

PLANNING COMMISSION MINUTES
SPECIAL MEETING
October 1, 2002
5:30 P.M. Field Trip
6:00 P.M. Meeting

Present: Chairman Dick Dresher, Clark Jenkins, Larry Rigby, Duane Gardner, City Council Representative Barbara Holt, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Vice-Chairman Mark Green and Michael Allen.

Zoning Ordinance Amendments

1. Consider the rezoning of property at 620 S. 200 W. and 220 through 310 W. 650 S. from C-G and R-3-13 to R-3-25, Richard Shipley, applicant.

Richard Shipley, applicant, John Lingard, realtor, and Rick Sessions, were present.

Dick Dresher wanted to mention a few items from the zoning book which is the procedure the Planning Commission should follow. Reading from 14-2-105 F page 8 as follows:

F. The Planning and Zoning Commission shall consider the request and shall approve, disapprove or hold the petition for future consideration. After taking final action on such petition, the Planning and Zoning Commission shall certify its recommendation to the City Council as approval or disapproval of the proposed amendment. Before recommending an amendment to this Ordinance or a zone change to the Map, it must be found that such amendment is necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this Ordinance. Failure on the part of the Planning Commission to make recommendation to the City Council within thirty days after hearing the petition shall be deemed to constitute approval of such proposed amendment or change which shall then be passed on to the City Council for appropriate action.

Mr. Dresher also read 14-1-102 Declaration of Purpose

1. To promote the health, safety, convenience and general welfare of the present and future inhabitants of the community.
2. To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the Comprehensive Plan.
3. To promote adequate open space for light and air; to prevent overcrowding of the land.
4. To secure economy in municipal expenditures and to encourage adequate

provisions for transportation, water sewage, schools, parks and other public facilities.

5. To increase the security of home life and to preserve and create a more favorable environment for the citizens and visitors of the community.
6. To ensure safety from fire and other dangers.
7. To place compatible uses together in the community.
8. To enhance the economic, historical, and cultural well being of the inhabitants of the community.
9. To promote the development of a more wholesome, serviceable and attractive community resulting from an orderly, planned use of resources.
10. To establish proper zoning regulations; to ensure the suitability of the land for particular uses, and to encourage the most appropriate use of land throughout the community.
11. To further the purpose of this Ordinance and to promote the objectives and qualities of the respective zones.

Mr. Dresher mentioned that when looking at the rezone the Planning Commission members should remember that they are not doing a site plan approval or looking at the overall project. If this piece of property is approved for rezone there is no guarantee that the project, which has been presented, will be completed. Once the rezone has been approved the developers could sell of the property and be used for a different use than presented. The Planning Commission Members need to ignore the proposed project and realize that once it is rezoned anything could be done with the property that is allowed with the new zone. Another thing that needs to be looked at is the General Plan for Bountiful. Looking at Neighborhood 18, West Central Bountiful, it talks about the different zones in this area. The recommendation for this area states that the area should be developed as currently zoned.

Mr. Dresher also mentioned that in the Planning Commission packets there was some information submitted by different parties. A survey was submitted on sales and property taxes, a review of the Anderson property as a retail property and a letter from explaining what interest there has been on the Anderson property.

Duane Gardner mentioned that he has had some outside contact with citizens in favor of the zone change. Mr. Gardner feels that the material in the letters received in the packets are self serving and are irrelevant. The General Plan goes into detail about dealing with demographics of the City. The General Plan deals with moderate income housing and Bountiful has a surplus of moderate income housing and moderate income housing is continuing. This could change in the future. Approving this rezone will give more moderate income housing.

Blaine Gehring explained that moderate income housing, defined by State Law, is that which is affordable by basically the middle to lower middle class people. It is not considered low income housing.

Barbara Holt feels the same about this rezone as she did when it was first presented. This section now has R-3-13 if a rezone is approved to R-3-25 there will be twice the number of apartments next to single family. If this is allowed, it will be at the expense of the existing home owners. Mrs. Holt understands that the apartments are getting older and expensive, but if additional apartments are built, in a few years, the same problem will occur. The apartments will be difficult and hard to maintain with twice the number. They may begin with high income but will end with moderate to low income against single family. Over time that is what the apartments will become.

Mrs. Holt also has a problem with taking away commercial property that is fronting 200 West away from commercial property on 500 South. If the front section of the property could be left commercial, it can become part of the commercial development to the north as it continues to be developed. The back section could be rezoned R-3-13 and be compatible with the surrounding area. There has been talk that in the future there will be UTA Trax going down 200 West. This commercial site would be an ideal site for the UTA Trax station. Mrs. Holt can't see any pro's for R-3-25 compared to leaving it as is. Changing the zone to R-3-25 is too much density up against single family. Dick Drescher agrees with Mrs. Holt on this issue.

Clark Jenkins looks at this piece of property as an awkward piece of ground. Mr. Jenkins can see a lot of commercial ground sitting doing nothing for the area. Mr. Jenkins worries about this being an isolated place. If he were going to invest in this property it would not be for commercial use in fear of being doomed. This would be a high risk deal to leave as commercial. This property will continue to sit and do nothing. Downtown areas, everywhere, are trying to revitalize their communities. Downtown Bountiful is not an attractive commercial area. Mr. Jenkins feels that Bountiful needs to create something unique to pull the people to Bountiful. Something unique for people to have a reason to walk through the community. Mr. Jenkins feels that Bountiful owes to the Commercial area some closeness with getting the population to be able to walk to the downtown area. Bountiful could use the population in the downtown area. Larry Rigby looks at the value of the property and what the typical investor is looking for. Mr. Rigby hopes that the Planning Commission doesn't trip over themselves thinking that the City is going to lose a magnificent piece of commercial property by rezoning it. This property might be zoned commercial but it is not a good commercial piece of property. If Mr. Rigby were to appraise this property on its own, it is not worth very much money unless the neighbors get together to do something with it. Which is what this proposal is doing. You are not interrupting a big flow of commercial down 200 West because abutting next to it are some very old four-plexes which are reaching the end of their economic life. If this were all put together, it could solve the problem of old housing and dead property. There is not going to be a big commercial development on this property because of the flow for the traffic, the room is not on 200 West. What you have is a marginal residential piece of property and a vacant piece of commercial property that will probably sit and look bad for quit a while. Mr. Rigby is for the rezoning of

this property. He feels that it will not be damaging to the future of commercial and would create a good situation for apartments with more bedrooms. The City will gain a positive project.

There was a discussion on splitting the property with commercial in the front portion and multiple family in the rear. Paul Rowland has some concerns with the impact of traffic in front of the school and the neighborhood. Having housing in the back of the property only adds to the traffic problem on 300 West in front of the school. The best solution is to have all traffic going out onto 200 West. The only frontage (access) on the Anderson property is onto 200 West. It would be hard to split and have the access from the rear property.

John Lingard asked if there would be a possibility of negotiating a development agreement to take care of some of the concerns about how the property would be used? This way the City will know that there are no intentions of splitting of the property or selling to another developer once the zone has been changed. Blaine Gehring mentioned that it can be done after the zone change has been approved. The agreement is not part of the zone change.

Richard Shipley appreciates the time spent with the Staff, the discussions and a field trip with the Planning Commission. Mr. Shipley has put a lot of time and dollars into this project and regrets that the seven members of the Planning Commission are not here.

Dick Dresher mentioned that a decision needs to be made. If there is a failure on the part of the Planning Commission to make a recommendation to the City Council within 30 days the proposal can go before the City Council.

Barbara Holt made a motion to deny the approval of the rezoning of property at 620 S. 200 W. and 220 through 310 W. 650 S. from C-G and R-3-13 to R-3-25. Duane Gardner seconded the motion and voting passed by majority vote. Larry Rigby and Clark Jenkins voted no.

Meeting adjourned at 6:40 p.m.