

DELTA CITY PLANNING & ZONING COMMISSION MEETING
AUGUST 7, 2002

PRESENT

Phil Sabey	Chairman
Brent Berkley	Commission Member
Garry Christensen	Commission Member
Robert Droubay	Commission Member
Joe Young	Commission Member

ABSENT

Joyce Moody	Commission Member
Dan Sperry	Commission Member

ALSO PRESENT

Neil Forster	Zoning Officer
Alan Riding	Asst. Public Works Director
Karen Johnson	Secretary
Mike & Connie Johnson	City Residents
Brandon & Dena Kay Nielson	City Residents

Chairman Phil Sabey called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building, had been given to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the Planning & Zoning Commission at least two days prior to the meeting.

MINUTES

The proposed minutes of a Planning & Zoning Commission Meeting held June 5, 2002 were presented for consideration and approval. Following review, Commission Member Joe Young MOVED to approve the minutes of the Planning & Zoning Commission Meeting held June 5, 2002, as presented. The motion was SECONDED by Commission Member Garry Christensen. Chairman Sabey asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BUSINESS

MICHAEL S. JOHNSON: PROPOSED SINGLE LOT SUBDIVISION LOCATED AT APPROXIMATELY 260 EAST 200 SOUTH (STEPHENSON ONE LOT SUBDIVISION)

Mr. Johnson advised the Commission that he would like to purchase a building lot from Tom Stephenson and construct a modular home on the lot. The home will face 200 South, with a garage

in the rear. Chairman Sabey noted that the lot meets minimum size and frontage requirements, there is no curb, gutter or sidewalk in the area at this time and utilities are in the street .

Commission Member Robert Droubay MOVED to recommend to the City Council that a public hearing be set for the purpose of receiving public comment regarding a proposed single lot subdivision located at approximately 260 East 200 South (Stephenson One Lot Subdivision) and further, recommend that the proposed subdivision be approved, subject to an off-site improvement agreement being signed guaranteeing owner participation in construction of curb, gutter and sidewalk improvements at such time as those improvements are installed in the area. The motion was SECONDED by Council Member Joe Young. Chairman Sabey asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

DENA KAY C. NIELSON: REVISION 2 OF PRELIMINARY PLAT FOR SILVER SAGE SUBDIVISION

Brandon Nielson advised the Commission that Phase I, Phase II, and Phase III, Silver Sage Subdivision have been constructed and the developer, Rex Harris is requesting that Revision 2 of the Preliminary Plat be approved at this time. Revision 2 of the Preliminary Plat includes reducing Lots 7 through 16 (ten lots) to Lots 7 through 11 (five lots) and removal of a street designated as Aspen Street, as well as removal of a portion of a street designated as Silver Sage Avenue.

The width of the street and elimination of the street access to Locust Avenue was discussed at length. Commission Members questioned whether they could approve Revision 2 with elimination of the second street access, based on the fact that several lots had been sold with the understanding that there would be street access to both White Sage Avenue and to Locust Street. Following lengthy discussion, Commission Member Brent Berkley MOVED to ask for a legal opinion from City Attorney Richard Waddingham as to the legality of amending the Preliminary Plat at this time, given the fact that some lots have already been sold based on the previous Preliminary Plat, and to request that the legal opinion be provided to the Planning & Zoning Commission prior to the next regularly scheduled meeting. The motion was SECONDED by Commission Member Joe Young. Chairman Sabey asked if there were any comments or questions regarding the motion. Commission Member Robert Droubay asked if the Planning & Zoning Commission could recommend to the City Council that a public hearing be held, based on legal review by City Attorney Richard Waddingham prior to the next City Council meeting. Commission Member Brent Berkley withdrew his previous motion and MOVED to recommend to the City Council that a public hearing be held for the purpose of receiving public comment regarding approval of Revision 2 of the Preliminary Plat for Silver Sage Subdivision, provided that City Attorney Richard Waddingham determine that Revision 2 of the Preliminary Plat for Silver Sage Subdivision can be approved, due to the fact that lots have previously been sold based on the design of the first revision of the Preliminary Plat. The motion was SECONDED by Commission Member Joe Young. Chairman Sabey asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

DENA KAY C. NIELSON: SILVER SAGE SUBDIVISION PHASE 4

The Commission reviewed the Preliminary Plat for Silver Sage Subdivision Phase 4, which consisted of Lots 7 and 8. Commission Member Joe Young noted that approval of the Preliminary Plat for Silver Sage Subdivision Phase 4 would be contingent on the legal opinion obtained from City Attorney Richard Waddingham regarding Revision 2 of the Silver Sage Subdivision, as discussed in the previous agenda item.

Commission Member Brent Berkley MOVED to recommend to the City Council that a public hearing be held for the purpose of receiving public comment regarding the proposed Silver Sage Subdivision Phase 4, provided that City Attorney Richard Waddingham issue a legal opinion as to whether the plat can be modified at this time, due to the fact that lots have previously been sold based on the design of the first revision of the Preliminary Plat. The motion was SECONDED by Commission Member Garry Christensen. Assistant Public Works Director Alan Riding asked if this plat could be accepted as both the Preliminary and Final Plat for Silver Sage Subdivision Phase 4, thus eliminating the necessity of returning to the Planning & Zoning Commission for approval of the Final Plat at a later date. Commission Member Brent Berkley AMENDED his motion to also accept the Silver Sage Subdivision Phase 4 plat as both the preliminary and final plat. The motion was SECONDED by Commission Member Garry Christensen. Chairman Sabey asked if there were any additional comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ASST. ZONING OFFICER ALAN RIDING: MILLARD SCHOOL DISTRICT PROPOSED THREE LOT SUBDIVISION

Asst. Zoning Officer Alan Riding reminded the Commission that Millard School District had proposed a three lot subdivision in March, 2002 and had been told that there would be conditions and restrictions placed on the school district in the event they decided to pursue their subdivision. Mr. Keith Griffiths, Millard School District, has asked what items would be required for the subdivision, so that the School District could determine what the cost would be and whether pursuit of the subdivision would be cost effective.

Commission Members determined that the School District would be required to provide curb, gutter and sidewalk fronting the property, asphalt street and extension of the sewer line. Asst. Zoning Officer Alan Riding will contact the School District to advise them of these requirements.

CHAIRMAN PHIL SABEY: PROPOSED AMENDMENT TO DELTA CITY ZONING ORDINANCE APPENDIX 5 - COMMERCIAL ZONES, SECTION A5-3 FOR THE PURPOSE OF CLARIFYING MEANING AND INTENT

Chairman Sabey asked Commission Members to turn to Appendix 5, Section A5-3 of their zoning ordinance. The language reads: "Dwellings may be included in businesses in the Central Business Zone (CB) or Highway Commercial Zone (HC) as a conditional use." Chairman Sabey felt that the language was ambiguous in that it could be interpreted to mean that dwellings in either Central

Business or Highway Commercial is a conditional use. However, it could also be interpreted to mean that dwellings in businesses in the Central Business Zone are allowed, but dwellings in businesses in the Highway Commercial Zone are a conditional use.

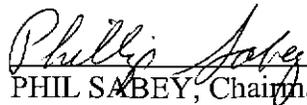
It was suggested that the language be amended to read "Dwellings may be included in businesses in the Central Business Zone (CB) and Highway Commercial Zone (HC) as a conditional use." Following further discussion, Commission Member Brent Berkley MOVED to recommend to the City Council that the Delta City Zoning Ordinance Appendix 5 - Commercial Zones, Section A5-3 be amended to read "Dwellings may be included as a conditional use in businesses in the Central Business Zone (CB) or Highway Commercial Zone (HC)." The motion was SECONDED by Commission Member Garry Christensen. Chairman Sabey asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Chairman Sabey advised Commission Members that the agenda for the next meeting of the Planning & Zoning Commission will include a request from Zoning Officer Neil Forster for a zone change from Multiple-Family Residential (R-4) to Central Business (C-B) on property located at approximately 98 West Main Street. The property was previously zoned Central Business and Zoning Officer Forster feels that the zone change back to Central Business would be in the best interest of proper zoning practices.

Zoning Officer Neil Forster approached the Commission to announce that this would be his last meeting with the Planning & Zoning Commission inasmuch as he will be retiring on August 30, 2002. He expressed his appreciation to the Commission for the opportunity of working with them and complimented them on the work which they do. Commission Member Brent Berkley MOVED to express appreciation to and thank Neil Forster for his many years of excellent service. The motion was SECONDED by Commission Member Robert Droubay. The motion was approved unanimously.

Commission Member Brent Berkley MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Robert Droubay. Chairman Sabey asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Chairman Sabey declared the meeting adjourned at 8:15 p.m.


PHIL SABEY, Chairman


Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P & Z 09-04-02