

PLANNING COMMISSION MINUTES
August 4, 1998

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

Absent: Dick Drescher.

Lois Williams welcomed all those present and introduced the Planning Commission Members.

Election of a Vice Chairman for the remainder of 1998.

Lois Williams opened the floor for nominations for Vice Chairman. Barbara Holt made a motion to nominate Dean Thurgood as Vice Chairman. Paul Summers seconded the motion and voting was unanimous.

Site Plans

1. Consider final site plan approval for the old Lakewoods Building at 70 N. Main, Brian Knowlton, developer.

Brian Knowlton, developer, was present. Blaine Gehring explained that a preliminary site plan approval was granted by the City Council the night following this item being discussed by the Planning Commission. The one item which needed to be addressed was for staff to work with Mr. Knowlton on providing additional landscaping where possible to break up the parking lots.

As this was being reviewed, the first thing Staff found was that Mr. Knowlton will not own what he originally thought he would. The back up area behind the carports behind the carports which Mr. Knowlton thought he was buying actually belongs to REDCON and its they who grant an easement to the parking places, not vice versa. Thus, there is no feasible way of providing additional landscaping in the parking lot on the east side of the building. (We did get some new landscaping around the perimeter of this area when REDCON developed so it is not wall to wall asphalt.) This left the area south of the building for consideration.

Mr. Gehring discussed options on this area with the City Manager and City Attorney and they felt that by providing some angle parking two things could be accomplished-better access for traffic by restricting it to one-way and getting some additional landscaping. Mr. Gehring took the plan and drew some 45° parking with a 15-foot driveway. That scenario lost 7 parking spaces which Mr. Gehring feels is critical for business parking. Mr. Gehring drew some 60° parking with a 20-foot driveway. This scenario only lost two spaces and provided a small “zig-zag” shaped landscape area next to the Classy Chassis parking lot. It reduced slightly the area where the brick pavers are presently which was going to be redone by Mr. Knowlton anyway. As for the new parking lot area where the old home will be demolished, Mr. Gehring and Mr.

Knowlton feel that the minimum amount of landscaping we have there should be along the east side next to the retaining wall for the assisted care facility.

One other thing has changed from the first site plan that was presented. Mr. Knowlton will only own a minimum parking space depth where the carports will be. Mr. Knowlton wanted to provide some kind of private storage at the rear of the carports. Mr. Knowlton will not be able to do that now.

The preliminary approval asked for a revised site plan meeting the ordinance requirements to be submitted. Mr. Knowlton and Mr. Gehring feel that until an approval is given on the revised landscaping area, Mr. Knowlton did not want to spend the money on a revised site plan. Staff recommends the Planning Commission recommend final site plan approval with the following conditions:

1. Proper demolition permits be secured for the demolition of the old house.
2. All landscaping areas be provided with sprinkling systems.
3. Storage units will not be allowed at the rear of the carport spaces.
4. A revised site plan containing the following to be submitted prior to this being submitted to the City Council for final site plan approval:
 - a.. All ordinance requirements for a site plan including utilities, grades, draining plan, landscaping plan, etc.
 - b. Corrected legal description of the parcel and all easements which affect the property noted on the site plan.

Mark Green is concerned about having a copy of the easement agreement for the property and having residential and commercial uses combined. He knows that this use is new to Bountiful and it meets the ordinance, but he still has some concerns with it.

There was a discussion on the location for the dumpster. The dumpster will be in an enclosed area by using two parking spaces. Mr. Knowlton has more than the required parking and using two spaces for the dumpster will not affect the requirements. There is extra parking available on Main Street.

Mark Green made a motion to recommend to the City Council final site plan approval for the old Lakewoods Building at 70 N. Main subject to the four conditions recommended by Staff with the additions of the following:

5. Submit an enclosed masonry dumpster facility that will match the surrounding architecture.

6. Copy of the easement agreement be submitted and reviewed by Staff and Legal Department.

Dean Thurgood seconded the motion and voting was unanimous.

2. Consider preliminary and final site plan approval for two office/warehouse buildings at 437 W. 1150 S. and 446 W. 1250 S., Mike Stock, developer.

Neil Padgett, representing Mike Stock, was present. Luz Stock was also present. Mr. Gehring explained that Mike Stock owns two lots on the Fordham Commercial Park just east of the Chinese restaurant on 500 West at about 1200 South. Mr. Stock would like to build some office/warehouse buildings on those two parcels. Mr. Stock has not been able to obtain the small parcel on the corner of 1250 S. and 425 West which would make this overall development much nicer.

The building at 437 W. 1150 South will be the smaller of the two with 2700 sq. ft. The site has 5 parking stalls with 12.3% of the parcel in landscaping. The building at 446 W. 1250 S. has 3672 sq. ft. with 7 parking stalls and 19.5% of the site in landscaping. Elevation sketches of the buildings and the landscaping plan has been submitted.

Easements along the street frontages and along the rear lot lines are already in place on the recorded plat of the Fordham Commercial Park.

Mr. Gehring mentioned that on the site plan it does not show the location for a dumpster or how the garbage will be disposed of.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions:

1. Obtain necessary building permits as per the City's building and fire codes.
2. Pay all required permit and impact fees.
3. Pay the required storm drain fee as follows:
Lot 21-.2008 acres X \$2,100 per acre=\$421.68
Lot 19-.2039 acres X \$2,100 per acre=\$428.20
Total \$849.88
4. Any conditions required by the City Engineer following his review.

There was a discussion for placement of a dumpster. The type of business that will occupy these buildings do not have a lot of garbage. The amount of garbage could be stored inside. It was decided to use the black cans only, no dumpster. These cans have to be stored from view of the street.

Paul Summers made a motion to send to the City Council preliminary and final site plan approval for two office/warehouse buildings at 437 W. 1150 S. and 446 W. 1250 S. as outlined by Staff with the addition of:

5. No dumpsters are to be used. Black cans are to be stored out of view from the street.

Dean Thurgood seconded the motion and voting was unanimous.

3. Consider preliminary and final site plan approval for a tri-plex behind an existing single family dwelling at 345 S. 200 E., Guy Haskell, developer.

Guy Haskell, developer, was present. Blaine Gehring explained that Guy Haskell has purchased a single home at 345 S. 200 E. which has a large deep back yard. He would like to put a tri-plex on the rear of the property and leave the single family home in the front. The tri-plex will consist of a three-bedroom unit on the ground level with two two-bedroom units on the second floor. This will require 7 parking stalls three of which must be covered. Those spaces have all been provided as required. Parking for the single family home will remain as is with a driveway along the south site of the property. The existing garage will be torn down.

The ordinance requires that there be a minimum 20-foot separation between buildings and parking areas and that a 20-foot rear yard be provided. Those requirements have also been met. The building elevations show the entire building in siding except for a small amount of brick on the front. The ordinance calls for not more than 50% of the exterior to be in stucco or siding.

Mike Barfuss, Bountiful Fire Marshall, has reviewed this plan and finds that there are adequate fire hydrants nearby without providing another hydrant.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions:

1. Obtain necessary building permits as per the City's building and fire codes.
2. Pay all required permit and impact fees.
3. Provide a 7-foot public utility easement along the front and rear property lines and any easements which may be required by Bountiful Power and Light.
4. Any conditions required by the City Engineer following his review.
5. Provide for not more than 50% of the exterior of the tri-plex to be in siding. The remainder must be of a masonry type of material such as brick or stone.

Mr. Gehring mentioned that the side yard behind the tri-plex needs to be changed to 10 feet and the garbage needs to be on the site plan. Mr. Haskell mentioned that each unit will have their

own black can.

Paul Rowland read the conditions and added the following:

2. Pay all required permit and impact fees [including storm drain impact fee \\$685.90.](#)
4. Any conditions required by the City Engineer following his review. [Provide a 1½” water meter at the street.](#)

There was a discussion about the existing over head power lines. Will they need to be relocated or put underground? It was decided to add as a condition to check with the Power Department on the power lines.

Mark Green made a motion to recommend preliminary and final site plan approval for a tri-plex behind an existing single family dwelling at 345 S. 200 E. subject to the amended conditions by Staff and the addition of the following:

6. Appropriate garbage facilities be shown on site plan.
7. The overhead power lines be reviewed by the Power Department.
8. The side yard on the rear building be changed to 10 feet.

Dean Thurgood seconded the motion and voting was unanimous.

Subdivisions

1. Consider final subdivision approval of The Knoll at Moss Hill Subdivision, Kelly Rasmussen, developer.

Kelly Rasmussen, developer, was present. Paul Rowland explained that on July 19, 1998 the Planning Commission gave preliminary approval to the subject subdivision with six conditions. The developers of The Knoll at Moss Hill Subdivision have now submitted final plans implementing all of the conditions imposed by the Planning Commission at the time of preliminary approval, and with the exception of a few small corrections, are now ready for final approval.

During the preliminary approval process, three exceptions to the subdivision ordinance were granted;

- a. Double fronting lots at lots 1,2 and three of this subdivision, and lots 7 and 8 of Moss Hill Subdivision #2.
- b. Sidewalk on only one side of the cul-de-sac.
- c. A 40 ft. offset at the intersection with Moss Hill Drive and 1300 East.

One of the main concerns about this property is that the water pressure will be lower than most people in Bountiful City are accustomed to. The developers have placed a notice on the plat stating that the City can only deliver water at 32 psi. and that the home owners will be responsible for installing devices in their home if they want water at a higher pressure.

Staff recommends final approval of this subdivision subject to the following conditions:

1. Inclusion of Public Utility Easements as directed by the City Engineer.
2. Include on the plat signature blocks for acceptance by all affected utilities.
3. Payment of all necessary fees and bonds as required by ordinance and as outlined in the bond letter.
4. Make all necessary corrections to the plat and construction drawings as outlined by the City Engineer including installing an inlet box to catch the water.

Kelly Rasmussen mentioned that one of his neighbors had the low water pressure problems. He has installed a hydropneumatic system and is pleased with the way it works.

Mark Green mentioned that there should be a 5-foot sidewalk on Moss Hill Drive not a 4-foot. There was a discussion on the right-of-way and the road. It was decided that a 5-foot sidewalk should be there for safety purposes. Mr. Rowland will review the site plan and right-of-way for a 5-foot sidewalk.

Barbara Holt made a motion to recommend to City Council final subdivision approval for The Knoll at Moss Hill Subdivision subject to the recommendations from Staff and the additional conditions. Mark Green seconded the motion and voting was unanimous.

Ordinance Amendments

1. Discussion on Flag Lots and Single Family/Multiple Family Mixed Use development on single lots.

Blaine Gehring explained that several things have occurred recently have prompted this discussion. There are some concerns about the trends that are developing in relation to the creation of flag lots and the placement of multiple family uses behind single family homes on single parcel. These issues have been addressed before, some more than once. Mr. Gehring feels that these issues need to be looked at again.

With regards to flag lots, the neighbors surrounding the flag lot that was approved at 849 E. 900 N. are very unhappy with what has happened there. Mr. Holloway, the original applicant, was to create a lot on which he was going to build a home. Instead, he sold the lot and retained the front. Now he has sold the front and moved from the situation entirely. A very large home, not what Mr. Holloway had intended, has been built on the lot and the neighbors feel it is quite an

intrusion.

Due to the higher property values in Bountiful for lots, the creation of a new building lot is being seen as a very quick source of income and we are seeing more and more inquires for flag lots. If there is any kind of a large parcel of ground which could possibly be divided off and built on, people are looking to do it. Most of them cannot get the necessary stems, but others can and as with the recent Smith proposal on 100 East, it is and will continue to be met with stiff opposition from neighbors. It is an intrusion on the serenity and peace of an established neighborhood.

Other communities have done away entirely with flag lots (i.e., Centerville, Davis County). Others, like Farmington have some very strict restrictions in them and haven't granted one in nearly two years. The reasons range from the process being quite involved and negative, to fire safety and security from crime against a "hidden home," to sufficient ground elsewhere in the community to create lots. Even the small rural town of Kamas has recently done away with flag lots as a result of a home sustaining substantial damage because firefighters couldn't get to it down a long flag lot stem.

Until we replace what was called the "planned dwelling group" with flag lots, flag lots were only allowed in newly developing subdivisions in the foothill area. A planned dwelling group allowed for a second home to be on a larger parcel of property but it had to remain in single ownership. This had proven to be a problem because, after approval, the owners were recording lot splits and creating illegal lots, some with no fire protection. In one instance, there is now nothing more than a ten-foot driveway back over 150 feet to a home behind others. A fire could not be fought back this far from the main road. Mr. Gehring feels that the City should go back to the original allowance of flag lots in newly developing areas only.

The other issue deals with the mixing of single family and multiple family uses on a single parcel of ground. And this one seems to be very unique to Bountiful. Other communities are not seeing this type of development scheme occurring due to the high property values in Bountiful. In Murray, for instance, a developer can still buy a home on a large lot for a price low enough to demolish the house and put up a new development. In Bountiful, however, such home prices are so high the economics are not there to allow for the loss of the home for which the development paid a very high price. Thus, we are seeing more and more of the deeper and wider lots with single family homes being developed with a tri-plex or four-plex in the rear. If we are of the opinion that a single family home in a flag lot in the rear of other adjacent homes is an intrusion, what is a four-plex in the same situation?

We have addressed this not more than a year ago and came up with some guidelines we thought would help. Developments of this nature since that time have continued to be "shoehorned" onto a site and the resulting development is not most desirable, at least in my opinion. Mr. Gehring would like a very tight restriction on these two development scenarios.

Mr. Gehring has looked at areas on 100 E. and 3300 S., 900 N. West of Excel Fitness, 200 N. between 200 W. and 500 W., and soon to be annexed area near 3300 S. and east of Orchard Dr., there is a great potential for these types of development to perpetuate themselves. Mr. Gehring

feels that the time has come to address them and do it on a permanent basis.

Mr. Gehring proposed the following:

Flag Lots

Mr. Gehring suggested that flag lots be eliminated altogether. They are undesirable in already developed areas as we have witnessed. And having worked with several existing flag lots in the foothill areas, they are even more undesirable there due to the steepness of the driveways and the dense foliage around them increasing even more the fire liability. Such an amendment would involve the repeal of Section 14-14-106.

Single Family/Multiple Family Mixed Uses

1. Repeal in its entirety Section 14-6-118 entitled “Special Provisions for Development of Multiple-Family Units on Lots with Existing Single Family or Duplex Structures.”
2. Amend Section 14-6-107 as follows:

The combining of single family, duplex and/or multiple family residential uses on the same parcel is not permitted. If a single family or duplex use exists on a parcel of ground, that single family or duplex use must be demolished or added onto in order for a new multiple family use to be created.

Rusty Mahan feels that a flag lot is an undesirable form of development. People buy on an existing configuration of lots expecting to have single family homes. They don’t want multiple units or homes in their back yards. If someone has a large lot, they will sell off part of it for a large profit. The City Council could adapt a policy or make an ordinance to have approval from the Council for a lot split.

There was a discussion on affordable housing and accommodate for growth in Bountiful. Mr. Gehring mentioned that Steve Parkinson, intern for the summer, research showed that Bountiful has already provided affordable housing to accommodate the State law. Once the Glade property has been developed there is no more room for growth.

Mark Green has some concerns if this amendment gets approval. His concerns are with multiple family units could be built against a single family home and become a multiple unit. Mr. Green feels that Bountiful wants to preserve single family neighborhoods. Also, flag lots were created to accommodate geography properties. A flag lot helps to do something that could otherwise not be done geographically. Mr. Green is opposed to splitting flag lots up for homes in backs yards. He is not opposed to leaving some option for some lots that geographically needs a flag lot.

Barbara Holt would like to strike out the three words “or added onto” to the amended proposal.

Mark Green agrees with striking out “or added onto” and would like to eliminate flag lots.

Mr. Gehring explained that, with a new development, if because of geographic concerns the grades for a road can't meet ordinance an exception can be granted as part of the subdivision approval. If because of geographic concerns there is a better configuration for a lot that may create on or two flag lots in a subdivision it can be dealt with as an exception. This amendment will shut the door to flag lots in already developed subdivisions. Flag lots can be dealt with exceptions in new developed subdivisions. This will leave the single family neighborhoods.

There will be a moratorium put in place until the City Council has reviewed and a decision has been made.

Paul Summers made a motion to recommend to the City Council to delete Section 14-14-106 and 14-6-118 plus amending Section 14-6-107 with the addition of the following on Flag Lots and Single Family/Multiple Family Mixed Use Development on Single Lots.

The combining of single family, duplex and/or multiple family residential uses on the same parcel is not permitted. If a single family or duplex use exists on a parcel of ground, that single family or duplex use must be demolished ~~or added onto~~ in order for a new multiple family use to be created.

Mark Green seconded the motion and voting was unanimous.

2. Discussion on amending the fencing regulations.

Blaine Gehring explained that one of the issues that he has to deal with on a regular basis is the enforcement of the height and placement of fences. It is through the enforcement of these regulations that Mr. Gehring has recognized a need for some changes which will be more consistent, not only with our own regulations, but with other communities as well.

There are three items that need to be dealt with. The first is the height of opaque fences in front yard areas. Our ordinance requires such fences on interior lots as well as on corner lots in the clear vision area to be no taller than 2 feet high. This is inconsistent with any other community. A standard 3 foot high fence is the norm and that is what fencing material suppliers adhere to as well. Most people and fence contractors do not check with the City before erecting a fence and it is an after the fact problem to bring the 3 foot fence into compliance. Mr. Gehring suggests amending the height on opaque interior lot fences in the front yard setback and in the front yards and out of the clear vision area on corner lot fences to 3 feet high to eliminate such confusion.

Second, there is a special provision for fences which surround a tennis court or other similar sports enclosures allowing them to be as high as 18 feet. This is a very good provision and should be kept, it needs to be modified slightly because of an ambiguity which causes interpretation problems.

The problem is with the words “when not located on a property line.” One inch off property line is “not located on a property line.” People are wanting to put these fences right on property line. There needs to be some definition of a minimum distance back from a property line. The ordinance requires a swimming pool to be at least 5 feet from any property lines. Using the same standard, Mr. Gehring suggest adding the provision “when located at least five (5) feet from a property line” to this section to help define where these special fences can be located.

Third, the section of the regulations pertaining to fences on retaining walls was incorrectly typed when it was adapted in 1993. The provision currently read:

“Where a retaining wall protects a cut below or a fill above or a fill above the natural grade and is located on the property line separating lots, such retaining wall may be topped by a fence, wall, or hedge height to a combined height that would otherwise be permitted at the location if not retaining wall existed.”

The 1983 version read:

“Where a retaining wall protects a cut below or a fill above the natural grade and is located on the property line separating lots such retaining wall may be topped by a fence, wall, or hedge *of the same* height that would otherwise be permitted at the location if not retaining wall existed.”

Mr. Gehring suggests going back to the 1983 wording because as it now stands, if someone has a retaining wall in their yard 6 feet high or more, they really cannot put a fence on top of it. This is causing some real problems in the foothill areas where we have exactly these situations. Last, our ordinance requires a no fee fence permit from the planning Department prior to the erection of any fence or wall. While this is a good idea, most people do not get such a permit. If we receive a complaint about a fence and it is in compliance or after notice from us it is brought into compliance, no mention is ever made about the fence permit. It is basically something that we do not enforce. It adds another workload to go and inspect each fence as it is completed. Unless there seems to be a very compelling reason to keep it, Mr. Gehring would like to see the permit requirement dropped.

Mr. Gehring mentioned that Dick Dresher is out of town but called the office today and Mr. Dresher would like to keep the fence permits to help enforce the ordinance.

Barbara Holt made a motion to send to the City Council approval for the amendments to the fencing regulations as recommended by Staff. Paul Summers seconded the motion and voting was unanimous.

Meeting adjourned at 9:00 P.M.

