



Planning & Zoning Commission

Regular Meeting

Thursday, February 9, 2017

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

PRESENT

Linda Beard, Commission Member
Rand Crafts, Commission Member
John Niles, Council Representative
Linda Sorensen, Commission Chairwoman

Wes Duncan, Commission Member
Richard Jones, Commission Member
Roger Zeeman, Commission Member

ABSENT

Alan Johnson, Member

ALSO PRESENT

Dent Kirkland, Code Enforcement Officer
Travis Stanworth, Asst. Code Enforcement Officer
Lora Fitch, Deputy Recorder
Todd Anderson, City Attorney
Rob Droubay, Delta Citizen
Krystal Moore, Delta Citizen
Amber Zufelt, Delta Citizen
Chase Christensen, Delta Fit Owner
DeAnna Christensen, Delta Fit Owner
Patrick Stefanoff, Delta Fit Property Owner
Neil Clayton, Delta Fit Member
Laura Peterson, Delta Fit Member
Tyler Harris, Delta Fit Member
Lance Johnson, Delta Fit Member

Jason Stefanoff, Delta Fit Member
Brandon Smith, Delta Fit Member
Travis Keel, Council Member
Kiley Chase, Council Member
Andy Nickle, Delta Fit Member
Daren Dmith, Delta Fit Member
Jake Christensen, Delta Fit Member
Jackson George, Delta Fit Member
Russ King, Delta Fit Member
Janette Fitzgerald, Delta Fit member
Brittany Anderson, Delta Fit Member
Betty Jo Western, Council Member
Cory Morris, Delta Citizen
Jenny Morris, Delta Citizen

Chairwoman Sorensen called the meeting to order at 7:05 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, 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 Public Hearing held January 12, 2017 at 6:40p.m. were presented for consideration and approval. Commission Member Crafts made a MOTION to accept the Public Hearing Minutes of January 12, 2017 at 6:40 p.m. as presented. Commission

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

The proposed minutes of a Planning & Zoning Public Hearing held January 12, 2017 at 6:50p.m. were presented for consideration and approval. Commission Member Crafts made a MOTION to accept the Public Hearing Minutes of January 12, 2017 at 6:50 p.m. as presented. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and Zeeman and City Representative Niles in favor and Commission Member Johnson absent.

The proposed minutes of a Planning & Zoning Meeting held January 12, 2017 were presented for consideration and approval. Commission Member Crafts made a MOTION to accept the Planning and Zoning Minutes of January 12, 2017 as presented. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and Zeeman and City Representative Niles in favor and Commission Member Johnson absent.

BUSINESS

Renewal of Conditional Use Permit for Delta Fit

Commission Member Crafts asked if Delta Fit has made their actual conditional use permit application and it was confirmed that they had not. City Attorney Anderson suggested making the conditional use permit subject to the applying and paying for the permit. Chairwoman Sorenson reminded the Commission that it had been viewed as a continuance of use and that most of the problems that had been discussed at the previous meeting had been addressed. Chairwoman Sorenson asked if any signage had been installed, Code Enforcement Officer Kirkland informed her that they had not. Commission Member Crafts asked Chase Christensen if he would be willing to meet the conditions that had been required from the first conditional use permit, which were 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. Mr. Christensen confirmed that he would. Commission Member Crafts asked about the condition of low drops rather than high drops and mentioned that it would be a condition that would be adhered to. Patrick Stefanoff informed the Commission that he wanted to discuss a wall with the owner of the duplex, rather than make all of the work on mitigating the issues between the duplex and delta fit just one-sided, and that they had already put quite a bit of time and money into keeping from bothering the neighbors. The possibility of placing thicker mats on the floor where weights were being dropped and the safety of people trying to work out was discussed. Code Enforcement Officer Kirkland remarked that the trailer that is between Delta Fit and The Neighbors is not legal. Patrick Stefanoff stated that it is temporary to see if it would help. Lance Johnson, a member of Delta Fit, informed the Commission that he thought that Delta Fit had gone above and beyond to help reduce problems with neighbors and that he had discussed the possibility of a trench with his coworkers. They had informed him that it would need to be empty and really deep to be able to have any effect on

the vibrations and that wouldn't be safe. Mr. Johnson continued that the mats used are competition thickness and if they are too thick they are soft and that can be dangerous to lift on. The height of dropping was discussed and low-drop was defined as from the height of your arms extended down. There was a discussion about who would police the conditional use permit and how it would be determined as a legitimate complaint. It was explained that the Code Enforcement Officer was in charge of policing conditional use permits and that, if necessary, the conditional use permit can be revoked or come back before the Commission again. Commission Member Crafts made a MOTION to allow for renewal of the conditional use permit for Delta Fit with the same conditions as before which were 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. on an ongoing basis upon the filing of their application to renew. Commission Member Jones SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and Zeeman and City Representative Niles in favor and Commission Member Johnson absent. It was agreed that City Attorney Anderson would draft the permit and bring it before the Commission to approve the language.

Preliminary Plat for Notch Peak View Subdivision Phase 4, lots 1-9

Rob Droubay came before the Commission to get a preliminary plat approved for the 9 lots that had been discussed at a previous meeting. Code Enforcement Officer Kirkland said that there wasn't a problem with the preliminary plat and that he had already discussed the things that would need to be fixed for a final plat with Mr. Droubay. Commission Member Zeeman asked if the lots were on City sewer. Mr. Droubay confirmed that 5 of them were and the other half were on septic tanks because the lots were at an opposite elevation of the sewer lines and wouldn't work. Commission Member Beard made a MOTION to accept the preliminary plat for Notch Peak View Subdivision 4, lots 1-9. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and Zeeman and City Representative Niles in favor and Commission Member Johnson absent.

Required Subdivision Improvements

Code Enforcement Officer Kirkland informed the Commission that a problem that has been brought up many times has been brought up again. The problem being that in some parts of town, if a small parcel of land were to be subdivided all improvements would be required, and not many people can afford to do so or won't because they will lose money in the process, resulting in a lot of empty lots in Delta. Code Enforcement Officer Kirkland asked if there was a way to alleviate some of these types of situations. Code Enforcement Officer Kirkland suggested doing a zone in the heart of town that is exempt from installing curb, gutter, and extending the roads if they meet certain conditions. He stated that he thought all commercial should have to do all improvements, if the adjacent property has curb and gutter then it should be extended, and the property can only be subdivided into a certain amount of lots. He also stated that sidewalk is required on all new construction. Code Enforcement Officer Kirkland stated that he was trying to get in contact with other cities to see what their policy on it is and as of yet, hasn't been able to get ahold of anyone. Code Enforcement Officer Kirkland emphasized that he is

hesitant to do an area where improvements can be exempted, as it can cause some problems with the developers outside the zone that are required to do them. He also pointed out that there could be a problem with developers subdividing a large lot of land one lot at a time to avoid having to do improvements on larger subdivisions. City Attorney Anderson informed the Commission that it would require an ordinance to make such a change. Commission Member Crafts asked how often someone wants to build on one of the empty lots in town and decides not to when they find out that they have to do all of the improvements. Code Enforcement Officer Kirkland stated that it happens quite often and most people say that it is not economically feasible. French drains were discussed. Kory and Jenny Morris came before the Commission to explain that where they are building a house, they are required to put in sidewalk and no one has sidewalk around them. They further explained that one side of the sidewalk ends at a ditch and the other, at their neighbor's driveway. The Morris's both said that they thought that there are circumstances, like theirs, where installing curb and gutter does not make sense and only ends up costing more money. Chairwoman Sorenson asked Code Enforcement Officer if the City changes their requirements, would the people who had been required to do them and not finished still be required to do them. Code Enforcement Officer Kirkland stated that the ordinances in place at the time of building permit application are the ones that apply. Code Enforcement Officer Kirkland informed the Morris's that the City Council required the sidewalk even in places where surrounding neighbors don't have it in the hopes that the neighbors will decide to install their own. Council Member Jones informed the Morris's that the Commission will take their situation under review as they proceed with the improvements requirements but at the present they are required to put in sidewalk. There was a discussion about sidewalk bonds. City Attorney Anderson asked what the Commission's thoughts were on making a redevelopment zone. Commission Member Duncan told him that he liked the idea and thought it would really help. Commission Member Jones stated that he never wanted to make the ordinances overly restrictive. Rob Droubay told the Commission that he thought that there needs to be ways to take care of inner city lots, but there needs to be balance to continue to encourage new development as well as develop inner city. Commission Member Crafts said something to consider in this is that in some areas there is already a house on the property as opposed to a vacant lot to be divided which would be more along the lines of development. There was a discussion about where to put the map. City Attorney asked the Commission if they would like for him to start on a draft. The Commission asked him to and that it can be a starting point. There was a discussion about what variances are and how often they are misunderstood.

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

The meeting adjourned at 8:20 p.m.

Minutes Approved

Lora Fitch, Deputy Recorder