

**PLANNING COMMISSION MINUTES
MARCH 17, 1992**

Present: Chairman Jeff Chretien, Dick Dresher, Kathl Izatt, Mick Johnson, Elaine McKay, Don Milligan, Mark Green, Mike Holmes; Paul Rowland, Assistant City Engineer; Jon Reed Boothe, Planning Director; Shirley Chevalier, Recording Secretary

Excused: Barbara Holt, City Council Representative; Jack Balling, City Engineer

Minutes of March 3, 1992 were unanimously approved as written.

Conditional Use:

3-17-92.5A 85-12C PUD, 3900 So. 400 E., Clark Jenkins - Landforms, Final

This Rem postponed.

Subdivisions - Final:

3-3-17.7A Apple Orchard Subdivision, 1350 N. 200 E., Jack Bangerter, Vaughn Hill, Rep.

This subdivision was given preliminary approval on January 7, 1992. They revised the plans to 17 lots. Staff recommends final approval subject to the following conditions:

1. Completion of the plans to the engineering requirements and city standards and specifications;
2. Payment of all required fees;
3. Posting of the site improvement bond;
4. Clearance of the title for the dedication as required on the subdivision plat;
5. Utility approvals by all the utility companies.

Kathi Izatt asked what piece of the property needs the title clearance. Mr. Bangerter controls the property involved inasmuch as his father owns a piece, and Mr. Hill said he believed the conveyances have been made. Mike Holmes stated whoever owns the property has to sign the plat and dedicate ft. There will be a title report with the plat that indicates who owns the property. This is standard procedure.

Mike Holmes made a motion to grant final approval to Apple Orchard Subdivision subject to the conditions outlined by staff; Dick Dresher seconded; voting was unanimous.

Multi-Family Applications:

3-3-17-8A 6 Unit Complex (2 triplexes), 257 E. 100 N., Preliminary & Final
Ron Trump, 577 E. 850 So., Centerville, Utah

Mr. Boothe presented the site plan, and based on the review of the plans, staff recommends preliminary and final approval for the two triplexes subject to the following conditions:

1. The site plan shows a fill along the west side from 1 ft. to 7 ft. high and a fill along the north side from 5 ft. to 7 ft. high. This fill must be contained by a retaining wall, and we need the construction details and proposal for the wall; all other items for grading and drainage are acceptable. The individual garbage cans will be located at the back entrance to each unit enclosed by a patio fence;
2. Payment of a storm detention fee in the amount of \$1,050.00;
3. Two 1" water meters are required at a cost of \$2,770.00;
4. Payment of the sewer connection fees in the amount of \$3,600.00;
5. Building plans to be reviewed by the Building Inspector for compliance with the building codes;
6. Landscape and site improvement bond to be posted to guarantee completion of the site improvements and landscaping, and all

building fees must be paid before a permit can be issued.

There was considerable discussion regarding the drainage on the property and the retaining walls. Mr. Trump said he met with the neighbors, and there is no way anyone wants those type retaining walls. They are too expensive and too high. He proposed adding more slope and have a 2 ft. high wall, which would be within the range of a natural slope. The east side is fairly high, and by the time it is leveled and filled up to meet the drainage requirement, it will be close to the existing lot on the east. The details will have to be worked out and approved by the City Engineer. Paul Rowland said the biggest impact wall will be along the north side. Mr. Trump said he proposed to the neighbors on the north that he give them 5 ft. so they could have a 1 to 1 or 2 to 1 slope and not build a retaining wall. The neighbor said he didn't mind the idea of getting an extra 5 ft. That is an option on the north side. After further discussion, it was felt that a maximum 4 ft. retaining wall would work. There will be a fence installed on top of the wall.

Mark Green made a motion to grant preliminary and final approval to the six unit complex subject to the conditions outlined by staff, and that the site plan be monitored by staff with retaining walls a maximum 4 ft. high; Mick Johnson seconded the motion; voting was unanimous.

Mike Holmes made a motion to rescind the former motion, seconded by Mick Johnson; voting was unanimous. Mike then moved to grant preliminary and final approval to the proposal incorporating all of the criteria from the first motion, but adding to it that the developer must meet all the landscaping requirements of the ordinance, specifically with screening trees. Elaine McKay seconded the motion. Mike then moved that if the developer chose to revise his plan incorporating only one driveway, that would be acceptable to the Commission. Mrs. McKay reaffirmed her second; voting was unanimous.

Rezoning Petitions:

3-3-17.10A Rezoning Amendment re Temporary Buildings (Subdivision Sales Office), Ron Marshall

Planning Commission members discovered that in Chapter 13 Conditional Uses, Section 13-800 Temporary Uses, it states:

"A Conditional Use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for one year, whichever period of time is shorter. The Planning Commission may grant extensions of 6 months each under exceptional circumstances."

Mr. Boothe requested the Planning Commission postpone this, and he will seek an opinion from the City Attorney. It may be worded such that the Planning Commission has the ability to make requests for temporary buildings a conditional use for a period of one year.

Kathi Izatt mentioned that if we are going to possibly make a recommendation to the City Council on an amendment, it states it must go to City Council to set a hearing date. That is a tradition, not a requirement that the Council set a hearing date before the Commission can consider it. The Commission can make the recommendation without the Council having first set a hearing date.

Ron Marshall said other temporary sales offices have been put up without the city's permission, including hooking into water and sewer. Mr. Rowland stated they will not allow these structures to be hooked up to city water and sewer, but that South Davis Sewer District has hooked up some of them. Typically, construction trailers have bottled water and porta-potties on location.

Mr. Boothe feels the ordinance is badly worded. It states, "The Planning Commission may allow a conditional use to be located within any neighborhood district in which the particular use is allowed as a conditional use." You have to go to the matrix, and if it is not in the matrix, it is not a conditional use. There is no definition in the ordinance to define what a temporary building is and what types of uses for temporary buildings would be allowed. Mike Holmes said he would feel more comfortable if we had something from the City Attorney for clarification.

Kathi Izatt made a motion to table this item so that it can be reviewed by the City Attorney and staff. Based on our discussion tonight, we need to know: 1) if there is a provision in the ordinance which allows what Mr. Marshall is requesting; 2) if it is not available under our present ordinance, what needs to be changed in order to allow it to be done; 3) if it can't be done, we need something written up at our next meeting so we know what we need to do in order to make it allowable; 4) if there is some other method by which this can be put in now without any of the above 3 items, then we will allow staff to issue the requisite permits and utility hookups for Mr. Marshall to proceed. Mark Green seconded the motion; Mick Johnson abstained; motion approved by majority.

Commercial Applications:

3-17-92.10A Swiss Boy, 305 North 200 West, Preliminary & Final, Rico Dubach

The owners would like to add a separate 1500 sq. ft. warehouse addition to the west (rear) of their existing building, and a 750 sq. ft. office addition to the front of their building. The site would stay as it exists, with 24 parking spaces, which meets ordinance, and 1650 sq. ft. of landscaping that is 321 sq. ft. short of meeting; zoning requirements.

With the new additions, the entire area is needed for the parking requirements, and there is no room left for additional landscaping unless they eliminate the front two parking stalls. The owners would like approval of the plans as presented.

The site has adequate drainage, and a storm detention system was installed during original construction and meets ordinance.

Staff recommends preliminary and final approval with a variance to the landscaping in order to retain the required parking, subject to: the final review of the plans, payment of all required fees, and posting of required bonds.

Mr. Dubach said they have 10 parking spaces now and have never filled the parking lot. The new warehouse is not for retail sales but for built-in vacuum systems that are sold by outside sales people, and contractors.

Planning Commission determined that by counting two parking spaces inside the warehouse for their own vehicles, plus the parking in front of the building for service vehicles, this would allow them to eliminate the two front parking spaces and increase the landscaping to meet the ordinance.

Elaine McKay made a motion to grant preliminary and final approval to the addition of the Swiss Boy building, subject to the recommendations of staff as listed, and approve eliminating the front two parking stalls to add landscaping, and include the two parking stalls within the warehouse to meet the ordinance; Mike Holmes seconded the motion; voting was unanimous.