

PLANNING & ZONING COMMISSION
MARCH 8, 2000

PRESENT

Pauline Warner	Chairperson
Gayle Bunker	Commission Member
Garry Christensen	Commission Member
Joyce Moody	Commission Member
Phil Sabey	Commission Member
Dan Sperry	Commission Member

ABSENT

Alan Burraston	Commission Member
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ALSO PRESENT

Neil Forster	Zoning Officer
Karen Johnson	Zoning Commission Secretary
Brian & Casey Bunker	City Residents
Kevin Miller	City Resident

Chairman Warner called the meeting to order at 7:30 p.m. She stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the Planning & Zoning Commission, at least two days prior to the meeting.

MINUTES

The minutes of a Planning & Zoning Commission meeting held February 9, 2000 were presented for consideration and approval. Commission Member Phil Sabey questioned the wording of the last sentence in paragraph 3 on Page 3. It was determined that the sentence should be deleted from the paragraph. Following discussion, Commission Member Joyce Moody MOVED to approve the minutes of the Planning & Zoning Commission Meeting held February 9, 2000, as corrected. The motion was SECONDED by Commission Member Garry Christensen. Chairman Warner asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BUSINESS

BRIAN BUNKER: CONDITIONAL USE PERMIT TO ALLOW PLACEMENT OF A MODULAR HOME ON PROPERTY LOCATED AT APPROXIMATELY 98 WEST MAIN STREET

Chairman Warner advised Commission Members of information she had obtained from other cities and towns in Utah regarding residences in commercial business zones. Chairman Warner noted that some cities and towns do allow residences in commercial zones and others allow them as a conditional use. In addition, Chairman Warner explained that she had provided each of them with some information regarding zoning enforcement, which she then reviewed with them.

Chairman Warner also noted that she had discussed this matter with City Attorney Richard Waddingham, who indicated that he does not believe that this request meets the criteria for the Central Business zone. The Delta City Zoning Ordinance states that the Planning Commission "may" approve certain uses, applying those limitations and conditions deemed appropriate. However, the word "may" also allows the approval or denial of any request for conditional use which does not comply with the intent of the zone. In addition, when a conditional use permit is issued, if the holder of that permit violates the conditions set forth, he is in violation and the permit can be rescinded.

Chairman Warner advised Mr. Bunker that, in order to put a home on his lot at 98 West Main Street, he would need to have the property re-zoned to R-4, which allows a mix of residential and commercial uses.

Commission Member Gayle Bunker noted, for the record, that Brian Bunker is his son. Commission Member Bunker stated that he has spent considerable time thinking through this request and can see both sides of the discussion. Commission Member Bunker stated that we can look at what other cities and towns are doing if we desire to make changes to the Delta City Zoning Ordinance. However, the decision to be made at this time must be made under the current Delta City Zoning Ordinance. Commission Member Bunker also noted that the purpose of keeping residences out of the Central Business zone is to protect the integrity of commercial zones, but the purpose is also to promote business in that zone. There is very little growth on Delta City's Main Street and we currently have several residences on Main Street. Commission Member Bunker felt that Delta City needs to look at what can be done to help businesses survive in Delta.

Commission Member Joyce Moody expressed concern over the fact that the area seems to cater to prospective new businesses coming into the area, but efforts are not made to help existing businesses stay in business.

Chairman Warner explained to the Bunkers that, if the Planning & Zoning Commission were to deny this request for Conditional Use Permit, the decision can be appealed to the City Council.

Chairman Warner asked Zoning Officer Neil Forster for his comments on this matter. Zoning Officer Forster stated that he did not feel that a residence in Central Business zone met with the

intent of the zone.

After lengthy discussion, Commission Member Phil Sabey MOVED to deny the request of Brian Bunker for a Conditional Use Permit, to allow placement of a modular home on property located at approximately 98 West Main Street, due to the vagueness of the Zoning Ordinance regarding the Central Business zone and the lack of written guidelines. The motion was SECONDED by Commission Member Dan Sperry. Chairman Warner asked if there were any questions regarding the motion. Commission Member Dan Sperry then rescinded his SECOND and Commission Member Phil Sabey amended his motion and MOVED to deny the request of Brian Bunker for a Conditional Use Permit, to allow placement of a modular home on property located at approximately 98 West Main Street, due to the vagueness of the Zoning Ordinance regarding the Central Business zone and the lack of written guidelines and to provide the City Council with the information received at this meeting and allow the City Council to make the decision on this request for Conditional Use Permit. The amended motion was SECONDED by Commission Member Dan Sperry. Chairman Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with four members voting in favor and Commission Member Gayle Bunker abstaining.

KEVIN MILLER: PROPOSED SINGLE LOT SUBDIVISION LOCATED AT APPROXIMATELY 417 SOUTH WHITE SAGE AVENUE

Mr. Kevin Miller advised the Commission that he is requesting permission to divide his property into two lots and to sell the extra lot. The property has curb, gutter, and sidewalks and is fenced on two sides. Zoning Officer Neil Forster advised the Commission that water and sewer are available in the street. Zoning Officer Forster noted that the plat prepared for Mr. Miller does not show the utility easements on the property, nor does it contain the statement for utility signatures. Zoning Officer Forster has heard from Questar and Utah Power & Light, neither of which is opposed to this subdivision.

Following discussion, Commission Member Gayle Bunker MOVED to recommend to the City Council that they set a public hearing for the purpose of receiving public comment regarding the proposed Miller One Lot Subdivision with the condition that the plat map be amended to include the utility easements and the public utility signature block. The motion was SECONDED by Commission Member Phil Sabey. Chairman Warner asked if there were any questions or comments regarding this motion. There being none, she called for a vote. The motion passed unanimously.

CHAIRPERSON PAULINE WARNER: FUTURE LAND USE MAP

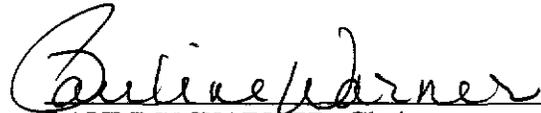
Chairperson Warner questioned whether Commission Members should take another tour of Delta City boundaries or whether certain areas should be assigned to each member to look at and make recommendations to the Commission. It was determined that the entire Commission should tour the city boundaries.

Following discussion, Commission Member Gayle Bunker MOVED to schedule a tour of Delta City

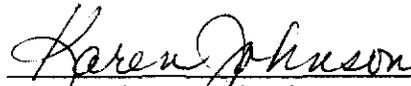
boundaries, by Planning & Zoning Commission Members, on Thursday, April 6, 2000 at 6:00 p.m. The motion was SECONDED by Commission Member Dan Sperry. Chairman Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Commission Member Joyce Moody MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Dan Sperry. 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.

Chairman Warner declared the meeting adjourned at 9:05 p.m.



PAULINE WARNER, Chairperson



Karen Johnson, P&Z Secretary

MINUTES APPROVED: P&Z 04-05-00