

**The Minutes of
Honeyville City Planning Commission
January 27, 2021 Regular Meeting**

Chairman Bob Kosbab called the meeting to order at 7:00 p.m.

Present were Chairman Bob Kosbab, Commission Members Ryan Adams, Kenny Funk, Laura Hunsaker, Codey Illum, Cherisse Kaminska and Staci Zilles-Nelson.

Approximately 4 members of the public were present.

Ryan Adams offered the invocation and led the group in the Pledge of Allegiance.

Conflict of Interest: None Noted

Administer Oath of Office: Brittney Chlarson administered the Oath of Office to Kenny Funk and Staci Zilles-Nelson.

Zoning Administrator Report – Codey Illum

Codey I reported that he has received a few phone calls about potential homes being built along with discussion with Hansen & Associates about a potential subdivision being developed out on 3600 W. He also shared that the city has received an application for a one lot subdivision to go in down by Triple J Produce Onion Shed, however the city engineer has had a few issues with the submittal that still need to be resolved.

ACTION ITEMS:

A. Approval of Previous Minutes: December 10, 2020

CODEY ILLUM motioned to approve the minutes of December 10, 2020 as presented. LAURA HUNSAKER seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

DISCUSSION ITEMS:

A. Kyle Bybee – Dwelling Unit w/Accessory Apartment

Codey I asked the commission to look at section 10-11-8 in the city code. This section shows all of the allowed uses in that zone.

Laura H asked what zone his application is applied under. **Codey I** shared that it is in the RR zone.

Kyle B had heard he could have an accessory apartment and would like to be able to do that. He would like to build a home and put an apartment in the basement. He felt this would be more appealing than building an accessory building.

Codey I shared that Kyle was asking for a Conditional Use Permit and that those requirements are found in the conditional use permit section of the code. Codey couldn't identify a clear answer for this and asked the commission if they felt this request would fall under the conditional use requirements.

Laura H asked if Honeyville City has any restrictions on having a basement apartment.

Kenny F stated that the definitions reads: dwelling single family with accessory apartment having only one dwelling unit and one accessory apartment.

Codey I clarified saying that if it is a single family dwelling, technically it should only house one family. Not a family upstairs and a family downstairs.

Bob K shared that under R2 it allows a dwelling with two families.

Codey I continued saying that it does allow an accessory building in RR, R1 and R2.

Bob K felt that the code was contradicting itself on this issue and that it needs to be cleaned up.

Codey I shared that when the code contradicts itself it is the commissions job to look at what the intent is.

Kyle B just wants to make sure that he is following code.

Ray Shared that for the past 5 years he has had an apartment in his basement. This was approved by the Planning Commission with some conditions. He shared he would like to do this moving forward and wanted to make sure he is following current code.

Bob K asked if utilities are separate in each place.

Kyle B stated that he would probably set them up separately.

Codey I suggested stating that as a condition.

Laura H was concerned about the expense of having an existing home separating those utilities. And she felt that renting out a basement is a good way to help people in the current economy.

Codey I felt that the commission could choose conditions based off of each separate application. He felt that if someone was trying to build a new home with the intent of renting out the basement then it would be reasonable to request, they have separate utilities as one of their conditions. However, if this will be very costly for another applicant those concerns could be addressed at that time.

Laura H expressed concern about parking.

Ray stated that this was one of his conditions the previous commission set for him. His other conditions were based off of fire protection and fell in line with the building code.

Bob K felt that the code needed to be cleaned up and that these requests basically fall into the same category as the new town homes that are going in.

Kenny F would like to dig through the code a bit more.

Bob K felt that on the application it should state that it is an accessory apartment. And wanted everyone to look into this and then put it back on the agenda next month.

(Potential Text amendment to section 10-11-8 of the code).

B. Removal of A-20 and Replacing with A-5-A:

Codey I shared that this was brought up at City Council and they wanted to know if A-20 was going to be removed.

Bob K shared that he received a phone call regarding this and that there is an interest in changing this zone.

Kenny F stated that there is an interest however, the discussion item is a separate issue. By removing the A-20 it would make it unavailable in the future but would not affect the current zoning.

Codey I didn't initially plan on removing the A-20 and wanted the commissions feedback.

Bob K felt that everything that could be done in an A-20 zone could be accomplished in the new A-5-Average.

Megan Miles stated that she put in an application for a rezone back in May of 2019 however she was told her check was lost. Her initial application was to replace the A-20 with the A-5. She also mentioned that she had further discussion with Mary Bingham about the option of clearing up the language surrounding the A-20 zone. Her previous application was put on hold. It was not denied or approved. She provided documentation that states if there has not been any action within a certain period then the application would be considered completed. It was to her understanding that the city was moving forward to remove the A-20.

Codey I shared that there may be some confusion. The city's intent was not to rezone a specific piece of property, it is the land owner's responsibility to apply for a rezone.

Megan M shared that in the August minutes from 2019 there was discussion at the city council regarding the A-20 zone. She continued on sharing that her initial application was to rezone to A-5 with legal non-conforming lots and that she felt her initial application was still valid.

Codey I clarified that this would mean the application is complete not that the zoning is complete.

Megan M shared that they are looking to purchase a 5.5-acre lot from the Millsaps.

Bob K clarified that there were issues with A-20 that underwent several discussions. It was the city's intent to eliminate non-conforming areas.

Codey I stated that as of right now the A-20 has not been replaced. The city added the A-5-Average as a new zone, but the city does not automatically rezone individual's property.

Megan M shared code that stated that the city does have the ability to rezone a property and it was her understanding that this would take place with the approval of the A-5-Average.

Codey I clarified that the city never stated they would rezone an individual's property.

Megan M proposed that the city move forward with her initial application.

Laura H felt that this may be an issue that needs to be addressed on the city council level.

Codey I doesn't feel it would be unreasonable to request a rezone from A-20 to A-5-A. That doesn't mean it will be approved, that decision will be made through the public hearing process and listening to the members it would affect. He also stated that once the city receives an application, they should contact the Ombudsman office for advice. **Cherisse K** asked if the city gets rid of A-20 would they still need to apply for a rezone. **Laura H** clarified that all it would do would be prevent people from being able to request A-20 in the future.

There was further discussion regarding the previous application submitted by Miles and whether or not it should still be valid. The Commission was not a part of this process which occurred during a shift in office staff, and does not feel that anything was done out of malice, but rather miscommunication or misunderstanding. The city was looking into what would be best for the entire community regarding the A-20 zone. And that it was their intent to stay away from illegal properties as it is not good practice for the city.

Laura H suggested that Megan reach out to the Ombudsman's office as a resource for information.

Bob K felt that it would be best for Megan Miles to submit a new application with a clear intent and appropriate signatures. This would be a clearer, more clean process.

The question was asked whether or not the new application fee would be imposed on the Miles if they submit a new application. The Commission felt that this decision was best left up to the elected officials, but did state that the previous \$25.00 fee wouldn't even cover the cost of Public Noticing.

KENNY FUNK motioned to recommend to the City Council to remove the A-20 zone option from future zoning while keeping the existing A-20 as currently zoned. LAURA HUNSAKER seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Bob Kosbab for, Cherisse Kaminska for, and Staci Zilles-Nelson for, with Codey Illum voting against.

Codey I clarified that he was ok with the A-20 but felt that the verbiage needed to be addressed. However, everything can be addressed in the A-5-A.

C. Masterplan Update for changing A-20 to A-5-A

Codey I suggested having Jones and Associates look into this information and have them adjust the Master Plan or possibly using BRAG evening putting it out for bid. This will help the city plan for the future.

CODEY ILLUM motioned to recommend to the City Council that they have an expert review the new zoning as well as update the Master Plan. RYAN ADAMS seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

D. Clear Re-Zone Application Process:

The Commission referred Chapter 5 sections 10-5-7 and 10-5-4 of the code to help clarify this process. Brittney will follow up with the city engineer to get an up-to-date application created.

Megan will submit application. Brittney will post for a Public Hearing to be held at the next Planning Commission meeting.

AGENDA ITEMS FOR NEXT MONTH:

Review Section: 10-11-8 Potential Text Amendment
Megan Miles Application & Public Hearings
Kyle Bybee CUP
John Holdings one lot subdivision

CODEY ILLUM motioned to adjourn. CHERISSE KAMINSKA seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

Meeting Adjourned at 8:16 p.m.

The foregoing minutes were taken and typed by Brittiny Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: 2/24/2021



Brittiny Chlarson

Brittiny Chlarson – Clerk/Recorder

Bob Kosbab

Bob Kosbab - Chairman