



Planning & Zoning Commission

Regular Meeting

Thursday, May 12, 2016

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

PRESENT

Linda Sorensen, Chairwoman
Linda Beard, Member
Wes Duncan, Member
Rand Crafts, Member

John Niles, City Liaison
Alan Johnson, Member
Roger Zeeman, Member

ABSENT

Richard Jones, Member

ALSO PRESENT

Lora Fitch, Deputy Recorder
Dent Kirkland, Code Enforcement Officer
Travis Stanworth, Asst. Code Officer
Rob Droubay, Property Owner
Chase Christensen, Business Owner
Patrick Stefanoff, Land Owner
Elcee Crafts
Josh Nelson
Tiffany Nelson
Lance Johnson
Julie Johnson
Brad Thompson
Barb Thompson
Sharalyn Clayton
Neil Clayton
Jason Stefanoff
Natalie Stefanoff
Angi Meinhardt
Brittany Andrew
Camille DeLoach
Ronda Davis
Sharon Davis
Jena Hare

Layla Rae Morris, Property Owner
Randy Morris, Property Owner
DeAnna Christensen, Business Owner

Mark Peterson
Sue Peterson
Janette Fitzgerald
Seth Howlett
Tyler Harris
Ryan Worsley
Darren Snow
Crystal Tanner
Jon Webster
Bonnie Webster
J L Young
Elizabeth Stream
Jessica Stephensen
Jody Stephensen
Laura Peterson
Kinsey Riding
Marci Allred
John Nelson

Chair Woman Sorensen called the meeting to order at 7:02 p.m. She stated that notice of the time, place and the agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, the Delta City website, and had been provided to the Millard County Chronicle-Progress and to each member of the Commission at least two days prior to the meeting.

MINUTES

The proposed minutes of a Planning & Zoning Commission Meeting held April 14, 2016 were presented for consideration and approval. It was noted that Commission Member Craft's attendance needed to be corrected. Commission Member Crafts made a MOTION to accept the Planning and Zoning Minutes of April 14, 2016 with the attendance correction. Commission Member Johnson SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

BUSINESS

Conditional Use Permit to Operate a Fitness Business in a R4 Zone

Chase Christensen stated that he and his wife DeAnna had relocated their business Delta Fit to 233 W 100 N and had recently received a letter from Delta City stating that business licenses are nontransferable between locations and that he would need a conditional use permit to be at the new location. Chairwoman Sorensen asked if there had been any issues with the move. Mr. Christensen stated that the first night his business had been running, an officer had showed up with regards to a noise complaint. Mr. Christensen stated that the officer hadn't thought that they had been noisy and that the situation was a non-issue. There had been a conversation about parking and that they had complied with the officer, but they had been getting harassed by neighbors with letters and complaints. Mr. Christensen stated that he had talked to some of the neighbors to see if they had any concerns, the responses he got were concerns about traffic and the safety of the children, disrupting the neighborhood with noise, which Mr. Christensen thought to be untrue. Mr. Christensen stated that they had moved to the new building because it was larger and better insulated. The history of the building was discussed. Mr. Christensen asked what was and was not allowed with parking. Mr. Christensen stated that they had found off street parking but it would come with a fee. Commission Member Crafts asked what kind of numbers Delta Fit was expecting at any given moment. Mr. Christensen stated that generally 6-8 people with the exceptions of when classes are changing. There was a discussion about the noise ordinances and Commission Member Duncan suggested that if there are any more noise complaints to have the sheriff's office bring over a decibel reader. Patrick Stefanoff, owner of the property where Delta Fit is operating out of, stated that there was a conflict of interest with one of the main people complaining being the owner of a competing gym. Code Enforcement Officer Kirkland stated that the parking issue has to be resolved before Zoning can sign off on the

business license. The zoning ordinance 12-16-2 was reference but the Zoning Commission decided that the business was a continuance of use. The Zoning Commission asked if anyone wanted to give their input on Delta Fit being at its new location. John Webster, who owns adjacent property, stated that he had no objections to the fitness operating out of the building in question, but his tenants had complained about the sound of and vibrations caused by weights being dropped. Elcee Crafts, a neighbor to the facility, expressed her concerns about the noise, the traffic with regards to the safety of the neighborhood children, and the change in the atmosphere in the neighborhood. Chairwoman Sorensen suggested that maybe the neighborhood and Delta Fit work on coming to some sort of compromise. Brandon Kunz, a neighbor of the gym, stated that the weights being dropped has been shaking his windows and making it difficult to get kids to bed and get enough sleep in his household. Lance Johnson, a fitness club member, stated that they were out of the building at 8 p.m. every evening which is well before the noise ordinance goes into effect, and that generally the noise doesn't go about the maximum permitted decibels. Mr. Johnson stated that there would be no problem with offsite parking and that the fitness club members are wanting to get along with the neighborhood. Commission Member Beard asked if there was anything that could be done about the noise of dropping weights. Mr. Christensen stated that there is a 3/8-inch rubber mat on the 6-inch foundation and the weights are also coated in rubber, so there isn't much he can do to additionally dampen the noise, but a sand-filled trench between adjoining properties might mute some of the vibrations. Commission Members had a discussion about available options for the conditional use permit. Mr. Christensen questioned if there was a conflict of interest as the parking he was considering paying for was owned by a City employee. Chairwoman Sorensen replied that a City employee having parking available has no bearing on his need to look into parking and they hadn't been aware before the meeting that the City employee in question even had parking to rent. There was a discussion about putting in some children at play signs or pedestrian signs around the neighborhood. Susan Peterson, owner of adjacent property, stated that her concerns have nothing to her owning another fitness business and everything to do with the parking situation, the headlights shining in her windows, and the additional activity agitating her dogs and, in turn, the neighbors. After some discussion, Mr. Stefanoff stated that parking in front of the building to the East in the alley on the side of the building would be able to accommodate an adequate amount of parking. Commission Member Crafts made a MOTION to approve a 9-month temporary conditional use permit for Delta Fit at 273 W. 100 N. with the following conditions that parking be established in front of the building to the East and to the side of the building in the alley, that the City will look into placing pedestrian signage as per the adopted ordinances, and that between 5 and 6 a.m. that they will limit the dropping of weights from high drop to low drop. Commission Member Duncan SECONDED the motion. The motion

passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

Preliminary Plat Combining 4 Lots and Dividing into 2 on Morris Subdivision

Randy Morris, property owner, explained that they were wanting to combine the 4 lots into 2 lots in order to update the Lyla Rae Morris Trust. Mr. Morris stated that the issues with the property is that there are four different tax notifications for the different parcels and they were looking to consolidate them. There was a discussion regarding the size of the lots and whether or not there will be tax issues with the trailer park being on two separate parcels of land. Commission Members stated that it is a joining of parcels rather than a dividing improvements would not need to be made. Code Enforcement Officer Kirkland stated that combining the lots would clean things up, but that there was some concern about whether or not it would fall under the category of subdividing or combining parcels. Commission Member Crafts stated that according to section 12-2 under subdivision sections B and C this would count as a shifting of lines and that it is not a subdivision. Commission Member Johnson made a MOTION to accept the preliminary plat combining 4 lots and dividing into 2 on Morris Family Trust Subdivision. Commission Member Crafts SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

Final Plat Combining 4 Lots and Dividing into 2 on Morris Subdivision

Chairwoman Sorensen amended the typo on the agenda on item 3 to be a final plat rather than a preliminary plat. Commission Member Beard made a MOTION to accept the preliminary plat combining 4 lots and dividing into 2 on Morris Family Trust Subdivision. Commission Member Zeeman SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

Change to the Rural Residential Zone to Allow for Half-Acre Lots without Animals

Code Enforcement Officer Kirkland addressed the contents of the suggested changes to the rural residential zone. He asked the Commission how they would like to approach the cost-sharing section of the ordinances. The Commission stated that they would like it to remain in the interest of existing structures, but not for new subdivision construction. There was a discussion on the suggested changes in the ordinance regarding the amount of small animals allowed in the rural residential zone. Commission Member Crafts made a MOTION to table the change to the rural residential zone to allow for half-acre lots without animals to have some changes made regarding the cost-sharing and adjustment to the width of half-acre lots to be revisited after discussion with

the city attorney. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

OTHER BUSINESS

Rob Droubay asked if there had been any progress on the zoning for a larger more rural lot. Code Enforcement Officer Kirkland stated that it was still being drafted.

With no other questions or concerns, Commission Member Johnson MOVED to adjourn the meeting. Commission Member Crafts SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Johnson, Zeeman, and City Representative Niles in favor and Member Jones being absent.

Chair Woman Linda Sorensen declared the meeting adjourned at 8:50 p.m.

Minutes Approved

Lora Fitch, Deputy Recorder