CITY OF DELTA, UTAH
PLANNING & ZONING COMMISSION MEETING
MARCH, 14, 2013

PRESENT

Linda Sorensen	Chairman
Linda Beard	Commission Member
Rand Crafts	Commission Member
Alan Johnson	Commission Member
Richard Jones	Commission Member
Steven Pratt	Commission Member
Roger Zeeman	Commission Member

ABSENT

Tom Stephensen	Council Representative
Alan Riding	Code Enforcement Officer

ALSO PRESENT

Ken Clark	Assistant Code Enforcement Officer
Karen Johnson	Planning & Zoning Secretary
Todd Anderson	City Attorney
Craig Johnson	United Soil Science
Gayle Bunker	Delta City Mayor
Jane Beckwith	Topaz Museum Board
Federico Morataya	Delta Auto Service
Gregorio Torres	Delta Auto Service

Unapproved

Chairman Linda Sorensen called the meeting to order at 7:00 p.m. She stated that notice of the time, place and agenda of the meeting had been posted at the City Building, on the Utah Public Notice website and Delta City website, 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 January 10, 2013 were presented for consideration and approval. Following review, Commission Member Alan Johnson MOVED to approve the minutes of the Planning & Zoning Commission Meeting held January 10, 2013, as presented. The motion was SECONDED by Commission Member Rand Crafts. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

BUSINESS

MAYOR GAYLE BUNKER: REQUEST FOR DECISION ON NUMBER OF PARKING SPACES REQUIRED FOR PROPOSED DELTA COMMUNITY CENTER AND TOPAZ MUSEUM FACILITIES

Unapproved

Assistant Code Enforcement Officer Ken Clark advised Commission Members that our zoning ordinance does not address parking regulations for a community center or museum facility. Commission Members need to determine which classification the facility most closely fits so the required number of parking spaces can be determined. It was suggested that the facility would be similar to a theater or clubs/lodges. Theaters require one space for each four seats (designed seat capacity) and clubs/lodges require one space per each three persons (designed capacity). The Community Center is designed for a maximum capacity of 314 persons. Topaz Museum is approximately 8,000 square feet, which would require 27 parking spaces, at a rate of 1 space per every 300 square feet, which is the parking regulations imposed on the recently constructed Great Basin Museum. The ordinance provides that, if a use is not mentioned, the Planning Commission can recommend to the City Council which most similar use should apply to the facility. Commission Member Crafts mentioned that, when attending a movie, there are typically multiple individuals in one vehicle whereas, when attending a conference or meeting, there is typically one person per vehicle. Commissioners felt this facility would fall approximately half-way between a club/lodge and a theater. There is also parking available on Main Street and 100 West and, if Topaz Museum is not open at a particular time, there are twenty-seven additional parking spaces available for use by the Community Center.

Following discussion, Commission Member Rand Crafts MOVED that the Planning Commission recommend to the City Council that the designation for the proposed Civic Center, under Section 12-16-3E "Other Uses Not Mentioned", be designated as a Civic Center and recommend parking requirements of 3.4 parking stalls per designated occupancy. The motion was SECONDED by Commission Member Steven Pratt. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

Commission Member Steven Pratt MOVED that the parking requirement for Topaz Museum be set at one parking space per each 300 square feet of building space. The motion was SECONDED by Commission Member Rand Crafts. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

ELWIN JOHNSON, UNITED SOIL SCIENCE: REQUEST TO WAIVE SET BACK REQUIREMENT FOR CONSTRUCTION OF AN UNLOADING FACILITY AT APPROXIMATELY 400 WEST 400 NORTH

Craig Johnson, representing Elwin Johnson, advised Commission Members that his company wants to construct an elevator to unload trucks below ground level and auger the product into one of several containment areas. They did not realize that installation of the unloading pit would constitute a permanent structure because it is underground. It was brought to their attention that any structure which includes concrete is a permanent structure and requires a building permit. Mr. Johnson is proposing that the unloading pit be moved back off the road twenty-five inches so there will be no permanent structure on the road right-of-way. The unloading pit will be covered when trucks are not unloading to avoid any danger to the public.

Assistant Code Enforcement Officer Clark advised Commission Members that Johnsons are attempting to encroach into the ten foot set back by locating the unloading structure within the set back. Commission Member Crafts asked the difference between a sidewalk and this structure. City Attorney Anderson noted that a sidewalk is a public use structure and the proposed unloading facility is specifically for use by the owner. Assistant Code Officer Clark stated that, had the Johnsons applied for a building permit for the structure, they would have been told it could not be placed within the set back and made adjustments before construction began. Commission Members asked if the unloading facility could be placed on another portion of the property. City Attorney Anderson asked if the project could be completed and be in compliance with set back requirements. Mr. Johnson said they could complete the project and be in compliance but the company is growing and they want to construct another building on the property. Commission Member Crafts asked if approving this request would create a non-conforming use. Assistant Code Enforcement Officer Clark answered that approval would create a non-conforming use and there could be no further expansion of a non-conforming use. Commission Member Pratt noted that the proposed facility cannot be in the road right-of-way and expressed concerns about operating semi-trucks on a road that is only thirty-three feet wide. City Attorney Anderson noted that a right-of-way creates a buffer zone between the street and private property, therefore, the ten foot right-of-way should be protected. Commission Member Pratt asked how far the north side of the building is from the property line. He was advised that it is at least fifteen feet from the property line. There is an additional 247 feet on the east side of the building. Commission Member Pratt felt that having trucks exiting and entering a road with a ninety-nine foot right-of-way is preferable over having them use a road with a thirty-three foot right-of-way.

Following lengthy discussion, Commission Member Steven Pratt MOVED to deny waiver of the set back requirement requested by Elwin Johnson, on property located at approximately 400 North 400 West. The motion was SECONDED by Commission Member Richard Jones. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Members Linda Beard and Rand Crafts voting against.

FEDERICO MORATAYA, DELTA AUTO SERVICE: REQUEST FOR AMENDMENT TO CONDITIONAL USE PERMIT TO ALLOW DISMANTLING OF AUTOMOBILES ON PROPERTY LOCATED AT APPROXIMATELY 407 WEST MAIN STREET

Mr. Morataya advised Commission Members that he is not requesting an amendment to his conditional use permit, his partner, Gregorio Torres, is requesting a conditional use permit to dismantle automobiles in one of the bays at the automobile service business.

Mr. Torres requested that he be granted a conditional use permit to dismantle automobiles for salvage and recycling purposes. All dismantling work will be done inside the building; parts and pieces will then be transported to Salt Lake City.

City Attorney Anderson commented that his only concern is that everything be kept inside the building. Mr. Torres stated that, during dismantling, parts would be stored in the basement of the building until they are loaded for transport. Mr. Torres purchases trash vehicles for dismantling. Commission Member Pratt questioned whether the location is proper for a dismantling business and expressed concern about dismantled vehicles being stored outside the building. Mr. Torres said he would pick up the vehicles and remove them to a yard in Salt Lake City.

City Attorney Anderson suggested that Commission Members could issue a short term conditional use permit which would require review after three or six months of operation. Commission Members could then determine whether this is a proper location for the business. Assistant Code Enforcement Officer Clark noted that Mr. Morataya has a good business and has kept the area clean. Mr. Morataya addressed Commission Members to advise them that he is the owner of the business and will make certain the business is kept clean and neat.

Following discussion, Commission Member Rand Crafts MOVED to approve issuing a conditional use permit to Gregorio Torres for operation of an automobile dismantling business at approximately 407 West Main Street with the following conditions: 1) all dismantling activities be done inside the building; 2) storage of all materials will be inside the building; 3) no vehicles will be stored outside the building; 3) all dismantled vehicles will be removed from the property; 4) the conditional use will be issued for a probationary period of six months with the applicant being required to request a review by the Code Enforcement Office and the Planning Commission after the six month period and to request approval for a longer period, if appropriate; and 5) pay the $75 conditional use permit fee prior to issuance of the permit. The motion was SECONDED by Commission Member Steven Pratt. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

CHAIRMAN LINDA SORENSEN: ELECTION OF A VICE-CHAIRMAN FOR THE PLANNING & ZONING COMMISSION

Chairman Sorensen requested nominations for a vice-chairman for the Planning Commission. Commission Member Rand Crafts MOVED to elect Linda Beard to act as vice-chairman. The motion was SECONDED by Commission Member Alan Johnson. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones,

Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

City Attorney Anderson advised Commission Members that he had recently filed legal action against James Dix, Reptile Rescue Service, to obtain a court order to remove the business from Delta City.

Assistant Code Enforcement Officer Clark stated the party that appealed the cellular telephone tower decision has requested a decision from the State Property Ombudsman We currently awaiting that decision.

Assistant Code Enforcement Officer Clark said some areas of the zoning ordinance need to be amended. Specifically, the fuel storage regulations did not get carried over from the old ordinance, we need to review the set back requirements in the Industrial 1 (I-1) zone, and we need to adopt regulations for coffee shops/ice stands/hot dog stands, etc.

Commission Member Rand Crafts MOVED to instruct the Code Enforcement Officer and City Attorney to provide a list of suggested notes and areas of concern for Commission Members at the next meeting for their review. The motion was SECONDED by Commission Member Richard Jones. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and Commission Member Tom Stephenson being absent.

Commission Member Roger Zeeman MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Rand Crafts. Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Alan Johnson, Richard Jones, Steven Pratt and Roger Zeeman voting in favor and no one voting against.

Chairman Sorensen declared the meeting adjourned at 9:00 p.m.

LINDA SORENSEN, Chairman

Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED:

Unapproved