

PLANNING COMMISSION MINUTES
December 3, 2002
7:00 P.M.

Present: Chairman Dick Drescher, Clark Jenkins, Michael Allen, Larry Rigby, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Vice-Chairman Mark Green, Duane Gardner, City Council Representative Barbara Holt, City Attorney Rusty Mahan.

Dick Drescher welcomed all those present and introduced the Planning Commission members. Clark Jenkins made a motion to approve the minutes for November 19, 2002 as amended. Larry Rigby seconded the motion and voting was unanimous.

Subdivisions

1. Final subdivision approval of the Renaissance Town Center Commercial Mixed Use Planned Unit Development Phase 1.

Jack Balling, Engineer and representing Renaissance Town Center, was present. Paul Rowland explained that the developer has now completed the subdivision plat for the first phase of the Renaissance Town Center and is now requesting final subdivision approval for the mixed use Planned Unit Development. The site plan was granted final approval a couple of meetings ago and has gone on for approval by the City Council with the changes requested by the Planning Commission.

As discussed at the Planning Commission meeting when preliminary approval was granted, the development hopes to have a large impact on the traffic at the intersection of 1500 South and Main St. (5 points). The City has applied for Federal money to help construct a round-about at the intersection to mitigate expected congestion. The City's share of the required money under today's formula is 6.77% of the total cost of the project. The project is estimated to cost \$572,000 in 2007 dollars, so the Developers portion would equal about \$38,700. This money will be outlined on the bond and fee letter and will need to be paid with the other fees before the project is constructed. If the Federal money is not available, or the project is not accepted on the program, the money, along with the additional that will need to be provided by the developer, will be used to construct the round-about with city funds.

There was a discussion about the time span for receiving the Federal money for the round-about at the intersection and possible problems with traffic before the round-about is finished. Mr. Rowland explained that, if approved, the money should be received sometime in the year 2007 or 2008. If the money is not approved, the City and the developer will have to negotiate something before completion. The developer will be required to pay a bond to the City. There will be a bond and fee letter which the developer will be charged the fees for work the City provides and bonded for all other improvements made. As far as the increased traffic at the intersection, this

is the safest intersection in Bountiful and will remain as is. A traffic signal will not work at this intersection. If there is a great problem, the City will review it at that time.

Mr. Rowland explained that after reviewing the plat for Phase 1, staff recommends that the Planning Commission send to the City Council your recommendation for final subdivision approval, with the understanding that construction will begin in the area to serve the Surgical Center, based on the following conditions:

1. Make minor corrections to the planned unit development plat.
2. Provide Bountiful City a temporary construction easement over the entire property, to hold until the planned unit development plat is recorded.
3. Payment of fees and posting of a development bond as determined in the bond letter.
4. All construction by permit and designed to the requirements of the IBC 2000 Edition.
5. Sign a Development Agreement with the City.
6. The Developer agrees to pay all of the City's match portion of any Federal construction grant for the construction of a round-about at 1500 South and Main and donate the necessary property to accommodate its construction.

Mr. Rigby suggested that item #6 be revised to say that the developer post a bond or be required to pay for the construction of the round-about.

It was agreed to revise #6 to the following:

6. The developer pay all of the City's match portion of any Federal construction grant for the construction of a round-about at 1500 South and Main and donate the necessary property to accommodate its construction as part of the fee and bond letter.

Clark Jenkins made a motion for final approve of the Renaissance Town Center Commercial mixed use Planned Unit Development Phase 1 subject to the conditions outlined by Staff with the change to #6. Larry Rigby seconded the motion and voting was unanimous.

2. Preliminary and final condominium approval for Pebblewood Condominiums, 680 S. Orchard Drive.

Kim Dunn, developer, was present. Paul Rowland explained that Mr. Kim Dunn is requesting approval for the conversion of the 7 condominium units now under construction at 680 S. Orchard Drive. The overlapping lot line issues with the Three Fountains Condominiums have been settled and the plat and title report reflect these boundary adjustments. The development is proceeding as per the approved site plan and Mr. Dunn needs to have a plat recorded in order to

receive necessary financing to continue the project.

Kim Dunn explained that he has met with representatives from Three Fountains and it has been agreed that the existing fence line will be the property line.

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

1. Corrections to the condo plat as per City Engineer and submission of a complete mylar plat.
2. Payment of fees as follows:
 - a. Checking Fee 7 units at \$100/unit = \$700.00
 - b. Recording Fee \$50/sht

Larry Rigby made a motion for preliminary and final condominium approval for Pebblewood Condominiums subject to the recommendations from Staff. Clark Jenkins seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider rezoning properties located at 92 W. Center, and 68 N., 72 N. and 94 N. 100 West from R-3-16 to C-R, Russell Newbold, Gary Peck and Lee Benard, applicants.

Russell Newbold, applicant, was present. Blaine Gehring explained that when rewriting the zoning ordinance and map, one area where uses and new zones created a dilemma was the east side of 100 West from Center Street to 100 North. There are four homes along that block. The remainder of the block was commercial and zoned C-G. In 1997 the City was having a problem with the banks financing non-conforming residential uses in commercial zones. The downtown area was the biggest problem with many homes and apartments existing in the blocks adjacent to the Main Street properties. The City adopted a new Commercial/Residential Mixed Use Zone (C-R) and applied it to all existing properties zones C-G. The owners of the four properties in question thought their properties had been included in that rezone. One of those owners, Russell Newbold, has had offers to purchase his home for commercial or professional office use only to find out it was not part of that rezone in 1997. Mr. Newbold and two of the other three owners have now petitioned the City for a rezone of their residential properties to C-R. Staff feels that it would be good planning and zoning practice to also include the fourth property in the rezone proposal.

The original purpose of the C-R Zone was to allow residential properties to legally exist in a commercial area. Rezoning these single family homes from R-3-16 to C-R would not change that status at all. What it will allow is for these properties to be sold and converted to commercial or office uses compatible with the rest of the block. There are no direct plans for any of the properties involved. They can remain as single family residential as long as the

property owners desire or be sold for other development.

Staff recommends the Planning Commission send a favorable recommendation to the City Council on this proposal, including all four of the properties on the east side of 100 West from Center Street to 100 North.

Mr. Gehring mentioned that this rezone should have been done at the time the zoning was rewritten. It was not done at that time but now needs to be.

Michael Allen made a motion to send a favorable recommendation to the City Council for a rezone at 92 W. Center Street, and 68 N., 72 N. and 94 N. 100 West from R-3-16 to C-R. Clark Jenkins seconded the motion and voting was unanimous.

Meeting adjourned at 7:40 p.m.