PLANNING COMMISSION MINUTES
October 20, 1998

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

Dean Thurgood welcomed all those present and introduced all Board Members. Lois Williams arrived and asked for a motion of approval of the minutes for October 6, 1998. Dick Dresher made a motion to approve the minutes for October 6, 1998 as written. Dean Thurgood seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for a duplex and a triplex at 250 E. 400 N., Dan Wight, developer.

Dick Dresher excused himself from this item since he is the architect for this project. Dan Wight, developer, and Dick Dresher, architect, were present. Blaine Gehring explained that with the 400 North reconstruction, Mr. Wight paid for the new water and sewer lines, based on this site plan. Rusty Mahan feels that Mr. Wight should be grandfathered under the old ordinance rather than the one just passed on single family and multiple family on the same lot. Staff recommends sending a favorable recommendation to the City Council with the following conditions:

1. The grading in the southwest corner be adjusted so that water does not run onto the neighbor to the west.

2. Provide a 7 ft. wide public utility easement along 400 North frontage, a 7 ft. wide public utility easement along the west property line, and a 5 ft. easement along the south property line.

3. Pay the following impact fees at the time a building permit is issued:
   a. impact fees for 1 inch meters 2x$2,588.00=$5,176.00
   b. impact fees for sewer 5x$1,556.00=$7,780.00
   c. power fees as determined by the Power Department

4. Pay a storm drain fee 0.396 acres x $2,100.00/acre=$831.60

Dan Wight feels that this project will be an asset to 400 North. Mr. Wight plans to build a duplex and triplex on the property and upgrade the old home to be compatible architecturally with the new structures and the neighborhood. All electrical wiring has been upgrade and now meets codes on the old home. The existing driveway will be replaced.

Dick Dresher mentioned that the ordinance allows for six units but there will be only five units. Each unit will have a garage and an additional parking stall in front of each garage except one. There will be four additional uncovered parking spaces making a total of 14 parking stalls. Parking for the single home will remain as is. Each unit will be provided with a garbage container that will be stored in the garage. The east side of the property is heavily wooded so a fence will not be provided. The south end of the property a new six foot vinyl fence or slats in the existing one and shrubs will be planted. The west side will have new shrubs and trees up against the existing fence.

Dean Thurgood made a motion to send to the City Council a favorable recommendation for preliminary and final site plan approval for a duplex and a triplex at 250 E. 400 N. subject to the recommendations from Staff. Paul Summers seconded the motion and voting was unanimous.

Ordinance Amendments

1. Consider amendments to the Zoning Ordinance relating to Arcades and In-Law Apartments

Blaine Gehring explained that the first amendment deals with arcades and making them permitted uses rather than conditional uses in the C-G, C-R and C-H Zones. Years ago there was a problem with such uses because they were not adequately regulated and school children were skipping classes to go play the machines. That craze or fad had died down recently with the advent of computer games on PC's at home. The latest version of an arcade in Bountiful is a network of computers on which people buy time and can play their own games against others on the network or play other games supplied by the store. The old pinball machines and other arcade types of machines are not seen as much anymore. Staff has reviewed our ordinances regarding these types of uses and feel that as a staff we can place the necessary conditions and restrictions on them under licensing and do not need to review them under a conditional use basis. Mr. Mahan is presenting a rewrite of the amusement devices section of the city code to the City Council to provide the necessary language we need under licensing. The City needs to amend the zoning ordinance to have arcades as permitted uses.

The second item is about the creation of so-called "mother-in-law" apartments. The problem has increased and the Staff feels that a solution needs to be found. Such an accessory apartment allows for an elderly relative to live with their children yet have some privacy. The ordinances now do not allow for such uses but we have never exercised enforcement of these apartments. We are beginning to notice a trend which is alarming. Not only are we receiving anywhere from 2 to 3 calls per week inquiring about creating such apartments, either in existing or new homes, we are receiving 1 to 2 calls per week complaining about such apartments being rented now they are no longer being used by the relatives. This is getting out of hand and needs to be controlled. We don't want to say "no" or make it hard to get a mother-in-apartment but to make it hard to rent out when no longer in use for family.

There is no question that these uses are needed. Not only do elderly relatives need such living accommodations, there are young married couples struggling to save for a home or not being

able to afford rent who need a temporary place as well. The purpose for the ordinance is to be able to regulate the use legally. This ordinance will require a permit for the use and have it recorded at the County Recorders Office so when the home is transferred by sell it is recorded as not a rental. If the new owner wishes to have the mother-in-law apartment they will have to apply for a new permit and it will be recorded.

Mr. Gehring explained that when one of these apartments is rented out the neighborhood will call our office and a letter is sent stating that the apartment is being rented illegally. Mr. Mahan mentioned that if they don't comply voluntarily a court injunction is given to stop.

Mr. Gehring mentioned that if this ordinance is passed it will be published in the papers and put in the Bountiful Newsletter to inform the residents of the changes.

Mr. Mahan mentioned that with these apartments there will not be separate utility services nor will there be a separate driveway. Having two driveways creates the look of a duplex and this is what the City wants to avoid. The home is to maintain the appearance of a single family home.

Mr. Rowland asked how realistic is it to have 750 square feet maximum for the apartment? Mr. Gehring has done some research to come up with this figure. This seems to be a standard and reasonable figure for accessory apartments. The City does not want a full apartment in single family zones. The 750 square feet should cover the space needed for this type of apartment.

Mark made a motion to send to the City Council for a favorable recommendation to amend the Zoning Ordinance as recommended. Paul Summers seconded the motion and voting was unanimous.

Meeting adjourned at 7:30 p.m.