

PLANNING & ZONING COMMISSION
OCTOBER 24, 1996

PRESENT

Pauline Warner
Gayle Bunker
Sharlyn Goold
Russell Jones
Rick Moultrie

Chairperson
Commission Member
Commission Member
Commission Member
Commission Member

ABSENT

Phil Sabey
Kathy Walker

Commission Member
Commission Member

OTHERS PRESENT

Neil Forster
Karen Johnson
Val Christofferson
Richard Waddingham

Zoning Officer
Secretary
City Resident
City Attorney

Chairman Warner called the meeting to order at 7:30 p.m. Mrs. Warner stated that notice of the meeting time, place, and agenda was mailed to the Millard County Chronicle/Progress, to KNAK Radio station, and to each member of the Planning & Zoning Commission two days prior to the meeting.

MINUTES

The proposed minutes of a Planning & Zoning Commission meeting held August 14, 1996 were presented for approval. The Commission reviewed the minutes briefly, after which Commission Member Russell Jones MOVED that the minutes be approved as presented. The motion was SECONDED by Commission Member Gayle Bunker. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

BUSINESS

VAL CHRISTOFFERSON, CHRISTOFFERSON HOMES & LAND: APPLICATION FOR DEVELOPMENT PERMIT TO MOVE BUSINESS TO DELTA ESTATES LOTS 2 & 3.

Zoning Officer Neil Forster stated that Mr. Christofferson is requesting permission to move his business from the present location to Delta Estates Lots 2 & 3 and explained that both locations

are zoned Commercial Development (CD). There was a question as to whether this should be a conditional use or development permit. Zoning Officer Forster cited Section 12-529.B. of the Zoning Ordinance which states that in the Commercial Development Zone "a development permit shall be obtained for . . . changes in land use. . .". Following discussion, Commission Member Gayle Bunker MOVED that the development permit for Christofferson Homes & Land Co. be approved as applied for. The motion was SECONDED by Russell Jones. Chairman Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

GRANT NIELSON: APPLICATION FOR PLANNED UNIT DEVELOPMENT FOR TOPAZ CONDOMINIUMS.

Zoning Officer Neil Forster reviewed the requirements of Section 12-700 of the Zoning Ordinance in reference to the Topaz Condominiums. The condominiums have come before the Planning & Zoning Commission as a condominium/apartment complex in the past and went forward. As of this time, the first four units have been built and the first unit has been sold. The purchase of that unit is now attempting to obtain title to the property. Mr. Nielson hired Attorney Richard Waddingham to prepare the necessary documents for transfer of title. In this process, a problem has been noted in that the condominiums were not approved as a "Planned Unit Development" and the Commission did not follow the "Development Permit Applications & Review Procedure." The application has been made and the the initial review has been made. The question at this point is whether or not the written project description has been received and, if so, whether this Commission would recommend approval of the planned development to the City Council. This Commission needs to treat this as a planned unit development rather than a condominium/apartment complex.

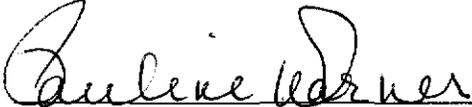
Attorney Richard Waddingham explained that Mr. Nielson would like to get approval for as many as fourteen units. Mr. Nielson has been advised that regardless of what the Commission decides tonight, he will be required to come back to the Planning Commission to supplement the plat for any additional units. Approval of the request before the Commission tonight would allow Mr. Nielson to go forward with the restrictive covenants and proceed with sale of the units. It was determined that the Planning Commission should have Mr. Nielson restate, in writing, what his plan is for the property, including parking, curbs & sidewalks, open areas, landscaping, etc. Attorney Waddingham stated that he would recommend that the Commission require Mr. Nielson to provide a drawing showing the proposed units in order to supplement the record and show where he plans to go with the project. The restrictive covenants which Attorney Waddingham is working on state the rights of the people living in the units, but is probably not pertinent to the information which the Planning Commission needs for their record. However, if the Commission would like a copy of the restrictive covenants, it will be provided.

It was determined that Mr. Nielson should provide a written project description which addresses all of the questions listed in Section 12-704 of the Zoning Ordinance. At this point, approval can only be given for the four existing units. However, initial approval could be given for the additional units, but make the approval subject to meeting other conditions. Commission Member

Bunker felt that the course to be taken at this point would be to approve the four existing units, then let Mr. Nielson come before this Commission to resubmit a request for additional units.

Following lengthy discussion, Commission Member Gayle Bunker MOVED to recommend to the City Council that they approve the existing four units, as a planned unit development, subject to full compliance with the requirements of a written project description being submitted to the City Council with a copy to the Planning & Zoning Commission. The motion was SECONDED by Commission Member Russell Jones. Chairman Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Chairperson Warner asked if there were any other comments, questions, or items to be discussed. There being none, Commission Member Gayle Bunker MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Sharlyn Goold. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mrs. Warner declared the meeting adjourned at 8:20 p.m.



PAULINE WARNER, Chairperson



KAREN JOHNSON, Secretary

MINUTES APPROVED: P&Z 11-13-96