The stalls will be standard, 9' stalls.

Commissioner Stephen Nelson asked if they will lose parking once they expand those stalls.

Jesse Elmore said that's why he said 25 to 30 stalls, because they will lose about three or four by making them 9' stalls. There will be an enclosed 20X30' patio behind the West Building. It won't be covered, but it will have a privacy fence around it. The rest of the space will be hardscaped. There are plans to maintain a 15' landscaped green space along the east and west edges of the property. The buildings will be wood frame structures with white hardy board siding, black windows, and a peaked roofline.

Commissioner Paul Willardson asked how many short-term units there will be on top of each building?

Jesse Elmore said there will be six in each one, twelve in total. There was a comment on the property line, because they have two parcels right now. The plan is to make that one parcel, and that property line will be going away.

Commissioner Stephen Nelson said each parcel has a separate

utility connection. He asked if lots are allowed to have two separate utility connections.

City Engineer Matt Holmes said they will probably want to do a separate utility per rentable space unless they want to have the landlord figure out how much each person owes each month. It's usually better to have individual accounts so that individual tenants can have their own bill, and it allows them to control special conditions.

Commissioner Stephen Nelson asked if they could address comment #8. The staff recommended relocating the trash enclosure from the current location, within the main traffic area and street site, to conform to location site.

Jesse Elmore said they are willing to look at that. They put it there so the garbage truck could have a straight shot into there. The trash enclosure would have a gate that would look nice, and it would match the fencing around the property edge.

City Planner Tony Ekins said that it came up in a discussion with staff. The code says that it's not to be located where it is visual from the street or be part of the main traffic movement. It will be visible from the road whether it's screened or not. If a restaurant throws their grease, waste, and leftover food in there, it would be best to have it somewhere further from the neighbors.

Jesse Elmore said they are not opposed to that. They can move it.

Vice Chair Angi Bair asked how many separate unit spaces they will be renting out in the commercial area. She said it feels like there isn't enough parking, because of the short-term rentals and the commercial buildings.

Jesse Elmore said the commercial spaces are 1,200 square feet each. They will be the in-and-out type of restaurants, cafes, or bakeries. They won't be big come in and sit down kind of restaurants. The west building will accommodate small gatherings and will be occasional, depending on what's going on.

Commissioner Scott Casas said he sees the tendency for people to want to park as close as possible, which will result in people parking along Main Street. He asked how they can prevent infringing upon the neighbors' rights to the east or west. He

worries about parking Main Street. His overall concern is not enough parking, and he wants to discourage people from parking in front of other residents.

Chairman Brian Carver asked if that is something that they have the power to regulate, or is that something that they must negotiate with UDOT?

Commissioner Stephen Nelson said they are working with UDOT, in West Haven, with a "no parking zone" on a UDOT roadway and UDOT must approve it. He doesn't think Hyrum City can stop it unless UDOT says they want to.

Vice Chair Angi Bair said they don't want it to be a "no parking" zone because that would encompass a lot more on Main Street.

City Planner Tony Ekins said the only regulation would be winter parking hours.

Commissioner Stephen Nelson asked if they have any parking exceptions for downtown areas.

City Engineer Matt Holmes businesses are supposed to provide off-street parking.

City Planner Tony Ekins said it needs to be fully screened from any neighbor. Even though it stops at the end of the asphalt, it's still abutted by residences, and it can still be seen. Stopping the asphalt doesn't disqualify the fence from having to screen that parking. He said those were the only parking requirements that he could see in this mixed use.

Commissioner Stephen Nelson said the note mentions that they couldn't fully calculate the parking requirements.

City Planner Tony Ekins said that was from a parking schedule in the ordinance.

Commissioner Stephen Nelson asked if it's close or will they need to knock down another lot to meet the parking requirements.

City Engineer Matt Holmes said they need to see floor plans and the uses of the buildings because that is going to determine how many parking spaces will be needed.

City Planner Tony Ekins said he did run a calculation for

parking for general commercial or retail use and it was one per 250 square feet. The ratios were 28 provided and 32 required. At that ratio, there are not enough, but it's close. He said he calculated that number using 2,400 square feet, but he didn't subtract the space for the common corridors, the stairways, the bathrooms, and the storage rooms.

Chairman Brian Carver said it sounds like 25-30 is close.

Commissioner Scott Casas asked what the 10X20 square boxes are.

Andrea Nielsen said they are landscape sheds.

Commissioner Stephen Nelson said another requirement is a lighting plan, that wasn't submitted.

Jesse Elmore said they will submit those. When he went through the site plan checklist, he didn't see that it required a full lighting plan, but it did ask that lighting be shown. They showed where they would put some lighting. A full photometric lighting plan will be provided. They have a full design team on board, which includes an electrical engineer, civil engineer, HVAC, and an architect. He said all those things will be fully designed and submitted at the permit time.

Commissioner Paul Willardson asked if the way the driveway and the drive approach are drawn is an error.

Jesse Elmore said that was a UDOT provision. UDOT requested that they have a 50' wide shared drive approach with the neighbor. It does pose an interesting situation where that green space comes up to them, so they would either need taper that or put a fence there.

Commissioner Stephen Nelson said he would recommend a taper, so it's not a sudden stop when people come in.

Jesse Elmore said they don't want to make it confusing between the two driveways.

Chairman Brian Carver asked if the neighbor's driveway abuts the property line.

Jesse Elmore said it does. The fence line is right along the neighbor's property line.

Chairman Brian Carver asked if the neighbor's driveway

encroaches on their property.

Jesse Elsmore said it does. They will be signing a cross-access agreement that UDOT provided, when permits are pulled.

Commissioner Stephen Nelson asked if this is a recommendation and if it goes to the City Council. He also clarified that they only do one site plan approval; They don't have a preliminary or a final.

Commissioner Averie Wheeler said as it's presented, as long as it meets the parking requirements, she thinks it will look pretty good.

Vice Chair Angi Bair said her concern is there's a lot of notes and comments that don't have written responses. It's hard to approve of something when there's so many questionable red lines.

Commissioner Stephen Nelson said he agrees. He's excited about the project and thinks it would be great for the area, but it feels like the site plan is incomplete at the moment.

Commissioner Scott Casas asked if it's possible for the garbage dumpster to be put on the other end. He doesn't want to see a garbage truck backing out into the intersection.

Andrea Nielsen said they have no problem moving that to the other side.

Vice Chair Angi Bair asked why they are saving the future use area and not making that parking now.

Jesse Elsmore said that was just for flexibility. They didn't feel like they needed the extra space for parking, although that's an option.

City Planner Tony Ekins said right now, they can approach the site in an emergency and fight a fire from the roadway, but if a structure gets put in the back, they will need to redesign their site, their access, and their parking that exists. They won't be able to get a fire truck in and out of there. They can keep that in mind if they want to build something in the back.

Stephen Nelson said he would like to continue this item until they can address the items listed within the staff report.

Jesse Elsmore said they can address any of the red lines, or markups in the packet, but a lot of them are beyond what's on the site plan checklist. For example, the design of stormwater detention ponds. They will show that they are going to retain water on-site, but that's not going to happen until they get deeper into the design. They will have that fully shown, and it will be sized to meet the requirements. He said he feels like what they submitted meets the site plan checklist and the requirements of the plan.

Commissioner Stephen Nelson asked about meeting the requirements of parking.

Annette Francis said parking is addressed when building permits are pulled by the businesses. She said Hyrum City has control over what they approve in their spaces. She said Hyrum City is asking them to do too much without enough approval to move forward.

Commissioner Stephen Nelson said the problem is that it's permitted use. He told her if they build a commercial building, it is permitted use.

Annette Francis said that everything that is allowed in the C-2 zone has a different parking ratio, therefore, she can't approximate all the parking unless she knows what is coming into the buildings. She said she can't move forward, because the Planning Commission is holding up all her plans by not allowing the developer to only meet what's required in their site plan checklist. They need the site plan to move forward to the City Council because the Planning Commission is asking for things that they will have at final plat approval. They will be hurting them financially by delaying them a month because they only meet once a month. The reason that there's no future use area right now is because she was told by the Planning Commission, they would make a motion to revise the senior housing code and asked them to save some space for that purpose. However, they didn't move her motion. If she does rezone, the plan is to add senior housing. She asked what the purpose of a business license is if Hyrum doesn't make sure there's enough parking for that business. She said she can't afford to put more parking in. That's why they don't have more, but if she applies for a business license, she'll resubmit a site plan. She suggested that they could go through the red lined items and mark them off.

City Engineer Matt Holmes said the checklist is to help make

sure everything has been looked at. The code is what states what people need to show on the site plan. These comments came from the code for the C-2 zone. The building permit is not when you figure out how many parking stalls you need; that's done with the site plan. The Planning Commission's job is to make sure that the code is being followed and to make sure that the site plan has met the code requirements.

Annette Francis asked how they are supposed to get a site plan approved for a commercial mixed-use zone, when every commercial space has a different parking ratio. She asked if she needs to know what businesses are going to be in her four commercial spaces to submit a site plan.

City Engineer Matt Holmes explained it is the developer's job to determine what uses they're trying to get in their space. It's not the city's job to figure out what businesses they're going to attract.

Annette Francis said they know what they're trying to get in there, and they know that it's based on the table. Each business is going to want a different number of tables, and they can tell them how many tables they can have depending on how many parking spaces are available for the lease space. If a restaurant doesn't have any tables because they're a walk-up ice cream shop, they would have more tables for the other business. From what she's read in the code, she is allowed to have mixed use. It seems impossible for Hyrum City to expect a developer to have a site plan and all the spaces in contract before the site plan is finished. She can't advertise or get a lease signed until she gets site plan approval.

City Planner Tony Ekins said the property line, as it's presented on the site plan, is an immediate disqualifier. It disqualifies this as a complete site plan altogether. A site plan is submitted to Hyrum City staff and the staff does a review with comments and looks for completeness for construction site plans. Then it goes to the Planning Commission for review. If it is complete, then the Planning Commission recommends approval to the City Council. As soon as the City Council has approved the site plan drawings, those drawings become construction drawings. If this goes to the City Council or to anybody for a final recommendation and that building is on that line, the code won't approve the site plan. If the resolve is to combine the lots, the lots have to be combined for this site plan to be approved, unless they move the building somewhere else.

Annette Francis said she can have the lots combined in two weeks if she submits the survey to Matt, because the surveys are done. She said she can have them combined by the next City Council meeting, but she doesn't want to spend \$190,000 to combine the lots before she knows that they're going to approve her site plan.

City Planner Tony Ekins said as he understands it, the City Council is the approving body, so they would have to hear it from them.

Annette Francis said she thought the Planning Commission could make conditions in the final approval, but they said they don't want to push it forward because there are too many conditions. She asked if there is a limit to how many conditions they can have and what other comments are overwhelming them.

Tony Ekins said they're all in the staff evaluation. She needs to respond to every comment that's made in the staff evaluation, line by line, and give a reference to how it was corrected, on the plan. Once the City Council approves the site plan for construction, nobody checks it again.

Jesse Elmore said that's not how it seems. A lot of the comments on the checklist are provisions, meaning they are planning and providing those items. They need some answers about whether it can proceed before they can really head down the road of designing and getting it finished, but the Planning Commission needs to know if they are getting through all the necessary information to get it designed the way it needs to be done.

Annette Francis said if they don't meet the conditions, they'll send them back to the Planning Commission. That's what they did before. She said she would rather move forward and get sent back than wait another month.

Vice Chair Angi Bair asked if part of the problem is because they don't do a preliminary plat anymore. In the past, they had a preliminary and a lot of these questions were able to be unanswered. She asked if the discussion with the staff is like that preliminary step, so when they come to Planning Commission, it should be final plat ready.

City Engineer Matt Holmes said it should be to the point where they've addressed and made adjustments to meet the code or shown

how they've met the code. If they can show that they've met the code, the comments go away. If they haven't, then they should do that. It's the same thing that every other business in town has done. This part of the process is to show that the code has been met before it goes to the City Council.

Chairman Brian Carver said he gets the impression that they are working off two different sets of instructions. They have referenced the checklist that Hyrum City provides for a complete site plan and the Planning Commission is talking about what's in the code. He asked if there are discrepancies between the two. He explained that they are legally obligated to approve or disapprove projects based on what the code requires. If the checklist is ambiguous or lacking in information, then Hyrum City needs to fix that. But they need to be very careful about approving developments based on an incomplete submission.

Jesse Elsmore said the only code referenced in the checklist is the location of garbage cans and or dumpsters, 17.44.055. Everything else just says provisions, meaning they need to make sure they're considering those items. When someone submits drawings or a set of permanent plans, those can always be kicked back and rejected at that point. They aren't going to do anything until they get a building permit. There can always be revisions and requirements that come back with that as well. He said they don't have concerns about the storm drain because they plan to have two stormwater retention ponds, and they know the soil type. They are doing their homework up front to make sure that they do have additional future use area for if they need to expand the parking lot. Knowing how far they want to go with cost and design versus what's needed to meet the requirements for the site plan approval is a little bit back and forth.

Commissioner Stephen Nelson said his concern is that once they approve the site plan, they are authorized to go ahead and build it as it was approved. If the site plan doesn't meet the code, there's no way that they, as a Planning Commission can confirm that the site is being built to the standards set by the City Council through the code.

Jesse Elsmore said his only response to that is it allows them to move forward with design and to get this through the design process. They will submit for a building permit and complete plan review of the whole project, which could easily be kicked back if the parking stalls are too small or there aren't enough. He said they want to be planning for those things now, and they want to have enough, but there is still another part in the

process where that happens.

Commissioner Stephen Nelson said he thinks they have a misunderstanding. He doesn't think plans get kicked back at the building permit stage. They are the ones who do the kick backing. They don't want to approve something that doesn't meet the code and rely on somebody who's not the land use authority to deny an application or to push back. At that point, it's too late. Once they make a recommendation for approval and the City Council approves it, they'll approve it based on the standards within the code. They will then have to comply with that. If they approve something that doesn't comply, they build it anyway.

Vice Chair Angi Bair asked why they would want it to get kicked back further down the road. It doesn't make sense to get it kicked back when they have spent even more money than at this point. This is the time when they're addressing the site plan issues.

Jesse Elmore said they understand, and they appreciate that. It helps them to know that upfront. He told them they are teamed up with professionals and everyone is going to be looking into this and meeting the requirements of city and state code and building code requirements. Right now, they are looking to get Planning Commission approval.

Annette Francis asked them to clarify what the role of pushing to City Council is.

Commissioner Stephen Nelson read what the code says, "Upon receiving site plan approval from the Planning Commission, the applicant shall submit the approved site plan to the City Council for its approval. Submittal shall be made at least two weeks before its regularly scheduled meeting." Once they have approved the site plan, it then goes to City Council. He said their job, as a Planning Commission, is to ensure that the site plan meets the code prior to it going to City Council.

Commissioner Scott Casas said he thinks that the Planning Commission loves the proposal. They realize that pushing out a month is financially hard. He asked if they would be able to hold a special Planning Commission meeting, since they are not comfortable approving it as is. He asked Annette if she would be able to solve the problems and present the solutions to them in two weeks.

Commissioner Stephen Nelson said they can schedule extra meetings.

Annette Francis said that seems great, because they would like to start in the spring.

Chairman Brian Carver said he thinks it's a good thing to consider. It is within their power to call extra meetings. They've done it before and could meet as early as in one or two weeks.

Commissioner Stephen Nelson said he would be fine meeting in two weeks.

Vice Chair Angi Bair said she would be fine to meet again in two weeks.

Commissioner Averie Wheeler said she doesn't have any conflicts.

City Planner Tony Ekins said every comment needs to be responded to and referenced in their comment where staff can find it quickly or verify that that comment is going to be addressed.

Annette Francis asked if he wanted it numbered in the site plan.

City Planner Tony Ekins said no, for example, planning zoning comment two, three, whatever it is, that text will be there, and you'll write underneath in red how you responded to that comment so we can give it to the planning commission that you've responded to each of the comments.

Jesse Elmore said they can show the comment and provide a response.

Commissioner Paul Willardson asked if he was talking about the written comments or the red lines on the site plan.

City Planner Tony Ekins said both need to be addressed. He pointed out that this was the first review, and when they respond to everything, it'll be a second review. He added that staff need the time to review the application and review the comments. He asked if a week is going to be okay for the Planning Commission. Once he gets it, staff has to get it onto the schedule.

Commissioner Stephen Nelson said he would recommend that if they continue it, that they don't put a timeline on it. They should

continue until the applicant can resolve the concerns and questions brought up within the staff report and the red lines. Staff will reach out to the Planning Commission to schedule an extra meeting if it meets a certain time frame. He thinks this is a valuable project for downtown, and more of this would be valuable, but they must follow the code as adopted.

Annette Francis asked if they could take stormwater off the red list.

City Engineer Matt Holmes said he doesn't see why the storm water wouldn't need to be done. He explained that there is no additional site plan review at the building permit application stage. This is that site plan review process. They could have just sent it back and said we're not putting it up to the Planning Commission until all the comments are addressed.

Jesse Elsmore said he asked Tony if he needed to resolve all the comments before they came to the meeting. He said no, none of these were required.

City Planner Tony Ekins said his thoughts were, they submitted these plans, and they had his comments, so he might as well get the planning commission's comments too because that was within days of each other. They wouldn't have been able to get any changes that he made, back to everybody for review in that time frame.

Annette Francis said she thinks they have helped her understand better, so she's less frustrated.

Andrea Nielsen said she proposes that they redo the checklist.

Commissioner Paul Willardson asked if they could talk about the checklist. He said it seems like there's a little bit of a disconnect.

Chairman Brian Carver said he's been looking at code while they've been talking. Part of the problem is the checklist is kind of generic for any development. There are requirements in C-2 site plans that must be met that are not in Residential. A residential site plan, vice versa. A lighting plan is required under the C-2 zone code, but it does not show in chapter 17 section 8, subsection 2.

Jesse Elsmore said their goal is to have everything they need and to move on to the next step. They want to meet the city's

requirements, but only do what is necessary.

Commissioner Scott Casas said he's impressed with his fellow commissioners that they're all willing to work with them. They're willing to go to a special meeting to accommodate them.

Annette Francis asked if they come back in a month if they would get pushed to City Council if they have everything fixed and addressed on the site plan. She asked if there are any other steps.

City Engineer Matt Holmes said if it meets all the requirements of the code, then there would be no revisions that would have to be done. They could promote it to the City Council at that point.

Annette Francis asked if they take it to City Council and they don't see any issues if it will be approved that night.

City Engineer Matt Holmes said they would be approved and able to build.

Chairman Brian Carver said there are probably some updates they can make to code to alleviate some steps in the process. These are administrative requirements that need to be met. It doesn't need to go to the legislative body once it meets all of the administrative requirements.

City Engineer Matt Holmes said that is a recommendation the Planning Commission can make to the City Council, but currently Planning Commission is recommending body, and the City Council is the approving body as an administrative role because the City Council can fulfill roles of legislative, administrative, and quasi judicial. They can do any of those roles if it is in the code, but they can always assign other bodies to one of those roles. That's one thing that the City Council cannot pass off because they are the elected officials by the public, and they must go to the legislative village.

Vice Chair Angi Bair said she would like to see more parking. They could figure out the max parking spaces they are going to need.

Andrea Nielsen asked if they would be able to cut that back.

City Engineer Matt Holmes said if they have something else coming in, they can always come in for a new site plan

amendment.

Annette Francis said that's what she was thinking. She asked if it could be phase two parking.

City Engineer Matt Holmes said that could be brought in as a site plan amendment. He said to plan on what they are hoping to get there and plan their parking lot for that.

Commissioner Stephen Nelson said he doesn't know if they need more parking spaces or if this is adequate. The Planning Commission needs to see a justification for the amount of parking spaces. They need to be able to cite the code for what use they're providing.

Annette Francis asked what would happen if she can't get that coffee shop, but she gets something different. Would there be consequences.

Vice Chair Angi Bair said she doesn't think they would hold them to putting in a coffee shop. She told her if her amount of parking spaces is five for the coffee shop, and it's three for a different business, she'd be fine. If she goes with worst case scenario, maybe over plan the parking, then she is always good.

Jesse Elsmore said he thinks they just need to make clarifications and assumptions. They need to plan how many spaces are needed for each suite.

Andrea Nielsen asked what the other concerns were.

Vice Chair Angi Bair said the trash is a concern.

Chairman Brian Carver said the stormwater retention needs to be figured out. They need to decide where they're going to put a fence because they need to screen the whole property.

Annette Francis asked if they need a drawing of the fence.

Commissioner Paul Willardson said they're just asking them to wrap it around the future construction.

City Engineer Matt Holmes said to show them that they're providing it and what type.

Jesse Elsmore pointed out that it says 6' cedar fence. He asked if he could write picket fence or if they need more detail on

it.

Chairman Brian Carver said it needs to block 60% of the view, so if it's a picket fence, it'll still need to be tight.

Jesse Elsmore asked if they wanted them to show that they are blocking 60%.

Chairman Brian Carver said to show that it's not a rail fence.

City Planner Tony Ekins said he can get the word file to them with the comment list, so they don't have to write out talking questions.

ACTION

Commissioner Stephen Nelson made a motion to continue approval for a site plan for two (2) identical two-story mixed-use buildings located at 139 West Main Street & 127 West Main Street, consisting of 0.96 acres until the applicant is able to address the comments listed within the staff report and on the site plan. The Planning Commission is willing to hold an extra meeting to address or review the updates at the time that staff has deemed that they've addressed the comments adequately to move forward. Commissioner Angi Bair seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

OTHER BUSINESS:

ANNUAL PLANNING COMMISSION REVIEW

Election of Planning Commission Chairman and Vice Chairman.

ACTION

Commissioner Angi Bair made a motion to appoint Commissioner Stephen Nelson as Planning Commission Chairman for 2025. Commissioner Scott Casas seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

ACTION

Commissioner Paul Willardson made a motion to appoint

Commissioner Angi Bair as Planning Commission Vice Chair for 2025. Commissioner Averie Wheeler seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

Review appointment terms of Planning commission Members.

Chairman Brian Carver advised of the appointment terms for each member.

Set meeting schedule for the year.

The Planning Commission agreed to keep the regular Planning Commission Meetings on the second Thursday of each month at 6:30 p.m.

ACTION

Commissioner Paul Willardson made a motion to approve the meeting schedule for the 2025 year. Commissioner Stephen Nelson seconded the motion and Commissioners Bair, Carver, Nelson, Wheeler, and Willardson voted aye.

Review past years work - conducted by Chairman.

Chairman Brian Carver conducted the review on agenda items approved in 2025. He also gave updates on the progress of previously approved subdivisions.

Review plans for the coming year.

City Planner Tony Ekins introduced himself and said he grew up in Hyrum. Right after highschool, he started working for an architecture and engineering firm as a draftsman and finished his landscape architecture degree at USU in 2006. In 2016, he started working for Brigham City as a planner and worked there for nine years. He discussed some things that he would like to work on and make more organized.

Commissioner Stephen Nelson recommended that, as the Planning Commission, they workshop some ideas on how to update their processes and then put that into a code and make a recommendation to the council. He said staff could bring a couple different processes that they feel would be adequate to help resolve some of the issues, and then they could weigh in on those processes and put that into code.

ADJOURNMENT:

ACTION

There being no further business before the Planning Commission, the meeting adjourned at 9:12 p.m.

Brian Carver
Chairman

ATTEST:

Shara Toone
Secretary

Approved: _____
As Written

DRAFT