

Richmond City Planning and Zoning Commission Meeting

Date: December 4, 2012

Place: City Hall Council Chamber

Members Present: Rod Going, Chair; Commission members Monica Merrill, Kimball Judd, Sue McCormick, Jerry Kidd, and Zane Bagley present. Council member Tucker Thatcher and City Manager Marlowe Adkins were also present.

Meeting was called to order at 7:05 p.m. Minutes for the November 6, 2012, meeting were read and approved. Sue McCormick moved to approve, seconded by Kimball Judd. Vote was unanimous.

Initial Request for a Conditional Use Permit and Possibly a Variance for a Portion of the Old Pet Milk/WDCI Factory Located at About 500 West and 100 South: Since the petitioner, Ray Winn, was not yet present, Chair Rod Going read the description of the known data contained on the agenda for this meeting. He read, to wit: *“Ray Winn is being sent back to the Commission by the City Council. Some members of the Council question if, according to our existing ordinance, the building have been in disuse for a number of years has put it outside of the traditional manufacturing use of the past. Would this lack of use plus the fact that there isn’t any frontage on a City street except for approximately 100 feet along Main Street (SR-142) also produce a non-conforming lot? Should this be the case, it would be necessary for Mr. Winn to obtain a variance to reintroduce productive use of the building. Additionally, Mr. Winn - in the last conversation I had with him - is undecided as to whether the facility will be used for warehousing, organic cheese production, or mixed use [which was not specified]. Section 12-128 of the ordinance defines and describes variances and the associated processes. Section 12-211 contains information on non-conforming uses. Section 12-214 covers Conditional Uses. Section 12-226 covers the Manufacturing/Light Industrial Zone which may or may not contain information applicable to the current question.”* Rod also noted that when he drove by the property earlier this day, he saw that an automotive repair business was in the old garage. Monica Merrill noted that the last maintenance at the plant site that she was aware of would have been about 27 years ago when a member of her family did some painting there. City Manager Marlowe Adkins explained the map that he had copied from the County Plat map for the area which was in front of each Commissioner, and noted that he had darkened the lines around the actual property concerned. Noting that the ownership was shown as PDQC2 LLC (Paul DuRay and Quentin Casperson), Marlowe stated that he had checked at the County Recorders office last week to see if Ray had purchased the property. It is still in the PDQC2 LLC name. As Marlowe was finishing this explanation, Ray Winn came into the Council Chambers and was invited to make his presentation. Ray unrolled and laid out a copy of his plans for the Commission to see. When asked about ownership, Ray stated that he had contracted with PDQC2 in such a manner that he will get the building when he has obtained the permit from the City. He also stated that he would not take either the boiler room or the smokestack, that those would be someone else’s problem. Sue McCormick asked Ray about the space on the west side of the building between the building and the railroad tracks. Ray said that he didn’t see what that was about, and Sue

explained that she was concerned about fire equipment being able to access the building in a safe manner. Commissioners expressed concern relative to the safety of those operating any type of emergency equipment that might be called to the plant site. Ray stated that he was only going to be operating the south end of the building. When queried as to his intentions for the plant, Ray stated that he initially wanted to operate an organic cheese plant, but that the City Council member Brad Jensen wanted an unnecessary water and sewer study. Ray said that he strongly disagreed with the need to engineer such matters, that there was a sewer line that went from the factory to the manhole by the City Maintenance Shop. Monica stated that it was the responsibility of the Commission to be sure that only appropriate use for a given zone took place. Ray said that the only thing from his business that would go into the sewer would be human waste, everything else would be hauled away and wouldn't go into the City sewer at all. Ray also argued that this is a "fix-up" of an existing building and is not new construction. Monica said that she wondered if Rays plans included future building demolition. Monica also stated that the City needs to be sure that it can support, with infrastructure, the needs for Ray's business so they need to know exactly what he is going to do. Ray said that he feels that he is trying to do good for the community, but also feels that the City isn't interested in him trying to improve an old building. Sue stated that our ordinance requires a conditional use permit in order to get a building permit. She also feels that Ray needs to have a development plan. Ray said that the plans in front of them were his business plan. Sue stated that, by ordinance, the Commission needed to know the intended use of the building. Ray replied that the Building Inspector checks for that. Sue repeated that the Commission needed to know. Rod asked Ray if he wanted it for a warehouse. Ray replied "I guess so. If I change it to cheese manufacturing it would be a few years down the road." Sue asked if Ray was responsible for the whole building. Ray said "yes" and added again that if he gets use of the building from the City the current owners will get all of the building to Ray. Sue questioned again as to what the building use requirements would be. What type of warehousing? Is there any dock space for large loads? Monica stated that maybe they should table this issue for a month to get more information. Ray replied stating that the Commission should just deny his request so that he could then take it before the City Council. Kimball inquired if there were any requirements on the rest of the building. Ray stated that he had in place a twelve-hour (12) firewall which separates the southern part of the building where he wants his business to be located from the rest of the original building. Ray said that he wanted nothing to do with the boiler room area or the smokestack, that they would be someone else's problem. Monica emphasized again that the Commission wants to be sure that the land use benefits Richmond. Ray noted that the old factory was a historic landmark and should be taken care of. Monica repeated that the Commission had to consider the safety of firemen or other emergency workers that had to go into the building. Rod asked Ray if he had any questions. Rod then asked if he had any type of a motion from the Commission. Sue stated that she was still concerned about truck movements through the property. Ray made a comment to the effect that "it sounds like to you don't want to help your old factory. I'm out of here. Thank-you." Following that comment, Ray rolled up his plans and exited the Council chambers. Rod inquired if there was any recommendation to make to the City Council. Zane stated that he still didn't understand the relationship between Ray Winn and the property owners. Monica stated that Ray needed to come up with something more specific. Zane stated that Ray needs to

enhance what he wants, that the Commission cannot make any recommendations without knowing the specifics. After a quick bit of discussion, it was determined that no motion of any type was appropriate at this point since Ray had terminated the discussion by departing.

Motion to adjourn made by Monica Merrill; seconded by Sue McCormick. Vote was unanimous.

Meeting adjourned at 7:45 p.m.

Next meeting is scheduled for January 8, 2013 since the first Tuesday is New Year's Day.

 1-8-2013

Rod Gong Chair, P&Z Commission

