

PLANNING & ZONING COMMISSION
SEPTEMBER 3, 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
Richard Waddingham	City Attorney
Karen Johnson	Planning & Zoning Commission Secretary
Eric Mooney	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 August 6, 2003 were presented for consideration and approval. Following discussion, Commission Member Robert Droubay MOVED to approve the minutes of the August 6, 2003 Planning & Zoning Commission Meeting, as presented. 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

ERIC AND VINCE MOONEY: PROPOSED SUBDIVISION LOCATED AT APPROXIMATELY 207 SOUTH 200 EAST

Commission Member Robert Droubay noted that this matter had been discussed at the previous Planning & Zoning Commission Meeting and requested that Mr. Eric Mooney remind

Commissioners of the purpose of the proposed subdivision. Mr. Mooney explained that he and his brother would like to subdivide their two properties for the purpose of selling the new lots which would be created by the subdivision. Commission Members discussed curb, gutter and sidewalk improvements which need to be made to the proposed subdivision. Mr. Mooney explained that, if he is required to install curb, gutter and sidewalk improvements, he would not be interested in pursuing his request for the subdivision. Mr. Mooney asked if the responsibility for those improvements could be transferred to the buyer of the property. He was advised that the subdivision ordinance requires that the developer install the improvements.

Following discussion, Commission Member Joe Young MOVED to deny the request of Eric and Vince Mooney for a subdivision located at approximately 207 South 200 East. The motion was SECONDED by Commission Member William Keel. 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.

WILLIAM KEEL: REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW OPERATION OF BUSINESS (FAMILY EQUIPMENT RENTAL) FROM RESIDENCE LOCATED AT APPROXIMATELY 317 SOUTH 50 EAST

Mr. Keel requested a conditional use permit to use his home as a secondary location for operation of his business, Family Equipment Rental. Mr. Keel indicated that he would have some small equipment located at the home but it would be enclosed in a garage or shop. City Attorney Richard Waddingham explained that Mr. Keel's home is located in a Residential Development zone, which does not outline permitted and conditional uses. The home is located within one block of an R-4 zone, which allows operation of small, low volume businesses that are located in enclosed buildings or stores.

Following lengthy discussion of conditions to be required, Commission Member Vance Bishop MOVED to approve a Conditional Use Permit to allow William Keel to use his home, located at approximately 317 South 50 East, as a secondary location for operation of his business, Family Equipment Rental, with the condition the he comply with all restrictions of the R-1-B zone, including setback and sign requirements, and that the Conditional Use Permit will not transfer with sale of the property. The motion failed for lack of a second. Commission Member Robert Droubay MOVED to approve a Conditional Use Permit to allow William Keel to use his home, located at approximately 317 South 50 East, as a secondary location for operation of his business, Family Equipment Rental, with the condition that he comply with all restrictions of the R-4 zone. The motion was SECONDED by Council Member Joe Young. Chairman Berkley asked if there were any comments or questions regarding the motion. Commission Member William Keel stated for the record that, due to his conflict of interest, he is abstaining from voting on this matter. Chairman Berkley asked if there were any other comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ZONING OFFICER ALAN RIDING: PROPOSED AMENDMENT TO RURAL RESIDENTIAL ZONE AND SUBDIVISION ORDINANCE CURB, GUTTER AND SIDEWALK REQUIREMENTS

Zoning Officer Alan Riding and City Attorney Richard Waddingham discussed the proposed changes to Appendix 2 of the Subdivision Ordinance. The amendment would allow one-half acre lots in the rural residential zone, with animals being allowed only on one acre lots, and would also include horse arenas as a conditional use. Commission Members discussed the proposed amendment, as well as minimum lot sizes, set backs, equestrian parks and other uses of property located in the rural residential zone.

Following lengthy discussion, Commission Member William Keel MOVED to recommend to the City Council that a public hearing be held for the purpose of receiving public comment regarding the proposed amendment to Appendix 2 of the Delta City Zoning Ordinance and, further, recommend that the proposed amendment be approved. The motion was SECONDED by Commission Member Robert Droubay. 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 and City Attorney Richard Waddingham discussed the proposed amendment to Section 7.4 of the Delta City Subdivision Ordinance, pertaining to subdivision improvements, which would allow for a waiver of curb, gutter and sidewalk requirements in the rural residential zones. Commission Members discussed the circumstances and conditions which would qualify for waiver of curb, gutter and sidewalk requirements in rural residential zones. City Attorney Waddingham advised the Planning Commission that an amendment to the Subdivision Ordinance requires that a public hearing be held by the Planning Commission, prior to making a final recommendation to the City Council.

Commission Member Robert Droubay MOVED to set a public hearing on Wednesday, October 1, 2003 at 6:45 p.m. for the purpose of receiving public comment regarding a proposed amendment to Section 7.4 of the Delta City Subdivision Ordinance, pertaining to subdivision improvements, which would allow for a waiver of curb, gutter and sidewalk requirements in rural residential zones. 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.

CHAIRMAN BRENT BERKLEY: PROPOSED DRAFT ORDINANCE REGARDING USE OF SHIPPING / CARGO CONTAINERS AS STORAGE SHEDS

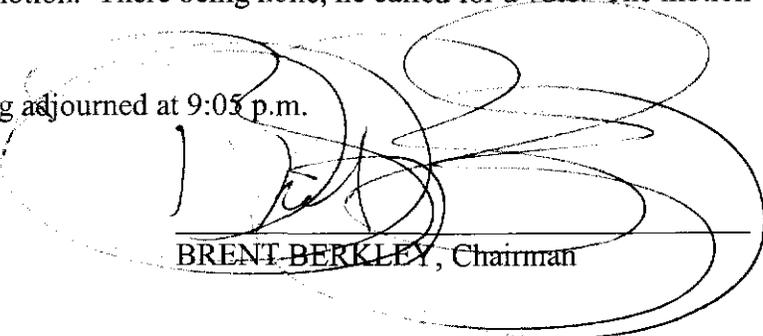
Chairman Berkley advised Commissioners that he and City Attorney Waddingham had discussed this proposed draft ordinance, including ordinances adopted by other cities and towns. The Planning Commission has discussed the subject several times, but has not yet come to a conclusion as to what

restrictions should be included in the ordinance. Planning Commission Members discussed container sizes, conditions, temporary uses, and possible restrictions to be imposed.

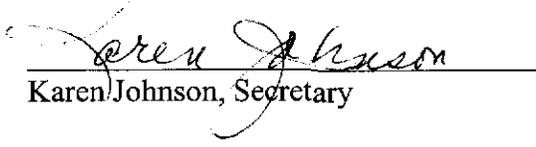
Following discussion, Commission Member Joe Young MOVED to allow use of shipping / cargo containers, of a size larger than 200 square feet, as a conditional use in all zones, with the exception of temporary construction trailers ("temporary" being defined as less than six months). The motion was SECONDED 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.

Chairman Berkley asked if there were any other comments or questions. There being none, Commission Member Robert Droubay MOVED to adjourn the meeting. 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.

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



BRENT BERKLEY, Chairman



Karen Johnson, Secretary

MINUTES APPROVED: P&Z 10-01-03