



RICHMOND CITY PLANNING & ZONING COMMISSION

City Council Chambers
90 South 100 West
Richmond, Utah 84333

The Richmond City Planning & Zoning Commission met in a regularly scheduled meeting at 90 South 100 West Richmond, Utah at 6:30 p.m. on Tuesday, May 4, 2021.

Commission Members Present: Jay Bair, Cache Christensen, Jessica Dunyon, Amber Ervin, Jordan Knutson, Sharik Peck

Staff Present: Jeremy Kimpton (City Administrator), Justin Lewis (City Recorder), Tucker Thatcher (City Council), Terrie Wierenga (City Council)

Others Present: Bryce Goodin, John Gilbert, Reese Hulbert, Debbie Zilles

Chair Jessica Dunyon called the meeting to order at 6:30 p.m.

Approval of the April 13, 2021 meeting minutes.

Minutes from the April 13, 2021 meeting were reviewed. Cache moved that the minutes be approved as submitted. Sharik seconded the motion. The motion was unanimously approved.

Discussion and possible vote on the Conditional Use Permit request by Candice Hatch for a kennel license at 45 West 200 South. Parcel Number 09-080-0012. The parcel is 0.34 acres.

The applicant, Candice Hatch, joined the meeting via telephone. She is requesting a permit because they recently got a third dog. The dogs are indoor pets and the backyard is completely fenced.

Jeremy confirmed for Cache that Candice submitted a signed list from the neighbors with no objections.

*****A motion was made by Jay to approve a Conditional Use Permit request by Candice Hatch for a kennel license at 45 West 200 South. Parcel Number 09-080-0012. The parcel is 0.34 acres. Jordan seconded the motion. The motion passed 5-0. *****

Yes Vote: Bair, Christensen, Ervin, Knutson, Peck

Discussion and possible vote on Ordinance 2021-12, an ordinance rezoning Cache County Parcel Number 09-050-0034 from RLD (Residential Low Density, minimum 14,500 square feet) to RMD (Residential Medium Density, minimum 10,000 square feet). The parcel is located at approximately 98 South 300 West and is 7.97 acres. Currently, 5.52 acres of the parcel is already zoned RMD.

John Gilbert is requesting a portion of a parcel he owns to be rezoned from RLD to RMD. This parcel is west of Big J's on the west side of the existing hayfield. The total acreage of the parcel is 7.97 acres. Currently, 5.52 acres is already zoned RMD. The remaining 2.45 is currently zoned RLD.

Bryce Goodin explained that the applicant owns a parcel (with one home and a barn) zoned RLD and recently purchased the western half of the field, zoned RMD. The frontage on 300 West is ~205'; this request is a forward-thinking move to put the house on its own parcel and the barn on a separate parcel. The RMD zone requires a minimum frontage of 90' and the RLD zone requires a minimum of 120'. The rezone could allow for two (2) building lots in the RMD zone based on the frontage requirement. The RLD allows for 3 units/acre and RMD allows for 2 units/acre. One lot would be .5 acre and the other would be 2 acres.

Mr. Goodin answered for Amber that the potential is to create a subdivision with the southern parcel; he said they have a concept plan in mind.

Cache said this would connect with adjoining RMD property so there would be no special exceptions that would have to be made.

Amber believes there is a bit of conflict because this could potentially be an inner-block type development. Mr. Goodin said it would meet the 90' required frontage. The house could be placed up by the road with a large backyard or it could be set back from the road. It would not turn this into a flag lot, the change would only allow for two (2) building lots. The objective is not to put in more homes, it is simply to work with the frontage requirements.

*****A motion was made by Jay to recommend approval to the City Council on Ordinance 2021-12, an ordinance rezoning Cache County Parcel Number 09-050-0034 from RLD (Residential Low Density, minimum 14,500 square feet) to RMD (Residential Medium Density, minimum 10,000 square feet). The parcel is located at approximately 98 South 300 West and is 7.97 acres. Currently, 5.52 acres of the parcel is already zoned RMD. Cache seconded the motion. The motion passed 5-0.*****

Yes Vote: Bair, Christensen, Ervin, Knutson, Peck

Discussion and possible vote on Ordinance 2021-13, an ordinance rezoning Cache County Parcel Number 09-079-0005 from RMD (Residential Medium Density) to HC (Highway Commercial). The parcel is located at 253 South 200 West and is 1.00 acre.

Reese Hulbert recently purchased the home and building located at 253 South 200 West on the highway. The home was formerly owned by Kimball Judd who sold to Travis Hansen who sold to Reese. Kimball and Travis each operated a home-based business out of the house/shop/shed. Reese intends to rent the house, apply for a business license to have a U-Haul Rental company in the middle of the parcel, and rent the shop/shed to a furniture manufacturing business. Because of the commercial ventures and not being an owner-occupied property, the rezone request is being made. Another consideration for this request is that commercial businesses require a fire hydrant to be located within 400' of the shop/shed. Currently, the closest fire hydrant is about 750' away.

Mr. Hulbert is trying to figure out what is the best thing to do with this lot.

Jeremy confirmed for Cache that the last owner lived there and had a dojo business.

Jessica does not like the fact that it is adjacent to residential, however, understands the desire for commercial along the highway.

Sharik asked about fire service concerns. Jay said there is a 96' turning radius, which is what IBC requires for fire apparatus turnaround. Sharik asked if it was possible to use the hydrant in front of Ron Anderson's home; Jeremy said there is a meeting with Fire Chief Downs tomorrow to talk about specifics. Mr. Hulbert questioned why this is required now when it has not been in the past. Mr. Hulbert asked if certain uses would not require a hydrant. Jay said it would depend on the IBC requirements and the interpretation from the Fire Department. Justin said Richmond now contracts with an official fire department (no longer run by volunteers) so this will be the same process moving forward.

Mr. Hulbert said the residents around the property all thought it was already zoned commercial. Terrie noted that it was approved as home business years ago.

Amber would be concerned with a U-Haul truck coming in/out of her backyard area. Mr. Hulbert said he is not married to the U-Haul idea; he wants to know what the space can be used for. He thinks it would be better as a commercial zone. He thought about a dance studio but did not want that many vehicles, whereas a U-Haul business would have 1-2 trucks per week. He confirmed that he is currently renting the home out.

Jordan said the location is not inappropriate for commercial use, his concern is that it is residential around it. If it were contiguous it would not be as much of a concern.

In reference to spot zoning, Terrie said the Commission should keep in mind that some areas existed before the ordinances were put into place and have been grandfathered in. To her knowledge, a spot zone has not been approved since 2013. The previous use of the dojo studio was a conditional use for a home-based business. Unless the person who owns the business lives in the house, a conditional use permit would not be applicable.

Sharik said it is a good location for a commercial business and he anticipates over time more commercial will grow along the highway. The important element is to find a good use. He would support a conditional use permit if that were applicable. Amber said a conditional use would only be appropriate if it were used as a home occupation.

Jessica said this is a unique lot and the request does not seem unreasonable, however, there are concerns to be considered.

Mr. Hulbert asked if a conditional use is possible; Terrie said the code requires an owner to live on the premises for a business in a residential zone. If there is a business currently operating at the location, her interpretation is that it would be illegal because it is not zoned commercial.

Jay said one option could be to petition for an amendment to the current code. Terrie said that could be a solution, or the person renting the house could apply for a conditional use permit to operate a business.

Jeremy said there were no promises made to Mr. Hulbert, he was aware that this would be an uphill battle before he purchased the property; he was never given a green light to move forward. There was a discussion that as it had been a dojo studio before, there could potentially be a precedent for a continued use, however, a rezone would allow him more flexibility and if it were zoned commercial, it would alleviate the home-based business concerns. There were never any agreements given. Mr. Hulbert agreed and said that was only how he interpreted the conversation. Jeremy has been working with Mr. Hulbert, the Mayor, and the Fire Chief about possible options.

Jeremy explained that the Fire Department requirements will be tied to the type of business, not the zone. Justin pointed out where the existing hydrant is located.

Jessica said she is fine with businesses along the highway, it makes sense. Amber agreed but pointed out that it goes deep into the lot and is adjoined by other residential properties.

Jay asked if legal advice had been sought out regarding spot zoning. Jeremy said it had not. Jay said there are often drivers that force changes to the code, this might be one of those opportunities. Terrie said there are always changes that can be made to the code.

Amber said she would not want this type of use in her backyard, so she is opposed to the zone change.

*****A motion was made by Amber to recommend denial to the City Council on Ordinance 2021-13, an ordinance rezoning Cache County Parcel Number 09-079-0005 from RMD (Residential Medium Density) to HC (Highway Commercial). The parcel is located at 253 South 200 West and is 1.00 acre. The motion died for lack of a second.*****

Mr. Hulbert said his interaction with the City has been great, he misinterpreted what could and could not be done.

Justin suggested that Mr. Hulbert give Chief Downs an idea of some of the possible uses so he can provide some guidance of what the requirement will be.

Jay recommended that the Council review the conditional use code and see if any changes should be made. Justin said the State would like to see conditional uses ended. There should be a clear definition of whether something is allowed or not allowed and not "pick and choose". Terrie is confident there will be future legislation that changes that portion of the Utah Code and will require cities to clearly define what is allowed in each zone.

Justin said staff will present options at the next meeting of how other cities handle this type of situation.

Initial discussion on Ordinance 2021-11, an ordinance amending the Richmond City Municipal Code, Title 12-000 “Land Use, Development and Management (LUDMO)”, Chapter 12-1000 “Overlays”, Part 12-1010-7 “Open Space”.

The Commission discussed water-wise landscaping as listed in Section D.1, which gives a general definition. Amber said this section provides a good foundation. Jessica said this looks good; the Commission agreed.

Jay asked about using a detention basin as part of the open space. Terrie said if the City counts that as part of open space and it fills up with water and someone drowns, the City could be liable by creating an unsafe space as part of open space.

Justin said it can come before the Commission next month for a recommendation of approval to the City Council. Jessica thanked Amber and Terrie for all their work on this ordinance.

*****A motion was made by Cache to adjourn at 7:47 p.m. Amber seconded the motion. The motion passed unanimously.*****

The next meeting will be held Tues. June 1, 2021.

Minutes submitted by Debbie Zilles

Planning Commission Chairperson