

PLANNING COMMISSION MINUTES
January 5, 1999

Present: Chairman Lois Williams, Vice-Chairman Dean Thurgood, Dick Dresher, Al Hess, Mark Green, Paul Summers, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Lois Williams welcomed all those present and introduced all Members. Lois Williams opened the floor nominations for Chairman. Dick Dresher made a motion to nominate Dean Thurgood for Chairman. Paul Summers seconded the motion and voting was unanimous. Mark Green made a motion to nominate Al Hess for Vice-Chairman. Dick Dresher seconded the motion and voting was unanimous. Paul Summers and Dean Thurgood thanked Mrs. Williams for doing a good job representing the Planning Commission and all Members agreed.

Mark Green made a motion to approve the minutes for December 15, 1998 as written. Barbara Holt seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for a new LDS Seminary building at Bountiful Jr. High.

Gary Miller, architect, was present. Paul Rowland explained that the LDS Church Educational System made a land trade with Davis County School District earlier this year. They traded the existing seminary building which fronts on 400 North for a piece of property directly behind it to the north. The Church plans on building a new seminary building on the north parcel and the School District will use the existing seminary building as a warehouse for supplies. The new building will be built on the existing tennis courts, parking lot and some landscaping. The amount of hard surface and landscaping will be about the same with the new building as on the site now, the storm water run off will not change and no detention or impact fee will be required.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions:

1. Utilities:
 - a. Culinary water: connect new 1" service to the fire line serving the school.
 - b. Sanitary sewer: connect to existing 6" sewer main running across the south side of the property.
2. Provide a 7' wide easement along the east property line.
3. Pay \$750 impact fee to set water meter and lateral.

Mr. Rowland mentioned that there will be 8 regular and 1 handicap parking stalls which are

more parking than the existing building. An additional fire hydrant will not have to be provided because the Schools District is paying for a new fire hydrant near the rear of the school. This hydrant will be across from the Seminary Building. Item #3 can be eliminated and add utility fees to Item #1.

There was a brief discussion. Lois Williams made a motion to recommend to the City Council preliminary and final site plan approval for a new LDS Seminary Building at Bountiful Jr. High subject to the recommendation of Staff with the addition to Item #1. Payment of appropriate utility fees and the elimination of Item #3. Barbara Holt seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final approval for Creekwood of Indian Springs Plat D (Amending Creekwood Plat A and North Canyon Estates Plat C)

Greg Revell, All Pro Realty Group, was present. Paul Rowland explained that Greg Revell has requested to amend three lots in Creekwood of Indian Springs Plat A and one lot of North Canyon Estates Plat C to make a new subdivision which has only three lots. The new lots will vary in size from 2.7 acres to 4.16 acres. All three lots will retain the same building pads that were approved with the original subdivision approvals and the creek will still be protected by the existing 50 ft. wide easement.

The plat has been reviewed and meets all of the requirements of the subdivision ordinance. The final approval of this plat also requires that the City Council pass an ordinance vacating these four lots out of their subdivisions and then recording them as a new subdivision plat.

The submitted plat meets the requirements of the foothill ordinance and it is recommended for approval with the following conditions:

1. Resubmit the plat with the appropriate corrections.
2. Payment of Bountiful City fees.
3. All homes must be built outside of and above the 100 yr. flood plain.
4. All other requirements of the zoning ordinance and the Uniform Building Code are met by any new buildings.

Rusty Mahan mentioned to Mr. Revell that he will have to submit a list of names and addresses of all those property owners in the two subdivisions for Legal Notices.

There was a brief discussion followed by Mark Green making a motion for preliminary and final approval for Creekwood of Indian Springs Plat D (Amending Creekwood Plat A and North Canyon Estates Plat C) subject to the recommendations of Staff. Dick Dresher seconded the motion and voting was unanimous.

Zoning Amendments

1. Consider a zone change from R-3-16 to C-G at 2084 S. Orchard Dr. (rear), Ellen Winegar, owner.

Ellen Winegar, owner, was present. Blaine Gehring explained that this is the third zone change request associated with this property. Two of the attempts for the change have been for the front piece of property. Those applications were for downzoning from commercial to multi-family residential. This time the zone change is being requested for the rear parcel of property from multi-family to commercial.

Ellen Winegar has owned this property for many years. In August 1962, the property was annexed into Bountiful. The property was zoned Commercial C-3 and was changed later as Neighborhood 6 District 8 which allows for some type of commercial or residential/commercial use until August 1992 when Bountiful adopted its current ordinance. The new ordinance was to eliminate mixed use zones. Only the recent C-R (Commercial Residential Mixed Use) Zone for downtown allows for the mixing of residential and commercial uses anymore.

Mrs. Winegar owned this property with her husband. Prior to his death, the piece of property where the current tire store and car wash was sold to their daughter. At this time they were instructed by the County to serve a 25 ft. right-of-way across the frontage for access to the rear property, which they did. Another 6 feet were added making a 31 ft. right-of-way to the rear property. The frontages along Orchard Drive were built up leaving quite a drop from the tire store and car wash to this piece of property.

Mrs. Winegar wants the commercial zoning back so she can begin settling her estate as it was intended for many years. There are no plans for development at this time. It has been explained to Mrs. Winegar that without the inclusion of either the car wash or the tire store property, the rear parcel cannot be developed because it does not have street frontage.

Staff recommends sending a favorable recommendation to the City Council for this rezone from R-3-16 to C-G.

Mark Green feels that this change will be a benefit to the City. This will help remove the old commercial and replace with new commercial. With this amount of property it could be developed into a nice facility.

Mark Green made a motion to recommend to the City Council for a zone change from R-3-1 to C-G at 2084 S. Orchard Drive. Paul Summers seconded the motion and voting was unanimous.

2. Consider a rezone petition to change the area between 400 North and 500 South and between 100 East and 400 East from R-3-16 and R-2 to R-1-6.5(D), Dale and Darla Nelson, et.al, applicants.

Dick Dresher owns property in this area so he excused himself from this issue. Dale and Darla Nelson, applicants, were present. Blaine Gehring explained that this past summer students from the University of Utah did a preliminary study on this area. The purpose for the study was to

determine what would be the best zoning for the area based on current land uses. When the students presented their report to the Planning Commission, there were several residents from the area interested in the results. These residents want their area down zoned to prevent further encroachment by apartments and protect the single family neighborhood. Dale and Darla Nelson have now formed a petition drive to collect property owners' signatures to bring a formal proposed zone change before the city. They have collected 72% of the owners' signatures which have been verified.

This petition will change the zone from R-3-16 and R-2 to R-1-6.5 D. The duplex overlay will allow for conversions of a single-family dwelling to duplexes on a minimum 10,000 sq. ft. lots. The duplex overlay zone will allow for a duplex conversion only upon review and approval of a Conditional Use Permit by the Planning Commission. This will not permit the construction of new duplexes.

Mr. Gehring had a problem with this proposal at first with the number of nonconforming uses which would be created. This is what prompted Mr. Gehring to meet with the City Attorney for the zoning ordinance amendment that will be presented to the City Council on January 13th and should receive a favorable action.

When the new zoning ordinance passes this will change the nonconforming uses, anything within this area other than a single family use, to a conforming use. If something would happen to the structure, fires, flood, wind etc., it can be rebuilt. The existing family uses will be protected but no more multiple-type uses will be allowed.

Mr. Gehring supports the findings of the students with their report which in turn supports the zone change. Mr. Gehring recommends that this be sent to the City Council with a favorable recommendation for the zone change.

Mr. Gehring explained to all those present the process of a rezone. The Planning Commission, which is an advisory board to the City Council, will review the zone change and send their recommendation to the City Council. The City Council will have a public hearing, which includes all home owners in the area as well as those within 500 ft. surrounding the area. These home owners will receive a letter of notification so if they wish may state their opinions at the hearing or by letter. The City Council will make the final decision.

James Jones, residing at 257 S. 200 E., feels that this area has enough multi-units and would like to preserve the single family neighborhood. Mr. Jones feels that this is a unique area with some historical homes and would like to have this area designated as a Historical District. Part of Bountiful's history is being lost in this area for new apartments and commercial uses. This neighborhood wants to preserve the family neighborhood and its history.

David Brand, residing at 425 S. 200 E., feels that this area has too many multi-family units and would like to preserve the area with no more apartments. This is a historical area and should remain so.

Deanna Avis and Helen Olson, property owners, live outside of this area and were not contacted about this zone change. Part of this property was owned by their mother who just past away. Ms. Avis and Ms. Olson have not made any decisions on what to do with their property.

There was a lengthy discussion between the Planning Commission Members discussing the location of the boundaries, what are the property owners rights, what kind of impact on the overall neighborhood and what does Bountiful want done with 500 South?

Mark Green made a motion to recommend approval for a zone change between 400 N. and 500 S. as proposed on the petition to the City Council. With the motion send a request to consider changing the boundary down 500 South and around the Duffin property.

Barbara Holt recommended tabling this item and send this back to the petitioners to reconsider the boundary along 500 South. Mrs. Holt mentioned that as members of the Planning Commission they have not discussed what is wanted on 500 South. Mark Green agreed with Mrs. Holt and withdrew his motion.

Barbara Holt made a motion to table this item until the next Planning Commission meeting. Lois Williams seconded the motion and voting was unanimous.

Meeting adjourned at 8:20 P.M.