Town of Leeds

Agenda
Town of Leeds Planning Commission
Wednesday, September 2, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, September 2, 2015 at 7:00 P.M. The Planning Commission will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
    a. Tonight's Agenda
    b. Meeting minutes from July 1, 2015.
6. Announcements:
    a. Planning Commissioner Oath of Office for Danny Swenson
7. Public Hearings:
    a. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1)
8. Action Items:
    a. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1)
    b. Lot Line Adjustment on parcels L-66-A, Comas and L-3-1-7-2411, Peine
9. Discussion Items:
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2947 at *least* 24 hours prior to the meeting.
The Town of Leeds is an equal opportunity provider and employer.
Certificate of Posting;
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted August 31, 2015 at these public places being at **Leeds Town Hall, Leeds Post Office,** the **Utah Public Meeting Notice website** http://pmmutah.gov and the **Town of Leeds website** www.leedstown.org

Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Planning Commission Meeting for September 2, 2015

1. Call to order:
   Chairman Peters called to order the regular meeting of the Planning Commission at 7:00pm on September 2, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
CHAIRMAN: NORM PETERS	x	
COMMISSIONER: ELLIOTT SHELTMAN	x	
COMMISSIONER: DARRELL NELSON	x	
COMMISSIONER: JOHN POAST	x	
COMMISSIONER: DANNY SWENSON	x	

2. Invocation by Commissioner Nelson.

3. Pledge of Allegiance by Commissioner Sheltman.

4. Declaration of Abstentions or Conflicts:
   Commissioner Nelson, I work with Brett Comas at the Cemetery. I don't know on his lot line adjustment if you would consider it a conflict or not.
   Chairman Peters, personally I think you are a fair person; I would not have a problem with that.
   Commissioner Swenson, what is he referring to, is there an issue with property butting up to the Cemetery?
   Commissioner Nelson, no
   Chairman Nelson, it is a private piece of property that he is buying and he just wants a lot line adjustment to make it his property.
   Commissioner Nelson, I work with Brett occasionally.
   Commissioner Swenson, so you are friends with the person that wants the lot line.
   Commissioner Nelson, yes essentially.
   Commissioner Swenson, I think our Town has what, 800 people. I think we are going to be friends with most everybody.
   Commissioners see no conflict.

5. Approval of Agenda:
   Commissioner Nelson moved to approve tonight's agenda and meeting minutes of July 1, 2015. 2nd by Commissioner Poast. Motion Passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: NORM PETERS	x			
COMMISSIONER: ELLIOTT SHELTMAN	x			
COMMISSIONER: DARRELL NELSON	x			

COMMISSIONER: JOHN POAST	x			
COMMISSIONER: DANNY SWENSON			x	

6. Announcements:
   Kristi Barker the Deputy/Clerk Recorder issued the Oath of Office to Danny Swenson.

7. Public Hearings:
   a. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1).

      Commissioner Sheltman made a motion to open the Public Hearing on the Zone Change for L-3-B-1, Rainey and Rowley. 2nd by Commissioner Nelson. All voted "Aye". Motion Passed.

      Linda Rowley, we are looking for a zone change because I guess what happened was, when we went to buy the property, our Realtor researched it and he met with the Building Inspector Dennis. I have what he wrote down there about what Dennis had to say about the property. We never made any secret agreements that we wanted to add on. We want to add two bedrooms, a little office and a bathroom off to the side. You can hardly see it from the street, it is backing BLM land so there is no one back there and it is going to be 10 or however many feet it has to be from our property line. So we started the process, at first we were looking at putting in another modular house. I talked to Kristi and she talked to the Mayor, he said no you cannot do that because these say this and this. I said ok fine, we will add on then because we were sure that we could do this. We could add on, we could put in a garage at a later time or whatever we needed to do.
      Councilmember Swenson, did you say while you were looking at purchasing, did you ultimately purchase it?
      Linda Rowley, we did purchase it, we are living there. It closed on March 6th; we have been in the house since March 6th. We started the process of adding on, or getting into all of this May 29th. We started getting our plans drawn up, looking into contractors and then I came over and put in our building permit. 2 weeks later, Kristi called and said you can't build, the inspector said you can't build. We don't even to this day understand why when he said we could; now all the sudden we can't. We just want to add on a little more space, there are 7 of us in a little house; we just need a little more space. We are not turning it into a motel, we are not running a business; although, it is zoned commercial out there. We were told it was residential commercial that is how it was given to us. Our Realtor did his due diligence and came to everybody here and they said oh yes you can add on and then when the time came, they said no you cannot. The Mayor said the plans looked a little like a motel and asked if we could put in a door through that goes into the house, we were going to walk around from our rooms to the house. If we put the door in, it would look better and we said fine we will put a door through. We have no problem with that and we actually liked the idea anyway, so the contractor knows we want to do that. In the back of the little apartments, they are like little apartments for me and William to give the kids the bigger part of the house; we wanted a little sink in there in case we wanted to have a cup of coffee and wash the coffee cup in the room without having to take it into the kitchen, which I am mostly in the main house anyway, but we would like to add on and we were told we could and then we were told we couldn't and so when it all came back to the Mayor and the Relator, we met with the Mayor and he indicated we needed to rezone to make it legal. We want to be legal, as all we have ever wanted from day one is to add on a little space. I think we have improved the property out there a lot; we work on the property all the time and

I think it looks really nice and we want to continue doing so. We moved out there as a family so that when we get older, our children can take care of us.
Chairman Peters, so as all you're looking for is a zone change from Commercial zoning (C) to Rural Residential (RR1).
Linda Rowley, yes we are not going to do anything bad out there. Raise pigs or anything like that. We just want a little more space.
Commissioner Nelson, the property on both sides is residential, is that correct?
Chairman Peters asked Kristi if the property next to the house is commercial.
Kristi relied that it is zoned commercial.
Commissioners and Linda discussed the property around her home.
Commissioner Sheltman, so when you purchased the property, it was represented as being residential and not commercial?
Linda Rowley, it was represented as Commercial/Residential. That is what we were told. My Relator met with Dennis and you can read the comments he made and during the whole interview that my Relator had with him, he keep referring to the bylaws of the Leeds Council and he said there was no problem. He said the only problem was that we might have to put in a separate septic, in which we plan on doing and when we gave our plans to Kristi, there is a letter from the Health Department that shows a separate septic system.
Commissioner Sheltman, was the inspector aware of the fact that you wanted to change the footprint of the house.
Linda Rowley, absolutely, it is in the comments.
Commissioner Nelson, right now we are just looking for a zone change, is that correct?
Chairman Peters, that is correct.
Commissioner Nelson, not necessarily what they want to do with the property.
Chairman Peters, as all we are looking at is a zone change.
Commissioner Nelson, just a zone change and they can't do that under commercial/residential, well there is no commercial/residential.
Chairman Peters, so you were misled when they told you commercial/residential to begin with.
Linda Rowley, we feel that we were.
Chairman Peters, you don't happen to have that in writing?
Linda Rowley, we just have the comments that Dennis made to the Relator.
Commissioner Swenson, who is Dennis?
Linda Rowley, Dennis is the Building Inspector.
Commissioner Nelson, Dennis Mertlich is the building inspector.
Commissioner Swenson asked Kristi, you made a comment that the whole zoning where they are at, which is in blue on our zoning map is all commercial and commercial only.
Kristi Barker, yes, the frontage of that road is commercial on both sides of the residents.
Commissioner Swenson, commercial on both sides all the way across no matter who is living there right now. It's been commercial and always has been commercial.
Kristi Barker, I don't know that it has always been commercial; it is just commercial right now.
Commissioner Swenson, we know it has been commercial for how long?
Kristi Barker, that map was printed I believe in 2007, or somewhere along there.
Commissioner Swenson, so at least then.
Chairman Peters, and there is no commercial out there other than the Fire Hall and it is commercial.
Kristi Barker, Pilkey is commercial.
Commissioner Swenson, is there a residents on there?
Kristi Barker, no.

Commissioner Swenson, is there a residents on any of the property.
Kristi Barker, yes there is on both sides.
Chiarman Peters, they are sandwiched between two residents.
Commissioner Nelson, they are residents but it is still commercial property.
Commissioner Swenson, it is still zoned commercial but there are two residents out there.
Kristi Barker, yes.
Commissioners asked Susan Savage to come and give here input because she had property beside Linda Rowley.
Susan Savage, I guess my comment would be that we didn't know why any of that was ever zoned commercial. Some of our property is zoned commercial and we would have not chosen that. I don't know how all that relates to these house plans and the things you are doing.
Chairman Peters, to me it doesn't make since to have that zoned commercial either to tell you the honest truth. I have been here 8 years now and I never seen anything. Pilkey went out there about 6 months ago but other than that is just been the Fire Hall and homes. I have visited a couple of them in that area from various people and I always just assumed it was residential due to the fact that is what is there.
Commissioner Nelson, the water department you said has property right next to it.
Commissioner Sheltman , yes.
Commissioner Nelson, anything you want to do that would interfere?
Commissioner Sheltman, the only concern that I have with it is if you start mixing up parcels. Not now because this makes perfect since for what they are requesting but the problem is in the future what happens. You have a real mix here, it's odd anyway with rural residential, residential and commercial. It is very checkerboard right now. People moving in and not understanding that it is commercial could be a real problem later on. Or someone coming in and wanting to use one of these lots as commercial could present a problem because you do have areas now where you could have a very large business put in next to a residential. I don't know what the repercussions would be to the Town if that situation came up if we made a decision today to vote for this. That is my only concern, are we making it worse?
Commissioner Swenson, I think that is very, very valid. I support what you want to do, but as soon as we say yes to putting in a residence here and there is another residence 2 doors down and you have a gentleman that comes in and wants to put in a little manufacturing shop right next to your property. Like this manufacturing property that we have right across from the post office. They want to put that identical shop right next door to your facility.
Linda Rowley, I wouldn't have a problem with that.
Commissioner Swenson, well you say that now, if I was living there, I wouldn't want to have that right next to my property. So somewhere down the line because we are going to mix and match, what do we say then? We deny someone from having a gun shop there or a manufacturing shop or anything right, because now the residents there don't want that; yet it is zoned commercial. So it is kind of a catch 22 in both ways in my mind.
Commissioner Sheltman, and I understand your point, you bought a house that was represented as being an area that where you buy a house you can make changes to the way you want to do and that is our problem here. You can't do that if it is commercial relative to making a site change so they can make improvements to the house.
Chairman Peters, question Elliott, from the Fire Hall this way, is commercial. From the Fire Hall the other way isn't commercial. Is there a way to take that half and make it noncommercial and then this half commercial?

Commissioner Sheltman I don't know, that is when you would have to look at what is there right now. There are other houses on other lots and you can't tell what is what in the drawing. Did we get anything from Bob Nicholson the Town Planner on this?
Kristi Barker relied, yes; he just said he didn't see any problems with either the lot line or the zone change.
Commissioner Sheltman, did he give any specifics?
Kristi Barker, he didn't, just that he didn't see a problem with it, no staff report on it.
Chairman Peters discussed the zone change further.
Commissioner Sheltman, if I can make a suggestion. We are having a public meeting to see if there is any public response to this, negative or positive.
Susan Savage, I wondered if these folks had other property out there that they bought with the idea that it is commercial. As I understand it from the map and what we saw, I don't know when it was that they changed the zoning but it took in that frontage along the frontage road clear out to the Grapevine Wash; which you guys are saying that is something that we would have not chosen and nobody asked us about it. So I wonder, when these zoning changes take place, like if we want it to have it zoned back, would we have to go through this process; however, we didn't go through this process when it changed from what it was before, and I wonder what the interest is north of the Fire House. How much interest there is from property owners from there and then there is that bigger piece out there and maybe they bought it because it was commercial. I don't know how much interest there is out there in having it zoned commercial. Of course I feel like, as we have talked about things, like another interchange out there, I feel like it is a poor place to have a lot of commercial with a lot of lighting and things because it is where the most gorgeous part of our view opens up. People stop and take pictures, it's just my feeling about the country and we have those people up in Eldorado behind us that can see the lighting and the signs up north from us. We don't see it but they do and I wish that they didn't. Toquerville wasn't able to control that, I don't know that they had a chance to. People have those lots up there that are open to the East and the West and Zions. It seems a shame to invite things in that have a lot of lighting and industrial things. So I guess my two questions are, whether these folks own additional property up there that they counted on being commercial or if possible, checking to see if people want it to change back. Second, how can things be changed without out consent, which they were before, can they just be changed back.
Commissioner Swenson, it makes sense to me about you saying how can they change it without your consent? Apparently there was probably a letter sent out and people didn't show up. That was kind of my statement when I was saying has anybody talked to the neighbors, has anybody talked to the people involved? Our Town is so small that there is no reason that we can't specifically talk to an individual like yourself or anybody concerned about it, as opposed to just count the fact that they know when they come to a meeting. That is my individual philosophy, it is a very small community and we are only talking about a few people.
Susan Savage, I can't say for sure that we didn't get a letter, but we have always been very watchful and we were surprised.
Commissioner Nelson, so you know when Alberta Pace made that road along side of the hill by the Fire House, she wanted some zone changes, I know she wanted to get the front part of that commercial and the back part residential.
Commissioner Swenson, which is what it is on the map. The front part on both sides of that is commercial and the south east part is residential. That is what the zoning chart says right now.
Commissioner Nelson and Susan Savage discussed the frontage road with commercial property.

Chairman Peters, I was kind of wondering if we needed commercial property past the Fire Hall, or is this something that the people who have it still want it to remain as commercial because I don't believe we can give a variation for one lot in the middle of a bunch. I agree with you there, if you've got it set and you change one lot then the value of all of them changes immediately. Do you see what we are saying there?
Linda Rowley, we see what you are saying, we do.
Chariman Peters, but I do understand also the rock and the hard place you are in the middle of.
Linda Rowley, your Building Inspector totally misrepresented if that is the case and he works for you out here and I think you need to verify what we had agreed on.
Commissioner Swenson, can I see that paperwork then?
Kristi Barker told Commissioner Swenson that it is in his packet. It is just a letter that they summarized and it is nothing that Dennis wrote.
Linda Rowley, we just want to add on, I don't like bureaucracy and I don't get involved in it. I was a supervisor at a senior center in hurricane for 23 years and I tried to stay out of all that. We just want to add on, we would love for you to say you may add on because we don't see who it's going to hurt.
Chariman Peters, it's not going to hurt anybody, it's just doing it legally.
Commissioner Swenson, let me go back a little bit; forgive me because I am not familiar with the area. On your property, let's say it was misrepresented as you are saying, it is a residence as you are living in now.
Linda Rowley, yes, it is a residence it was never a business.
Commissioner Swenson, prior to buying it, no matter what anybody said, it's a residence. It has never been a business. How old is it?
Linda Rowley, I don't know when the home was put on, but it was 1989.
Commissioner Swenson, so 89, so it sounds like it was put on prior to what we know that this was changed at least about 2007. It could be earlier but we know it wasn't any later than that. So it sounds like a residence was there prior to the change. We just don't know the history between when that residence was built and why it was changed.
Linda Rowley and we don't either.
Commissioner Swenson, because I suspect it was a residence prior to you, there are some other residences there right?
Linda Rowley, the neighbor next door, John.
Commissioner Swenson, right next door there is a residence, so there is just 2 parcels with residences.
Chairman Peters, no, don't they live on the other side of you? I thought there was somebody else living there to.
Linda Rowley, we hardly see anybody over there.
Chairman Peters, no I don't hardly see anybody.
William Rainey, you see somebody once in a while putting the garbage can out.
Chairman Peters, yes I believe there is somebody living in that lot. I don't know who it is.
Chairman Peters and Commissioner Nelson discussed who lives in the property around Rowley.
Commissioner Swenson, so these are your notes.
Linda Rowley, those are the Realtors notes when he met with Dennis.
Commissioner Swenson, so Dennis didn't write these?
Linda Rowley, no the Realtor did, Kent Sundburg and then he talked to the Mayor and the staff here.
Commissioners reviewed the letter and discussed it.

Chairman Peters, so the Mayor and the Town Attorney were the ones that advised you to seek the zoning change from us?
Linda Rowley, they were, we just want to build.
Commissioners reviewed and discussed the paperwork for the zone change.

Commissioner Poast made a motion to close the Public Hearing on the Zone Change for Rainey and Rowley. 2nd by Commissioner Sheltman. All voted "Aye". Motion Passed.

8. Action Items:
   a. Zone Change for Parcel L-3-B-1 for William Rainey and Linda Rowley from Commercial (C) to Rural Residential (R-R-1)
   Chairman Peters, we are going to do a little discussion about what is going on folks. This is not only affecting you, but it affects everybody that owns land around you, as far as their property and their value of their property. I don't know if there is a possible variance that we can go to, I don't know exactly what it is. I don't believe there is anybody on this panel that wants to stop you from building 2 bedrooms, but we have to do it so we are not affecting the other land owners in that area negatively.
   Commissioners, Linda Rowley, William Rainey and Kristi Barker discussed the zone change further and the Ordinance that indicates you can't build on to a non-conforming building.

   Commissioner Sheltman made a motion to table the Zone Change for Rainey and Rowley until next month. 2nd by Commissioner Swenson. All voted "Aye". Motion Passed.

   b. Lot Line Adjustment on parcels L-66-A, Comas and L-3-1-7-2411, Peine
   Chairman Peters, are you looking to do a lot line adjustment because you purchased some property in the back and you want to move the line so it is yours?
   Tracy Comas, yes Peine just purchased all of that. We have been using that property for 10 years now and we are just going to straighten out the line.
   Chairman Peters, he has agreed upon it and you have agreed upon it, so basically it's a done deal; you just want the lot line change?
   Tracy Comas, yes we just need the lot line adjustment.
   Commissioners and Tracy Comas discussed it further.

   Commissioner Sheltman made a motion to approve action item b, Lot Line Adjustment on parcels L-66-A, Comas and L-3-1-7-2411, Peine to be approved as presented. 2nd by Commissioner Poast. All Voted "Aye". Motion Passed.

9. Discussion Items:
   Commissioner Sheltman indicated the Planning Commission is reviewing the General Plan and asked Kristi to send the mark ups to the new members.

   Commissioners discussed zoning procedures and asked Kristi to send Planning Commission Members any notes from Dennis and the Mayor on the Rowley zone change and check old applications from the last 4 to 5 years on the property.

10. Staff Reports: None

11. Adjournment:

Commissioner Nerlson moved to adjourn the meeting. 2nd by Commissioner Sheltman. All voted "Aye". Motion Passed.
Time: 8:07pm.

APPROVED ON THIS 7 DAY OF October, 2015

Norm Peters, Chair

ATTEST:

Kristi Barker, Deputy Clerk/Recorder