

PLANNING & ZONING COMMISSION
JULY 2, 2003

PRESENT

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

ABSENT

None

ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Planning & Zoning Secretary
Russell Greathouse	Area 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 May 7, 2003 were presented for consideration and approval. Following review, Commission Member Robert Droubay MOVED to approve the minutes of the Planning & Zoning Commission Meeting held May 7, 2003, as corrected. 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.

BUSINESS

COMMISSION MEMBER ROBERT DROUBAY: AMENDMENT TO ZONING ORDINANCE TO ALLOW ONE-HALF ACRE LOTS IN RURAL RESIDENTIAL ZONE

Commission Member Droubay noted that the City Council had discussed the fact that the current zoning ordinance requires lots in the rural residential zone to be a minimum of one acre in size. The

Council requested that the Planning & Zoning Commission review the rural residential zone to determine whether one-half acre lots could be allowed. Commission Member Keel felt that a one-half acre lot would not be large enough to allow for the required set backs and adequate area for animals. Zoning Officer Riding noted that the one-half acre lots would not allow animals to be kept on the premises. Animals would only be allowed on lots of one acre or more.

Commission Member Vance Bishop questioned whether this change would require rewriting the zoning ordinance. Zoning Officer Riding stated that City Attorney Waddingham had suggested that an addendum to the zoning ordinance, allowing the one-half acre lots, be adopted rather than rewriting the entire ordinance.

Following lengthy discussion, Commission Member David Styler MOVED to recommend that an addendum to the zoning ordinance be written, which would allow one-half acre lots in the rural residential zone, with the condition that no animals be allowed on one-half acre lots. 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.

COMMISSION MEMBER ROBERT DROUBAY: MODIFICATION OF REQUIREMENTS FOR RURAL RESIDENTIAL ZONE

Council Member Robert Droubay noted that the Council also requested that the Planning & Zoning Commission review the proposed modification of development requirements in the rural residential zone. Specifically, the Council requested input regarding whether curb, gutter and sidewalk requirements should be waived in the one acre lot area of the rural residential zone. Zoning Officer Riding advised Commissioners that, because of the animals involved, the rural residential areas need to be located on the fringes of the city, which greatly increases the cost of extending water and sewer services. From the developers point of view, the additional cost of installing curb, gutter and sidewalk could make the development cost prohibitive, making sale of the lots improbable, due to the cost of providing improvements that would detract from the rural setting.

Commission Member Droubay noted that the subdivision ordinance states that, "After recommendation from the Planning Commission, the City Council may waive sidewalk requirements on streets which exceed an average grade of ten percent between intersections, and may do so in subdivisions where the average lot width exceeds 100 feet . . . or the average lot area exceeds 30,000 square feet." Commission Member Vance Bishop stated that he has concerns with waiving installation of improvements in areas located on the outskirts of town because many of those areas become central areas of a town. He questioned at what point property owner would be required to install those improvements. Zoning Officer Riding explained that, in the event that should happen, a special service district could be formed for installation of those improvements or, an Off Site Improvement Agreement could be utilized.

Zoning Officer Riding advised the Commission that a preliminary estimate of the cost of extending

a sewer main to the street will be approximately \$80,000, which does not include the cost of installation into the subdivision.

It was determined that the existing subdivision ordinance contains language which allows the City Council to waive sidewalk requirements, upon recommendation from the Planning & Zoning Commission.

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

Mr. Greathouse was instructed to provide a preliminary plat of his proposed rural residential development for review at the next meeting of the Planning & Zoning Commission.

CHAIRMAN BRENT BERKLEY: CONDITIONAL USE PERMIT FOR SALE OF USED VEHICLES ON PROPERTY LOCATED AT APPROXIMATELY 350 TO 400 EAST MAIN STREET

Chairman Berkley stated that this item is a re-discussion of the potential need for a conditional use permit for the sale of used cars on property located at approximately 350 to 400 East Main Street. Chairman Berkley felt the Commission had already determined that, inasmuch as the property owner is not selling the used automobiles nor collecting any fees for use of the property, a conditional use permit would not be required.

Commission Member Vance Bishop stated that Mayor Bunker had requested this matter be discussed further. Commission Member Droubay felt that, if the property owner is allowing vehicle owners to park their cars on the property to be sold, and there is a sign on the property which advertises "Consignment Sales," it is an automobile sales business. Some Commission members felt that, if the property owner were required to obtain a conditional use permit, those vehicles would be parked on other vacant lots along Main Street.

Zoning Officer Riding told Commission Members that he had talked with the property owner, Mr. Lowe, who has said that, if he needs a conditional use permit, he will request one and "police" the sale of the automobiles. Chairman Berkley expressed concern regarding the parking of "for sale" vehicles on lots owned by another person. He reported on ordinances written in other cities which, following a court decision against the ordinances, have repealed them in order to avoid law suits.

Following discussion, Commission Member Robert Droubay MOVED to require a conditional use permit for sale of used vehicles on property located at 350 to 400 East Main Street. The motion was SECONDED by Commission Member Vance Bishop. Chairman Berkley asked if there were any comments or questions regarding the motion. Chairman Berkley felt that the Commission should be cautious as to how far the requirement for conditional use permit is extended; i.e., be cautious about being too restrictive as to what individuals can do on their own private property. 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.

CHAIRMAN BRENT BERKLEY: DRAFT ORDINANCE GOVERNING REQUIREMENTS FOR USE OF SHIPPING CONTAINERS FOR STORAGE

Chairman Berkley distributed a copy of Fillmore City Ordinance No. 96-148 for review by the Commission. Page 1, paragraph 2 of the ordinance states: "Except as otherwise provided for by this section, it shall be unlawful to place a semi trailer, cargo container, or any other similar unit with a surface space of greater than 120 square feet within the city limits for use as a storage unit."

Commission Members discussed whether it would be advisable to require a conditional use permit for use of shipping containers as storage sheds. Following discussion, Commission Member Vance Bishop MOVED to require that all shipping containers used for storage sheds meet all set back requirements and easement restrictions which are applicable to any other structure in the zone where they are being placed. Following further discussion, Commission Member Vance Bishop withdrew his motion. Commission Member Robert Droubay MOVED to table discussion of this matter until the next meeting to allow time for determining whether Delta City can require building permits for structures smaller than 200 square feet and time for additional consideration by Commission Members. 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.

COMMISSION MEMBER ROBERT DROUBAY: OVERNIGHT PARKING OF RECREATIONAL VEHICLES ON CITY STREETS

Commission Member Robert Droubay noted that this matter had been discussed at a previous meeting but he asked to have the matter put on the agenda in order to have official minutes of the decision of the Planning & Zoning Commission. Commission Members reiterated their decision that this is not a matter on which they are inclined to put additional restrictions. Chairman Berkley felt that the matter is a regulatory issue, not a zoning issue.

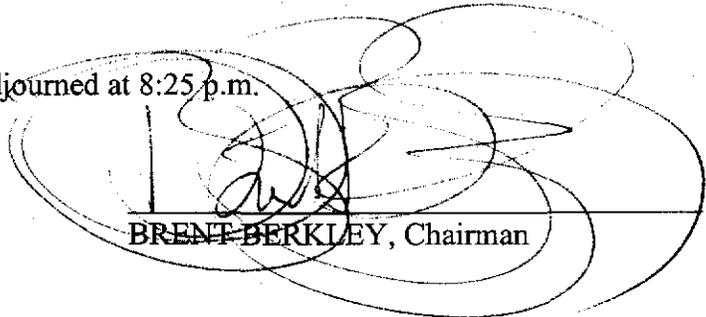
CHAIRMAN BRENT BERKLEY: APPOINTMENT OF VICE CHAIRMAN FOR PLANNING & ZONING COMMISSION

Chairman Berkley noted that the Planning & Zoning Commission has been without a vice chairman for several months and requested that a vice chairman be elected at this time. Chairman Berkley opened nominations for vice chairman. Commission Member David Styler MOVED to appoint Commission Member Vance Bishop as Vice Chairman. The motion was SECONDED by Commissioner Joe Young. Chairman Berkley asked if there were any other nominations for vice chairman. Commissioner Joe Young MOVED to cease nominations and elect Commissioner Vance Bishop by acclamation. The motion was SECONDED by Commission Member David Styler.

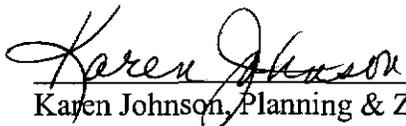
Chairman Berkley asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commissioners Robert Droubay, William Keel, Joyce Moody, David Styler and Joe Young voting in favor and Commissioner Vance Bishop abstaining.

Commission Member Berkley asked if there were any comments, questions or other items to be discussed. There being none, 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 at 8:25 p.m.



BRENT BERKLEY, Chairman


Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 08-06-03