

PLANNING COMMISSION MINUTES
December 15, 1998

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

Absent: Chairman Lois Williams and Paul Summers.

Dean Thurgood welcomed all those present and introduced all Members. Dick Dresher made a motion to approve the minutes for December 1, 1998 as written. Barbara Holt seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final approval for Temple Ridge Phase 2 (Amending Temple Ridge Subdivision)

Gayle Winterose, partner with the development, Ken Barson, an associate of Gayle Winterose, Mike Schneider, and Richard Beauregard, owner of lot 205, were present. Paul Rowland explained that as a result of a serious ground failure on lots 8, 9 and 10 of Temple Ridge Subdivision, the City Council required the developer, Kent Hoggan, to submit an amended plat eliminating one lot and reconfigure the lots in the area of the slide. The developers have submitted a plat for preliminary and final approval with a lot eliminated in the slide area and are requesting to incorporate one lot from Maple Hills Subdivision Phase 5.

Another change that was made is with lot 18 of Temple Ridge now lot 204 of Temple Ridge Phase 2. This lot was affected by the slide and has had a lot of repair work done. For better access to the building pad the driveway has been changed lower down the hill on Millbrook Way. The driveway for this lot will be about 180 feet long. The building pads for lots 201 and 202 are to the top by the cul-de-sac and lot 205 is about 30 feet off of Bountiful Blvd. Lot 6 and 11 of Temple Ridge Phase 1 are unaffected by the change. Lots 7, 8, 9 and 10 are now Lots 201, 202 and a 203 of Temple Ridge Phase 2. Each lot will still require a soil investigation for approval to build.

The Staff has reviewed the plat to see that it meets all of the requirements of the subdivision ordinance, as well as the requirements placed on the original subdivision as a result of the slide problems. Staff recommends preliminary and final approval of Temple Ridge Subdivision Phase 2 subject to the same conditions that were placed on the original plat's approval and subsequent conditions placed as a result of construction and repair of the slide.

Rusty Mahan explained that it will be necessary for an ordinance to come before the City Council vacating Lot 1 of Maple Hills Subdivision Phase 5 and Lots 7,8,9, and 10 of Temple Ridge Subdivision before including them with Temple Ridge Subdivision Phase 2. A notice will

need to be sent to the surrounding area on the changes.

Barbara Holt made a motion to the City Council for approval of preliminary and final approval for Temple Ridge Phase 2 subject to the conditions placed on the original plat and subsequent conditions placed as a result of construction for repairs from the slide. Al Hess seconded the motion and voting was unanimous.

Ordinance Amendments

1. Consider amendments to the Zoning Ordinance relating to nonconforming uses.

Blaine Gehring explained that the City continues to have problems dealing with nonconforming uses and their continuance in case of destruction by fire or other natural causes. In order to better define and treat such uses, Mr. Mahan and Mr. Gehring has drafted some amendments which they feel will address the issues.

The first primary concern is with residential types of uses and their continuation. A new definition of conforming use has been added and it includes a specific reference to residential uses being considered conforming uses from here forward regardless of their zoning as long as the use is continuous from the time it was legally created.

Second, there is a distinction made between something demolished or substantially damaged intentionally by an owner versus one demolished by fire or other natural acts.

Third, deals with the Duplex Overlay Zone and duplexes existing in such overlay areas which are technically zone R-1.

Staff recommends sending a favorable recommendation to the City Council for approval of the amendments relating to nonconforming uses.

A brief discussion was followed with Mark Green making a motion to send a favorable recommendation to the City Council for the approval of the amendments relating to nonconforming uses. Dick Drescher seconded the motion and voting was unanimous.

Meeting adjourned at 7:29 p.m.