



WILLARD CITY

Conditional Use Permit (CUP) Review Committee – Special Meeting

May 11, 2023 – 1:00 p.m.

Willard City Hall – 80 West 50 South
Willard, Utah 84340

The meeting was a special meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Chris Davis, City Manager
Colt Mund, City Attorney
Bryce Wheelwright, City Planner
Sid Bodily, Planning Commission Chairman
Chris Breinholt, City Engineer/Jones & Associates
Payden Vine, Public Works Director
Theron Fielding, Police Chief
Van Mund, Fire Chief
Michelle Drago Deputy City Recorder

Others in attendance: Bruce Sherrod.

1. CALL TO ORDER

Bryce Wheelwright, City Planner, called the meeting to order at 1:09 p.m. A roll call attendance was recorded by the secretary.

2A. REVIEW AND CONSIDERATION OF A REQUEST FROM BRUCE SHERROD TO OPERATE A FOOD TRUCK AT VARIOUS LOCATIONS IN WILLARD CITY

Time Stamp – 1:25 05/11/2023

Bryce Wheelwright, City Planner, stated that Willard City had received a conditional use permit application from Bruce Sherrod to operate a food truck at various locations in Willard City.

Bruce Sherrod, North Ogden, stated that he had been running the Granite Ridge gravel pit in Willard City for ten years. In early 2000, he owned the Rhino Lining business at 51 North Main. Although he lived in North Ogden, he had been associated with Willard City for many years. The name of his parent company would be Sherrod, LLC. The food truck would be called Daughter vs. Dad. They planned to serve tacos, hamburgers, and stuffed chili verde burritos. Their desserts would include one-two-three cake and deep-fried saltwater taffy.

Theron Fielding arrived at 1:11 p.m.

Chris Davis, City Manager, asked where Mr. Sherrod planned to park the food truck. Bruce Sherrod said the food truck would be parked at his house until they could get a commissary kitchen. He was exploring the possibility of doing a shared kitchen with Golden Spike in Corinne. In the State of Utah a food truck could get a 6-month seasonal use permit from the health department. If they had a commissary kitchen, they could operate year round. His seasonal permit was good from May 2nd to November 2nd. The seasonal permit required him to do everything in his truck.

Colt Mund, City Attorney, stated that the City would need a copy of his State permit and his food handler's permit from the Health Department.



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Van Mund, Fire Chief, stated that the food truck would also need an ANUSL system inspection and a yellow tag from the local fire department. Mr. Sherrod said he had both. Fire Chief Mund said the City needed a copy of the inspection report from the ANSUL system installer and a picture of the yellow sticker from the fire department.

Sid Bodily, Planning Commission Chairman, arrived at 1:15 p.m.

Chris Davis asked about employees. Bruce Sherrod stated that his daughter and grandchildren would be helping him. It was really his daughter's business.

Michelle Drago asked if his daughter and grandchildren would need their own food handler's permits. Bruce Sherrod said they would get food handler's permits if the City required them, but everyone was covered under his State permit. If they had a commissary kitchen, everyone would have to have an individual food handler's permit, and either his daughter, or himself, would have to a manager's permit. Without a commissary kitchen, only someone on the vehicle had to have a permit.

Chris Davis and Colt Mund questioned whether Bruce Sherrod actually needed a conditional use permit from Willard City.

Colt Mund asked where Bruce Sherrod planned to park the truck in Willard City. Bruce Sherrod stated that right now they planned to park the truck across from the elementary school hear the chocolate factory and the bike shop. They might do private events at Granite's gravel pit.

Colt Mund felt Bruce Sherrod needed a business license rather than a conditional use permit. The only land use issue he could see was parking and access. The business itself would have to meet all of the State requirements.

Bryce Wheelwright asked if the various locations of operation would make it a conditional use. Colt Mund said if the City took the position that the food truck was a fast food restaurant, the use would be permitted in the Commercial Neighborhood Zone. A food truck was a type of fast food, but it wasn't in a fixed location.

Chris Davis stated that Bruce Sherrod did not live in Willard, and the food truck would not be housed in Willard.

Colt Mund stated that in his opinion, the food truck would be considered a food establishment and would not be subject to a conditional use permit. The food truck would be subject to all of the requirements of the State and Health Department. However, a decision regarding the use would have to be made by the City Planner.

Van Mund asked which health department had inspected the truck – Weber/Morgan or Bear River. Bruce Sherrod stated that the law just changed from requiring a health permit from every county to one permit. He had a Weber-Davis County seasonal use permit. The food truck was considered Type 1 because he would be cooking with grease.

Van Mund agreed that the food truck fell under business license requirements rather than a conditional use permit. However, Mr. Sherrod had to bring a copy of all of his permits and inspections to the City.

Colt Mund stated that there was a section on food trucks in the State Administrative Code (Section R392-102-4).



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Michelle Drago asked if Bruce Sherrod needed a business license in North Ogden City rather than Willard. Colt Mund felt Mr. Sherrod would need a Willard City business license.

Theron Fielding, Police Chief, stated that his only concern was parking.

Van Mund reminded Bruce Sherrod not to block the fire hydrant.

Sid Bodily, Planning Commission Chairman, said his only concern was parking if Mr. Sherrod had all of the required permits from the health and fire departments.

Bryce Wheelwright stated that there was an open parking area north of the chocolate factory and bike shop. He felt it would be best to park the food truck there rather than in front of the other two businesses. Bruce Sherrod said they planned to use the open parking area and park the food truck toward the back. Then there would be room for people to park. He hoped that in the future, they could share a commissary kitchen with the chocolate factory.

Bruce Sherrod stated that the laws regulating food trucks were pretty tight.

Bryce Wheelwright asked if Bruce Sherrod had a North Ogden business license. Bruce Sherrod stated that he had a North Ogden special permit to operate at Cherry Days. He would probably also do the rallies at Pleasant View

Colt Mund felt the only reason for a conditional use permit would be the parking. There would be an impact to transportation in the area. He was concerned about the plan to circulate traffic if the food truck became very popular. Was there a plan to handle the traffic? He still felt the food truck needed a business license rather than a conditional use permit. Bryce Wheelwright stated that the City could have a conversation with Bruce Sherrod about parking if it became a problem. Colt Mund said the State Code did say the City could enforce its land use ordinances.

Chris Davis asked if the City could issue a special event permit to allow Bruce Sherrod to operate over the weekend. Colt Mund didn't feel Willard could require a special event permit if he already had one with North Ogden.

Colt Mund was not opposed to directing Bruce Sherrod to the staff to apply for a business license. The staff needed to make sure Mr. Sherrod met the requirements of the health and fire departments before issuing a business license.

There was a discussion about how to proceed.

Colt Mund moved to table consideration of a conditional use permit for Bruce Sherrod and direct the applicant to obtain a business license from Willard City, if required, and to provide at minimum the requirements under State law to operate a food truck within Willard City. Sid Bodily seconded the motion. All voted "aye." The motion passed unanimously.

Chris Davis asked about Bruce Sherrod's next step. Bryce Wheelwright stated that Bruce Sherrod needed to bring the required documentation to the City, fill out a business license application, and pay the business license fee.



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Bruce Sherrod asked if the Fire Department needed to see a picture of the entire ANSUL system. Van Mund said he just needed a picture of the yellow sticker from the local fire department that inspected it and the ANSUL system tag. Colt Mund suggested that Bruce Sherrod also bring evidence of a current and valid license from North Ogden.

Bryce Wheelwright asked if Van Mund wanted to inspect the food truck. Van Mund said he was good with pictures of the tags.

2B. CONSIDERATION AND APPROVAL OF APRIL 27, 2023, MINUTES

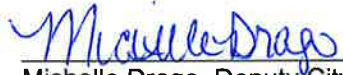
Chris Davis moved to approve the April 27, 2023, minutes as written. Colt Mund seconded the motion. All voted “aye.” The motion passed unanimously.

3. ADJOURN

Chris Davis moved to adjourn at 1:37 p.m. Colt Mund seconded the motion. All voted “aye.” The motion passed unanimously.

Minutes were read individually and approved on: 10/5/23


Bryce Wheelwright, City Planner


Michelle Drago, Deputy City Recorder

dc:CUP 05-11-2023