

PLANNING COMMISSION MINUTES
November 7, 1989

Present: Chairman Robert McKenzie, Berwyn Andrus, Mick Johnson, Dick Dresher, Cheryl Okubo, Elaine McKay, Kathy Izatt; Harold Shafter, City Council Rep.; Jack Balling, City Engineer; Jon Reed Boothe, Planning Director

Excused: Mike Holmes

Invocation: Kathy Izatt

Minutes of September 19, 1989 unanimously approved as amended.

Subdivisions-Preliminary:

11-7-89.7A Holmes Park, 300 W. 950 N., 19 Lots

Danbury Lane, a condominium project, originally contained 9.4 acres. Part of that property (4.7 acres) has been developed by Prowswood leaving 4.7 acres remaining to be developed. A proposed regular subdivision is being presented under new ownership.

Conditional use approval was granted in 1985 for the PUD development which requires 6 acres to qualify under city ordinance for this use. A judgment from the Legal Dept. was solicited to determine if the condominium project now in use but consuming 4.7 acres of the required 6 acres would be in violation of the PUD ordinance. Layne Forbes, City Attorney, was present and stated that based on the state statute under the Condominium Act, he feels there is no problem with the city's approval of this project for single family dwellings. However, this does bring up a problem of what to do with the city's PUD ordinance which requires a minimum of 6 acres, and what happens if the developer, in the middle of a PUD project, fails and does not complete it. This needs to be addressed at some future time.

Staff recommends preliminary approval subject to the following conditions:

1. City Attorney's approval, (this has been resolved);
2. Change the street alignment to provide a 24 ft. wide access to the PUD area from 800 No. and 925 No. improved with curb and gutter and a 20 ft. wide asphalt surface; access ways to be dedicated to the city as rights-of-way for emergency vehicles. PUD owners may post the streets with signs that say "Private Drive-Keep Out", however they will remain in city ownership;
3. All lots to meet city ordinances;
4. A reduced setback of 20 ft. for lots 10, 11 & 12;
5. The radius on the 800 No. circle be reduced to 50 ft.;
6. Storm drain easements to be provided;
7. Drainage system to provide for storm detention on the property per the original agreement;
8. All improvements designed and approved by the city, constructed to city standards;

9. All required bonds posted and all fees paid.

Planning Commission and developers discussed the above conditions. There was concern that the city needs to rewrite the PUD ordinance so that in the future we are not faced with a half finished project that ends up being completed as something totally different than that which was originally approved.

Cheryl Okubo made a motion to grant preliminary approval subject to the conditions recommended by staff; Elaine McKay seconded the motion; voting was unanimous.

Rezoning Petitions:

11-7-89.10A 89-2Z Extension of Commercial Zone, 1950 So.
Orchard Dr., Glenn Jessop, Petitioner

Mr. Boothe explained that this petition will go before the Council November 8th to set the public hearing date only. It is on the agenda this evening for information purposes, so that the Commission will have time to think about the proposal. If desired, an informal hearing can be held before the Planning Commission; the public hearing required by State law is the one held before the City Council.

Mr. Jessop wishes to change the zoning on part of this property (currently Neighborhood 9 District 5, noncommercial) to commercial Neighborhood 9 District 6. This change would affect approximately 135 ft. of the west portion, leaving the east 100 ft. as is. The Planning Commission took this request under advisement for action at a future meeting.

Commercial Applications:

11-7-89.11A Lakeview Hospital Expansion, Emergency Entrance
Area, 630 E. Medical Drive

The new addition will be approximately 4,400 sq. ft. which will enlarge the treatment areas and provide a new emergency entrance.

Staff has reviewed the preliminary plans and recommends approval subject to the following conditions:

1. Final plan review for compliance with the Uniform Building Code;
2. Posting a bond to insure completion of the landscaping and site construction work;
3. Payment of all building fees.

Dick Dresher made a motion to approve subject to staff's recommendations; seconded by Berwyn Andrus; voting was unanimous.

November 7, 1989

TO: Planning Commission

FROM: City Engineer

SUBJECT: Review of plans for addition to Lakeview Hospital

We have made a preliminary review of the construction drawings for the Lakeview Hospital. The plans do comply with the City ordinance and we would recommend approval subject to the following conditions:

1. Final plan review for compliance with the Uniform Building codes.
2. The posting of a bond to insure completion of the landscaping and site construction work.
3. The payment of all building fees as required for obtaining a permit.

Jack P. Balling

November 7, 1989

TO: Planning Commission

FROM: City Engineer

SUBJECT: Review of Holmes Park Subdivision (part of Danbury Lane development)

Background

Danbury Lane is a P.U.D. on 200 West 1000North which originally contained 9.4 acres. Prowswood developed 4.7 acres and the remaining 4.7 acres is undeveloped. This area was granted conditional use approval for the P.U.D. development which required 6 acres to qualify under the City ordinance for P.U.D. use. The remaining undeveloped 4.7 acres is now being presented for development as a subdivision under new ownership. We would recommend approval subject to the following conditions:

1. The City Attorney's approval; that the existing P.U.D. which contains 4.7 acres will not be in violation of the City; that the City has the right to grant such approval.
2. That the street alignment be changed to provide a 24 ft. wide access to the P.U.D. area from 800North and from 925 North; that these access ways be improved with curb and gutter and a 20 ft. wide asphalt surface; that the access ways be dedicated to the City as right of ways. The P.U.D. owners may post the streets with a sign which says "Private Drive--Keep Out," however, they will still remain in City ownership for needed services.
3. That a fence barrier 6 ft. high be provided between the P.U.D. and the subdivision.
4. That all lots meet the City ordinance.
5. That a reduced setback of 20feet be granted for Lots 10, 11, and 12.
6. That the radius on the circle on 800North be reduced to 50 feet.
7. That easements be provided for the storm drain.
8. That the drainage system provide for storm detention on the property as per the original agreement.
9. That all improvements be designed andapproved by the City and constructed to the City ordinances, standards, and specifications.
10. That bonds be posted and fees paid as required by the City ordinance.

Jack P. Balling, City Engineer

November 7; 1989

Planning Commission Agenda Item 10A, Rezoning Request, Glenn E. Jessop, Extension of Commercial Zone

Mr. Jessop has petitioned the city requesting that a portion of his property located at 1950 So. Orchard Dr. be rezoned from Neighborhood 9 District 5 to Neighborhood 9 District 6 (Commercial).

The major land uses in Neighborhood 9 District 5 are:

- Single Family - Permitted
- Duplex - Conditional
- Churches - Permitted
- Banking - Conditional
- Professional Office - Conditional
- Private School - Conditional
- Public School - Permitted
- Library - Conditional
- Museum - Conditional

The major land uses in Neighborhood 9 District 6 (Commercial) are:

- Single Family - Permitted
- Multi-family - Conditional
- Service Station - Permitted
- Banking - Permitted
- Commercial Goods & Services - Permitted
- Department Stores - Permitted
- Dry Cleaning - Permitted
- General Comparison Sales - Permitted
- Laundromat - Conditional
- Business Office - Permitted
- Professional Office - Permitted
- Restaurant - Permitted
- Fast Food - Conditional

The following types of questions should be raised when proposals for zoning amendments of any kind are brought before the Planning Commission:

1. Has there been a change in the development policies of the community?;
2. Has there been a change in the conditions in the community such as rapid population or development change?;
3. Was there a mistake made in the development of the original zoning ordinance which needs to be corrected?;
4. Is the zoning ordinance up-to-date?;
5. Is the proposed amendment consistent with the comprehensive plan?;
6. Is the proposed use compatible with adjacent land uses?;
7. Is the proposed amendment and land use likely to lead to a

narrow interest so as to amount to spot zoning?;

8. Is the timing proper for the proposed rezoning? Are all the utilities available to serve the proposed development?;

9. What is the effect of the proposed rezoning on such public utilities as sanitary sewers, water, roads, schools?;

10. Will the proposed development place an undue financial burden on the local community?;

There are any number of reasons why a particular landowner may request a change in the zoning ordinance, some of which are legitimate and some not. When the rationale for a zoning amendment sounds like any of the following, the Planning Commission should pause and make certain that the long range consequences of the proposed action are well understood:

1. What is proposed is better than what is there now;

2. The lot is nothing more than a weed patch! This change will help clean it up;

3. You can't keep the property owners from doing what they want with their ground;

4. This will bring in more revenue;

5. The owner of the property can't sell or lease it with the present zoning;

6. The owner can sell it for a better price if it's rezoned to commercial;

7. If we don't rezone it we are going to drive business away from the city;

8. I promised the people if I were elected I would keep taxes down;

9. They are too big an outfit - we can't deny the rezoning;

10. The owner is just an old person trying to make a living. This won't really hurt anyone;

11. We have to bring in commerce and industry today and not worry about a plan for tomorrow;

12. We promised the people that we would attract commerce and industry into our city and this will be a start;

13. It's not our role to tell the developers that they may not be successful in that location;

14. We approved commercial rezoning for the other fellow; how can we deny this one?;

15. We don't have any right to say where commercial or industrial developments should go;

16. He invested a lot of money in this ground and these proposals thinking the rezoning would get granted; how can we deny it?;

17. There is commercial zoning on the other corner; how can we deny it on this corner?;

18. Like his attorney said, "It's probably unconstitutional" and we don't know for sure;

19. We don't want to have to go to court; after all, it really doesn't look so bad.

November 8, 1989

CITY COUNCIL AGENDA ITEM NO. 5

Consider preliminary approval to a 19 lot subdivision at 275 W. 950 No.

By unanimous vote the Planning Commission recommends to City Council that preliminary approval be considered subject to the following conditions:

1. Street alignment to be changed as indicated on subdivision plat;
2. Two (2) public rights-of-way be deeded to Bountiful City, one at 800 North and one at 925 North, 24 ft. wide, to provide additional access to the Danbury Lane condominium community for fire and police protection. Said access to be improved with concrete curb and gutter, city standard, and a 20 ft. wide asphalt surface;
3. All lots to meet city standards;
4. Approval of 20 ft. front yard setback for lots 10, 11 and 12;
5. The radius of the street "knuckle" to be reduced to 50 ft. The standard is normally 54 ft.;
6. Provide easements for storm detention with detention approved by City Engineer;
7. All required improvements to meet city standards and specifications;
8. Required bonds to be posted and fees paid.

CITY COUNCIL AGENDA ITEM NO. 6

Consider emergency room addition to Lakeview Hospital, 630 E. Medical Dr.

By unanimous vote the Planning Commission recommends final approval be granted subject to the following conditions:

1. Final plan review for compliance with the Uniform Building codes;
2. The posting of a bond to insure completion of the landscaping and site construction work;
3. The payment of all building fees as required for obtaining a permit.