

MINUTES
ENOCH CITY PLANNING COMMISSION
July 28, 2020 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy
Commissioner Greg Peterson-absent
Commissioner Andrew Meacham
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Manager
Katherine Ross, CC Member
Julie Watson, City Recorder

PUBLIC PRESENT: Don Kelley, Chris Carter, Derek Nelson, Sara & Kevin Cram

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Tingey at 5:30 pm. He excused Commissioner Peterson.
 - a. **Pledge of Allegiance** -Led by Don Kelley
 - b. **Invocation** -Audience invited to participate. Given by City Manager Dotson
 - c. **Inspirational thought**-not given
 - c. **Approval of agenda for July 28, 2020**-Commissioner Hardy made a motion to approve the agenda Motion was seconded by Commissioner Meacham and all voted in favor.
 - d. **Approval of minutes for July 14, 2020**-Commissioner Meacham 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. **PUBLIC HEARING REGARDING A ZONE CHANGE FOR THE WILLOW GLEN INN PROPERTY FROM NEIGHBORHOOD COMMERCIAL (N-C) TO COMMUNITY COMMERCIAL (C-C)**

Commissioner Hardy made motion to close the regular meeting and go into a public hearing on a zone change for Willow Glen Inn Property from Neighborhood Commercial (N-C) to Community Commercial (C-C). The motion was seconded by Commissioner Meacham and all voted in favor.

Chairman Tingey invited public comments.

Chairman Tingey read one written mailed in comment from Clayton Carter. Mr. Carter said he is in favor of the zone change and thinks it will be a good thing for the neighborhood.

Don Kelley said he is owner of Willow Glen Inn. He said they are trying to get the property to where the State law and the City ordinance require it to be now. More than three years ago it was not done right. The City rezoned many areas to get into compliance with ordinances and this area was missed. They are trying to get into compliance with Enoch ordinances. They are asking to change the zone to Community Commercial (C-C) because that is the zone that allows them to run the business that has been there for many years. This is meant to make them legal. He noted the property is for sale.

Chris Carter said he has ties to this property because he is the grandson of Phil Carter who started the Willow Glen Inn. The Kelleys have done wonderful job with it. His concern is about switching zoning at this time for compliance with other requirements. He read from the definition of Community Commercial (C-C) that access to arterial streets and collector streets is required. Also required is sewer services and that is his main concern because they are on a septic system

now and are a ways away from the existing sewer line. To change the zoning is premature because the services need to be in place to make it in compliance.

Sara Cram said she lives on Bulldog Road across the street and is in the County. She heard they are going to put in an RV park and she is not ok with what she hears is coming and that is her concern. Don Kelley, the current owner said he has no idea what the new owners are going to do with the property. It is a rumor about any improvements or changes they may want to make. The sale is not completed yet. The zone change has nothing to do with what a new owner may want to do in the future.

Commissioner Hardy made motion to close the public hearing and return to the regular meeting. The motion was seconded by Commissioner Meacham and all voted in favor.

3. DISCUSS ABOVE AND MAKE A RECOMMENDATION TO THE CITY COUNCIL REGARDING ORDINANCE NO. 2020-08-05, AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 6.69 ACRES OF PROPERTY OWNED BY DAN AND LINDA KELLEY KNOWN AS WILLOW GLEN INN FROM NEIGHBORHOOD COMMERCIAL (N-C) TO COMMUNITY COMMERCIAL (C-C)

Chairman Tingey asked City Manager Dotson about the question of the sewer service. City Manager Dotson said the closest sewer line is on the east side in the Hawthorne Subdivision and is a ways away. Any property that is within 300 feet of a sewer line is required to hook on and they are farther away than that so they are on a septic tank. Septic tanks are regulated by the Southwest Utah Health Department who would be the one to say what would be required if a new owner wanted to make changes. If there is a reason why septic is not allowed they would have to connect to the sewer and would have to obtain the easements to do so. City Manager Dotson said C-C has access to arterial streets and the public water system. Sewer is nearby but they are far enough away they were not required to hook on when Phil Carter started the B&B. Chairman Tingey said if the ordinance says they comply we have no choice but to recommend to the City Council to approve the zone change. If it changes hands on ownership and they want to do something else they would have to come to the City for that. It has nothing to do with this application. If any changes they may want to make are allowed in C-C then they don't have to come back for permission. They still have to follow construction rules and other ordinance requirements. That has nothing to do with the application we are discussing tonight which is to get this property into compliance with the zone it should have been for this type of business. We are correcting an oversight which was our error so we can get them into compliance with current requirements. The business they are doing there now is allowed in Community Commercial (C-C). When the City made zone changes we overlooked them and that made them non-conforming. This is a legislative issue and that is why a public hearing is required.

This means we are considering the good of the community Chairman Tingey pointed out. He said we are considering what is best for the community which is getting this property into the proper zone so it complies with our current requirements. Any changes that may come in the future have nothing to do with the current owner. He can't build another building or add on to his B & B as it stands now. Chairman Tingey said on the plus side the owner could improve the property if the zoning is C-C and that change is allowed in that zone. It was noted again that the septic tank or sewer line connection has nothing to do with this application. It was noted the only well on the property is an irrigation well which is not affected by septic tanks. Only culinary water is protected and they are on City water. It was also noted any talk of an RV park coming is only a rumor and we have no idea what a new owner might have planned. That does not affect this application for the zone change. Chris Carter said the concern is the access to the sewer

services in regard to development. He is not opposed to the zone change. If they add more rooms or an RV park they would have to be on sewer. That is his opinion. City Manager Dotson said that is a good point but we don't have any regulatory authority to make them hook on if they are more than 300 feet away. Only the health department could decide what is required for any changes they may want to do if it requires a septic tank. City Manager Dotson pointed out the purpose as written in the zoning ordinance does not say you "SHALL" have. In context of the law it does not mean you "HAVE" to have it. The wording "shall and will" make the difference. There was more discussion on if sewer is required and they are not able to obtain the easements then what happens. City Manager Dotson said they would not be able to hook on if they could not obtain the easements. It is possible the owner could not get access to comply. Don Kelley said again, we are trying to correct an error. Chris Carter said he wants it correct and he does not think it will comply. That is outside of our purview Commissioner Meacham said. If he complies with our requirements we have to grant this as his right to do with his property what he wants. Also he is getting into compliance with our current code. Chairman Tingey said with City Manager Dotson's clarification on "shall and will" we can't take any of these other things into account. They want to sell the property and don't know what the new owners want to do so speculation has no bearing on a decision. The City did this and we missed them when we cleaned up the rest of it. Chairman Tingey said we should recommend the zone change to correct this and make it conform. There is no downside. Chairman Tingey asked for a motion and thanked the public for their comments and viewpoints.

Commissioner Meacham made a motion to send a favorable recommendation to the City Council to approve the zone change from Neighborhood Commercial (N-C) to Community Commercial (C-C) for property owned by Don and Linda Kelley known as Willow Glen Inn. The motion was seconded by Commissioner Ley and all voted in favor.

4. DISCUSS CHANGES TO THE ENOCH ZONING ORDINANCE, CHAPTER 11, PLANNED UNIT DEVELOPMENT (PUD)

Chairman Tingey asked City Manager Dotson to tell them about this. City Manager Dotson said some cities have taken this and put standards on it that are all over the place. There are appendixes also to see which he included to see the potential pieces you could put into this. This will take some time. Chairman Tingey said he recommends going line by line. City Manager Dotson explained the first five pages are extremely general and that is normally what PUD's are. In the appendixes it talks more like CC&R's. They are made to protect the City when an HOA goes defunct and the City gets stuck maintaining it. He gave examples of CC&R's and what they can contain that includes all kinds of things. The first part is to be a general overview of what a PUD will do. Some are broad like set-backs, developable land and open space amenities. We cover a lot in our code already. City Manager Dotson said the idea is to have something in place for maintenance and for the amenities. This type of development is for a certain type of buyer. People choose to live in an HOA with these types of controls. The idea in this draft is the first part is basic and then the appendixes that could be added on. It is to start as a framework. Our concern is to regulate this type of development to certain areas where it is compatible with transportation corridors and commercial amenities. One question is does Enoch even want this type of development in our City.

Chairman Tingey had a question about if this requires that there be CC&Rs and someone be on the property to administer them. Does that give the City any liability? No, City Manager Dotson said. There is no City liability. Buyers choose that for this zone with these rules. If they don't comply and the HOA dissolves the City takes it over. Chairman Tingey asked, what is the benefit to Enoch to have PUD's? What do we want the City to look like? Is this a good thing? There was brief discussion of some PUD's in Cedar City as examples. Chairman Tingey said is this could be a benefit to the community. Commissioner Ley said we would want to be

restrictive of where we want to let this go in. The commercial zones are on major arterials to get in and out. In a PUD if allowed, it is suggested that it goes where there is entrance and access on major roadways. They would not work in the middle of a subdivision of single family homes. We would zone it on certain properties and that is a good place to start this discussion by saying it can only be located in certain places. Or we could do nothing and leave it as is or remove it completely.

Chairman Tingey asked if City Manager Dotson sees downsides. City Manager Dotson said if you own a large piece of land and you want to develop it the best use could be to have high density to get your money back. Allowing higher density could make our City plans change sooner like facilities impact plans. If we leave the density the same as the underlying zone then our current plans are good for into the future. This is an overlay zone. There are many things to cover and much of what is in this draft tonight would not work for Enoch. Chairman Tingey said he would like to go through it line by line and it will take some time. Commissioner Ley said we have to consider how we visualize Enoch. Council Member Ross confirmed the City Council wanted the Planning Commission to look at it and where it would work best to be placed. Chairman Tingey said we will start going through it in the next meeting and he asked the Commissioners to go through the draft and make notes and get ideas.

5. DECIDE ON A TIME LIMIT FOR AMENDING ZONING ORDINANCE, CHAPTER 11 AND SET A PUBLIC HEARING FOR AUGUST 11, 2020 FOR A MORATORIUM FOR SUSPENSION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUD)

After discussion the Planning Commission decided they should take the maximum amount of time allowed by law which is six months. We may finish earlier but should recommend to the City Council for six months moratorium. He noted we have to hold a public hearing regarding setting a moratorium and asked for two motions.

Commissioner Ley made a motion to set a moratorium for six months which would be until January 26, 2021 for consideration of the Zoning Ordinance, Chapter 11 on Planned Unit Developments. Commissioner Hardy seconded the motion and all voted in favor.

Commissioner Meacham made a motion to set a public hearing for August 11, 2020 regarding the moratorium of six months on the Planned Unit Development discussion. The motion was seconded by Commissioner Hardy and all voted in favor.

6. PUBLIC COMMENTS-none

7. COMMISSION/STAFF REPORTS-none

8. ADJOURN-Motion by Commissioner Hardy to adjourn. Motion was seconded by Commissioner Meacham and all voted in favor. The meeting ended at 7:00 pm.

 8-11-20
Julie Watson, Recorder Date