Minutes

Elwood Town Planning Commission

Tuesday, November 7, 2023

The Board of the Planning Commission of Elwood Town met at the Elwood Town Hall, 5235 West 8800 North, Elwood, Utah, at 7:00 P.M. on Tuesday, November 7, 2023.

The following members were present constituting a quorum: Curtis Crouch, Britton Hayden, Kevin Hall.

OTHERS PRESENT: Samuel Heiner(Zoning Administrator), Amy Hugie(Town Attorney), Scott Goodliffe(Town Council Rep), Karolina Munns(Planning Commission Secretary), Ron Jacques, Brenda Jacques, Kaye Hess, Greg Iverson, Sherri Pali, Eli Pali, Amy Griffin, Ivy Dow, Spencer Dow, Bailee Carlson, Carl Roberts, Lawana Roberts, Lori Woerner, Brandon Green, DeVere Hansen, Eric Stevenson, Ashlee Stevenson, Mikel Hale, Brandon Gardner, Mark Lay

**Welcome**

The meeting was conducted by Commissioner Crouch in Commissioner Hamson’s absence and started at 7 pm. Commissioner Hayden offered a prayer and Commissioner Hall led with the pledge.

**Minutes**

* October 3, 2023, & October 17, 2023- Commissioner Hall made a motion to accept minutes, Commissioner Hayden seconded, all in favor, motion passed.

**Town Council Update - Scott Goodliffe**

* The Council had a work meeting on October 24th to review ordinance 155.125, 155.110.01, 155.355, 155.395, 155.397, 155.113. They also discussed business license requirements, and letting all citizens know about in-home businesses.

**Zoning Administrator Update – Samuel Heiner**

* Other than the agenda items, there was a Conditional Use Permit for Pali Trucking submitted that was denied. There are 2 other minor subdivisions in concept phase that will be coming to the December meeting.

**Public Comments**

* Ivy Dow-She addressed the rezone application at 5200 W and 10100 N and commented on the current survey and work being done to it. This rezone change would not be following the current map showing this is residential zoned. Changing zoning to commercial will put a strip in a residential area.
* Amy Griffin-She is in the neighborhood also and does not agree with the rezone change.
* Bailee Carlson-She is in the neighborhood, and she wants homes behind her home rather than big storage units.
* Bryan Buchanan-He owns the property to the north of the rezone property. He agrees with all the comments made. There has historically been a drainage problem there and he is not sure how that will be addressed.
* Carl Roberts-He owns the property next to the rezone and he shared comments about utilities and drain ditches and is opposed to the rezone.

**Public Hearing**

Commissioner Hayden motioned to open the public hearing for the Rezone Application for property located at approximately 5200 W 10100 N parcel number 05-077-0092 & 05-077-0116 from residential to commercial C-3 and C-1, Commissioner Hall seconded it, all in favor, motion passed.

* Samuel Heiner, Jones and Associates. The application as shown on the map is office space use as C-3 designation, then a bit beyond the front lot is the C-1 rezone lot that is on the application to building storage units. The front part is currently zoned commercial and the back part is currently zoned residential. The land use chart shows the use on the commercial property. C-3 is currently conditional permitted for industrial shops and warehouses. C-1 is currently conditional permitted for storage units. The Mike Udy Country Lane Estates is not a current application as time has passed and the application is outdated. The Jeff Spenst Subdivision future phases to build more homes to the north has not presented any further phases at this point. This application is in the concept stage and the engineer will look at utilities and drainage but that has not been reviewed yet. The current commercial zone is requested to be rezone to C-3 and includes moving the lot line 40+/- feet, and then the residential to C-1.
* Carl Roberts, commented again on his property and his shop and storm ditches and the proposed trash containers of the storage units.
* Bryan Buchanan, commented on drainage problems, and it is not a simple solution.
* Ivy Dow, commented on eye sore for the residential area of storage units
* Bailee Carlson, commented on the drainage being more of a problem to residential areas because these homes are already having flooding problems
* Greg Iverson, commented and summarized C-3 machine shop, C-1 storage units with traffic in and out passing through machine shop
* Spencer Dow, commented that if the storm drain was resolved, the commercial and residential is still a problem.
* Greg Iverson, commented on flooding and is concerned about this
* Amy Griffin, commented on the storage units in the middle of a flood area, and the negative that would be.

No more comments. Commissioner Hall moved to close the public hearing, and Commission Hayden seconded it, all in favor, motion passed.

**Commission Business**

* Action Item A: Recommend to Town Council - Rezone Application residential to commercial C-3 and C-1 - 5200 W 10100 North. Brandon Gardner is in attendance and references his architect Dave Prock. The drainage issues that have been brought up and will be addressed in the future and in a professional way. The front units are proposed for an electrician and HVAC contractor with a small office, and nice landscaping. The back is to utilitize storage and it is intended to follow Elwood Town code. The developer will address all areas, and this current plan is very conceptual. This is meant to be nicely designed with contained trash, per example. The architect asked for questions. Commissioner Hayden asked if the UDOT access application has been filed yet? They have contacted UDOT yet, but have not started the application process yet. Front easement question, and if the plan has taken into account the large front easement and may loose front parking. Commissioner Hayden commented on the current single access and what will happen to the north homes that will still exist and their access. Commissioner Hayden commented on the attractive layout and wanting to get small businesses into our community. Commissioner Hall commented on the survey the town has put out, and we haven’t looked at the results of the survey yet but are considering this change under the wire. Commissioner Hall commented that the Land Use Map says that the town should deny this. Commissioner Hayden commented that the future of our town and bringing businesses in on Highway 13 and will need to Commissioner Hayden motioned to recommend denial for the rezone until the code can be updated to 155.125 to be met, Commissioner Hall seconded it, all in favor.
* Action Item B: Review & Decision - Conditional Use Permit - Storage Units 5200 W 10100 N C-3 & C-1 approval, Presenter-Brandon Gardner. Brandon Gardner commented that C-1 requirement is for property to be one acre, so even to be C-1 there must be a change to zoning to accomplish it. The flooding needs to be managed whether it's commercial or residential with retention ponds and such. The developer would manage the drainage no matter who develops here. Commissioner Hayden asked if self-storage can be in residential use, conditionally permitted. Samuel Heiner stated yes, currently. Commissioner Hayden motioned to recommend denial for the conditional use permit - storage units 5200 W 10100 N, Commissioner Hall seconded it, all in favor, motion passed.
* Action Item C: Recommend to Town Council - Final Plan, KJE Green Acres Minor Subdivision 8800 North, Presenter-Eric Stevenson. Eric asked where the commission is on this, with it being tabled at the last meeting. Samuel Heiner added that it was brought back to the planning commission for decision, before moving forward to town council. Amy Hugie, Town Attorney, added that the commission can decide based on it complying with the current code. Commissioner Crouch commented that the town council is making decisions that will determine this so pass it on and let the town council decide. Commissioner Hall recommended KJE Green Acres Minor Subdivision 8800 North as it complies with current code to Town Council, Commissioner Hayden seconded it, all in favor, motion passed.
* Action Item D: Recommend to Town Council - Final Plan, Reed Minor Subdivision, 4400 West, Presenter-Tiffany & Teven Reed. Teven Reed addressed the commission, and is wanting to move onto the farm and build a home on a one acre lot. All items required are there, on 4400 West north of the other Nelson property. Discussion on the access with 4400 West listed as a ‘collector road’. Commissioner Hayden read minutes from last month, stating that current code states that developers need to explain how they will not need to back out onto the ‘collector road’. Commissioner Hall motioned to recommend final plan Reed Minor Subdivision, 4400 West to Town Council, Commission Hayden seconded the motion, all in favor, motion passed.
* Commissioner Crouch closed the commission business and moved into the work meeting.

**Work Meeting**

* Discussion Item A: Ordinance Revision - Chapter 150 Subdivisions. Brandon Green, Jones & Associates, recently hired, a retired city manager after 18 years in Davis County. Brandon is working on the subdivision ordinances that are changing based on the new laws. The biggest change is that it takes the town council out of the process of single family subdivision approvals. The administrative and planning commission chair will now be the decision makers. Emily is backing up the changes with code reference in the notes. There may be some definitions that Amy, Town Attorney, would like to add. The assignment was given to review pages 1-12 and return to the next meeting to discuss. This code needs to be adopted by December 2024, but it is recommended to get it done well before this date. The planning commission will in the future only have a say on a rezone. The work the planning commission does is to set ordinance and to set zoning, which is important work to the future of the community.
* Discussion Item B: Ordinance Revision - Schedule of Uses 155.126. Samuel Heiner, addressed the old version section G which does show that columns were not moved. Commissioner Hayden commented on the definitions and the need to clearly state the definitions and then let the definitions flow through to identify Schedule of Uses. Commissioner Hayden searched random cities to find different definitions and presented it to the commission. Homework was given to review and be ready to discuss at the next meeting. Samuel Heiner also included the current code definitions. Commissioner Hayden spoke on Commercial definitions. Commissioner Hall stated that he wants to see the results of the survey. Samuel Heiner spoke on Commercial definitions and discussion will continue at a future meeting. Brandon Green added to the discussion, the overview of what the planning commission has the ability to do with the Land Use Map, General Plan update, and using the community survey to do this. He commented on the idea of taking this time to plan.
* Discussion Item C: Ordinance Drafting - Parking of commercial vehicles in residential areas. Further discussion will be at a future meeting.
* Discussion Item D: Ordinance Drafting - On-street parking. Further discussion will be at a future meeting.

# **Adjourn Meeting**

Commissioner Hall motioned to adjourn the meeting at 8:52 pm, and Commissioner Hayden seconded, all in favor, motion passed.