

PLANNING COMMISSION MINUTES
March 5, 2002

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

Absent: Rodney Nordfors.

Paul Summers welcomed all those present and introduced the Planning Commission Members. Al Hess made a motion to approve the minutes for January 15, 2002 as amended. Dick Dresher seconded the motion and voting was unanimous.

Conditional Use Permit

1. Public hearing to consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 3237 S. 525 W., Carmela Claypool, applicant.

Carmela Claypool, applicant, was present. The public hearing was opened to all those present. The public hearing was closed due to lack of participation.

Blaine Gehring mentioned that Staff has not received any calls or letters for or against this proposal. Mr. Gehring explained that in-home day-care and preschool activities are allowed in all residential zones in Bountiful. However, such activities which have more than 8 children per day-care or preschool sessions must receive a conditional use permit from the Planning Commission. The reason for the 8 children limit is based on the number of children allowed by the State in a day-care under one person's supervision. Preschools are not required to be licensed under State guidelines.

Carmela Claypool has an existing daycare in her home. She would like to expand the number of children to more than 8 and has applied for this conditional use permit.

The property is located in the corner of 3200 South and 525 West just east of the Winegar's commercial area and the Plum Tree Condominiums. Access to and from the daycare is not limited as a result and would not pose impacts on the surrounding neighborhood. Mrs. Claypool is now already taking care of 8 children. The conditional use permit would only allow an additional four children as per State licensing limitations. The lot is very large and has adequate room for outdoor play areas as required. The play area is located in the corner side yard abutting the two streets. This further reduces any inconvenience to neighbors.

Staff recommends granting the conditional use permit to increase the number of children in this

daycare up to a maximum of 12 children.

Al Hess made a motion to grant a conditional use permit to allow an in-home preschool for more than 8 children. Lois Williams seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for eight apartments located at 680 South Orchard Drive, Kim Dunn, developer.

Greg Larsen, designer representing Kim Dunn, was present. Paul Rowland explained that this project will be located on a 0.634 acre site just west of Bountiful High School on Orchard Drive. It consists of two tri-plexes and one duplex which falls within the allowed density of the R-3-13 Zone in which it is located. The site is adjacent to apartments to the south, single family homes to the north, and the Three Fountains condominiums to the north and west. It slopes quite a bit from east to west and will have a substantial build up at the west end to get drainage and sewer out to Orchard Drive. (Attempts were made to try and take these out through Three Fountains but they were not successful.) Access to the site also has posed some concerns during the preliminary design. While the driveway as shown on the proposal has a potential conflict with an adjacent driveway to the south, a larger conflict arises with any access on the north due to the driveways at the high school.

This project was returned for further revisions to provide required back up aisle space behind the driveways. After much consideration, several of the driveways had to be shortened to less than 18 feet to provide for the minimum 24 foot back up area required. Doing this eliminated the potential for the driveways of these units being designated as parking stalls. Thus, units addressed 670 S., 674 S., 678 S., 682 S., 684 S., and 698 S. will be three-bedroom units providing a minimum of 2.5 stalls per unit (682 and 684 have a visitor stall in addition to the 2-car garages). Units addressed 688 S. and 692 S. will be limited to two bedrooms each because only a two-car garage is being provided as parking for those units. Parking in the driveways that are less than 18 feet deep will be prohibited.

There is a hammerhead turnaround being provided for fire access which encroaches on one driveway. While the primary access road is slightly over 150 feet long to the turnaround, the fire marshal has approved this turnaround so a 30-foot wide driveway will not be required. However, it will be up to the property owners to ensure that the area designated "no parking" is kept clear of parked vehicles. The landscaping plan meets the ordinance and provides for a wide variety of trees and shrubs throughout the project. The dumpster should be made of a material to match the exteriors of the buildings.

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

1. Re-grade the building so the basements of the west tri-plex will drain to the sewer.

2. Roof water from all units must be directed to the driveway and out to Orchard Drive.
3. A guard rail is required on the retaining wall between the west building and the center building.
4. Design of detention basin sump required with pump spec and check valve indicated.
5. Grade detention basin so that overflow goes to Orchard Drive.
6. A 6" fire hydrant line required from Orchard Drive, as shown.
7. An 8" sanitary sewer line with manholes required, as shown.
8. Provide a 25' wide easement along the south property line to cover the fire hydrant line and sewer main.
9. Provide a 7' wide easement along the Orchard Drive frontage.
10. The dumpster enclosure must be constructed of a material to match the exteriors of the buildings.
11. Not more than 50% of the exterior of the buildings may be in stucco.
12. The developer will be required to pay the following fees:

a.	Fire hydrant line		
	150 feet of 6" line @ \$25.00/ft	=	\$3,750.00
b.	1 - tapping valve and sleeve	=	1,500.00
c.	1 - 6" hydrant w/valve	=	2,030.00
d.	8 - 1" tap & meter set @ \$775.00	=	6,200.00
e.	8 - Water impact fees @ \$1,838.00	=	<u>14,704.00</u>
			\$28,184.00

Sewer Impact Fee		8 units @ \$1,556.00
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\$12,448.00

Storm Drain
 Fee waived for on-site detention

Building permit fees as per IBC

Power fees

As determined by the Power Department

Site plan review fee = \$100

13. All building shall meet the requirements of the Uniform Building Code.
14. Developer required to post a subdivision bond and complete a development with the City.
15. Complete and receive approval of a condominium plat as required by City Ordinance and State Law.
16. Parking in the driveways of units addressed 682 S., 684 S., 688 S., and 692 S. is prohibited. Parking for these units must be in the garages.
17. Units addressed 688 S. and 692 S. are approved as 2-bedroom units only and no additional bedrooms may be added in the basements of these units.

Greg Larsen explained that he has designed this project to best utilize the property and allow a nice esthetic view from the street. There will be a lot of landscaping with open space between units. All driveways are on the south side so the snow can melt as soon as possible. Back yards are facing to the north and east to provide shaded areas. Mr. Larsen feels that this project will enhance the area.

Dick Drescher had some questions and concerns about the parking. The amount of parking meets the requirements but where do visitors park? What about snow removal, delivery trucks, mail delivery and garbage removal? There is not enough space for these vehicles to turn around. It is not allowed to have garbage and delivery trucks back up out of the complex and onto the street. The units fit but the parking and circulation seems tight and inadequate.

Greg Larsen mentioned that in a normal subdivision visitor parking is not required. In a subdivision the visitors park in the driveway and that is the intention with this project. The only place the snow can be moved to would be by the dumpster. Mr. Larsen also feels that the concerns of the Planning Commission are legitimate and the Fire Marshall has given his approval.

Barbara Holt mentioned that Dick Drescher has raised some good safety concerns. Mark Green also has concerns with the parking. On private property people are going to park where they can (in front of driveways and "No Parking" signs) because there are no fines issued for these violations on private property. All delivery will back out onto Orchard Drive.

There was a discussion about reducing the project by one unit to provide more parking and a better turn around for mail delivery, garbage and snow removal etc. It was also discussed that posting "No Parking" on the street or in front of driveways will not stop those visiting if no other parking is available. There is a big safety issue here that needs to be dealt with. This project is

workable but needs to consider the safety issues.

Dick Drescher made a motion to deny the preliminary and final site plan approval for eight apartments located at 680 S. Orchard Drive as submitted. Mr. Drescher feels that this proposal does not meet the ordinance in regards to parking and circulation of traffic. It also creates a safety problem. Mark Green seconded the motion and voting was unanimous.

Paul Summers excused himself and turned direction of the remainder of the meeting over to Lois Williams.

2. Consider preliminary and final approval for a 4-plex at 36-82 E. 650 N., Craig Salmon, developer.

Nick Salmon, representing Craig Salmon, was present. Blaine Gehring explained that Craig Salmon would like to develop a new 4-plex on the southeast corner of 650 North and Main Street where an older single family home has been. The plan calls for 2 three-bedroom and 2 2-bedroom apartments. The site plan shows the four-plex facing north along 650 North with parking on the east side of the property. Adequate setbacks have been provided on all sides meeting the requirements of the R-3-13 Zone.

The Staff has only been provided with one elevation showing 100% brick on the front of the units. The other three sides must meet the overall provision of not more than 50% of the exterior be in stucco or siding. The dumpster enclosure also needs to be noted as matching the exterior material of the apartment building.

Parking meets the minimum required under the ordinance with 9 spaces provided, four covered. The landscaping plan also meets the ordinance with several street and screening trees provided. A 6 foot high fence is shown along the east property line which by ordinance needs to end at the 30-foot setback. It may be continued at 3 feet high to the sidewalk.

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. The south, east and west sides of the apartment building meet the provision of 50% masonry or brick exteriors.
2. The dumpster enclosure match the exterior materials of the apartment building.
3. The 6-foot high screened barrier fence be provided along the east property line should not extend beyond the required 30 foot front yard setback and be approved by the Planning Director.
4. Provide one 1 ½ inch connection and meter rather than four ¾ inch meters.
5. Provide a 7 foot utility easement along 650 North and Main Street frontages.

6. Use existing sewer lateral.
7. Pay the following fees:
 - a. Water impact fee of \$4,503.20 (\$5,606.00 minus credit for one unit)
 - b. Sewer impact fee of \$4,668.00 (4 units @ \$1,556 minus credit for one unit)
 - c. Storm drain fee of \$652.00 (0.3105 acres X \$2,100 per acre)
 - d. Standard building curb & gutter bond required at time of building permit.
 - e. Street patch fees assessed based on actual size of road cuts.
 - f. \$100.00 site plan review fee.

There was a discussion about the use of a commercial dumpster or city garbage cans. It was decided to use city garbage cans to be stored in an enclosed area and then placed onto the street for pick-up. It is also more economical using the city for garbage pick-up.

Al Hess made a motion for approval for preliminary and final site plan approval for a 4-plex at 36-82 E. 650 N. subject to the conditions outlined by Staff and the addition of the following:

The dumpster enclosure be used for city garbage cans that can be placed onto the street for pick-up.

Dick Drescher seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final site plan approval for a condominium plat for the Mill Street Quarters Condominiums at 325 E. Mill Street.

Dave Byrd, architect, and Eric Olson, engineer, representing Cavalier LLC were present. Paul Rowland explained that Dave Byrd representing Cavalier LLC is requesting approval for the conversion of these three apartment buildings into a 10-unit condominium complex. Located on the north side of Mill Street at 313 East, the current apartments have 10 covered parking spaces with and 14 uncovered stalls for a total of 24 parking spaces. The site is 0.96 acres in area with about 12,900 sf of landscaping or about 31% of the total area.

The current Zoning Ordinance requires that all multi family units with three or more bedrooms have a minimum of 2.5 spaces per unit with one being covered. This would require a minimum of 25 spaces with at least 10 covered. The original site plan for this development was approved with 24 stalls and 24 stalls are provided on site. There is room to provide the additional one space which is recommended but not required.

Staff recommends the Planning Commission recommend preliminary and final condominium plat approval for Mill Street Quarters Condominiums with the following conditions:

1. Minor correction to the condo plat and submission of a complete mylar plat.
2. Payment of fees as follows:
 - a. Checking Fee 10 units at \$100/unit = \$1,000.00
 - b. Recording Fee Two sheets @ \$50/sht = 100.00

There was a brief discussion of location of the dumpster and where one additional parking space could be located. Mark Green made a motion to send to the City Council preliminary and final Condominium approval for Mill Street Quarters Condominium conversion subject to the recommendations by Staff and the addition of the following:

Create one more parking space on the premises.

Al Hess seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider amendments to the Planned Unit Development provisions.

Blaine Gehring explained that following the discussion on the further development in the Hidden Lake at Summerwood area, Staff discussed the further need for some of the planned unit development provisions. Some concerns are that by having specific regulations allowing for certain development to occur on the books, a developer may request such a development and if it meets those requirements, the city has no other choice than to approve it. Staff has looked at the available ground left for development in Bountiful and doesn't see any properties which lend themselves to a planned unit development concept but rather lend themselves to development which may simply skirt the subdivision ordinance by using the planned unit development principles. Staff feels that PUDs in the foothill areas are simply no longer desirable or feasible. There are no parcels of 6 acres or larger in the lower area of the city to which the PUD requirements could be applied.

The city still needs a PUD provision for commercial developments and mixed use developments. Staff recommends that any provision for residential planned unit developments be removed from the ordinance. Recommended amendments ([additions](#) and ~~deletions~~) to Chapter 7 of the Zoning Ordinance are as follows:

CHAPTER 7

PLANNED UNIT DEVELOPMENT

14-7-101 PURPOSE

14-7-102 CONDITIONAL USE PERMIT REQUIRED

14-7-103 DEVELOPMENT REQUIREMENTS

14-7-104 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS

14-7-105 REVIEW BY THE PLANNING COMMISSION

14-7-106 SCOPE OF PLANNING COMMISSION ACTION

14-7-107 SUBDIVISION APPROVAL REQUIRED

14-7-108 CONSTRUCTION LIMITATIONS

14-7-101 PURPOSE

The purpose of planned unit developments is to allow diversification in the relationship of commercial, office and/or residential other business uses and structures to their sites and to permit a more flexible development of such sites through large-scale site planning. The application of planned unit development concepts is intended to encourage good architectural and site design, to use public facilities efficiently, to avoid development of environmentally sensitive areas, and to insure substantial compliance with the intent of zoning regulations and other provisions of this Ordinance related to public health, safety and general welfare.

A planned unit development shall mean an integrated design for commercial, office and/or residential other business development or combination thereof in which one or more of the regulations, other than use regulations of the zoning district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan in compliance with the provisions and requirements of this Chapter.

~~Planned unit developments are not to be used solely for the purpose of increasing the residential density of a development or avoiding compliance with the requirements of the Subdivision Ordinance. Any planned unit development proposed and approved under this Chapter must show an overall benefit to the environment through the consolidation of open spaces and preservation of environmentally sensitive lands through the clustering dwelling units, the efficient use of public facilities, and any other measures which make the most efficient use of the site and enhance the quality of the development.~~

Planned unit developments shall be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Residential planned unit developments are prohibited.

14-7-102 CONDITIONAL USE PERMIT REQUIRED

Commercial planned unit development may be allowed in C-G, C-R and C-H Zones. Commercial and office planned unit developments may be allowed in C-G and C-R zones only. Mixed use developments of commercial, office and residential uses may be allowed in C-R zones only. ~~Residential planned unit developments may be allowed in all R-1, R-2, and R-3 zones.~~ All planned unit developments shall be considered as conditional uses requiring a conditional use permit. A Conditional Use Permit for a planned unit development shall not be granted unless the planned unit development meets the use ~~limitations, density,~~ and other limitations of the zoning district in which it is to be located, except as such requirements may be

modified as provided by this Chapter or by zoning district regulations. ~~Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the Subdivision and Zoning Ordinance, except as modifications thereof are specifically authorized in the approval of the application for a planned unit development.~~

The Conditional Use Permit shall be considered in three parts:

1. Conceptual approval to determine the overall desirability and/or compatibility of the Planned Unit Development.
2. Preliminary approval subject to the conditions of notification of surrounding property owners in the normal conditional use process.
3. Final approval based on detailed drawings and specifications in general accord with the preliminary approval and any attached conditions.

14-7-103 DEVELOPMENT REQUIREMENTS

- A The minimum land area required for development of a planned unit development shall be as follows:

<u>PUD Type</u>	<u>Minimum Acres</u>
Commercial (in C-R, C-G, and C-H Zones)	12
Commercial/Office Mixed Use (in C-G and C-R Zones)	10
Commercial/Office/Residential Mixed Use (in C-R Zone only)	4
Residential (in all R-1, R-2 and R-3 Zones)	6

- B. A planned unit development proposed to contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment. ~~For the purposes of this Chapter, single-family attached dwellings such as townhouses and row houses or zero lot line lots, shall be considered single-family dwellings and may be permitted in a planned unit development in the R-1 6.5 zones. In R-1 8 single-family residential zones, only detached, single-family dwellings shall be allowed in any planned unit development.~~ Hotels, motels, lodges, mobile home parks, boarding houses or Bed and Breakfast facilities shall not be considered residential uses for the purposes of this Chapter.
- C. The development site shall be in single, partnership, or corporate ownership, or under option to purchase by an individual, partnership, or corporate entity at the time of application or the application shall be filed jointly by all owners of the

property.

D. The Planning Commission may require such arrangements of structures and open spaces within the site development plan, as necessary, to assure that adjacent properties will not be adversely affected.

~~E. Density allowed for a residential planned unit development shall be as follows:~~

- ~~1. 4 units per acre in the R-1-12(F) zone where the minimum lot size as determined by slope is 12,000 square feet.~~
- ~~2. 3 units per acre in the R-1-12(F) zone where the minimum lot size as determined by slope is 16,000 square feet.~~
- ~~3. 2.5 units per acre in the R-1-12(F) zone where the minimum lot size as determined by slope is 20,000 square feet.~~
- ~~4. 6 units per acre in R-1-8 zones.~~
- ~~5. 7 units per acre in R-1-6.5 zones.~~
- ~~6. 9 units per acre in R-2 zones.~~
- ~~7. 13 units per acre in R-3-13 zones.~~
- ~~8. 16 units per acre in R-3-16 zones.~~
- ~~9. 25 units per acre in R-3-25 zones.~~

EF. Lot area, lot width, setback, and coverage regulations shall be determined by the Conditional Use Permit and approval of the site plan.

FG. Landscaping, fencing and screening related to the uses within the site shall be used as a means of integrating the proposed development into its surroundings and shall be planned and presented to the Planning Commission for approval together with other required plans for the development. Every effort shall be made to preserve all existing trees and substantial shrubs on a development site.

GH. A planting plan, showing proposed tree and shrubbery plantings, shall be prepared for the entire site as part of the landscaping and fencing plans.

HI. ~~1. Common open space, accessible to all lots or units, equal to a minimum of forty percent (40%) of the gross area of the development site shall be provided in all residential planned unit developments. No streets, driveways, or parking areas may be included as part of the required open space.~~

2. Open space and landscaping equal to a minimum of fifteen percent (15%) of the gross area of the development site shall be provided in all ~~commercial and commercial/office mixed use~~ planned unit developments.

~~J. Preservation, maintenance and ownership of required open space within a residential planned unit development shall be accomplished by:~~

~~1. Dedication of the land as a public park or parkway system.~~

~~2. Granting to Bountiful City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a Homeowner's Association established with articles of association and by laws which are satisfactory to Bountiful City.~~

~~3. Creation of a separate corporation for home owners by which common area shall be owned and maintained.~~

~~4. Compliance with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.~~

K. A grading and drainage plan shall be submitted with the application. |

J. An overall signage and lighting plan shall be submitted ~~for commercial and mixed use planned unit developments~~ to include all free standing, ground, wall, identification and directional signs and all lighting proposed for the parking lot and outdoor pedestrian areas. |

K.M. An overall traffic circulation and parking plan shall be submitted to include all points of ingress and egress to the site, the traffic circulation pattern and its effects on adjoining streets, and parking stalls meeting the requirements of Chapter 18 of this Ordinance. |

14-7-104 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS

The applicant shall submit a planned unit development site plan for the total area within the proposed development. The application shall be accompanied by a planned unit development site plan showing, where pertinent:

A. The use or uses, dimensions, sketch elevations, building materials and locations of proposed structures.

- B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, and public uses such as playgrounds, landscaped open areas, and other open spaces.
- C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses.
- D. An analysis of potential impacts on traffic and public utilities shall be provided.
- E. Such other pertinent information including, but not limited to, residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.
- F. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting shall be described in the application. Final approval for signs may be granted as part of the Conditional Use Permit. Any changes to the approved signage and lighting plan must be reviewed and approved by the Planning Commission.
- G. A landscaping plan showing proposed trees, shrubbery and other plantings.
- H. Building materials and colors.

14-7-105 REVIEW BY THE PLANNING COMMISSION

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it may deem appropriate) be met by the applicant:

- A. That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed development.
- B. That the proponents intend to start construction within one (1) year of the approval of the project and intend to complete said construction within two (2) years from the date construction begins for residential planned unit development and within three (3) years from the date construction begins for commercial and commercial/office mixed use developments.
- C. That application for the planned unit development conforms to the provisions of this Ordinance and the Bountiful General Plan in terms of general location, use of land, and in standards of development.

- D. That the planned unit development will constitute ~~an commercial, mixed use or residential~~ environment of sustained desirability and stability through the use of creative design, landscaping which exceeds minimum requirements in Chapter 16 of this Ordinance, high quality building materials, improved off-street parking facilities, energy efficient construction methods and is in harmony with the character of the neighborhood and the community.

14-7-106 SCOPE OF PLANNING COMMISSION ACTION

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

- A. Site and building plans for a planned unit development shall be prepared by a licensed architect or engineer duly licensed to do such work in the State of Utah.
- B. Control of the design of a planned unit development by the Planning Commission should not be so rigidly exercised that individual initiative is stifled and substantial additional expense is incurred by the developer; rather, minimum control should be exercised as necessary to achieve the purpose of this Chapter.
- C. The Planning Commission shall also observe those principles stated in Chapter 2, Part 3 of this Ordinance, Architectural and Site Plan Review, as are appropriate to the review of a planned unit development.
- D. The Planning Commission may approve, approve with conditions, or disapprove an application for a planned unit development. In approving an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes of this Chapter. The denial of an application for a planned unit development by the Planning Commission may be appealed to the City Council under the provisions of appeal under Conditional Use Permits in Section 14-2-207 of this Ordinance. All planned unit developments require approval by the City Council. However, no additional public hearing shall be required for such City Council approval.

14-7-107 SUBDIVISION APPROVAL REQUIRED

A subdivision plat shall be reviewed and approved for planned unit developments in which parts thereof are intended for transfer of fee title. In such cases, the granting of a Conditional Use Permit does not constitute final approval of a planned unit development. Following such conditional use approval, the planned unit development must be submitted for and given preliminary and final subdivision approvals by the Planning Commission and City Council. Such approvals, however, may be done simultaneously with the granting of the Conditional Use Permit.

14-7-108 CONSTRUCTION LIMITATIONS

- A. Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and City Council and in conformity with any conditions attached by them in their approvals.
- B. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedure herein outlined for initial approval of a planned unit development.
- C. The Building Inspector, Planning Director, and any other City departments authorized to issue permits, shall not issue any permit for any proposed building, structure, activity or use with the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

14-7-109 EXCEPTION

For purposes of name only, commercial or residential condominium developments that grant fee title ownership of the ground may use the name of “planned unit development” even if it does not meet the requirements of this chapter. However, the use of the name does not make such a project a planned unit development as defined by this chapter or under State law.

Al Hess asked to explain the difference between a Condo and a PUD. Mr. Mahan and Mr. Gehring gave the definitions and the difference between Condos and PUDs.

Mark Green explained that he is hearing that the Staff is so negative about the sub-standards of developers applying for PUDs. Mr. Green admits that he works on the other side of the fence and does not agree with the Staff. The ordinance states that “The purpose of planned unit development is to allow diversification”. One of the primary reasons or objectives for the PUD Ordinance is to provide a variety of development. Mr. Green feels that most of the developers are not trying to skirt the ordinance. The current ordinance states “Planned unit developments are not to be used solely for the purpose of increasing the residential density of a development or avoiding compliance with the Subdivision Ordinance”. The ordinance says that no one can skirt the ordinance. The sole purpose for the residential portion of the PUD Ordinance is to allow some diversification. The Staff is saying that there is no property left that will comply with the ordinance. Mr. Green named some properties that he feels could be used for a PUD. He also feels that there is not a problem with the PUD Ordinance.

Rusty Mahan explained that there is a problem with the current ordinance. The city receives complaints from owners that they did not know that their roads are private roads. Now that the developer has completed the project and gone, the citizens want the city to plow the snow and repair the roads and can't understand why the city can't. The PUDs is what the developers use to maximize their profits and leave the buyers stuck with the results.

Blaine Gehring agreed with Mr. Mahan and mentioned to Mr. Green that the recent developers are submitting plans for PUDs to avoid the Subdivision Ordinance. There was a lengthy discussion between Staff and the Planning Commission Members on the pros and cons for the amendments of the PUD Ordinance.

It was mentioned that the current ordinance is workable and could be approved on a case by case basis. It was suggested that the Planning Commission and the City Council meet together for further discussion before any changes are proposed.

Mark Green made a motion to not send to the City Council for any recommendations. Send to the City Council to have some type of work session with the Planning Commission for further discussion. Dick Drescher seconded the motion and voting was unanimous.

1. Consider amendment to the parking stall dimension/aisle width requirements.

Blaine Gehring explained that an engineer representing the owner of the old Fireplace Shoppe property (southwest corner of 500 West and 325 South) has been working with me on an upgrade of this site and building. Because of the existing placement of the building, providing new parking is becoming difficult. The engineer went on line to look at various ordinances from other cities to see where there might be some changes made. There was one area found that had a consistent discrepancy between our ordinance and other cities' ordinance was in the aisle width for 60 parking. The current ordinance requires a 20 foot aisle width. The ordinances Mr. Gehring has reviewed consistently require only 16 feet. This extra 4 feet would allow for some new parking to be developed on this site and provide upwards of 4 feet of new landscaping along 500 West frontage where none currently exists.

Mr. Gehring does not see any problem in changing the ordinance to allow for the 16-foot aisle width and recommends the Planning Commission send a favorable recommendation to the City Council for the change.

Dick Drescher mentioned that if approving the changes to 16 feet it should be stipulated that this will be one-way traffic only. If the aisle is 20 feet, it can be two-way traffic. In the current ordinance the parking diagrams don't show one-way or two-way traffic. The diagrams need to be changed also.

Mr. Gehring suggested that he could do more research on other city ordinances concerning one-way and two-way traffic. No motion was made until Mr. Gehring completes his review and brings back for review.

3. Consider rezoning properties along south Highway 89 from C-G to C-H.

Blaine Gehring explained that as part of the overall changes with the new sign ordinance he is making the recommendation that the commercial areas bordering south Highway 89 from Slim Olsen's south rezoned to Heavy Commercial (C-H). This was to allow for competitive signage in Bountiful as it relates to sign ordinances which are less restrictive in Woods Cross and North

Salt Lake. The areas north of 1500 South which border Woods Cross and West Bountiful are already C-H. It is time to rezone this area because the new signage that the Mazda dealership will be installing in the near future.

Staff recommends sending a favorable recommendation on this rezone to the City Council.

Dick Dresher asked if the sign ordinance should be adjusted to fit this area rather than a zone change. Mr. Gehring mentioned that when the changes were made to the new sign ordinance it was changed by the zone not by the area. So this area needs to be rezoned to better fit the area. The businesses that are located in this area are more C-H than C-G and they will not be affected by the change.

Al Hess made a motion to approve the rezoning for south Highway 89 from C-G to C-H as proposed by Staff. Barbara Holt seconded the motion and voting passed by majority vote. Mark Green and Dick Dresher both voted nay.

4. Consider a new Telecommunications Ordinances.

This item has been tabled for another date.

Meeting adjourned at 9:05