

## **PLANNING COMMISSION MINUTES**

**July 15, 1997**

Present: Chairman Dean Jolley, Ken Cutler, Dean Thurgood, Dick Dresher; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Vice-Chairman Lois Williams and Mark Green.

Dean Jolley welcomed all those present and introduced the Planning Commission Members. Dick Dresher made a motion to approve the minutes for May 6, 1997 as written. Ken Cutler seconded the motion and voting was unanimous. Dick Dresher made a motion to approve the minutes for June 3, 1997 with two minor changes on page one. Ken Cutler seconded the motion and voting was unanimous. Dick Dresher made a motion to approve the minutes for June 17, 1997 as written. Ken Cutler seconded the motion and voting was unanimous.

### **Site Plans**

1. Consider preliminary and final site plan approval for South Davis Junior High Seminary at 290 W. 2600 S.

Blaine Gehring explained that the LDS Seminary at South Davis Junior High School would like to rebuild their Seminary building. The new building will be larger than the previous one and it will have a new parking lot and new landscaping. The Staff has reviewed the plans and adjustments have been made for the drainage. Staff recommends the following conditions:

1. The sanitary sewer comply to the requirements of South Davis Sewer District and obtain their approval.
2. The culinary water connection to comply with the South Davis Water District requirements and obtain their approval.
3. The roof drainage and parking lot drainage must drain into the sump as shown on the site plan.
4. Power fees and easements as required by Bountiful City Light and Power must be approved.

Staff recommends a recommendation for preliminary and final approval of this site plan be sent to the City Council.

Ken Cutler made a motion to recommend to the City Council preliminary and final site plan approval for South Davis Junior High Seminary at 290 West 2600 South subject to the conditions recommended by Staff. Sam Fowler seconded the motion and voting was unanimous.

2. Consider preliminary and final site plan approval for Orchard Pointe Center at 2200 S. Orchard Drive, Orchard Pointe LC, developers.

Paul Hatch, representing Orchard Pointe LC, was present. Sam Fowler asked if the City is telling the developers that 2200 South needs to be widened? Mr. Fowler doesn't know how to tell the residents in this area that not only are they going to widen the road but there will not be an entrance on Orchard Drive. Mr. Fowler will not support this if there is not an entrance on Orchard Drive, it puts too much traffic on 2200 South.

Jack Balling mentioned that the intersection on 2200 South is very dangerous and the City has required that it be widened. The street needs to be widened on the west side of Orchard Drive on 2200 South to line up with the east side. The street will only be widened for the first 100 feet then will taper down to match the remaining street.

There was a discussion on making changes to provide for an entrance off of Orchard Drive and the safety factor if one is put there. There is a safety factor with an entrance coming off of Orchard Drive with the building as proposed. This is a busy street with fast traffic and traffic could be backed up during morning and evening commute.

Ron Marshall mentioned that he has been working with the development of this area and he feels that this project will enhance the area. The traffic already exists and putting a video and bagle shop will not increase the traffic. The traffic will enter on 2200 South and go out on 2200 South to Orchard Drive not down to 200 West. An entrance off of Orchard Drive will cause more traffic congestion than an entrance off of 2200 South.

Dick Dresher has some concerns with parking, the staking lane for the fast food drive-through, loading space for the video shop, only 8½ feet for landscaping which should be 10 feet, the two parking lots of the second phase is not connected which could cause some traffic problems and the 7-foot fence can only be 6 feet by ordinance. Jack Balling mentioned that there is a problem with the elevation to connect the parking lots and the City has agreed to 8½ feet of landscaping for the extra property for the widening of the street. The concerns about parking and the staking lane will need to be reviewed. Mr. Dresher suggested that this be tabled until these concerns are reviewed.

Rusty Mahan suggested, because of the nature of the concerns, to grant preliminary approval and have a final approval at a later date. By doing this, the City Council can give their opinion on these issues.

Ken Cutler made a motion to the City Council for preliminary approval for Orchard Pointe

Center at 2200 South Orchard Drive subject to the recommendations by Staff and the following additions:

7. Site plan be modified with the following:
  - a. staking lane for the drive through
  - b. eliminate or minimize the dead end parking with Phase Two
8. Change the height of the fence from 7 feet to 6 feet.

Dean Jolley seconded the motion and voting was passed by majority vote.

### **Subdivisions**

1. Consider final approval of Franklin Farms Subdivision Phase 4.

Ron Marshall, developer, was present. Jack Balling explained that this is the fourth phase of Franklin Farms Subdivision containing 13 lots being developed by Ron Marshall. The final plans have been reviewed and sent back to their engineer for technical corrections. The Staff recommends final approval subject to the following conditions:

1. Submission of a Letter of Credit from an approved bank to guarantee the site improvements.
2. Payment of all required subdivision fees.
3. The City Council to deed the excess property to Lot 411 and Mr. Marshall to deed a portion of Lot 412 to the property owner in North Canyon Heights Subdivision.
4. The sewer, water and irrigation water be stubbed into 7 spaces for future lots on the south side of Boulton Way.
5. Providing an up-to-date title report to verify the ownership of the final plat.

Jack Balling mentioned that working with Mr. Marshall on this development has been a pleasure. Mr. Marshall has finished on time without causing problems and this type of work is very much appreciated. This has been a good development. Mr. Marshall is also pleased working on this development.

Dick Dresher made a motion for approval of Franklin Farms Phase 4 subject to the recommendation by Staff. Dean Thurgood seconded the motion and voting was unanimous.

### **Ordinance Amendments**

1. Consider a rezone of the area from 50 West to 200 West and from 1800 South to 2200 South from R-1-6.5(D) to R-1-6.5, Weldon Thacker, et. al, applicants.

Weldon Thacker, representing applicants, was present. Mr. Thacker and surrounding neighbors have some concerns about the strength of their neighborhood. They are submitting a petition to have the Duplex Overlay removed from the zoning for their neighborhood. The neighbors would like to protect the neighborhood from any more apartment uses.

Dean Erickson, resident in neighborhood, feels the strong sense of the community. The neighbors' keeps their yards maintained and want to keep the theme of the neighborhood as a family neighborhood.

Blaine Gehring mentioned that the removal of the overlay would protect the single family character of the neighborhood which is why the owners are submitting the petition.

Sam Fowler abstained from voting since his name is on the petition. Dick Drescher recommends sending a favorable recommendation to the City Council for approval for the rezone of the area from 50 West to 200 West and from 1800 South to 2200 South from R-1-6.5(D) to R-1-6.5. Ken Cutler seconded the motion and voting was unanimous.

2. Consider Amendments to the Subdivision Ordinance.

Rusty Mahan explained that it is being recommended that the surety bonds be eliminated from Section 1 Chapter 4: 7-4-101 paragraph (d) of the ordinance. It is better for the City to have a letter of credit or cash bonds to guarantee work on public improvements.

Jack Balling mentioned that at the present time there are two developers that use surety bonds, Mark Green being one of those. Mark Green does a lot of the improvements in Bountiful and is a good reputable contractor. Mr. Balling and the City Attorney have some concerns with the surety bonds. Some contractors come to the City wanting to use surety bonds and the City questions their reputation. Sometimes the City has to go to court to collect the fees. All contractors do not have good reputations like Mark Green and Ron Marshall.

Mark Green has submitted a letter stating "I recognize the potential for some advantage of only accepting 'Irrevocable Letters of Credit' from banking institutions as guarantees for completion of improvements for subdivisions. It is unfortunate, however, that those who have continually, and without exception, performed on projects where surety bonds were posted, must be punished by this change.

Banks are expensive, difficult to deal with, and rarely appreciate or have expertise on evaluating the ability of contractor/developers to perform. Surety companies, on the other hand, deal specifically with contractor/developer clients, and know their capabilities and credibility better than banking institutions.

As one who has posted surety bonds on numerous projects, over many years, I regret losing this alternative.”

Rusty Mahan recommends that Section 1 Chapter 1: 7-4-102 also be changed. The ordinance brings notice requirements for vacating parts of subdivisions into compliance with State law. There is no real need for City notice requirements to be greater than those required by the State. This is amending the subdivision requirements so the City will be the same as the State. If it is exempt from subdivision requirements under State law, it is exempt from City law.

It is also proposed to amend Section 1 Chapter 5: 7-5-101 to add Planned Unit Developments and Condominiums. To vacate a lot or to change something within a subdivision the ordinance requires approval from the City Council. This amendment will add planned unit developments and condominiums as well.

The Notice Requirements in Section 1 Chapter 5: 7-5-102 also needs to be amended. The City has some requirements that have been based on the State law. The State law has been amended and now the City is out of compliance. It is proposed to amend the ordinance to be the same as the State. If there are any changes in the future with the State then the City will change also.

There was a discussion on the changes with the surety bonds. Mr. Mahan mentioned that right now, for the City, this is not a big problem but can be. Some of the Planning Commission Members do not agree with the change of the surety bonds. It was suggested to change the wording to clarify which companies could use the bond. Mr. Mahan suggested that he reword this section.

Dick Drescher made a motion to recommend to the City Council a favorable recommendation on the amendments to the Subdivision Ordinance on Chapter 1 and Chapter 5 as written and to table Chapter 4. Sam Fowler seconded the motion and voting was unanimous.

### 3. Consider Miscellaneous Amendments to the Zoning Ordinance

Dean Jolley had a question on page 11 with what is meant by maintenance fee? It was explained that maintenance free would be building materials that have little or no repairs, painting etc.

Dick Drescher had the same question on page 10 with the exteriors being 100% maintenance free. Is it necessary to be so strict saying 100% maintenance free?

There was a discussion about the 100% maintenance free. Mr. Gehring explained that the intent of the Density Incentive Bonus was to force a higher quality on higher density developments. Thus far, it has only been used on small developments of one four-plex with a house. He feels it has not worked. The building code requires energy efficient appliances so this does not need to be included with the density. The neighborhood compatibility, exterior materials, parking etc. are the things being put back into the ordinance. This will require the same higher quality and

all residents will be treated the same. It also protects the neighborhoods.

Mr. Gehring suggested that the wording be changed as follows for the exteriors being 100% maintenance free:

c. Structure Design and Materials.

1. Exteriors shall be essentially ~~100%~~ maintenance free wall material such as high quality brick, natural stone, ~~and~~ weather resistance stucco or masonite type material, ~~or non-~~ wood siding. ~~Stucco, or masonite or siding~~ may not exceed fifty (50) percent of the exterior.

Dean Jolley made a motion to recommend a favorable recommendation to the City Council for the approval of the amendments to the Zoning Ordinance with the suggested changes. Dean Thurgood seconded the motion and voting was unanimous.

Meeting adjourned at 8:45 P.M.