

Planning Commission Minutes
October 17, 1995

Present: Chairman Mike Holmes, Dick Dresher, Don Milligan, Dean Jolley, Elaine McKay, Lois Williams, Ken Cutler; Barbara Holt, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Mark Green.

Mike Holmes welcomed all those who were present. The minutes for October 3, 1995 were unanimously approved as written on a motion made by Barbara Holt and seconded by Dick Dresher.

Subdivisions

1. Consider Preliminary and Final Approval of an amendment to Highland Oaks Subdivision Plat C, John Clarke and Kent Hoggan, developers.

Chris Balling, representing the applicant, was present. Jack Balling explained that when Highland Oaks Plat C Subdivision was recorded a water easement was provided. When we began construction on the water system for this subdivision, we found the water pipes were not located in the recorded easement. A new amended plat is now being presented to change the easement and lot line to conform with the existing water lines. This is the only change in the subdivision plat. The Staff recommends this amended plat to be approved subject to the final review of the plat and conformance with the recording standards and requirements. All checking and recording fees will have to be paid. The County would prefer, with this amended plat, to change the plat from Highland Oaks Plat C to Highland Oaks Plat D. The City then needs to vacate the three lots out of Plat C. This will go to the City Council as Highland Oaks Plat D.

Don Milligan made a motion for approval for Preliminary and Final Approval of Highland Oaks Subdivision Plat D, seconded by Dean Jolley. Voting was unanimous.

2. Consider Preliminary and Final Approval of an amendment to Holmes Estates Subdivision, Jerron Hale, owner.

Jerron Hale was present. Jack Balling explained that the properly owners of Lots 5,6,7 and 8 of Holmes Estates #1 are requesting to vacate these lots. They would like to create three lots and have them recorded as Holmes Estates #2. The Staff has reviewed this and would recommend this amended plat be approved subject to the final review of the plat and conformance with the recording standards and requirements. All checking and recording fees will have to be paid. When the new plat, Holmes Estates #2, is being recorded there will be new numbers assigned to each lot to avoid confusion.

Elaine McKay made a motion for Preliminary and Final Approval for Holmes Estates #1, amended subdivision, subject to recommendations of Staff. Dick Drescher seconded the motion and voting was unanimous.

3. Consider Preliminary Approval of Bountiful Shadows Subdivision Phase 2, Papanikolas Brothers, developers.

Blaine Gehring explained that normally a copy of the agenda is sent to each applicant. A copy of the agenda was faxed to Mr. Falvo without the information on it saying that someone needed to attend the meeting. There is a possibility that some miscommunication has occurred. Mr. Falvo would like to proceed with this. Mr. Gehring asked the Planning Commission to review this preliminary and if there are any changes they can go on the final review.

Jack Balling explained that this is the second phase of Bountiful Shadows Subdivision at 100 West 1500 North. This property was rezoned last month to residential development. The proposed subdivision contains 58 lots. This has been reviewed and is recommended for preliminary approval with the following conditions:

1. Lots 92 and 93 be eliminated from the plan. (These lots are in the commercial zone.) A rezoning request may be used to change the boundary.
2. A 20 foot wide dedicated right-of-way be provided to Bountiful City between lots 88 and 89 for access to the detention basin and the power substation. Bountiful City will pave the right-of-way and install chain link fence along the sides. This right-of-way will replace the right-of-way used by Bountiful City for the past 20 years.
3. Existing sewer and water lines which bisect some of the lots shall be relocated at the developers expenses as approved by the City Engineer.
4. Lots 77,78,79,80,86 and 87 shall define the building limits on the final plat.
5. Building placed on lots 75 through 88 will have no openings into the building below Be Hood line. (One foot above the top of the finish street grade or the top of the concrete channel wall on Stone Creek, which ever is greater.)
6. All existing utilities shall be located by position and elevation and field verified on the final construction drawings.
7. Existing power poles on Pages Lane shall be relocated as needed at the subdivision's expense.

8. The sidewalk shall be located four feet from the curb on Pages Lane.
9. All damaged curb and gutter on Pages Lane shall be replaced.
10. The storm drain on Pages Lane must be protected from damage or replaced as per the agreement in the first phase of development.
11. The final drawing to meet all provisions of the subdivision ordinance and approval by the City Engineer.

The City Ordinance states that when there are large blocks, over 800 feet long, the Planning Commission may require walkways to serve the schools. The only access from the north Viewmont High is over a bridge. The Power Department has recommended not to use this right-of-way because of the high power substation and the detention basin. There could be some serious accidents, graffiti, etc. The Staff recommends preliminary approval with the 11 conditions and the addition of item #12:

12. Provide a 10 foot walkway to the high school between lots 86 and 87 to be paved with chain link fencing.

Lois Williams made a motion to recommend preliminary approval of Bountiful Shadows Subdivision Plat B subject to recommendations of Staff and the addition of item #12, student walkway. Ken Cutler seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider Amending Requirements for Treatment of Parkstrips.

Blaine Gehring explained that recently it has been brought to his attention the subject of what type of landscaping should be in the parkstrips. When putting the new ordinance together some places were clarified and some were left with the old specification. With this proposal it will bring all sections of the ordinance, referring to the parkstrip, into conformity so there will be no more confusion.

So there will be no confusion to what is meant by "landscaping" a definition of "landscaping" will be added to Chapter 3 of the ordinance. What is required between the areas of the curb and sidewalk will be better defined. In Chapters 6 (R-3) and 9 (C-G) which reads: "Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving in place of landscaping between sidewalk and curb is prohibited." This is recommended to be modified even further to require that the parkstrip may not be filled with any kind of solid material (i.e., brick, cobblestones, railroad ties, etc.) or any kind of loose gravel or landscape rock which causes traffic and safety problems when scattered into the street or on the sidewalk.

Staff recommends amending the Zoning Ordinance as follows:

1. Amend Section 14-3-102 by adding the following definition of "landscaping":

Landscaping: The addition of lawns, trees, plants and other natural decorative features to land.

2. Amend Sections 14-4-116 B.2. and 14-5-116 B.2 as follows:

Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

3. Amend Sections 14-6-116 B.5. and 14-9-116 C.6. to read as follows:

Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

4. Amend Sections 14-10-116 C. and 14-11-112 A. by adding the following:

Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt or concrete paving, any other solid type material such as brick, stone or railroad ties, or loose gravel or landscape rock in place of landscaping between sidewalk and curb is prohibited.

There was a discussion on safety, beautification and compatibility of the landscaping in the parkstrips. If loose gravel, landscaping rocks or landscaping bark is used it will be thrown into the street, on the sidewalks and thrown at motorists. Asphalt, concrete, cobblestone or brick can be dangerous when wet. The landscaping should be compatible with the weather and the area we live in. The main purpose for the landscaping in the parkstrips is to enhance the beauty of Bountiful.

Elaine McKay made a motion to recommend to the City Council for the approval of Amending Requirements for Treatment of Parkstrips as written by Staff; seconded by Don Milligan. Six members voted yes for the approval and two voted no.

2. Consider Creation of a New Commercial Residential Mixed Use Zone (C-R).

Blaine Gehring explained that when the new ordinance was written and reviewed, the objective was to make commercial zones for commercial use and residential zones for residential use. There had been pockets of the city where the two had been zoned together and had created problems over the years. We wanted to get away from that. As Mr. Gehring drew boundaries around properties, he made every effort to separate the uses so it would not create unnecessary

nonconforming uses. In the downtown area along Main Street the boundaries did not get totally separated. A line was drawn around residential uses on 100 East but not along 100 West. This has created some nonconforming and potential development problems where the existing uses are residential and the development interest is now in residential uses.

If a person wants to finance any property, the Utah Banks require a letter stating if the dwelling burns down it can be rebuilt as is. If it is a nonconforming use this cannot occur. This has created some problems for resale and financing could be denied. This problem has only occurred in the downtown area.

This has been reviewed with Tom Hardy, Rusty MshAn and Mike Holmes on the idea of a mixed commercial/residential zone and they thought it was a good idea. Mr. Gehring has drafted a new zone called Commercial Residential Mixed Use Zone (C-R) which would be applied to that area from 500 South to 400 North and from 100 East to 100 West. The purpose of the zone would be for the preservation of the mixed use character of the commercial and residential uses in that area. It would be different from the General Commercial Zone (C-G) in that residential uses, from single family up to multiple residential would be allowed. The residential density would be R-3-16 to be compatible with the other residential zoning on either side of the zone. Mr. Gehring has amended the list of permitted and conditional uses to better fit the downtown setting.

Mr. Gehring would recommend approval of this proposal to the City Council with a favorable recommendation so they can set a public hearing and consider it further.

A discussion was made that all commercial and residential properties will benefit from this new zoning. No one will be hurt by it. All existing commercials will continue and new commercial can come in. The same will be with the residential, all existing can continue and new can be built.

Mr. Gehring mentioned to the members that they wish to have more time to review and study this amendment it can be tabled for the next meeting.

Dick Drescher made a motion to table this new Commercial Residential Mixed Use Zone for the next Planning meeting. The motion was seconded by Elaine McKay and unanimously approved.

Meeting adjourned at 8:03 P.M.