

PLANNING COMMISSION MINUTES
JUNE 17, 1997

Present: Vice Chairman Lois Williams, Don Milligan, Mike Holmes, Ken Cutler, Dick Dresher; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Chairman Dean Jolley; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer.

Lois Williams welcomed those present and introduced the Planning Commission Members. The minutes for May 6, 1997 and June 3, 1997 will be approved at the next meeting.

1. Approval of Findings of Fact for the Conditional Use Permit granted for a duplex at 55 West 1950 South, Andrew Bamford, applicant.

Blaine Gehring explained that Rusty Mahan, City Attorney, has requested that the Planning Commission adopt the Findings of Fact for this Conditional Use Permit. A recent court ruling mentioned to show that a Board or Commission is not being arbitrary or capricious the decisions should be adopted as Findings of Fact. This can be helpful in case there is an appeal on the issue. This is not the first one that has been adopted and Mr. Mahan may be drafting more of these in the future.

Ken Cutler made a motion for the approval of Findings of Fact for the Conditional Use Permit granted for a Duplex at 55 West 1950 South, Andrew Bamford, applicant. Don Milligan seconded the motion and voting past by majority vote. Mike Holmes voted no on the approval of the Conditional Use Permit and continues to vote no on item #8 of the findings.

2. Consider a Zone Change at 830 North 500 West (Carrington Place Apartments) from R-3-16 to R-3-25, Jones Nelson Associates, applicant.

Russ Jones, of Jones Nelson Associates, was present. Blaine Gehring explained that when the Carrington Place Apartments were built in 1985 and 1986, the zoning split the property. At the time the east part of the property zoned Neighborhood 2, District 5 which allowed for densities only up to 13.3 units per acre. The west part was zoned Neighborhood 2, District 6 which allowed for densities up to 25.7 units per acre. As the development was approved only four-plex structures were to be built on the east part and 12 plexes on the west. The overall density was and is 21.7 units per acre. As the City adopted our new ordinance, we did not want split zoning on any properties, so the entire piece was zoned to meet the compromise at R-3-16. Carrington Place is now for sale and the property is recognized as non-conforming because of its overall density versus its new zoning. The rezone needs to take place to bring the project into conforming use status. The Staff recommends sending a favorable recommendation for this rezone to the City Council.

Mike Holmes recommended sending a favorable recommendation to the City Council for a

rezone from R-316 to R-3-25. Dick Dresher seconded the motion and voting was unanimous.

Meeting adjourned at 7:18 P.M.