**Planning and Zoning Regular Meeting**

**38 West Center Street Gunnison, Utah 84634**

**September 2nd, 2015 at 6:00 pm**

**Start: 6:10 p.m.**

1. **Invocation:** Nolan Squire offered a prayer.
2. **Roll Call:** Rod Taylor, Nolan Squire, Brian Jensen, Michelle Smith, Janell Braithwaite, and Allysia Dahl

**Audience:** Warren Avery, Mike Wanner, Alayna Alder, Ron Christensen , Marilyn Christensen and Elina Mendez

1. **Public Comments:** there were no public comments.

Brian Jensen stated that we should skip to item five on the Agenda, Mike Warrner’s application so he may return to other previous engagements, allowing time for the other applicants on the Agenda to get to the meeting.

1. **Mike Wanner—Conditional Sign Application Location: 75 West 300 North:**

Mike Wanner stated he had been granted a temporary approval of the signage for his dance studio. He waited to present his Conditional Sign Application until the Commission had made the changes they wanted for the signage ordinance. He wanted to make sure that he would meet the new requirements before he applied for his permanent approval of the signage. He stated changes would happen every few years; the photo on the banner would be changed.

Rod Taylor asked if he met requirements for square footage. His building is 968 square feet and his banners are 84 square feet. Michelle Smith stated that it was 30% of the total wall area. Rod Taylor asked if he met the projection requirements, Mike Wanner replied 30 inches is the requirements and he met the conditions.

Michelle Smith also inquired to Mr. Wanner when he was going to finish the site improvements that were on the initial application, for example, side walk, driveway, fence etc. Mr. Wanner stated that he was going to do a driveway immediately. The Driveway will continue to be gravel until he can collect the finances for those improvements.

Nolan Squire motioned to recommend approval to the council for the Conditional Sign Application for The Dance Studio Located at 75 West 300 North. Michelle Smith seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays.

1. **Alayna Alder—Home Occupation Application Location: 240 West 300 North:**

Alayna Alder wanted to conduct a home based business in preparing salsa, jam, jelly and baked goods. Mrs. Alder stated that once her application was approved she would have the Department of Agriculture do inspections of her recipes, labels and facility. Alayna Alder stated that she will not have anyone at her home; she will be going to famers market, craft fair, and deliver.

Rod Taylor asked about state licensing, do you need to follow any of those laws or regulations. Alayna Alder stated that she had her food handlers and her Utah State Tax number.   
 Michelle Smith inquired if she was going to have any employees. Mrs. Alder stated that she was going to do everything; no one will be employed at this time. Michelle Smith further inquired if her home had already been inspected. Alayna Alder stated that she was not inspected yet because her labels have to be approved prior to a site inspection. She stated that Cody Griffith will be the one who comes and inspect the kitchen.   
 Rod Taylor asked if she was using the same entrance for her business as her home. Alayna Alder stated that no one will be coming to the home because she will do everything with delivery and sold at farmers markets. Brian Jensen stated there would be no employees; the business would consist of producing at the home and distributing outside the home. Alayna Alder agreed with Brian Jensen’s statement.

Michelle Smith motioned to approve the Home Occupation for “Sweeties” located at 240 West 300 North, Gunnison Utah 84634 as presented. Nolan Squire seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

1. **Warren Avery: Mobile Home Park Application Location: 69 North Main Street.**

Mr. Warren Avery stated that the idea was to have a mobile home park behind his home at 69 North Main Street. Mr. Avery presented a map that showed his neighbors and his property, and explained that the access road to the mobile home park would be through the Joseph Kennedy’s property. His other neighbor Mrs. Seahorn was not able to sign an affidavit stating access at this time due to family issues. Mr. Avery stated that he thought this mobile home park would be appropriate for young singles, maybe seniors to live, or possibly families that go to visit their relatives in the prison. Mr. Avery stated that it could be cheaper than motels or hotels.

Michelle Smith asked if he was going to provide the units. Mr. Avery stated that he needed to talk to Councilman Anderson to see if it would be appropriate for people to stay for several days. Michelle Smith then inquired if this would be a place for people to bring trailers. Mr. Avery said no, his idea is to purchase one mobile home and charge the rental fee to pay for the unit.

Brian Jensen inquired if he is going to split the lots and make it into two separate lots. Mr. Avery replied yes he was going to split the lots. Brian Jensen then inquired where the frontage for the lot as located. Mr. Avery replied probably the Kennedy’s property line. Brian Jensen inquired if he was going to purchase the land. Mr. Avery stated no, Joseph Kennedy would be a partner with Mr. Avery. Mr. Avery wants to have all three lots together and have the access road owned by Mr. Kennedy and stated that his idea is they each would own 1/3 of the lots. Warren Avery said he did not know if the Kennedys would want to expand the mobile home park, and he wouldn’t have ownership in that mobile park. Mr. Avery further stated that he hadn’t been able to contact Mrs. Seahorn to find out her plans.  
 Michelle Smith inquired if he was creating a partnership or has this been a verbal agreement. Warren Avery stated that it would be in regards to the 1/3 property ownership. Michelle Smith then asked where the access would be, and on his map it illustrated that he would be coming in at approximately 100 North. Warren Avery said no, the road she was pointing to was a dead end road. Warren Avery stated he had not made any formal agreements and he wanted to see if it was possible for it to be zoned for a mobile home park. Mr. Avery stated that there was a 2 ½ Foot setback from the City Hall property to the unit.   
 Brian Jensen asked Rod Taylor if this split was allowed and if it was made into two residential lots would the split make the lot with the existing home a non-conforming lot. Rod Taylor stated that it would not make it a non-conforming lot in regards to area. Mr. Avery mentioned that the lot is 80 feet by 198 feet. Rod Taylor summarized the code and stated that Mobile Home Parks are not allowed in the city, except grandfathered Mobile Home Park. Warren Avery stated that the code means Mobile Homes are not allowed that are older than the 1976 date because that was when the State developed new safety codes. Rod Taylor further explained that in the R-C Zone, which the property is located, the requirements include that a multiple two-family dwelling unit requires 100 foot frontages on a city street to have more than a single family dwelling on a lot in that zone. Rod Taylor also stated that this situation does not have 100 foot frontage. Warren Avery stated that the entrance is on the Kennedys property. Michelle Smith stated that the access road is only 18 foot wide.

Rod Taylor then stated that this multiple family dwelling isn’t what the application addresses, he asked Mr. Avery if what he was looking for was an approval for a Mobile Home park, Mr. Avery replied yes and that he wanted to include the Mobile Home Park in the R-C district. Brian Jensen inquired if he was simply requesting a zoning change. Warren Avery explained that no, however he wanted a mobile home park to be considered for his lot that would be split from his existing home. Brian Jensen stated that he currently resided in a Residential-Commercial district. Mr. Avery responded by saying that the lots would be split so his home would remain Residential Commercial and separate from the Mobile Home Park. Brian Jensen then stated that we currently do not have a Mobile Home District established, so in order to create one we would need an application to request a zoning change. Mr. Avery explained to the Commission that no, he had spoken with Councilman Robert Anderson on this issue and we do have a Mobile Home Park district in the ordinance. Brian Jensen stated that the zoning ordinance does not allow a Mobile Home Park. Mr. Jensen further explained that the Zoning Commission would have to draft an amendment and the first step is to get an application requesting a zoning change which then would go through the proper channels of a public hearing and the required approval process.

Brian Jensen then stated that his questions as: 1. Are we here on a request for a Zoning change or; 2. Are we here to approve this application for a Mobile Home Park, and the problem with approving the application is that we legally cannot approve this request because we don’t have anywhere that allows this request. Warren Avery stated that he was confused because in the ordinances it talks about the Mobile Home Parks. Brian Jensen stated yes, it does speak of the park; however the City has no location, or zone for Mobile Home Parks. Mr. Avery stated “the ordinance states unless specifically excluded, it can be accepted”. Mr. Avery declared that his interpretation of the code included R-C zone as a “multiple usage zone” meaning there are many different types of residences and any residence included in the ordinance, because there are no exclusions in the ordinance.   
 Mr. Rod Taylor said the process is to review the application for the R-C zone, the Planning Commission will review it, make their determination, and if they determine not to approve Mr. Avery has the right to appeal.

Warren Avery said that is a slight issue with the square footage, however he feels the Kennedy’s have enough property to make up any lack of land and in conclusion if there isn’t anything specifically excluded he doesn’t understand what we would base a disapproval on.

Michelle Smith stated her concern was with the zone, specifically there is not an area within city that would allow The Planning Commission to approve the application. Brian Jensen explained what the ordinances allowed in a residential zone, he specifically illustrated the single-family dwelling per lot. Michelle Smith stated there are several things that would not allow approval of this application as presented, she was also concerned by the safety issues specifically in regards to fire safety and the 18 foot one way entrance and the fact there are no turn-around for a fire truck or ambulance.   
 Rod Taylor stated that he wasn’t sure that even if this was allowed in the city it would be approved based on the design of the project. His other concern The City cannot allow the creation of two nonconforming lots, even if the application met every other requirement, and there must enough property for the existing homes. Mr. Avery said that he has 100 feet behind his home and 80 feet in front of his home, he didn’t understand how he didn’t have enough property. Rod Taylor stated that would end up being 8000 square feet, and he needed at least 10,000 square feet. Michelle Smith stated that if you were to split the lot you would have two non-conforming lots. Rod Taylor stated that the current requirements are actually 7500 square feet for a legal residential lot. The current application doesn’t meet those requirements.

Brian Jensen asked the application were approved it would be 1,500 square feet lot. Mr. Taylor explained that the application doesn’t meet Ordinance requirements, and the explained the appeal process.

Warren Avery stated that the multiple use clause for an R&C zone in the ordinance allowed a Mobile Home Park because a Mobile Home Park was a multiple use. Rod Taylor stated that it is a multiple use zone, but only with the items specifically allowed in that zone, that excluded Mobile Home Parks.

Warren Avery then spoke about the apartments that the Kennedy’s own next door to his property. Rod Taylor stated that most likely was a nonconforming situation and was probably established prior to the zoning ordinance being adopted. Mr. Avery said that we weren’t saying that we didn’t want duplexes in the zone and he didn’t understand the difference. Rod Taylor stated that the difference was it is a single structure, not a Mobile Home Park. Warren Avery explained that it is the same as the apartments it is a mobile home family dwelling and he stated that the federal law states one cannot exclude a manufactured home in any area that is residential; which includes mobile homes.

Mr. Avery then inquired if we would treat a Condominium application like a Mobile Home Park application. Michelle Smith stated that a condominium would have completely different requirements. Mr. Avery gave the opinion that he didn’t know how the Planning Commission could deny this application but he could see the validity of the concern in regards to the fire and safety concerns. Mr. Avery felt there is no reason for denial.

Brian Jensen said that the Planning Commission must follow what is written in the code. Mr. Jensen then explained that if any citizen believes the code to be unfair, he or she has the obligation and right to petition to change what item needs addressing in the code. Warren Avery then stated he would probably appeal this to the City Council based on the idea of there is an ordinance that addresses Mobile Home sites. Brian Jensen then stated we do have a Mobile Home Park section in the code, but we do not have a zone that allows that use. Warren Avery stated that our Ordinance does not exclude mobile home parks but that the code stated Gunnison would not allow any Mobile Homes that are built prior to 1976 [Dwelling Unit, Mobile Home: A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a State mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code)].

Brian Jensen then asked Mr. Avery what he wanted to achieve today, a zoning change or an approval of the application for a Mobile Home Park. Warren Avery stated he wanted the commission to allow the property to be zoned to allow Mobile Home Parks.

Warren Avery explained that under federal law any place that is residential cannot deny the placement of manufactured homes. Rod Taylor explained his concern was even if the area was zoned for a Mobile Home Park, the design that has been proposed by Mr. Avery wouldn’t meet requirements like setbacks or frontages for residential areas. Mr. Avery then stated that it wouldn’t be a residential area, it would be a Mobile Home Park. Michelle Smith stated that it would be necessary to have the area re-zoned for this proposal. Warren Avery stated that he did not think it needed to be re-zoned and the Council would have to say that his proposal applies to the Residential-Commercial zone and it applies for multiple dwellings and isn’t excluded for any particular reason.   
 Michelle Smith explained that this proposal doesn’t meet requirements of the City code. For example there are nine dwellings on this 15,000 square foot area and each structure needs to meet the Code requirements. Michelle Smith recommended that we table this application to have further review and discussion. Nolan Squire stated that there are more concerns that need to be addressed. Mrs. Smith explained that she understood the request that Mr. Avery had made but the application did not meet Gunnison City requirements. Brian Jensen stated that we had a motion to table this application, Nolan Squire seconded the motion. Warren Avery then asked if it would be possible to separate the issue of it being re-zoned [for a Mobile Home Park] and his application that was presented. Michelle Smith explained that it is all the same problem and the issues cannot be separated—the area is not zoned for a Mobile Home Park. Brian Jensen stated the Planning Commission needed time to review and give a detailed list to Mr. Avery of why it doesn’t meet Gunnison requirements.

Brian Jensen make a new motion that the Planning Commission deny the application for a Mobile Home Park in the Residential-Commercial zone as proposed by Mr. Warren Avery and this application is to be sent to the council for further review. Michelle Smith seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays. Brian Jensen instructed Mr. Avery to go get placed on the Agenda for City Council and discuss the situation with them.

**14. Mobile Business License Discussion:**

Brian Jensen asked the commission and audience if they had seen the proposal from Rory Ward in regards to the Mobile Business License, he explained that it was the Richfield Ordinance had been discussed as a starting point for establishing a Mobile Business License in Gunnison City.

Allysia Dahl passed out copies of the sample ordinance to the audience and Zoning Commission. There was discussion on the sample ordinance and what the difference was between seasonal temporary licenses vs. mobile business license would be.   
 Michelle Smith asked if this trailer [The Taco Truck] was self-contained, she asked about water and how they kept the dishes, hands, and other basic things clean. Elina Mendez stated she had a water reserve. Brian Jensen inquired about the power, how did they cook the items and he stated that in this sample ordinance no power or auxiliary shall be ran off of an extension cord unless they have permission from the land owner to do so.

Michelle Smith stated that mobile business owners shall be allowed in city right-of-ways unless zoned specifically for the mobile businesses. Rod Taylor stated that we need to brain storm and find out what would work best for the current businesses and future businesses. Brian Jensen made the recommendation that we take the sample and brain storm what we would and would not like to see, and try to make it more accommodating for the good of Gunnison.

The Planning and Zoning commission stated that they would like Ron Christensen , Marilyn Chriensen and Elina Mendez to look over the proposed sample ordinance from Richfield city and come to us with suggestions so we can move toward making this easier for the entire city. The commission wanted input from the Taco Truck business owners to start making an ordinance that would help protect the City, and the businesses and the community from liability, and more importantly enrich the community with more businesses and opportunities.   
 Brian Jensen asked if we could have those recommendations for the next meeting on October 14th 2015 at 7:00 p.m. everyone present agreed that they could get recommendations to the Zoning commission so they could draft to present to Council for approval.

**9. Proposed Approval of Planning and Zoning minutes for Wednesday, October 15th, 2014:**

Michelle Smith motioned to approve the minutes as presented. There was no further discussion. Nolan Squire seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

1. **Approval of Planning and Zoning in minutes for Wednesday, August 20th 2014:**

Brian Jensen motioned to approve the minutes as presented. There was no further discussion. Michelle Smith seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

1. **Proposed Approval of Planning and Zoning minutes for Wednesday, August 6th, 2014:**

Michelle Smith motioned to approve the minutes as presented. There was no further discussion. Nolan Squire seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

**11. Proposed Approval of Planning and Zoning minutes for Wednesday, April 1st, 2015:**

Michelle Smith motioned to approve the minutes as presented. There was no further discussion. Nolan Squire seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

1. **Proposed Approval of Planning and Zoning minutes for Wednesday, January 28th 2015:**

Brian Jensen motioned to approve the minutes as presented. There was no further discussion. Michelle Smith seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

**12. Proposed Approval of Planning and Zoning minutes for Wednesday, April 29th, 2015:**

Michelle Smith motioned to approve the minutes as presented. There was no further discussion. Brian Jensen seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

**13. Proposed Approval of Planning and Zoning minutes for Wednesday, June 24th 2015:**   
  
 Brian Jensen motioned to approve the minutes as presented. There was no further discussion. Michelle Smith seconded the motion. All present were in favor of the motion with 3 Ayes and 0 Nays

**15. Discussion of future items to be placed on agenda:**   
  
 Mobile Home business ordinance, appointment of chairperson and a vice-chairperson for the Planning and Zoning Commission, setting the next year of regular meetings, drafting new updated PZ books.

**16. Adjourn**: Brian Jensen motioned to adjourn the meeting.

**Finish:** 7:47 p.m.