

PLANNING AND ZONING COMMISSION MEETING
JANUARY 19, 1989

PRESENT

Robert Droubay	Chairman
Larry Taylor	Commission Member
Wesley Bloomfield	Commission Member
Doug Esplin	Commission Member
Rochelle Munster	Commission Member
Roland Dutson	Commission Member
Robert Shepherd	Commission Member

ABSENT

None

OTHERS PRESENT

Virginia Taylor	Deputy City Recorder
Kaye Niles	Kaye's Hair Kare
John Niles	Kaye's Hair Kare
Vonnie Viers	Kaye's Hair Kare
Jerry Reagan	Millard County Building Inspector

Chairman Droubay called the meeting to order at 8:00 p.m. Virginia Taylor acted as secretary. Mr. Droubay stated that the notice of the meeting time, place and agenda was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the Planning and Zoning Commission.

MINUTES

The proposed minutes of a Planning and Zoning Commission Meeting held November 2, 1988, were presented for consideration and approval. The Commission reviewed the minutes briefly. Rochelle Munster MOVED that the minutes be approved as presented. The motion was SECONDED by Doug Esplin. Mr. Droubay asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Chairman Droubay reminded the Planning Commission of a letter that was sent to each board member from Virginia Taylor which included a copy of the Master Annexation Policy and which stated that the Future Land Use map had been located and the proposed West Delta Annexation properties are included on it.

CHAIRMAN ROBERT DROUBAY: REVIEW OF ZONING ORDINANCE SECTION
12-912, "PERMITTED HOME OCCUPATIONS"

Chairman Droubay reviewed with the Commission minutes of a regular City Council meeting held April 18, 1988, regarding an In-Home Business License for Kaye's Hair Kare Beauty Salon. He explained that in that meeting a motion was made that the Planning Commission be allowed to review the "Permitted Home Occupations" section of the Zoning Ordinance and make a recommendation to the Council as to whether the ordinance should be modified or enforced.

Mr. Droubay explained that Kaye's Hair Kare is in violation of Section 12-912 of the Zoning Ordinance entitled, Permitted Home Occupations A. " Such use shall be conducted entirely within a dwelling unit and shall be carried on by the inhabitants living there and no others." Also, F. "A home occupation shall provide additional off-street parking of one parking space for each 200 square feet of gross floor area occupied by the home occupation..."

Mr. Droubay then asked Kaye Niles, Owner of Kaye's Hair Kare, to address the Commission.

Mrs. Niles explained that at the time she received her business license she was under the impression that she could have two additional operators in her shop for an additional fee. She said that she has been operating under those conditions for the past three years and feels that she was misinformed when her business license was issued.

Mrs. Niles said that she received a letter dated March 9, 1988, from the Delta City Recorder informing her that her business was in violation of Section 12-912 of the Delta City Revised Code of Ordinances and that as of March 9, 1988, her business would only be licensed for one operator.

Mrs. Niles said that she has since contacted residents in the neighborhood, the West Millard Swimming Pool manager and the Principal of the Delta Middle School regarding her business, and there were no complaints of a parking problem or any other problem relating to the business. She then approached the City Council in order to resolve the problem and continue her business.

Wesley Bloomfield said that the intent created through the Zoning Ordinance is to maintain the integrity of residential areas by regulating businesses so that undesirable, high traffic businesses are not allowed in residential areas. He also said that it is not the intent of the ordinance or the Council to force any business to close.

Mr. Bloomfield said that the City Council has asked that the Planning Commission review the Permitted Home Occupations ordinance and make a recommendation as to modification or enforcement of the ordinance.

The Board discussed the issuance of a Conditional Use Permit to Kaye's Hair Kare to enable the three operators to continue working as they have been for the past three years with the stipulation that if the property is sold or deeded to anyone else and if the business is continued, the business must come into compliance. Also, if one or both of the additional operators quit, a replacement cannot be hired in order to bring the business in compliance with the ordinance.

Mrs. Niles agreed to the above stipulations.

Following discussion, Wesley Bloomfield MOVED that a recommendation be made to the City Council that, due to an error on the part of the City in issuing a business license in the beginning, Kaye's Hair Kare be allowed to continue their business as it is at the present time with two additional operators; and, if one or both of the operators quit, the business will cutback until it comes into compliance with the ordinance. Mr. Bloomfield further recommended that the ordinance not be modified but remain as is. The motion was SECONDED by Rochelle Munster. Mr. Droubay asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CHAIRMAN ROBERT DROUBAY: PROPOSED ORDINANCE AMENDING DELTA CITY ZONING ORDINANCE

Chairman Droubay reported that the proposed rezoning of properties located between 100 North to 100 South from 400 West to 350 East from CD to R4 and CB was tabled by the Council in a regular City Council meeting held August 8, 1988, to allow time for Attorney Waddingham, Attorney Peterson and Public Works Director Neil Forster to further discuss a possible revision of the Zoning Ordinance.

Mr. Droubay reviewed with the Commission minutes of a regular City Council meeting held November 14, 1988, in which Attorney Richard Waddingham presented a proposed ordinance entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DELTA, UTAH (ORD. 81-26) AS AMENDED, TO CHANGE CURRENT ZONING DISTRICT BOUNDARIES BY DELETING CERTAIN PROPERTIES FROM THE COMMERCIAL DEVELOPMENT (CD) ZONE AND ADDING PROPERTIES TO THE MULTIPLE FAMILY/COMMERCIAL (R4) ZONE.

Attorney Warren Peterson also presented a proposed ordinance entitled:

AN ORDINANCE AMENDING TITLE 12-000 ENTITLED "PLANNING AND ZONING" OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, TO CLARIFY THE PROCESS AND SET STANDARDS FOR APPROVAL OF DEVELOPMENT PERMITS, TO GRANT DISCRETION TO THE ZONING OFFICER TO AUTHORIZE

ISSUANCE OF DEVELOPMENT PERMITS FOR SMALL DEVELOPMENTS
AND DEFINING SETBACK REQUIREMENTS IN DEVELOPMENT
DISTRICTS.

Following discussion of the proposed ordinances, the Council approved a motion to refer the Zoning Ordinance back to the Planning Commission for further study.

Chairman Droubay asked the Commission for their recommendation regarding the proposed ordinances and proposed zone change.

Following brief discussion, Roland Dutson MOVED to resubmit the Planning Commission's recommendation to the City Council for a proposed zone change from CD to R4 and CB between 100 North to 100 South from 400 West to 350 East. The motion was SECONDED by Doug Esplin. Chairman Droubay asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CHAIRMAN ROBERT DROUBAY: REPLACEMENT OF PLANNING COMMISSION MEMBERS

Mr. Droubay reminded the Commission that Roland Dutson's and Rochelle Munster's term on the Planning Commission expires February 1989, and asked for names of people who might be willing to serve.

Mr. Droubay expressed his, as well as the Commission's, appreciation to Roland and Rochelle for the service they have given to the City as members of the Planning Commission for the past ten years. He thanked them for their willingness, time, experience and expertise in bettering the City of Delta.

Several names were presented for consideration and Mr. Droubay said he would contact individuals and report at the next meeting.

Doug Esplin was appointed to serve as the Planning Commission member on the Board of Adjustments.

CHAIRMAN ROBERT DROUBAY: ZONING FOR PROPOSED MILLARD COUNTY FAIR GROUND PROPERTY

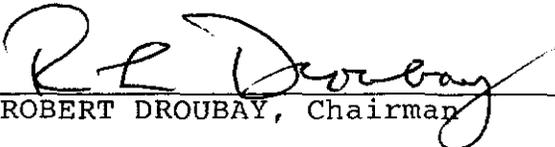
Mr. Droubay welcomed Jerry Reagan, Millard County Building Inspector, and asked him to address the Planning Commission.

Mr. Reagan explained that Millard County is in the process of building a Fair Ground near the White Sage Area and asked the Planning Commission for their recommendation for zoning. He said that the property is presently zoned RR (Rural Residential) but needs to be rezoned in order to accomodate livestock.

Mr. Reagan briefly explained the proposed plans for the complex which would utilize approximately 32 acres of ground. He said the proposal includes a general purpose building for exhibitions, an indoor and outdoor arena, parking, etc. which he will present in more detail at the next meeting.

Following discussion of the Fair Grounds proposal, the Planning Commission concurred that the Fair Grounds property should be rezoned from RR (Rural Residential) to A1 (Agricultural Zone) with a Conditional Use Permit.

Chairman Droubay asked if there were any further comments or questions or items to be discussed. There being none, Larry Taylor MOVED to adjourn. The motion was SECONDED by Roland Dutson. Mr. Droubay asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mr. Droubay declared the meeting adjourned at 9:00 p.m.


ROBERT DROUBAY, Chairman


WESLEY BLOOMFIELD
Commission/Council Member

MINUTES APPROVED: P&Z 2-2-89