

PLANNING & ZONING COMMISSION MEETING  
MAY 7, 2003

PRESENT

Brent Berkley	Chairman
Vance Bishop	Commission Member
Robert Droubay	Commission Member
Bill Keel	Commission Member
Joyce Moody	Commission Member
David Styler	Commission Member
Joseph Young	Commission Member

ABSENT

ALSO PRESENT

Alan Riding	Zoning Officer
Russell Greathouse	Area Resident
Jim Edwards	Edwards Surveying
Sandy Ables	City Resident
Josie Winn	Area Resident
Gayle Bunker	City Resident

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 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 April 2, 2003 were presented for consideration and approval. Commission Member Robert Droubay requested a minor wording change on Page 2, Line 31 from "constructing" to "making". Commission Member Joseph Young MOVED to approve the minutes of the Planning & Zoning Commission Meeting held April 2, 2003, as corrected. The motion was SECONDED by Commission Member Vance Bishop. 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.

UNFINISHED BUSINESS

CHAIRMAN BRENT BERKLEY: PROPOSED WAIVER OF CONDITIONAL USE PERMIT

FEES FOR FAMILY EQUIPMENT RENTAL & SUPPLY, DROUBAY CHEVROLET AND SAHARA MOTORS

Chairman Berkley noted that all Commission Members should have received copies of a letter from Mayor Bunker granting waiver of Conditional Use Permit fees for the three businesses mentioned. Chairman Berkley stated that this item should be struck from the agenda.

BUSINESS

RUSSELL GREATHOUSE: PROPOSED RURAL RESIDENTIAL DEVELOPMENT LOCATED AT APPROXIMATELY 800 TO 1000 EAST 750 NORTH

Mr. Greathouse requested that Commission Members review the two proposals which he had submitted to determine which proposal would be best suited for the area. Chairman Berkley stated that Mr. Greathouse could propose either plan but approval would require a full application for a subdivision. Zoning Officer Alan Riding stated that the zoning ordinance requires one acre lots in the Rural Residential zone in order to keep animals. It appears that Mr. Greathouse's proposed subdivision will house animals separate from building lots, making it feasible to provide one-half acre building lots in the Rural Residential zone.

Mr. Greathouse explained that he would like to create a rural residential subdivision with horses being housed in an area of the subdivision which would be separate from the building lots. Mr. Greathouse wanted a determination as to whether the subdivision could initially be approved without curb, gutter and sidewalks and to also use septic systems rather than requiring extension of the sewer system at this time. Zoning Officer Alan Riding felt that it may be possible in this type of development, which is not adjacent to any other subdivision, if the requirements are waived by recommendation of the Planning & Zoning Commission and approval of the City Council. This development would require that a development study be conducted to address utilities, roads and drainage. Zoning Officer Riding also noted that, if curb, gutter and sidewalk improvements were installed at a later date, a special improvement district could be formed to finance the improvements, wherein the property owners involved would pay their proportional cost of the project. Commission Member Vance Bishop felt that no subdivision should be approved without paved roads being required.

Following discussion, it was determined that Mr. Greathouse will research the subdivision ordinance and provide an amended plan at a subsequent meeting of the Planning & Zoning Commission.

ZONING OFFICER ALAN RIDING: REGULATION GOVERNING USE OF CARGO CONTAINERS FOR STORAGE

Zoning Officer Alan Riding advised the Commission that he has received questions regarding regulations governing the use of cargo containers as storage units. Individuals are purchasing the

containers for storage however, the construction of the containers make them temporary structures. By state law, a garage or storage building which is 200 square feet or less does not require a building permit. Zoning Officer Riding and Building Inspector Gary Church felt that they need some guidelines as to how these containers should be classified and recommendations as to what regulations should apply to their placement.

Chairman Berkley suggested that this matter may require an amendment to the zoning ordinance with a new definition for and regulation for the containers. Zoning Officer Riding requested that Commission Members give some thought to this item in order to determine what regulations should be adopted. Chairman Berkley suggested that an ordinance be drafted for review at the next meeting of the Planning & Zoning Commission.

CHAIRMAN BRENT BERKLEY: ORDINANCE GOVERNING "FOR SALE" VEHICLES BEING DISPLAYED ON PROPERTY BELONGING TO ANOTHER PERSON

Chairman Berkley noted that this item had been discussed at the previous meeting and reported that he had done some research and found that there have been a number of ordinance enacted in various cities and town in Utah which prohibit display of "For Sale" vehicles on property belonging to another person. He also stated that a number of law suits have been filed against the cities and towns which have adopted these ordinances and individuals are prevailing in the suits. As a result, many cities are repealing the ordinances. City Attorney Richard Waddingham told Chairman Berkley that he felt that these ordinances are not legal due to the fact that they violate first amendment rights and also present a possible "taking" of property, as well as being a difficult ordinance to enforce because individuals attempting to sell a vehicle would be in violation of the ordinance when the vehicle was parked in any parking lot while conducting private business.

Based on this information, Chairman Berkley felt that it would not be advisable to work on adoption of an ordinance restricting parking of "For Sale" vehicles on the property of another person. Commission Member Robert Droubay suggested that, whether Lake Philgas receives revenue from sale of used vehicles on their vacant lot or not, the lot should be governed the same as anyone else who displays used vehicles for sale. Commission Members felt that, if we are going to require Lake Philgas to obtain a Conditional Use Permit for the sale of used vehicles, we should request his attendance at the meeting and review the matter with Mr. Loe. Chairman Berkley requested that Mr. Loe, of Lake Philgas, be invited to the next meeting of the Planning & Zoning Commission in order to further discuss the sale of used vehicles on the Lake Philgas property.

GAYLE BUNKER: PREVIOUSLY APPROVED NOR-DEL SUBDIVISION PLAT

Gayle Bunker advised the Commission that he had received approval for Nor-Del Subdivision approximately two years ago but had not recorded the final plat within the twelve month period provided by the zoning ordinance. In accordance with provisions of the zoning ordinance, he is required to again submit the final plat to the Planning & Zoning Commission for re-approval. He

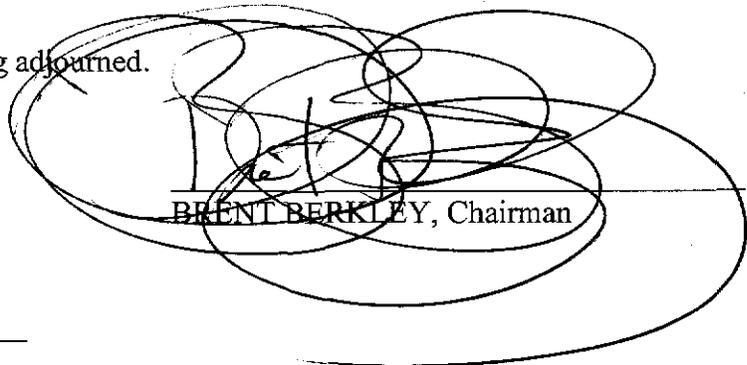
presented his final plat for Nor-Del Subdivision for re-approval by Commissioners. Mr. Bunker noted that there have been no changes to the proposed subdivision since the previous approval. Lots 1, 2, 3 & 4 have curb, gutter, sewer and water installed. The services and improvements will be extended to Lots 5 & 6 and the road will then be paved.

Following discussion, Commission Member Bill Keel MOVED to re-approve the final plat for Nor-Del Subdivision, as proposed by Gayle Bunker. The motion was SECONDED by 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.

Commission Member Robert Droubay reported that there had been a discussion in the last City Council meeting regarding the parking of recreational vehicles on City streets for overnight parking. The City Council requested input from the Planning & Zoning Commission as to whether Delta City wants to disallow the parking of those vehicles. There was discussion of events which encourage use of recreational vehicles, such as ball tournaments, the car show, rodeo, and others. Commissioners also discussed the problems which would arise from allowing parking of recreational vehicles for some events but not allowing parking in other circumstances. Commission Member Droubay advised the Commission that he would relay their thoughts to the Council.

Commission Member Joe Young MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Joyce Moody. 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.

Chairman Berkley declared the meeting adjourned.



BRENT BERKLEY, Chairman

  
Planning & Zoning Secretary