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PLANNING AND ZONING MEETING
OCTOBER 14, 1981

NOTICE AND AGENDA

DELTA CITY BUILDING 8:00 p.m.

1. APPROVAL OF MINUTES OF SEPTEMBER 9, 1981
2. BILL NELSON: PROTEST ON REZONED LOT #42 FROM COMMERCIAL TO R-2 AND PROTEST OF R-2 ZONE, WHICH INCLUDES HIS HOME.
3. DECISION OF GAYLE BUNKER APPLICATION FOR ZONE CHANGE.
4. CONSIDERATION OF RICHARD HALL APPLICATION FOR ZONE CHANGE.
5. CONSIDERATION OF JOHN CHOULES APPLICATION FOR ZONE CHANGE.
6. PENDRAY FINAL PLAT "E" AND AMENDMENT TO PRELIMINARY PLAT.
7. JOHN WILLIE OF IPA TO EXPLAIN PROCEDURE OF PUD.
8. TRAVELER AND WEBB PUD.
9. BILL GARRETT APPLICATION FOR A ZONE CHANGE.

And such other business that may come before said meeting.

MINUTES OF A PLANNING AND ZONING MEETING HELD OCTOBER 14, 1981

Minutes of a Planning and Zoning Meeting held Wednesday, October 14, 1981, at the Delta City Offices at the hour of 8:00 p.m.

PRESENT

Max Bennett	Member and Councilman in Charge
Don Dafoe	Chairman
Austin Astle	Member
Bruce Taylor	Member
Rochelle Watts	Member
Ray Little	Member

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ABSENT

Roland Dutson	Member
Sherrri Lewis	Member
Robert Law	Member

OTHERS PRESENT

Leland J. Roper	Mayor
John Choules	Developer
Lola Burraston	Resident
Gayle Bunker	Bunker & Sons
Larry Morris	Resident
Bill Garrett	Jerry Young Realtors
John Stewart-M-13	Developer
Mike Barney	Resident
Gary Bunker	Bunker & Sons
Jim Pendray	Pendray Construction
Bob Pendray	Pendray Construction
John Willie	IPA
Richard Hall	Developer
Bill Nelson	Resident
Jim Nelson	Resident
Steve Pace	S/P Real Estate
Dave Clark	Banker and observer
Jack Fowles	Resident
Barbara Dafoe	Resident and observer
Lilli Dawson	Secretary

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

MINUTES

Minutes of a Regular Planning and Zoning Meeting held Wednesday, September 9, 1981, were presented for approval and the following correction was made after which Member Watts made a MOTION to approve. The motion was SECONDED by Member Taylor and received a unanimous affirmative vote.

CORRECTION TO MINUTES OF SEPTEMBER 9, 1981 - APPLICATION OF BUNKER ZONE CHANGE

A discussion followed and it was the unanimous decision that the zone change of Gayle and Gary Bunker was consistent with the Future Land Use Map. Chairman Dafoe entertained the motion that the Committee accept the application, advertise for a Public Hearing and make a recommendation at the next Regular Zoning Meeting after the Public Hearing.

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MINUTES OF A PUBLIC HEARING OCTOBER 1, 1981 - APPLICATION OF BUNKER ZONE CHANGE

Chairman Dafoe made the following correction:

Chairman Dafoe stated that the Hearing was to receive comment on the application of Gayle and Gary Bunker for zone change from R-2 to R-3A.

GAYLE AND GARY BUNKER APPLICATION FOR A ZONE CHANGE AT ABOUT 330 W 2nd S, LOT 1, BLOCK 35, PLAT "A" DELTA TOWNSITE SURVEY FROM R-2 TO R-3A TO BUILD TWO FOUR-PLEX UNITS

Chairman Dafoe discussed with the members the Public Hearing on the zone change held on the 1st day of October, 1981, and the concerns and comments by those affected property owners that were in attendance. He then asked if the Committee was ready to reach a decision.

Chairman Dafoe having been the only member in attendance at the Public Hearing it was the consensus to table a decision until they had the opportunity to listen to the tape taken at the Public Hearing. A MOTION was made by Member Little, SECONDED by Member Watts and received a unanimous vote.

RICHARD HALL APPLICATION FOR A ZONE CHANGE ON LOTS 6, 7, 8, 9 OF HIS SUBDIVISION PLAT FROM R-2 TO R-3A FOR FOUR-PLEX AND MARK JACOBS FOR A ZONE CHANGE THE EAST 137.5 FEET OF LOT 3, BLOCK 12, PLAT "A", DELTA TOWNSITE, WHOSE LOT IS ADJOINING THE RICHARD HALL PROPERTY, R-2 TO R-3A

A discussion and review of the application followed after which Chairman Dafoe entertained the motion to accept the application and publish for a Public Hearing on Thursday, November 5, 1981, at 7:00 p.m. to receive comment from the public and affected property owners.

Member Watts made a MOTION to that effect. It was SECONDED by Member Astle and carried with a unanimous vote.

JOHN CHOULES APPLICATION FOR A ZONE CHANGE AT 340 W 200 N FROM R-3B TO LIGHT COMMERCIAL TO BUILD WAREHOUSES OR OFFICES

The Committee found the requested zone change to be consistent with the Future Land Use Map and Zoning Ordinance so the chairman entertained the motion to accept the application and publish for a Public Hearing for Thursday, November 5, 1981, at 7:30 p.m. to receive comment from the public and affected property owners.

Member Astle made a MOTION to that effect. It was SECONDED by Member Watts and carried with a unanimous vote.

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PENDRAY ESTATES REVISED PRELIMINARY PLAT

Mr. Jim Pendray stated that they would like to change the configuration of the streets so they clearly define and cluster the development into three areas which would be a gradual transition from larger stick built homes and smaller stick built homes with different accesses.

Mr. Bill Nelson expressed concern about lots 6A and 7A which are near his home and are in an R-2 zone which allows duplexes.

Mr. Pendray declared that it was never their intention to build duplexes on Lots #6A and 7A but they plan to build single family dwellings of the same price range of their other homes up the street in the development, which would meet the requirements of R-1B for smaller homes. He said they would be willing to so state this in writing for the protection of Mr. Nelson.

The Chairman read the review and comments of the City Engineer which included concerns about 400 N Street, open drain ditches and road access to the North.

It was decided not to consider a zone change for Lots #6A and #7A because the Pendrays said they would submit written agreement that they would build only single family dwellings on those lots.

The Chairman asked the Committee if they had any problems with the street configuration of the Plat. There being none the Chairman entertained the motion to recommend that the Delta City Council approve the Pendray Revised Preliminary Plat with the stipulation that they submit a letter to the City stating that they will not build anything but single family dwellings on Lot #6A and Lot #7A.

Member Taylor made the MOTION to that effect. It was SECONDED by Member Little and carried with a unanimous vote.

PENDRAY ESTATES FINAL PLAT "E" RUNNING NORTH AND SOUTH - FOR THE PURPOSE OF BUILDING EIGHT DUPLEXES

Chairman Dafoe read the comments from the City Engineer concerning 400 N Street right of way, disposition of 400 N Street and drainage ditch charges to the users.

The Final Plat was discussed by the Committee and there being no objections the Chairman entertained the motion to recommend that the Delta City Council approve Pendray Estates Final Plat "E".

A MOTION was made by Member Bennett, SECONDED by Member Watts and received a unanimous vote.

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BILL GARRETT APPLICATION FOR A ZONE CHANGE - R-1A TO R-3A AT THE NORTH 2/3 OF LOT 1, BLOCK 20, DELTA, UTAH AND FOR THE PURPOSE OF BUILDING TWO FOUR-PLEXES. THERE PRESENTLY EXISTS TWO FOUR-PLEXES ON THE SOUTH 1/3 OF THIS PROPERTY.

Mr. Garrett was agreeable to rezoning the property R-3B or R-3A whichever would be the most appropriate to control that property. It was proposed by the Committee that Mr. Garrett apply for a zone change of R-3A to allow for four-plex units and he was in agreement.

Chairman Dafoe entertained the motion to accept the application and publish for a Public Hearing on Thursday, November 5, 1981, at the hour of 8:00 p.m. to receive comment from the public and affected property owners.

Member Taylor made the MOTION. It was SECONDED by Member Watts and received a unanimous vote.

Mr. Garrett commented on the fact that the new Zoning Ordinance created a burden on a lot of property owners who live out of the area and had no way of knowing the zoning had been changed.

Mr. Jack Fowles added that he doesn't think that just advertising in the local newspaper about a major change is fair warning, because it is not specific enough and the Ordinance in its entirety should be published. He also thinks each individual property owner should be notified.

Mr. Steve Pace told the Committee that the ramifications were not known by most of the property owners and he doesn't think the full impact was explained or people were made aware of what was going to happen once it was made an ordinance.

Mayor Roper said that before any changes were made all legal requirements were fulfilled and the City went through the public hearing process. He added that attendance at the Public Hearing was very small. He assured them that the new ordinance requires that all affected property owners will be notified of any proposed zone changes.

Mr. Jim Nelson discussed a zone change from R-2 to R-3B for his property on Block #42, Lot 3. The zone change being consistent with the Future Land Use Map, the Committee advised him to submit a separate zone change application.

JACK FOWLES AND LOLA BURRSTON APPLICATION FOR A ZONE CHANGE FROM R-3B TO COMMERCIAL - PROPERTY ON THE SOUTHEAST SIDE OF DELTA, UTAH

Mr. Fowles reminded the Committee that the property in question had been zoned Commercial and was rezoned R-2 in the new Ordinance and Zone Map.

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Member Little explained that when the Zone Map and Ordinance were made part of the input was received from people that were supposed to know what they were doing and the map was made according to what exists now. The thought that they gave the Committee was that if you make it restrictive and then as people come in for legitimate zone reasons, at that point, you can make changes and let people do things that are appropriate. He said the zone change is consistent with the Future Land Use Map, which reflects that area as Commercial.

The Chairman entertained the motion to accept the application for a zone change and publish for a Public Hearing on Thursday, November 5, 1981, at 8:30 p.m. to receive comment from the public and affected property owners.

The MOTION was made by Member Watts, SECONDED by Member Taylor and received a unanimous vote.

After consideration it was the consensus that more information about the application was needed and also it would be best to wait before submitting the application to give other property owners in the same block and in the same zone the opportunity to file on the application in the interest of time and scheduleing separate hearings.

Member Bennett made a MOTION to rescind the motion to accept the application, and table the matter until the next Regular Planning and Zoning Meeting if the petitioners are ready at that time. Member Taylor SECONDED the motion and it received a unanimous vote.

LARRY MORRIS APPLICATION FOR A ZONE CHANGE AT 193 S 100 W TO ALLOW FOR MORE TRAILER SPACES - PROPERTY IN R-2 ZONE

Mr. Morris told the Committee that his Trailer Court License had been issued to him before the zone law was changed and now he would like to enlarge his Trailer Park and utilize all of his property. He would like to add Recreational Vehicle Trailers.

The Chairman told Mr. Morris that a Trailer Park in that area was not compatible with existing nor future land use and he does not have sufficient area for a Trailer Park. Therefore the Committee cannot make a recommendation to the Delta City Council for approval. All Members present were in agreement.

MR. JOHN STEWART, REPRESENTING M-13, APPLICATION FOR A ZONE CHANGE R-2 TO R-3B AT 2ND S AND 1ST E, BLOCK 27, LOT 3 TO ALLOW FOR AN EIGHT-PLEX UNIT

Mr. Stewart preferred to apply for a zone change to R-3A because it does not allow low volume Commercial but area requirements of that zone allow only four units under the same roof so his only recourse was to apply for a zone change of R-3B because all of the proposed eight units must be under the same roof due to plans for a solar heating system.

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Chairman Dafoe entertained the motion to accept the application for a zone change to R-3B and publish for a Public Hearing on Thursday, November 5, 1981, at 8:30 p.m. to receive comment from the public and affected property owners.

The MOTION was made by Member Astle, SECONDED by Member Bennett, and received a unanimous vote.

The remainder of the evening was taken up by a review of the PUD Section of the new Zoning Ordinance under the direction of Mr. John Willie of IPA.

There being no further business Member Watts made a MOTION to adjourn at 11:45 p.m. The motion was SECONDED by Member Taylor and was unanimous.

Don Dafoe, Chairman

Lilli Dawson

Lilli Dawson, Secretary