

PLANNING COMMISSION MINUTES

June 18, 1991

Present: Vice Chairman Kathi Izatt, Berwyn Andrus, Dick Dresher, Mike Holmes, Jeff Chretien; Les Foy, City Council Rep. ; Jim Stacey, Engineering Dept.; Jon Reed Boothe, Planning Director; Shirley Chevalier, Recording Secretary

Excused: Mick Johnson, Chairman Cheryl Okubo, City Engineer Jack Balling

Invocation: Mike Holmes

A motion was made by Les Foy to approve the minutes of June 4, 1991 as written, seconded by Jeff Chretien. Voting was unanimous.

Miscellaneous:

6-18-91.11A Approval for a Temporary Building at Lakeview Hospital, Ken Johnson, Asst. Administrator John Hall, Director of Plan Operations

The building will be used as a cardiac catheterization lab. It is a prebuilt unit that is in transit from Georgia where it has been for the past two years, and just became obtainable a week ago. This service is in demand, and is not available anywhere in Davis County. It will be necessary to be able to hook this unit to power immediately to air condition the equipment inside.

The Engineering Dept. did not have an opportunity to review the plans since they came in too late. There was no plot plan, and several items need to be addressed. In that respect, staff feels there should be no recommendation at this time.

Mr. Johnson apologized for the hurriedness of this request. It was planned for a couple of months from now which would have given time to meet with the city. They will do what is necessary to comply and meet all approvals.

The unit will sit on two cement curbs over three parking spaces. More parking can be provided in the physicians parking area. Mr. Foy expressed concern about pedestrian traffic, but the sidewalks will not be covered when the unit is in place.

The zoning ordinance does not address the use of temporary build- ings. There was discussion as to whether or not the Planning Commission should rule on this with no provision in the ordinance. However, City Council has given approval to banks to use a tempor- ary structure for a certain period of time. Planning Commission can approve the use for 12-18 months, after which they would have to come back for approval for an extended time period, deny the use, or table it.

The Planning Commission felt that before approval is given a review should be made by the Engineering Dept. and building inspector.

Mike Holmes made a motion to table for two weeks until they have complied with the ordinance and supplied the Engineering Dept. with the appropriate data required for review; Les Foy seconded the motion; 4 approved, Jeff Chretien and Dick Drescher voted nay; majority voted 4-2 to table.

Mr. Hall asked if it would be permissible for them to connect the power to run the air conditioning to preserve the unit's computer equipment. Planning Commission gave approval to allow them to run the air conditioner, but not for the unit to be occupied.

6-18-91.11B Review and Consider Public Utilities Portion of Comprehensive Plan

A report was prepared by City Engineer Jack Balling regarding Public Facilities and Utilities: Bountiful City Water System. It covered water consumption, existing water sources, existing water sources not in use, water storage capacity, water standards, service capacity, and an outline of projects to implement in the next six years to upgrade our water system and develop additional water sources.

Mr. Foy mentioned that Weber Basin, a federal agency, is planning on drilling a well at 1500 South and Orchard Drive, SW corner. They have made application to the State which will be published, and Bountiful City will protest the well.

There was an error in identifying the chapter titled Public Facilities and Utilities, which showed VI, it should be VII.

Les Foy made a motion that the Planning Commission recommend to City Council that they adopt this report as part of the general plan in the Public Utilities Section to replace paragraph W1 on page VII-1; Mike Holmes seconded the motion; voting was unanimous.

6-18-91. 11C Review and Consider Foothill Development Regulations, Chapter 6 of Zoning Ordinance, pp 1 through 5 Clark Cordner, Intern, City Manager's Office

Due to many of the problems in developing the foothill zone, such as topography, grades, cuts and fills, etc., in a previous meeting the Planning Commission, by majority vote, felt that PUDs and flag lots should be eliminated in these areas, as well as some other changes in PUD development. Mr. Cordner was asked to research the pros and cons of these changes and come back to the Planning commission with his report.

Regarding Alternative #1 where the Planning Commission proposed to eliminate PUDs from the Foothill Overlay Zone, he is concerned that for the Planning Commission to enact this type of zoning change would be an over extension of authority. The Commission may, when it is for the promotion of the health, safety and welfare of the public, recommend certain changes. When a zoning ordinance provides for Planned Unit Development and it is taken back, there needs to be some justification for it.

Kathi reported that she had spoken to an expert in the development of subdivisions who said we have to be guided by the things the courts have rendered as the detail behind which policy changes are made.

They require a "four pronged test" which includes: 1. If it is excessive regulation - regulation which goes too far and exceeds normal process, which would be recognized as a taking.

The Planning Commission can regulate zoning, but we cannot prohibit a property owner from some beneficial use of his property. We cannot take away all of his rights; 2. We must apply the same regulations to each piece of property in the same zone; 3. A complete prohibition of use of the property. When the type of use by a property owner makes it impossible for his neighbor to use his property, the first property owner must either buy his neighbor's property or compensate him for his loss of desired use; 4. Regarding health, safety and welfare: in most regulations that may be subject to review and change. We can say this regulation is being promulgated for the purpose of protecting the health, safety and welfare of our residents. You don't have to have statistics on which to base a change.

Kathi mentioned that alternative #1 passed by majority vote, and subsequently, alternative #2 was proposed. The Planning Commission agreed to eliminate alternative #1.

Alternative #2 would decrease the density in PUD development. This was proposed to increase the open space requirement. Berwyn Andrus has a concern about the 30% common area which is loosely defined in the ordinance. He feels the problem lies in that the definition for common area was taken out of the Condominium Act and applied to the PUD zoning which is not the same thing. The term "common open space" needs to be redefined in the ordinance. Berwyn does not feel we have any basis to increase the area for PUDs or eliminate them from the foothill ordinance.

A lengthy discussion was held concerning what should be defined as common open space in a PUD development, and it was agreed that common areas need further definition. Clark feels this should be under Chapter 7, Planned Unit Development, and not Chapter 6, Foothill Development Regulations.

The following are changes that were proposed to improve PUD development in Section 6-402, Title 14, Chapter 6 (no provisions now exist to address these factors):

"That private streets shall have a minimum width of 30 ft. and sidewalk on no less than one side." Ordinance now requires 24 ft. In discussing this, Planning Commission agreed to leave it at 24 ft. based on the fact that more width would invite people to park on the street further restricting traffic flow.

"That the requirement for 50% open space shall include the provision that such open space shall be contiguous." It was the consensus of the Planning Commission that 30% is adequate if it is true open space.

"In the event a PUD be proposed to be developed in phases, each phase must stand on its own

and comply with all rules and regulations of this ordinance as though a separate PUD.11 It was agreed to eliminate this paragraph. It was a concern that plans would be presented for phases A, B, & C. Phase A would be done and the market would change and phases B & C would not be finished. Chapter 7, 7-803 states "If the PUD is to be subsequently divided either as (1) a subdivision into phase development parcels, or (2) separately owned and operated units, such division boundaries shall be indicated on the development plan and a preliminary subdivision approval concurrently obtained in accordance with the Subdivision Ordinance."

In the Subdivision Ordinance, Section 14-1-10, Improvements, "A. The owner of any land to be subdivided shall be required to install or guarantee the installation of the following improvements under the specification and inspection of the City Engineer; (1) Streets, street grading and surfacing to the borders of the subdivision", etc. With these articles now in effect in the present ordinance, the intent of the proposed paragraph is addressed.

Regarding the storing of snow in PUDs, it was the consensus of the Planning Commission that this paragraph be omitted. It was felt that the homeowners I association could best handle their snow problems.

In summary, action should be taken in defining common open space; all other proposed subjects were omitted. The next topic, Flag Lots, pp 6 through 9, will be scheduled for discussion July 2, 1991.

6-18-91.11D Review Planning Commission Policies and Procedures

This item will be rescheduled for July 16, 1991. It was agreed that a provision needed to be added to this policy as to when the Chairmanship and Vice Chairmanship should be rotated.

Meeting adjourned at 9:00 PM.