

**MINUTES**  
**ENOCH CITY PLANNING COMMISSION**  
**January 26, 2016 at 5:30pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**MEMBERS PRESENT:**

Commissioner John Horstdaniel  
Commissioner Paul Hardy  
Commissioner Josh Killian  
Commissioner Bob Tingey

**STAFF PRESENT:**

Julie Watson, City Recorder  
Rob Dotson, City Manager  
Dave Nelson, Bldg. Inspector  
David Harris, Council Member

**PUBLIC PRESENT:** Council Member David Owens, Ben Anderson, Mark Wilcock and Mayor Geoffrey Chesnut

1. **CALL TO ORDER OF REGULAR MEETING-**By Commissioner Tingey at 5:30pm. He welcomed the audience including Mayor Chesnut.
  - a. **Pledge of Allegiance** –Led by Ben Anderson
  - b. **Invocation** –Audience invited to participate. Given by Council Member Harris
  - c. **Approval of agenda for January 26, 2016** –Commissioner Hardy made a motion to approve the agenda. Motion was seconded by Commissioner Killian and all voted in favor.
  - d. **Approval of minutes for January 12, 2016**-Commissioner Horstdaniel made a motion to approve the minutes. Motion was seconded by Commissioner Hardy and all voted in favor.
  - e. **Conflict of Interest Declaration**-none stated
  
2. **DISCUSS AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON REQUEST FOR CONDITIONAL USE PERMIT FOR A RESIDENTIAL UNIT IN A COMMERCIAL ZONE-Ben Anderson**

Commissioner Tingey recognized Ben Anderson and asked him to tell them what he is proposing. He said his plans are to build a detached studio apartment on his property. Commissioner Tingey confirmed this is in a commercial zone and he wants to get a conditional use permit for the residential apartment. Council Member Harris said there were no real issues when he came in before. A residential unit in a commercial zone would have no protections from noise, smells and activity that can occur in a commercial zone. We wanted to see a drawing to show the location and details. Commissioner Tingey asked if there are issues with other property owners and was told the neighbors had not been notified. City Manager Dotson looked up the process in the Zoning Ordinance and said staff would need to send out notice to the adjacent property owners informing them of this application and allow ten days for comment.

Commissioner Horstdaniel asked Ben why he is doing this and he said it is for income from the rental. There was more discussion of the details of electricity and water connections and noted the building permit process will regulate the placement of the building and other details. Commissioner Killian asked about water and sewer and Ben said it will come off his shop too. Dave Nelson said there are no set-backs in commercial zones however drainage issues would be checked. Dave also said the vinyl fence Ben shows on his drawing would have to be concrete because it would be the barrier between zones and we require a solid fence not vinyl.

Commissioner Tingey asked why we regulate this. City Manager Dotson explained there is no allowance to have a residence as a separate dwelling in any commercial zone. He is asking

to allow someone to live there. Council Member Harris said he is glad Ben is doing this the right way by following the process. City Manager Dotson said we have ordinances for a reason. Allowing a residential dwelling in a commercial zone sets a precedent. From a planning perspective when you allow a residential use in a commercial zone you have a challenge with an action diluting the reason we have commercial zoning in the first place. Even though this is a conditional use and it could be allowed, we say forevermore we changed the conditions of what is allowed in that zone. This does not have earthshaking consequences but it is not really a good planning strategy to create an issue where one currently does not exist.

Commissioner Tingey asked why we would not want a residence in a commercial zone. Council Member Harris said they don't mesh with the uses. He said another perspective is we consider conditional uses on a case-by-case basis because it is never "apples to apples". We reserve the right to require conditional use permits. He maintained each case is different so we are not setting a precedent. City Manager Dotson added this location is going to have a different story than another corner in town would. This is in a cul-de-sac off of the highway and homes are located nearby. Council Member Harris said looking at the big picture it is Ben who takes the risk. This is a conflicting use however it is his property and his problem if the tenant complains. Commissioner Tingey recapped to say it is potentially appropriate to allow this however as a Planning Commission we need to decide if there is any reason we should not approve this.

City Manager Dotson said this conditional use stays with the property and it will always have this conditional use until the building is torn down. The applicant is using the commercial zone for something other than what it was zoned for. Commissioner Horstdaniel asked if he is restricted to only one 20x25 building or could he expand or add on to it. City Manager Dotson said yes he could do that. City Manager Dotson recapped the requirements on noticing and said staff would need to send out a conditional use comment form to adjacent property owners allowing ten days for comments at which time it can come back to the Planning Commission for a recommendation to the City Council. He said this is found in the Zoning Ordinance Chapter 5-12. **Commissioner Killian made a motion to do the necessary noticing to adjacent property owners. Motion was seconded by Commissioner Hardy and all voted in favor except Commissioner Horstdaniel who voted no.**

### **3. DISCUSS ZONE CHANGE FOR PROPERTY OWNED BY MJB, ENOCH, LLC LOCATED ON MIDVALLEY ROAD FROM REGIONAL COMMERCIAL (R-C) TO MIXED RESIDENTIAL (M-R-2) AND SET A PUBLIC HEARING**

Mark Wilcock attended to represent the owner. He said they would like to rezone from Regional Commercial (R-C) to Multiple Residential (M-R-2) because that makes more economic sense in today's market. He noted that Enoch is more of a bedroom community and a housing development would fit in well. Their past plans for a commercial center did not work out when the economy changed in 2008. Now they think a residential development would work. Commissioner Horstdaniel said he remembered they talked about senior housing at one time. Mark said he does not think that is the plan now but has no details of what they want to do. Commissioner Tingey asked what the M-R-2 zone is for. Dave Nelson said with the overlay you can have homes grouped in a smaller area with more open space. Commissioner Hardy asked if duplexes are allowed and they are. Dave said he thinks the intent is to sell the lots in a more attractive package. Commissioner Tingey said this seems logical for a residential area because it used to be zoned residential and was changed to commercial. He noted if something is doable and legal there is no reason not to allow the property owner to do it. Commissioner Hardy said there is plenty of access off Midvalley Road and Highway 91. **Commissioner Killian made a motion to set a public hearing for February 9<sup>th</sup>, 2016. Commissioner Hardy seconded the motion and all voted in favor.** Julie will do the required noticing.

**4. PUBLIC COMMENTS**

Mayor Chesnut thanked the Planning Commission for their work noting the recent changes to the Zoning Ordinance. He said he is planning to fill the vacancy soon. He asked the Commissioners if they have any concerns for him adding he will be taking their recommendations seriously.

**5. COMMISSION/STAFF REPORTS**

Council Member Harris said he reported to the City Council that he would like to instruct the Planning Commission to consider commercial zoning to determine what areas might be appropriate for rezoning now that we have revised the Zoning Ordinance. He noted that the intersection of Minersville and Midvalley where the CDRA area is located is set to become more of a City center area. He suggested they work with the EDC because they had specific things in mind.

Dave Nelson reported we have 43 projects going right now. Six are solar projects and two are commercial projects. He said the Renewed Hope Ranch is coming along and he was there on ADA issues this morning. There are also several garages, basements and shops going in which is a good sign that people are staying and adding on. Enoch is growing at approximately 23% or so counting just residential homes and based on population estimates.

Julie Watson said she would do the noticing for the two applications pending.

Commissioner Horstdaniel said several of his neighbors came to ask him what happened on Tuesday when Enoch Road was barricaded by local PD and the Sheriff’s vehicles. He referred to the suicide in the county saying this was another incident on the same day. He was concerned that the news outlets had mixed up the facts and that there was no information released by the Enoch PD on the local incident. He said when news is not released it causes rumors to spread. He suggested that good reporting from a PIO would stop false reports.

There were no other comments.

**6. ADJOURN-Motion to adjourn by Commissioner Hardy. Motion was seconded by Commissioner Killian and all voted in favor. The meeting ended at 6:20pm.**

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**Julie Watson, Recorder**                      **Date**