

PLANNING & ZONING COMMISSION MEETING  
MARCH 5, 2003

PRESENT

Brent Berkley	Chairman
Vance Bishop	Commission Member
Robert Droubay	Commission Member
William Keel	Commission Member
David Styler	Commission Member
Joe Young	Commission Member

ABSENT

Joyce Moody	Commission Member
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ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Secretary
Matt Loe	Loe Energy Supply dba Lake Philgas
Ken Clark	Asst. Zoning Officer

Chairman Berkley 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 and had been provided 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 February 5, 2003 were presented for consideration and approval. *Commission Member Robert Droubay* noted a typographical error on Page 2, Line 19. Following review, Commission Member David Styler MOVED to approve the minutes of the Planning & Zoning Commission Meeting held February 5, 2003, as corrected. The motion was SECONDED by Commission Member Joe Young. Chairman Berkley asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BUSINESS

Zoning Officer Alan Riding advised the Commission that Mr. Matt Loe, of Loe Energy Supply dba Lake Philgas had been invited to attend the meeting to discuss a matter that had previously been discussed; i.e., the need for conditional use permits for used automobile lots. Mr. Loe was invited

to explain the situation regarding automobiles which have been placed on his property located along Main Street between 350 and 400 East. Mr. Loe explained that he had, at one point, attempted to "police" the vehicles and collect a consignment fee for the sales. That process became impossible due to the fact that, when the individuals were contacted to pay a consignment fee, they would move the vehicles onto the street in order to avoid paying the fee. Consequently, Mr. Loe only requires a fee for sale of equipment or travel trailers. He attempts to control weeds and keep the lot clean but has not been collecting fees for the sales. Mr. Loe felt that allowing individuals to sell vehicles at that location provides a service and helps avoid the problem of vehicles being parked along the street.

After discussing the situation with Mr. Loe, the Commission determined that Mr. Loe is not conducting an automobile sales business, but is simply allowing individuals to place vehicles on his property and advertise them for sale.

WILLIAM KEEL: CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT APPROXIMATELY 291 WEST MAIN STREET

Mr. Keel informed the Council that, when he purchased Family Equipment Rentals, he found that the Conditional Use Permit for the business was rather vague. He, therefore, requested the opportunity to appear before the Commission, not only to redefine the terms of the permit, but to inform of his future plans for the business and to incorporate those plans into the Conditional Use Permit.

Mr. Keel is currently operating a small equipment rental business but plans to expand the business to include concrete forms and more equipment. In addition, Mr. Keel plans to add retail sale of nursery stock, yard and garden ornaments and supplies. Plans include new fencing and construction of a retail store and greenhouse.

Following discussion, Commission Member Robert Droubay MOVED to approve a Conditional Use Permit for William Keel to operate Family Equipment Rental and Supply at 291 West Main Street, with the following conditions: (1) No loading or off-loading of equipment will be allowed on the street; (2) No storage of equipment will be allowed on the street; (3) No impeding of pedestrian traffic nor interference with any other rights-of-way are allowed; (4) No permanent storage of nursery supplies on the property frontage will be allowed; (5) The operation of a construction business is not allowed; (6) Temporary buildings will be kept in good repair; (7) The nursery business must be commenced within two years and collection of used oil must commence within five years from the date of the permit; and (8) Any fuel tanks must comply with all federal, state and city ordinances; and (9) The Conditional Use Permit is to be reviewed by the Planning & Zoning Commission upon transfer of ownership of the business. The motion was SECONDED by Commission Member Joe Young. Chairman Berkley asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously, with Commission Member William Keel abstaining from the vote due to a conflict of interest.

ZONING OFFICER ALAN RIDING: PROPOSED ZONE CHANGE FROM COMMERCIAL DEVELOPMENT (C-D) TO MOBILE HOME (M-H) ON PROPERTY DESCRIBED AS LOTS 1 AND 15, BLOCK 2, DELTA ESTATES

Zoning Officer Alan Riding told the Commission that he had requested a zone change on this property due to the fact that the two lots are adjacent to Mobile Home (M-H) zoning and the two lots involved are so small that the types of business which could utilize the lots would be limited. Zoning Officer Riding recommended that the zoning on Lots 1 & 15, Block 2, Delta Estates be changed from Commercial Development (C-D) to Mobile Home (M-H).

Following discussion, Commission Member Joe Young MOVED to recommend to the City Council that a public hearing be held to receive public comment regarding a proposed zone change from Commercial Development (C-D) to Mobile Home (M-H) on property described as Lots 1 & 15, Block 2, Delta Estates and, further, to recommend that the zone change be approved by the City Council. The motion was SECONDED by Commission Member David Styler. Chairman Berkley asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ZONING OFFICER ALAN RIDING: PROPOSED PRESENTATION BY UTAH DEPARTMENT OF TRANSPORTATION AT APRIL 2, 2003 MEETING

Zoning Officer Alan Riding advised the Commission that Utah Department of Transportation has requested to be on the agenda for the April 2, 2003 meeting of the Planning & Zoning Commission to make a presentation regarding the UDOT 2030 Long Range Transportation Plan. Commission Members instructed Zoning Officer Riding to advise UDOT that they will be placed on the agenda for the April 2, 2003 meeting.

Zoning Officer Alan Riding requested that Conditional Use Permits for Droubay Chevrolet and Sahara Motors be discussed at the next meeting of the Planning & Zoning Commission. It is his opinion that both entities were in existence prior to adoption of the Zoning Ordinance and are probably covered under the "grandfather" clause for pre-existing non-conforming uses. However, in order to avoid any questions as to why other automobile dealers are required to obtain Conditional Use Permits if Droubay and Sahara do not have them, Zoning Officer Riding would like the Planning & Zoning Commission to consider issuing permits to both automobile dealers. In addition, Zoning Officer Riding would like the Planning & Zoning Commission to consider waiving fees associated with those permits, as well as the fee for Mr. Keel's permit which was issued at this meeting, due to the fact that Mr. Keel's business already had a Conditional Use Permit in place and he was requesting clarification of the conditions on the permit.

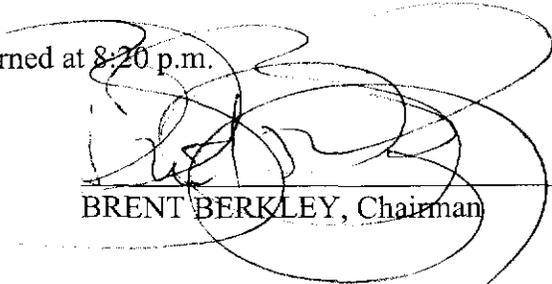
Chairman Berkley asked if there were any other comments or questions. There being none, Commission Member Vance Bishop MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Robert Droubay. Chairman Berkley asked if there were any comments or

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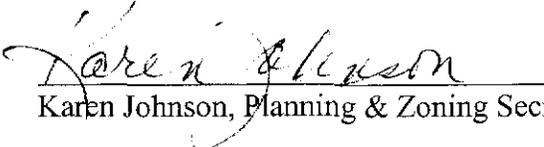
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questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Chairman Berkley declared the meeting adjourned at 8:20 p.m.



BRENT BERKLEY, Chairman



Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 04-02-03