

Hildale City Planning Commission

320 East Newel Avenue, Hildale, Utah 84784

Thursday, October 27, 2020, 6:30 pm

Present:

Commissioners: Brigham Holm, Charles Hammon, Jenn Kesselring, Nathan Fischer, Derick Holm, Tracy Barlow, and Rex Jessop

Recorder: Athena Cawley

Staff: Harrison Johnson, Christian Kesselring

Public: JVar Duston, Stacy Seay, Ray Chatwin, Toni Chatwin

Court Monitor: Roger Carter

#1. Call to Order.

Meeting called to order at 6:30 pm.

#2. Roll Call

Roll was taken, quorum present.

#3. Pledge of Allegiance

Brigham led the crowd in the pledge of allegiance.

#4. Public Comment

Ray Chatwin brought attention to the Commissioners in making decisions on zoning that involve alcohol sales such as beer, wine, and/or a full bar, then please keep it away from residential areas.

#5. Public Hearing

Derick Holm moved to go into a Public Hearing for Consideration and Possible Action on Text Amendment to the Hildale City Land Use Ordinance Relating to Defining Wineries, Breweries and Distilleries and Permitting the Same in Specific Zoning Districts (HCC §§ 152-3-4, 152-12-3, 152-15-3, 152-16-3, & 152-26-5).

Charles Hammon seconded. Roll call vote:

| | YES | NO | ABSTAIN |
|-----------------|-----|----|---------|
| Brigham Holm | X | | |
| Charles Hammon | X | | |
| Nathan Fischer | X | | |
| Jenn Kesselring | X | | |
| Rex Jessop | X | | |
| Tracy Barlow | X | | |
| Derick Holm | X | | |

Motion carried.

Harrison presented. When staff was evaluating Gary Tooke's application for final site plan approval for a winery, then there was not a very specific definition in City code for wineries and permitted use defined in the zones. Christian did some research of other cities that have alcohol manufacturing in their code and what zoning areas are permitted with that kind of use. Staff recommends the Planning Commission recommend to the City Council to adopt the definition that the state defines for manufacturing alcoholic beverages. That they add "Manufacturing Alcoholic Beverages 30,000 square feet and under" to the following zones (General Commercial, Highway Commercial, Planned Commercial, Business Manufacturing Park, Light Industrial, Recreation and Resort, Agricultural) and add "Heavy Manufacturing, Alcoholic Beverages 30,000 square feet and over" to the following zones (Heavy Industrial).

Public Comment:

Toni Chatwin at 640 North Juniper Street, recently sent in a video to the City Council involving incidents that happened at Zion Cliffs Lodge directly adjacent to her residence. She explained how these incidents disturbed her household with loud music late at night and a comedy show that had foul language not appropriate for children. She requested that the Commissioners consider who this affects when making decisions for commercial zones next to residential that allow alcohol sales.

JVar Dutson explained that the town does have several places that have commercial zones right next door to residential. This issue is going to continue coming up with the public and does need to be considered for resolve. He supports the growth of new business but has real concerns with alcohol being next to residential areas.

Facebook Comments:

Darlene Stubbs, "I'm all for a winery, but not in a residential neighborhood."

Terrill Musser, "If we don't create some boundaries and have some guidance, we are going to lose the heart and soul of our community."

Harrison clarified the defined use for the winery being alcoholic manufacturing and Zion Cliffs Lodge being a hotel or motel. There was explanation how there are specific restrictions on retail sales and how much alcohol can be consumed.

Christian addressed some legalities. In the City of Hildale, any facility that sales alcohol whether it is retail or wholesale must obtain a city alcohol license. The city in addition to state limitations has restrictions on where you can have on premise consumption of alcohol. Defining winery specific to state code says that those kinds of facilities can only offer tastings that are limited to certain amounts of alcohol, being a winery then only 4 oz can be offered to a person in a 24-hr. period. This is different from a restaurant or bar license. What is being brought before the Commissioners is what zone is that use going to be allowed in. There is nothing in state or city code that prevents them being located in a residential area.

**Rex Jessop moved to leave the Public Hearing and return to regular meeting.
Derick Holm seconded. Roll call vote:**

| | YES | NO | ABSTAIN |
|-----------------|-----|----|---------|
| Brigham Holm | X | | |
| Charles Hamon | X | | |
| Nathan Fischer | X | | |
| Jenn Kesselring | X | | |
| Rex Jessop | X | | |
| Tracy Barlow | X | | |
| Derick Holm | X | | |

Motion carried.

#6. New Commission Business

A. Consideration and Possible Action on Text Amendment to the Hildale City Land Use Ordinance Relating to Defining Wineries, Breweries and Distilleries and Permitting the Same in Specific Zoning Districts (HCC §§ 152-3-4, 152-12-3, 152-15-3, 152-16-3, & 152-26-5)

Brigham Holm clarified that the Commissioners are here to decide to allow a text amendment to allow entrepreneurs to grow a business and not decide to allow an alcohol license to a business. All licenses go before the City Council. He expressed to the citizens that the Planning Commission is here looking out for everyone and expressed how making the best decisions for the community is the goal.

Tracy Barlow explained that it is up to the City Council to determine an alcohol license and the Planning Commission to determine the zone.

Charles Hammon clarified that the issue with zoning commercial in residential zones has been brought before the Planning Commission several times and has been voted down. He disclosed a conflict of interest on the site plans for the agenda and will abstain from voting. Jennifer explained that this text amendment would not affect Zion's Cliff Lodge.

Rex Jessop moved to recommend to the Hildale City Council the staff recommendation in the packet.

Jennifer Kesselring seconded. Roll call vote:

| | YES | NO | ABSTAIN |
|-----------------|-----|----|---------|
| Brigham Holm | X | | |
| Charles Hammon | | | X |
| Nathan Fischer | X | | |
| Jenn Kesselring | X | | |
| Rex Jessop | X | | |
| Tracy Barlow | X | | |
| Derick Holm | X | | |

Motion carried.

B. Site Plan Review for HD-HDIP-37

Harrison presented. The correct drawings are now in the packet as requested from last meeting. There is only one proposed change for the parking area.

Charles Hammon explained that the applicant is proposing putting in a drive isle on the side of his property going back to his facility with a parking area. Other cities with similar busines followed that layout.

Jennifer Kesselring moved to approve Site Plan Review for HD-HDIP-37 with the following conditions of the zoning amendment being passed.

Brigham Holm seconded. Roll call vote:

| | YES | NO | ABSTAIN |
|-----------------|-----|----|---------|
| Brigham Holm | X | | |
| Charles Hammon | | | X |
| Nathan Fischer | X | | |
| Jenn Kesselring | X | | |
| Rex Jessop | X | | |
| Tracy Barlow | X | | |
| Derick Holm | X | | |

Motion carried.

C. Site Plan Review for HD-HDIP-38

Harrison presented. This site plan review is for a remodel with no change made to the site. It is intended for the buildings current use. The facility may not meet all the codes for parking, but currently it does not utilize all the parking that is there. The staff recommends approval of the site plan review for the buildings current use.

Charles Hammon explained that the number of parking stalls required is dependent upon the building use. He explained the complexity of the situation and how the parking is suitable for the intended remodel.

Nathan Fischer moved to approve Site Plan Review for HD-HDIP-38 for the building current use.

Rex Jessop seconded. Roll call vote:

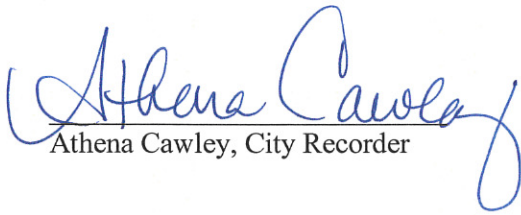
| | YES | NO | ABSTAIN |
|-----------------|-----|----|---------|
| Brigham Holm | X | | |
| Charles Hammon | | | X |
| Nathan Fischer | X | | |
| Jenn Kesselring | X | | |
| Rex Jessop | X | | |
| Tracy Barlow | X | | |
| Derick Holm | X | | |

Motion carried.

#7. Adjournment

With no other business meeting adjourned at 7:50 pm.

Minutes were approved at Planning Commission meeting on January 26, 2021.


Athena Cawley, City Recorder

