

MINUTES OF A PLANNING AND ZONING MEETING HELD AUGUST 19, 1981

Minutes of a Planning and Zoning Meeting held Wednesday, August 19, 1981, at the Delta City Offices at the hour of 8:00 p.m.

PRESENT

Don Dafoe	Chairman and presiding
Roland Dutson	Member
Robert Law	Member
Sherrri Lewis	Member
Rochelle Watts	Member

ABSENT

Max Bennett	Member and Councilman in Charge
Austin Astle	Member
Bruce Taylor	Member
Ray Little	Member

OTHERS PRESENT

Leland J. Roper	Mayor
Steve Young	MICA
Ray Valdez	Building Inspector
Jav Covington	BYU Student
Mr. & Mrs. Jay Cook	Developers
John Harvey Rowlette	Developer
John Rowlette, Jr.	Observer
Mr. & Mrs. Jim Pendray	Developers
Bob Pendray	Developer
Willis Morrison	Councilman
Lilli Dawson	Secretary

Chairman Dafoe being present called the meeting to order at 8:00 p.m.  
Lilli Dawson being present acted as secretary.

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MINUTES

Minutes of a Regular Meeting held Wednesday, July 29, 1981, were read and approved upon a MOTION by Member Lewis, SECONDED by Member Dutson and received a unanimous affirmative vote.

PENDRAY DEVELOPMENT ZONING CHANGE FROM C-1 TO HIGHWAY COMMERCIAL

Mr. Jim Pendray stated that he and his brother Bob Pendray and other investors in the development would like the records to show their opposition to the proposed zone change and the reasons for their opposition.

He listed past events in regard to the development and the City as follows:

The Planning and Zoning Minutes of October 16, 1978, show they submitted a proposal and Sketch Plan with a request to rezone the property between 2nd N to 6th E and 2nd N to the present State Highway from RR-1 to C-1 and their request was recommended for approval. However at the next City Council Meeting no action was taken.

The next action taken occurred at a City Council Meeting on March 26, 1979, and at that point they explained the request for a rezone and were told that they should go back to the Planning Commission because the Commission was compiling a Master Zoning Change for the whole City and their proposal could be incorporated into that Master Zoning Change.

Mr. Pendray added that basically they were put on hold while the planning process was going on in 1979.

On October 25, 1979, the Millard County Chronicle published Ordinance 79-4, which included all the zone changes, and their property was zoned C-1.

On March 19, 1980, the Pendrays appeared before the Planning Commission and asked if more detailed plans of the development were needed. The Commission told them that as long as they conformed to the Subdivision Ordinance, the Building Permit Ordinance and checked with the City Superintendent, there was no longer a need for them to appear before the Planning and Zoning Committee.

On the basis of that approval received in March of 1980, the Pendrays started the ground work for their development. In December of 1980 they entered into an agreement with Delta City on a Resolution of Intent Memorandum of Agreement, whereby they could use the City's tax exempt status if they needed to with regard to industrial revenue bonds to finance the project that they had been working on and to make sure that if financing became difficult for normal conventional sources and so forth, they could use it for another means to keep the project going. As a result they have been working on various

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situations with regards to the property that they have and they rely on the approvals that they have received in terms of zoning and in terms of their representation to their lenders and various businessmen.

He said that they would like to continue with the development, as it was represented and approved under the C-1 Zone, regardless of any zone classification change, as C-1 Zone fits their needs 100% as it did in the beginning, and the proposed zoning would not.

After a lengthy discussion and consideration of past events and present and proposed zoning effects on the project, Member Law made a MOTION to recommend that the Delta City Council extend the Future Land Use Map, Central Business Type Land Use, to the present East City Limits, replacing the land use that is currently shown as Highway Commercial. The motion was SECONDED by Member Dutson and received a unanimous affirmative vote.

RENTAL STORAGE UNITS - REQUEST OF JOHN HARVEY ROWLETTE - 241 EAST MAIN STREET

Mr. Rowlette pointed out the fact that there is no provision made for storage units in the present or in the future zoning in Delta City. He said he had appeared before the Delta City Council and was denied a building permit because the site for the storage units is in a C-1 Zone, and they are not a permitted or conditional use in that zone nor in the future R-3B zone for that area. The City Council referred him to the Planning Commission.

RENTAL STORAGE UNITS - REQUEST OF JAY COOK - 255 E 1ST N

Mr. Cook said he would like to build rental storage units, which would be located in a C-1 Zone, and future R-3B Zone, and he was present to plead his case also.

There was a general discussion on present and future zoning of those areas, the size of the storage units and their appearance. It was the consensus of all that due to the fact that the new Zoning Ordinance has not been adopted the current Ordinance should be referred to in the case of Mr. Rowlette and Mr. Cook and the Committee's interpretation of the Zoning Ordinance C-1 Conditional Use 11:312 Wholesale business and warehousing should include rental storage units.

A MOTION to that effect was made by Member Lewis, SECONDED by Member Dutson and carried with a unanimous vote.

Chairman Dafoe then suggested that Mr. Rowlette and Mr. Cook prepare a concept plan or drawing and submit it to the City Superintendent who can issue them an application for a Conditional Use Permit.

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RENTAL GARAGES UNDER SEPARATE OWNERSHIP, ON SEPARATE PROPERTY TO  
ACCOMMODATE CHADE APARTMENTS AND DELTA MANOR APARTMENTS - REQUEST BY  
JOHN HARVEY ROWLETTE - 241 E MAIN

Mr. Steve Young pointed out that under separate ownership and on separate property the garages would not be classified as accessory buildings and there would be no guarantee they would be used by the renters of the apartments only.

The Chairman said the garages are not a permitted nor conditional use at the proposed location.

The Planning Commission was unable to reach a decision and the matter was tabled.

AMENDMENTS TO PLANNING & ZONING ORDINANCE NO. 81-21

After a discussion of the suggested amendments, read by the Mayor, Member Lewis made a MOTION to recommend that the Delta City Council approve the Zoning Ordinance 81-21 with the proposed changes. The motion was SECONDED by Member Watts and carried with a unanimous affirmative vote.

There being no further business Member Dutson made a MOTION to adjourn at 11:30 p.m. His motion was SECONDED by Member Watts and received a unanimous affirmative vote.

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Don Dafoe, Chairman

  
Lilli Dawson, Secretary