

PLANNING COMMISSION MINUTES
July 7, 1998

Present: Chairman Lois Williams, Mark Green, Dean Thurgood, Dick Dresher, Paul Summers, Al Hess, City Council Representative Barbara Holt, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: City Attorney Rusty Mahan.

Lois Williams welcomed all those present and introduced the Planning Commission Members. Dick Dresher made a motion to approve the minutes for June 2, 1998 with one word correction. Mark Green seconded the motion and voting was unanimous.

Conditional Use Permits

1. Public hearing to consider granting a conditional use permit for a flag lot at 3285 S. 100 E., Reed and Ursula Smith, applicants.

Reed and Ursula Smith, applicants, were present. Blaine Gehring explained that there has been some new information given to him today that has changed the recommendation for this conditional use permit. Mr. Gehring apologized to Reed and Ursula Smith for the change and on short notice.

Mr. Gehring explained that Mr. & Mrs. Smith are owners of a large parcel of ground at 3285 S. 100 E.. They are desirous of splitting the lot into two parcels, one of which would be a flag lot. The east side of 100 East at this location has been parceled off between three brothers of the Smith family. At one time, there was actually a proposal before Davis County to subdivide the three parcels into six or seven lots. One brother sold off his parcel to a Mr. Kent Burch who has built a new home on the parcel. Mr. Jay Smith, a brother to Reed Smith, owns the large parcel to the south of Mr. Burch and north of Reed Smith along with a vacant lot in the Alda Verda Subdivision to the east.

In revisiting this parcel it is apparent that there is a way for this property to be developed along with the vacant properties north and east without the need of a flag lot. And, an otherwise lengthy cul-de-sac (200 East) can be shortened by a secondary access (200 East presently is almost 800 feet long where our ordinance only allows 600 feet.)

Several neighbors in the area have called or brought in letters opposing this proposal for the fact that there are already two flag lots to the south which were created while this area was in the county. They do not want to see the entire east side of 100 East develop into flag lots which is a possibility if this one is allowed.

Under Section 14-14-106 of the Zoning Ordinance, flag lots may be created if:

1. The property by its location and/or configuration cannot be reasonably developed

without a flag lot approval.

2. The lot has at least thirty (30) feet of frontage on a dedicated street, which frontage serves as access only to the subject lot or parcel.
3. The access strip or staff portion of the lot is at least the minimum width required, is not more than two hundred (200) feet in length, and represents no more than twenty (20) percent of the total lot area.

After review, the proposed flag lot does not meet condition 1 in that it can be reasonably developed in conjunction with adjacent property without the need for the flag lot. And combined with the proposal of the 25-foot stem with the note “5' variance” combines to make this a proposal which should at least be tabled if not denied at this time.

There are other flag lots in the area and the neighbors are concerned about driveways next to them or houses in their back yards blocking their views. Other concerns raised have included the creation of small lots which will allow for smaller houses which will devalue property in the area. Mr. Gehring believes that such arguments are not really valid when it concerns one or two flag lots. However, when the entire east side of 100 east excepting Mr. Burch’s lot, have the potential of becoming flag lots, these neighborhood concerns become more reasonable. Flag lots are a means of developing a large parcel of property which cannot otherwise be developed. They are not and should not be a development option in lieu of good subdivision design.

Based on the further review of this proposal, reasonable concerns from the neighbors, and the fact that this property can be developed along the other adjacent lots. Mr. Gehring recommends denying this proposal for a conditional use permit for a flag lot at 3285 S. 100 E..

Reed and Ursula Smith explained that this property is a very large lot and will have large homes on it. The homes will not be a detriment to the neighborhood.

Mr. Gehring mentioned that the issue is not small lots or small homes. The zoning will allow for small lots. The issue is, can this lot be developed other than a flag lot and yes it can. There is way to develop this lot without having a flag lot.

Mark Green explained that there is a perceived liability with a flag lot. A flag lot is different because the home is off from the main street. The home requires different services than other homes. Fire and emergency services can be a challenge so there is a perceived liability with a flag lot. The intent of the flag ordinance is to accommodate odd shaped and parcels of property that can’t other wise be developed. In this case the lot can be developed without having a flag lot.

Lois Williams opened the public hearing for those with comments and concerns.

Blaine Gehring read three letters in opposition of the flag lot. Mr. Gehring also mentioned that there have been several phone calls also in opposition of the flag lot.

Don Booher, residing at 145 S. 100 E., asked if reasonable steps are taken to obtain property to build a road and it can't be done what are the alternatives to develop this lot? Mr. Booher was told that each individual lot can be developed as a large single lot.

Ken Burch, residing at 3219 S. 100 E., explained that he purchased his property because it is a large lot and the surrounding lots are also large. Mr. Burch has built a large home and enjoys the privacy of the size of these lots. There are not many large lots left in Bountiful and he feels that these should remain as they are. He is opposed to this flag lot. If this one is granted than the surrounding lots will also request for more flag lots. The entire street will become flag lots.

Mark Wigren, residing at 3309 S. 200 E., opposes having a flag lot. Mr. Wigren feels that this will decrease the value of his property.

Gary Smith, residing at 3278 S. 75 E., feels that a flag lot does not change the value of the property. If a person has a large lot and can help a family member he should be able to do so. The safety factors etc. should be able to be worked out.

Richard Ryckaert, residing at 3186 S. 200 E., explained that, before they were annexed into Bountiful, there was a lot of opposition when the two existing flag lots were being built. At that time the County said there will be no more flags lots allowed. If you grant this flag lot then you are setting a precedence for more. Mr. Ryckaert is opposed to having any more flag lots.

Ursula Smith, applicant, feels that the precedence has already been set with the existing flag lots. The home going to be built on this lot is not small, it will be 2,450 sq. ft. Mrs. Smith feels that another flag lot is not going to degrade the neighborhood. Their home will add value to the property and the neighborhood.

Glen Smith, residing at 3252 S. 200 E., opposes granting this flag lot. If this is granted, Mr. Smith is asking for the same approval to allow a flag lot for his and the surrounding lots.

The public hearing was closed.

Mark Green asked if there have been any discussions with Jay Smith about combining the properties for development? Jay Smith mentioned that he will not share a common driveway to accommodate a flag lot.

Lois Williams asked if Blaine or Paul could explain why a flag lot is the last possible way to build and the liability the City has in terms of flag lots.

Paul Rowland explained that there are several liabilities that face the City. One is that the property owners do not want them. Neighbors do not like having a home in there back yard. Another is a safety issue. The City Council has agreed to grant flag lots only if there is no other way possible that the property can be developed. The Fire Department requires if a home is back 150 feet from the street it be evaluated for placement of a fire hydrant. A home back 200

feet or more is required to have a fire hydrant and an interior sprinkling system in the home. Safety access becomes a problem with long driveways. Emergency vehicles can't get in or out if a car is parked in the driveway. Drainage can become a problem. It can flood out surrounding property.

Mark Green made a motion to table the conditional use permit for a flag lot at 3285 S. 100 E. to give the applicants time for negotiations on the property. Barbara Holt seconded the motion and voting was unanimous.

Site Plans

1. Review and approval of revised landscaping plan for Willey Used Car Lot 2175 S. Main

Rick Hinds, representing Willey Used Car Lot, was present. Blaine Gehring explained that the site plan for the Willey Used Car Lot was approved, a condition was placed on it dealing with the landscaping plan. Willey was given the option of redoing the landscaping plan and having it reviewed by the Planning Commission. This has been done and the plan is now back for your review and approval.

Two things have been done with the plan: trees between the dealer lots have been eliminated or reduced and the large landscape area behind the building has been eliminated to provide for a little more parking. All trees along the street frontage and along the north side of the property have been maintained.

Mr. Gehring feels that this is a big improvement to what was originally proposed as it relates to the overall use of the property for the sale of cars. The elimination of trees adjacent to the front part of the lot will enhance display of cars for both car lots. The trees and landscaping along the rear of the property still meets ordinance requirements with some nice trees and bushes on the perimeter. Staff recommends approval of the revised landscaping and site plan.

There was a brief discussion. Barbara Holt made a motion for approval of the revised landscaping and site plan for Willey Used Car Lot. Dean Thurgood seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary subdivision approval for Summerwood Subdivision, Ron Marshall and Dick Moffatt, developers.

Ron Marshall, Dick Moffatt, Dave Byrd and Walt Plum were present. Paul Rowland explained that Mr. Marshall and Mr. Moffatt are requesting preliminary approval of four phases of the Summerwood Subdivision (name may change) which was granted conceptual approval on October 7, 1997. In addition to the four subdivision phases, the developers are requesting preliminary approval for the main access road through the subdivision and a loop road which accesses the easterly part of the ground included as part of the conceptual approval.

The first four phases under consideration are strictly single family lot developments. Phase I containing 40 lots, phase II containing 13 lots, Phase III containing 21 lots and part of Phase IV with four lots. The average slope of the ground which requires that all lots be larger than 20,000 square feet, which all lots meet easily.

A review of the proposed subdivisions plans showed the need for a few exceptions in order to grant approval. The following are the exceptions and conditions:

1. There are 14,624 feet of roadways in this development, 1162 feet of which exceeds 12% slope. No grades exceed 15%.

This Exception: Allow 1162 feet of roadway with a grade between 12% and 15%.
represents 7.94% of the total roadway.

2. Because the natural ground is quite steep, several areas have cuts and fills that exceed 10 feet. Total cuts exceeding 10 feet equals 3320 feet or 10% of the total frontage, fills equal 5570 feet or 16% of the total frontage.

Exception: Allow cuts and fill exceeding 10 feet as explained.

3. The building pad for lot 205 is farther than 200 feet from the public streets. The access crosses ground which exceeds 30% slope. Resulting in cuts and fills that exceed 10 feet.

Exception: Allow lot 205 to have a building pad further than 200 feet and less than 500 feet from the street with the access having cuts and fills exceeding 10 feet and also crossing ground that is steeper than 30%.

4. **Landscaped Areas:** All areas that are cleared of natural vegetation shall be replanted with an appropriate vegetation to prevent erosion. These plans shall be compatible with the existing vegetation. Plans showing the landscape areas and necessary sprinkling systems must be submitted for review. These plans shall also show the landscaped area at the entrance.
5. **Storm Drainage and Detention:** Hooper Draw runs through the north end of the development. Runoff from the mountain east of the property and generated on site must be detained on site as required by ordinance. Provisions must be made along the road that runs up the draw to ensure lots below will not be harmed by excess runoff coming out of the upper basin. Provisions must be made at lots 108, 109, 110, 112 to prevent interference of the natural drainage down the ravine through these lots.
6. **Culinary Water:** To serve all but the lowest few lots in this subdivision, the developer must build a new culinary reservoir, pump station and pump line

system in addition to the customary culinary water supply lines.

The storage reservoir will be sized according to the Balling Study of March 6, 1996.

With the exceptions and conditions Staff recommends granting preliminary approval for the lots and roads of Summerwood Subdivision.

Dave Byrd mentioned that this is a hillside development with steep slopes. Mr. Byrd feels that this is an efficient design that eliminates a lot of cuts and fills and minimizes the steepness of the roads.

Ron Marshall mentioned that the developers want to create a nice looking entrance to the project. This will also serve as part of the detention that has been requested by the City. Mr. Marshall feels that in designing the size of the lots and the placement of the roads they have been sensitive to the hillside with the cuts and fills. There are some natural areas that are over 30% that will not be developed or disturbed. These areas will be used as buffer areas for the development.

Barbara Holt questioned how can anyone build on lot 205 if they are allowed to have a building pad farther than 200 feet from the public street and less than 500 feet from the street with the access having cuts and fills exceeding 10 feet and also crossing ground that is steeper than 30%?

Ron Marshall explained that this is a very large lot and has the capability to come onto it several different ways. With careful design the cuts and fills can be minimized with some retaining walls. The driveway that is on the current plans is a 2% driveway and will cross a 30% grade.

Blaine Gehring feels that a driveway is not the same as a road in terms if the exceptions that should be granted under the ordinance. Mr. Gehring has some concerns with the Planning Commission granting exceptions for driveways on 30% slopes. If this exception is granted it can cause some problems with other lots.

Mr. Marshall has no problems with doing more research to create a driveway off of the 30% slope.

There was a discussion between the developers and the Planning Commission Members. Dick Dresher made a motion to send to the City Council preliminary approval of Summerwood Subdivision as outlined by Staff with the elimination of Item 3. Dean Thurgood seconded the motion and voting was unanimous.

Meeting adjourned at 8:26 P.M.