

Planning Commission Minutes
February 6, 1996

Present: Chairman Elaine McKay, Vice Chairman Dick Drescher, Mark Green, Don Milligan, Ken Cutler, Lois Williams; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Mike Holmes and Dean Jolley.

Elaine McKay welcomed all those who were present. Mrs. McKay recognized the scout troop that is working on their Communication Merit Badge. The minutes for January 16, 1996 were unanimously approved as written on a motion made by Sam Fowler and seconded by Don Milligan.

Site Plans

1. Consider preliminary and final site plan approval for Park Shows Condominiums at 150 W. 900 N., Smoot Development Group, developer.

Mark Green excused himself from voting on this item. Stan Smoot and Scott Balling, representing Smoot Development Group, were present. Jack Balling explained that this development is located between the Bountiful Recreation Center and 1000 North on 6.27 acres of property. Smoot Development Group is proposing 58 dwelling units on this property. The zone is R-3-13 allowing 13 units per acre and the development is proposing 9.25 units per acre.

There is an alternate plan for the entrance from 200 West if the Pace property is not included. There is a total of 58 units that will be constructed in three different phases. Staff is recommending a temporary turn around to be provided at the end of Phase I until Phase II is constructed. Staff has reviewed the site development plans and the landscape plan and recommends preliminary and final approval subject to the following conditions:

1. Provide the City with utility easements as needed for all utilities and roadway access lanes.
2. Provide a temporary 70 feet diameter gravel turn around at the end of Phase I until the road way is extended to 1000 North.
3. Final completion of all building plans for compliance with the building codes and City standards.
4. Payment of all required City fees.
5. Posting of a bond acceptable to Bountiful City for the guarantee of all site improvements.
6. Increase storm drain 12" pipe.

7. Driveways to slope 2% to street.
8. Masonry or pre-cast concrete wall around perimeter.
9. Provide off street parking for 17 vehicles.
10. Provide single 1" water lateral to each dwelling unit.
11. Put drain manhole and sewer manhole in parking lot between Units 9 and 10.
12. Provide final construction drawings for:
 - a. sanitary sewer
 - b. culinary water
 - c. storm drain
 - d. curb & gutter
 - e. street sections
13. Provide a current title report with the exact description of first phase.
14. Compliance with the provisions of the Condominium Ownership Act of 1993, Title 57, chapter 8, Utah Code Annotated, 1953, as amended.

(also)

Recommend preliminary approval to alternate plan for entrance from 200 West if the Pace property is not included.

Stan Smoot expressed how pleased and excited he is about this project. Mr. Smoot has met with several neighbors and has their full support. Each unit will sell for \$130,000.00 to \$170,000.00 depending upon the size of the unit. This development will be an upgrade to the area.

These units will have a one or two car garage with driveways, and extra parking is provided. The parking meets the requirements and each phase can stand by itself. The road in the complex is a private road and will be 30 feet back to back of curb.

Scott Balling would like to have an option of a masonry wall, pre-cast concrete wall or a solid vinyl fence around the perimeter of the property.

Dick Drescher made a motion to recommend preliminary and final site plan approval for Park Shadows Multi-Unit Condominiums at 900 North and 150 West subject to recommendations of Staff items 1-14 with the addition of the following:

15. The Pace property in question be secured/purchased before final approval. Also a recommendation for final approval for the alternate plan if the property is not purchased.

16. The alternate plan be recommended for preliminary and final approval if the Pace property is not secured or purchased.

| Addition to item 8: Masonry, pre-cast concrete wall or solid fence around perimeter.

Sam Fowler seconded the motion, Mark Green abstained from voting, voting passed by majority vote.

Subdivisions

1. Consider preliminary and final approval of a two-lot subdivision at 1000 East 350 North, Ross Burningham, owner.

This item will be rescheduled for another time.

Zoning Ordinance Amendments

1. Consider a rezoning of property at approximately 50 W. 1350 N. from C-G to R-1-8, Papanikolas Brothers, applicants.

Blaine Gehring explained that when the second phase of Bountiful Shadows was done, it was not anticipated that there would be a need for a 20-foot road into the City's substation and debris basin. The need for this road has made it necessary to rezone an additional 20 feet on the east end of the subdivision to make the two lots come out with the necessary measurements. Staff recommends sending a favorable recommendation to the City Council on this rezoning.

Dick Dresher asked if lots 86 & 87 could be adjusted for this road? Mr. Gehring mentioned that the creek cuts through these lots so the buildable area would not meet the requirements.

Don Milligan made a motion to recommend to the City Council a favorable approval for this rezone. Motion was seconded by Dick Dresher and voting was unanimous.

2. Consider a new Commercial Residential (C-R) Zone in the old downtown area of Bountiful.

Blaine Gehring presented the final draft of the new Commercial Residential Zone. These changes have been made with the concurrence of the City Attorney. Mr. Gehring mentioned that, as requested, the items that did not fit in this area have been taken out and the Hotels and Motels, with the conditional uses, have been added. The most significant of these corrections is the addition of an "equivalent density" of 20 units per acre for the apartments for the elderly. This zone proposal will include 400 North to 500 South and 100 West to 100 East. Staff recommends sending this to the City Council with a favorable recommendation for its adoption as part of the Zoning Ordinance.

Dick Dresher and Elaine McKay mentioned that this final draft looks good and has been well done. Dick Dresher made a motion to recommend to the City Council a favorable recommendation for the adoption as part of the Zoning Ordinance. Motion was seconded by Mark Green and voting was unanimous.

3. Consider amending Section 14-14-116 of the Zoning Ordinance dealing with satellite antennas.

Mr. Gehring explained that there has been some literature over the past couple of months that describe the recent cases dealing with the control and placement of satellite antennas in local zoning ordinances. In general, these court decisions state that satellite antennas are protected under Federal Law except in limited cases where local zoning can regulate them. Such zoning laws are allowed to regulate such antennas as long as (1) there is not differentiation between receiving and transmitting and satellite antennas, (2) there is no restriction as to height, and (3) it is found by the legislative body that such regulations are necessary to protect the health, safety and aesthetic of the community. Based on that literature, the Staff is recommending some basic changes to the language in our zoning ordinance dealing with such antennas. Our current language is well over 10 years old and similar to language found by the courts to be in violation of these provisions by other jurisdictions.

Mr. Mahan explained that the Federal Courts have ruled that the subject is called "limited preemption." Which means the courts have permitted limited involvement by local government if it meets two conditions: (1) It does not distinguish between antennas as to shape (dishes, towers, etc.). (2) It is based for the safety, health and aesthetics for all citizens.

The way the current ordinance is written we could not enforce anything. This is the reason it has been decided to follow the guide lines given by the courts.

There can't be a limit as to the height of the antenna but there can be a restriction on the location based on safety and aesthetics. Roof mounting has not been included because that will distinguish what type of antenna is being used. Mr. Mahan mentioned that maybe something can be written about if the antenna is beyond a certain height it cannot be roof mounted. If the antenna is over a certain height we don't prohibit it but that it is restricted to the back yard.

Mr. Mahan asked if this item should be tabled until the next meeting? He will review and add some changes on roof mounted antennas. Mrs. McKay took a vote to have this item tabled until next meeting and voting was unanimous.

Meeting adjourned at 7:45 P.M.