

DELTA CITY PLANNING & ZONING MEETING Wednesday, May 10, 2023 at 7:00 PM Delta City Municipal Complex Council Chambers*

AGENDA

CALL TO ORDER

MINUTES APPROVAL

- 1. Meeting Minutes Approval: P&Z Public Hearing 2023-04-12
- 2. Meeting Minutes Approval: P&Z Commission Meeting 2023-04-12

BUSINESS – Any such business as may come before the Commission.

- <u>3.</u> Joan Myers/Lisa Myers: Preliminary Plat approval, Myers Legacy Action: Discussion/Consideration for approval
- 4. McKay Christensen: Project Proposal Action: Discussion only
- 5. Attorney Todd Anderson: Town Home discussion Action: Discussion only
- 6. Nick Killpack: Road Plan Action: Discussion/Consideration for approval

ADJOURN

NOTICE: Be aware the Planning and Zoning Commission may conduct an Electronic Meeting so that a member of the Public Body may participate, pursuant to UCA §52-4-207, (1953), <u>as amended</u>. Agenda items are considered flexible and may be conducted sequentially different than illustrated herein to meet the needs of the Planning and Zoning Commission. Individuals and entities that have business before the Planning and Zoning Commission should be present at meeting commencement.

THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN ALL CITY MEETINGS. In accordance with the Americans with Disabilities Act (ADA), we will make reasonable accommodations for those needing assistance to participate in our meetings. Requests for assistance can be made by contacting the City at 435.864.2759 at least twenty-four hours in advance of the meeting.

CERTIFICATE OF MAILING & DELIVERY

The below signed, duly appointed and acting City Recorder for Delta City, Utah hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the <u>Millard County Chronicle-Progress, LLC</u>, chronpro@millardccp.com, published on the Delta City and Utah Public Notices websites and was personally provided to each member of the Planning & Zoning Commission, this <u>Monday, May 8, 2023</u>.

Sherri Westbrook, Recorder

Delta Planning & Zoning Meeting

AGENDA



1

DELTA CITY PLANNING & ZONING PUBLIC HEARING Wednesday, April 12, 2023 at 6:15 PM Delta City Municipal Complex Council Chambers*

MINUTES

2 3 4 5 6 7 8 9	PRESENT Chairman Chad Droubay Vice Chairman Kelly Carter Commission Member Derek Curtis Commission Member Phil Diaz (via Zoom) Commission Member Don Smith Council Liaison Nick Killpack Commission Member Tamara Stewart		
10	NOT PRESENT		
11	Commission Member Dillon Pace		
12			
13	ALSO PRESENT		
14			
15	Jerry Murray	29	Shauna Nelson
16	Corinne Murray	30	Bill Nelson
17	Gerty Ervin	31	Sandra Black
18	Janeal Young	32	Colton Griffiths
19	Charles Ervin	33	Pat Burns
20	Chance Oppenheimer	34	Mike Zurn
21	Royce Topham	35	Marcos Lazaro
22	Travis Stanworth	36	David Remkes
23	Lynne Harris	37	David Barrus
24	Gary Harris	38	Todd Anderson
25	Jody Webb	39	Sherri Westbrook
26	Darlene Webb	40	Michelle Lovejoy
27	Richard Dziuk	41	John Niles
28	Rebecca Dziuk	42	Kiley Chase
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44 CALL TO ORDER

Planning and Zoning Commission Chairman Chad Droubay called the public hearing to order at
6:19 p.m. He stated that notice of the time, place, and agenda of the meeting had been posted at
the City Municipal Complex, on the Utah Public Notice website, on the Delta City website and had
been provided to the <u>Millard County Chronicle-Progress</u> and each member of the Commission
at least two days before the meeting.

- 50 **BUSINESS** Any such business as may come before the Commission.
- 51 1. Michael Zurn; Application to Rezone from Mobile Home to R4 Zone
- 52 Michael Zurn and Pat Burns appeared before the Planning and Zoning Commission for a Public Hearing 53 to rezone from Mobile Home to R4.

- 54 Shauna Nelson explained that she is worried about only two points of access with the amount of 55 population that will be within this development. She would like to know if 450 North would be a 56 potential road in the future, which would cross through her farm. Nelson does not object the zone 57 change, but she is against the future of 450 North.
- 58 Colton Griffiths wanted clarification on what size the lots would be. Michael Zurn chose not to answer 59 that question until he knows if the zone has been changed. Council Liaison Killpack informed the 60 audience that the lots will need to meet lot size requirements, and setbacks. Griffiths also asked about 61 the future of the canals. Attorney Anderson replied that it proved to be too expensive to get the USDA 62 grant, but the ideal scenario would be to cover it.
- Gary Harris expressed concerns about density and roads, and would prefer to see the rezone to R2.
 Attorney Anderson informed the audience that the land owner requests the zone change, and it would
 either be rezoned as R4 or stay as mobile home.
- 66 Chairman Droubay reminded the audience that the vote is to be on the zone change only, and the 67 future roads have nothing to do with the zone change.

68 ADJOURN

69 The meeting was adjourned at 7:13 p.m.

Sherri Westbrook, Recorder



DELTA CITY PLANNING & ZONING COMMISSION MEETING Wednesday, April 12, 2023 at 7:00 PM Delta City Municipal Complex Council Chambers*

MINUTES

2 PRESENT

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- 3 Chairman Chad Droubay
- 4 Vice Chairman Kelly Carter
- 5 Commission Member Derek Curtis
- 6 Commission Member Phil Diaz
- 7 Commission Member Don Smith
- 8 Council Liaison Nick Killpack
- 9 Commission Member Tamara Stewart
- 10 NOT PRESENT
- 11 Commission Member Dillon Pace
- 12 ALSO PRESENT
- 13 Travis Stanworth
- 14 Royce Topham
- 15 Jose Marquez
- 16 David Barrus
- 17 Kiley Chase
- 18 Todd Anderson
- 19 Michelle Lovejoy
- 20 John Niles

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21 Sherri Westbrook

23 CALL TO ORDER

- Planning and Zoning Commission Chairman Chad Droubay called the meeting to order at 7:25 p.m.
- 25 He stated that notice of the time, place, and agenda of the meeting had been posted at the City
- 26 Municipal Complex, on the Utah Public Notice website, on the Delta City website and had been 27 provided to the Millard County Chronicle-Progress and each member of the Commission at least
- two days before the meeting.

29 MINUTES APPROVAL

- 30 1. Minutes Approval: P & Z Minutes 2023-02-08
- Council Liaison Killpack <u>MOVED</u> to approve the minutes of the Planning and Zoning Public Hearing held on 2/08/2023. The motion was <u>SECONDED</u> by Commission member Diaz. Chairman Droubay asked if there were any questions or comments regarding the motion. There being none, he called for a vote.
- 34 Motion made by Killpack, Seconded by Diaz.
- 35 Voting Yea: Vice Chairman Carter, Curtis, Diaz, Chairman Droubay, Smith, Killpack, Stewart
- 36
- 37 **BUSINESS** Any such business as may come before the Commission.

- 38 2. Michael Zurn: Zone change request Mobile Home Zone to R4
- 39 Action: Discussion/Consideration to approve
- Pat Burns appeared before the Planning and Zoning Commission seeking a zone change from mobile
 home to R4. Commission Member Diaz asked if they would consider changing the zoning request to R1
 or R2, and they would rather change to R4. They would rather have it zoned R4 for higher density and
 project diversity. Michael Zurn mentioned an area that would be a 55 and older community.
- 44 Commission Chairman Droubay brought up that the public input was mixed, but that no one wanted a 45 road built on 450 North.
- 46 Commission Member Curtis <u>MOVED</u> to accept the zone change request from mobile home zone to R4.
- 47 Commission Member Smith recommended more discussion before a vote be made. Commission
 48 Member Smith questioned whether there was a need for this project.
- 49 Commission Member Stewart mentioned that there was nowhere decent to live right now.
- 50 Commission Member Carter reminded the Commission that this land is currently zoned mobile home, 51 which could be higher density than in R4, and that he would rather see fourplexes be built than a 52 mobile home park.
- 53 City Attorney Anderson added that if the Commission approves this, the application would be 54 conditioned upon amending the application to be the property owner.
- 55 Commission Member Curtis <u>MOVED</u> to positively recommend the zone change request from mobile 56 home zone to R4 with a change of the title to the property owner's name. The motion was <u>SECONDED</u> 57 by Commission Member Stewart. Chairman Droubay asked if there were any questions or comments 58 regarding the motion. There being none, he called for a vote.
- 59 Motion made by Curtis, Seconded by Stewart.

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- 60Voting Yea: Vice Chairman Carter, Curtis, Diaz, Chairman Droubay, Killpack, and Stewart61Voting Abstaining: Smith
 - David Remkes; Preliminary Plat approval 216 E 300 S Action: Discussion/Consideration for approval
- David Remkes appeared before the Planning and Zoning Commission seeking preliminary plat approval 65 66 for 216 E 300 S. Remkes added that they would likely be single-family homes, and they would probably 67 sell the lots. Public Works Director Kirkland and City Attorney Anderson previously talked about the narrow street, and the approval of this preliminary plat will need to be based upon the vacating of the 68 69 narrow street. This is located in the redevelopment zone, and the only improvement is the sidewalk unless multifamily homes are built. David Remkes would be responsible for installing or bonding the 70 sidewalk. Travis Stanworth reminded the Commission there is a limit of three lots in the 71 72 redevelopment zone, and a fourth would need more improvements. Based on that information, 73 Remkes would still like the Commission to vote on the preliminary plat. He would have a year to bond it or build it. 74
- Council Liaison Killpack <u>MOVED</u> to approve the preliminary plat located on 216 E 300 S conditional
 upon the vacation of the narrow street. The motion was <u>SECONDED</u> by Commission Member Diaz.
 Chairman Droubay asked if there were any questions or comments regarding the motion. There being
 none, he called for a vote.

- 79 Motion made by Killpack, Seconded by Diaz.
- 80 Voting Yea: Vice Chairman Carter, Curtis, Diaz, Chairman Droubay, Smith, Killpack, Stewart
- Jose A. Marquez; Concept Plan
 Action: Discussion/Consideration for approval

84Jose Marquez appeared before the Planning and Zoning Commission seeking approval of his concept85plan. 16 feet will be added after the road vacation. A private road will be owned and maintained by86lots 2 and 3, but Marquez would be okay with changing to one lot. Council Liaison Killpack remarked87that this concept is not much different than Styler's plan, but Anderson stated that Styler had access to88the road. Council Liaison Killpack remarked that there is a lot that is landlocked on the Marquez plat89and there are not enough frontages available, and frontage needs to be on a public street.

- 90 City Attorney Anderson remarked that Marquez is asking for a flag lot, which is not allowed in Delta 91 City code. The Planning and Zoning Commission would need to change the code before this could pass.
- 92 Commission Member Smith remarked that you change code for all not for one, and the code says you 93 cannot have a flag lot.
- Marquez is thinking about a lot line adjustment. But new plans will need to be made by an engineer.
 Attorney Anderson recommended an amended final plat.
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97 ADJOURN

- 98 Council Liaison Killpack <u>MOVED</u> to adjourn the Planning and Zoning Commission Meeting. The motion was 99 <u>SECONDED</u> by Commission Member Smith. Chairman Droubay asked if there were any questions or 100 comments regarding the motion. There being none, he called for a vote.
- 101 Motion made by Killpack, Seconded by Smith.
- 102 Voting Yea: Vice Chairman Carter, Curtis, Diaz, Chairman Droubay, Smith, Killpack, Stewart
- 102 The meeting was adjourned at 9:10 p.m.

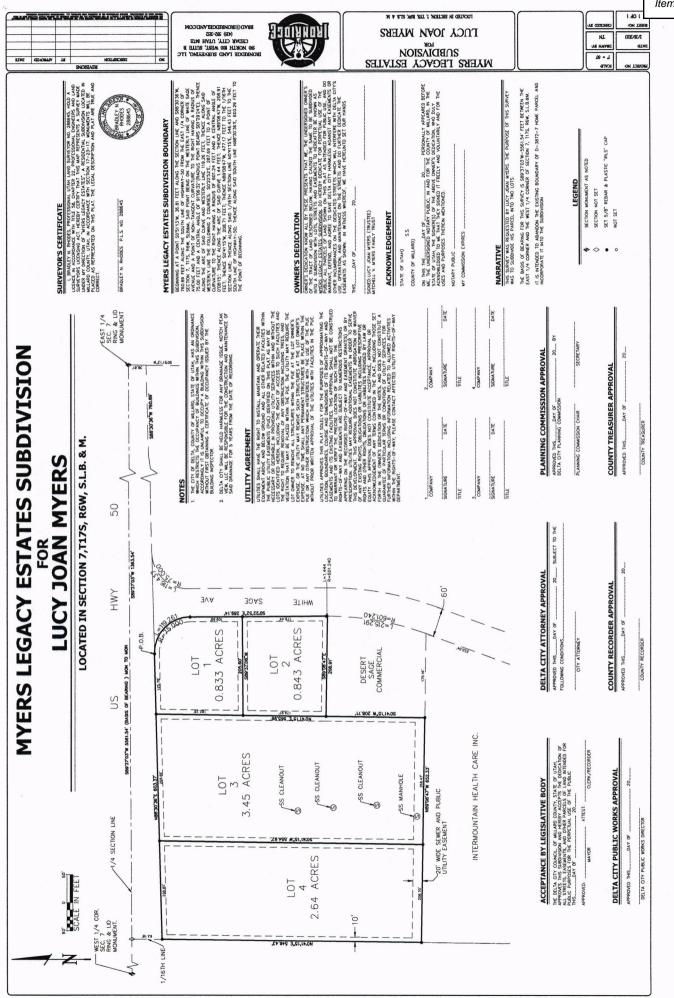
Sherri Westbrook, Recorder



Delta City 76 N 200 W Delta, UT 84624 435-864-2759, 435-864-4313fax

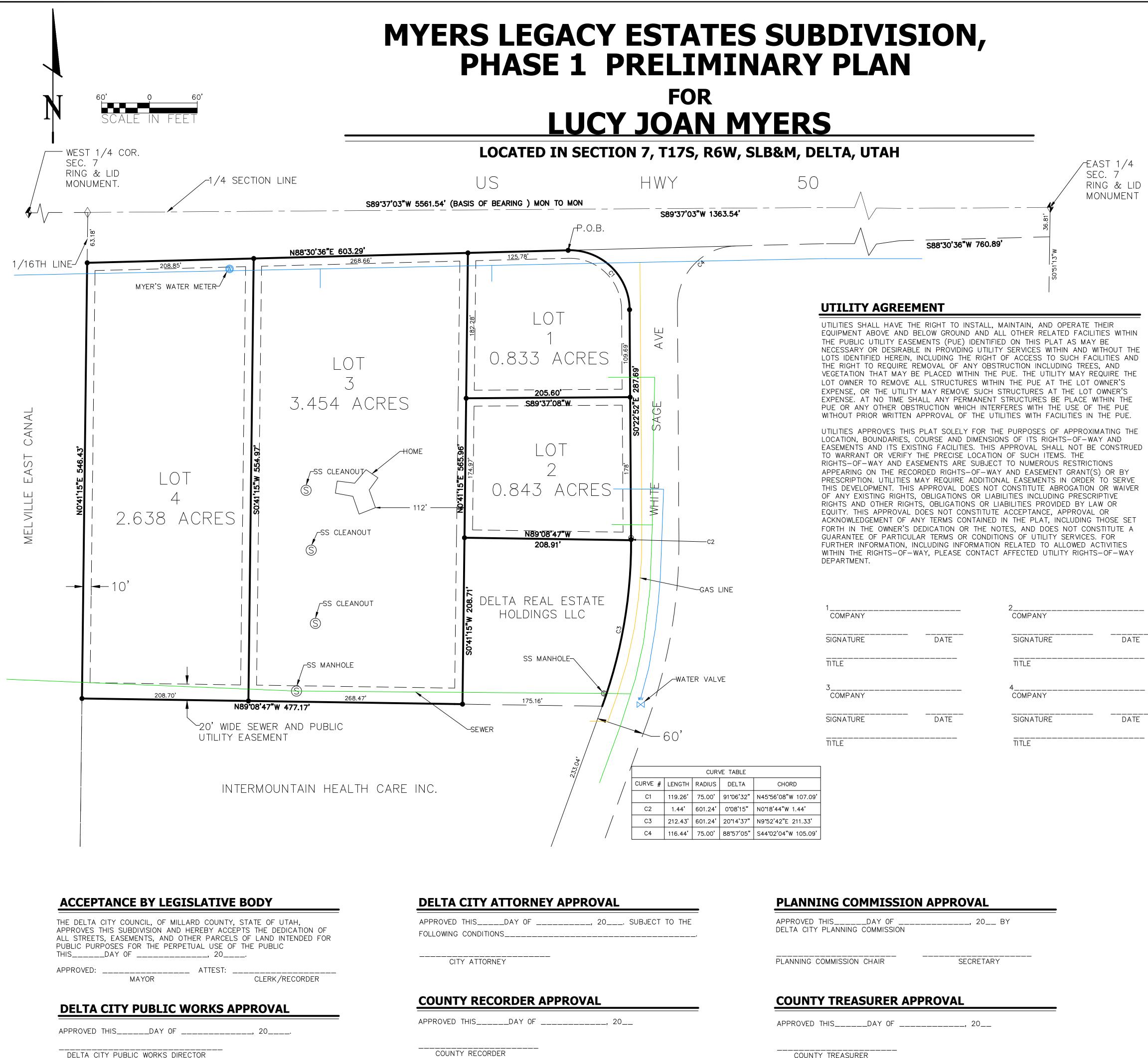
Application to Appear

APPLICANT INFOR	RMATION
Applicant Name	JOAN MARS Lisa Myers
Contact Name	Lisz Myers
Contact Number	435-864-7862
Contact Email	lisz. myers@millardK12.0Rg
Mailing Address	80 Locust La
City, State, Zip	Detta, UT 84624
APPEARANCE INF	ORMATION
Request to appear b City Council	pefore: Planning & Zoning Dother:
Date you wish to ap	pear: 17 possible Mar 8,23 if not Apr. 12th, 23
Subject Summary:	Approval of preliminary plan - Myers Legacy
Subject Detail: Be as specific as possib	le, with as much detail as possible. Include any documents, maps, etc.
W/1 ase	wanting a Seliminary approval
for the m subdivisi	on San will correct parcel lines ;
MARE ap	us presare los laras Tok receiving
installed	city sewer lines
Action Requested:	Preliminary Appsoral
Applicant Signature	Jun March 1, 2023
This application and all that you wish to attend.	applicable documents must be received (8) eight days prior to the scheduled meeting
Received by: PP	For City Use Date: 31/2023 Fees:
	A23-301-18 Paid Stamp: # 1184018



8

Item 3.



SURVEYOR'S CERTIFICATE

I, BRADLEY N. RHODES, PROFESSIONAL UTAH LAND SURVEYOR NO. 288645, HOLD A LICENCE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. HEREBY CERTIFY THAT THIS MAP REPRESENTS A SURVEY MADE UNDER MY DIRECTION OF "MYERS LEGACY ESTATES", A RESIDENTIAL SUBDIVISION LOCATED IN MILLARD COUNTY, UTAH, IN ACCORDANCE WITH SECTION 17-23-17. MONUMENTS WILL BE PLACED AS REPRESENTED ON THIS PLAT. THE LEGAL DESCRIPTION AND PLAT ARE TRUE AND CORRECT.

BRADLEY N. RHODES P.L.S. NO. 288645



MYERS LEGACY ESTATES SUBDIVISION BOUNDARY

BEGINNING AT A POINT SO'51'13"W, 36.81 FEET ALONG THE SECTION LINE AND S88'30'36"W 760.89 FEET ALONG THE SOUTH LINE OF HIGHWAY-50 FROM THE EAST 1/4 CORNER OF SECTION 7, T17S, R6W, SLB&M, SAID POINT BEING ON THE WESTERLY LINE OF WHITE SAGE AVENUE AND A POINT OF NON-TANGENT CURVATURE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 91°06'32" (RADIUS POINT BEARS S01°29'24"E); THENCE ALONG THE ARC OF SAID CURVE AND WESTERLY LINE 119.26 FEET; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING 2 COURSES: S0°22'52'E, 287.69 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 601.24 FEET AND A CENTRAL ANGLE OF 0°08'15"; THENCE ALONG THE ARC OF SAID CURVE 1.44 FEET; THENCE N89°08'47"W, 208.91 FEET; THENCE S0°41'15"W, 208.71 FEET; THENCE N89°08'47"W, 477.17 FEET TO THE 1/16TH SECTION LINE; THENCE ALONG SAID 1/16TH SECTION LINE NOº41'15"E, 546.43 FEET TO THE SOUTH LINE OF HIGHWAY-50; THENCE ALONG SAID SOUTH LINE N88'30'36"E, 603.29 FEET TO THE POINT OF BEGINNING.

TOTAL ACRES 7.768AC

OWNER'S DEDICATION

OWNER'S DEDICATION KNOW ALL BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER'S OF THE TRACT OF LAND DESCRIBED BELOW, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO A SUBDIVISION WITH LOTS, STREETS AND EASEMENTS TO HEREAFTER BE KNOWN AS MYERS LEGACY ESTATES SUBDIVISION, PHASE 1, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND AGREE TO SAVE DELTA CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER INCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH DELTA CITY'S USE, OPERATION, AND MAINTENANCE ON THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS____DAY OF_____ 20____.

SIGNED: LUCY JOAN MYERS (TRUSTEE) MITCHELL V. MYERS FAMILY TRUST SEPTEMBER 2, 1982

ACKNOWLEDGEMENT

STATE OF UTAH)

S.S. COUNTY OF MILLARD)

ON THIS THE_____DAY OF_____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF MILLARD, IN THE STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

NOTES

- 1. THE CITY OF DELTA, COUNTY OF MILLARD, STATE OF UTAH, HAS AN ORDINANCE WHICH RESTRICTS THE OCCUPANCY OF BUILDINGS WITHIN THIS SUBDIVISION, ACCORDINGLY IT IS UNLAWFUL TO OCCUPY A BUILDING WITHIN THIS SUBDIVISION WITHOUT FIRST OBTAINING A CERTIFICATE OF OCCUPANCY ISSUED BY THE BUILDING INSPECTOR.
- 2. DELTA CITY SHALL BE HELD HARMLESS FOR ANY DRAINAGE ISSUE. MYERS LEGACY ESTATES WILL BE RESPONSIBLE FOR THE CONSTRUCTION AND MAINTENANCE OF SAID DRAINAGE FOR 5 YEARS FROM THE DATE OF RECORDING.

	LEGEND
	SECTION MONUMENT AS NOTED
\diamond	SECTION NOT SET
•	SET 5/8" REBAR & PLASTIC "IRLS" CAR
0	NOT SET

MYERS LEGACY ESTATES SUBDIVISION MYERS LEGACY ESTATES SUBDIVISION PHASE 1, PRELIMINARY PLAN Rownde Land Surveying, LLC POR BOR LUCY JOAN MYERS So NORTH 800 WEST, SUITE B Located in Section, 7, TIS, Rew, SLB, & L So NORTH 800 WEST, SUITE B Located in Section, 7, TIS, Rew, SLB, & L So NORTH 800 WEST, SUITE B Located in Section, 7, TIS, Rew, SLB, & L So NORTH 800 WEST, SUITE B	REVISIONS	NO DESCRIPTION BY APPROVED DAT				THE NUMBRITH CONTAINED ON THE DAMPHO B FOR INCOMMUNICAL THE NUMPULL RESERVED THE DAMPHO AND
			590 NORTH 800 WEST, SUITE B	CEDAR CITY, UTAH 84721	BRAD@IRONRIDGELAND.COM	
MYERS LEGACY ESTATES SUBDIVISION PHASE 1, PRELIMINARY PLAN FOR LUCY JOAN MYERS LOCATED IN SECTION, 7, TIS, R6W, SLB, & M.						PULA VEYING
11 1		DUACE 1 DET NANA DV DI ANI	FITADE I, FNELUVILIVANI FLAN	I I I'DV I'DVI NVEDC		LOCATED IN SECTION, 7, TITS, R6W, SL.B. & M.
SCALE: DRAWN CHECK	ROJECT NO:		DATE:	2/28/2023	HEET NO:	1 OF 1

Item 3.



Delta City 76 N 200 W Delta, UT 84624 435-864-2759, 435-864-4313fax

Application to Appear

A23-419-40 Item 4.

AF	PP	LI	C	A	T	IN	IFO	RM	AA	TI	ON	
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Applicant Name	McKay Christensen
Contact Name	
Contact Number	435-864-7600
Contact Email	mckay @red sky techio
Mailing Address	696 N Huy G
City, State, Zip	Delta, Ut
APPEARANCE INF	ORMATION
Request to appear to City Council	Defore: Defore
Date you wish to ap	pear: May 10
Subject Summary:	Project Proposal
Proposed anexation a creating an area for	ale, with as much detail as possible. Include any documents, maps, etc. of light industial park at 2500 E of town. Discuss details and options for business to build new facilities and anex in current projects of Red SKy and like to discuss creating a spelalty zone along with the anexation.
Action Requested:	Present Plan & Discuss
Applicant Signature	Ma Date Appil 19, 2003
This application and all hat you wish to attend.	applicable documents must be received (8) eight days prior to the scheduled meeting 2023 APR 19
Received by:	For City Use
Notes:	Date: