

PLANNING COMMISSION MINUTES
April 20, 1999

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

Absent: Mark Green and Lois Williams, City Engineer Paul Rowland

Dean Thurgood welcomed all those present and introduced all members. Dick Dresher made a motion to approve the minutes for April 6, 1999 as written. Barbara Holt seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final subdivision approval for the Duffin Subdivision at 300 East and 400 South

Ben Olsen, Inklyne Construction, was present. Blaine Gehring explained that this subdivision is located on the Southwest corner of 400 South and 300 East. It is the undeveloped property that was discussed in detail during the recent rezoning hearings.

This subdivision contains three lots all of which are fronted by existing streets. The Duffin home is already located on lot 3. The other proposed lots are vacant. The lot for the existing home has been modified to provide enough side yards and a driveway to the back property. The old garage will be torn down and a new one built on the south side behind the home. This will be a non-conforming duplex lot. Since all of the lots face improved streets with curb, gutter and sidewalks, this plat can be recorded without the posting of a bond.

Staff recommends sending to the City Council preliminary and final approval for the Duffin Subdivision subject to payment of the required subdivision fees, and receipt of the title report and all required signatures for recording.

Mark Franc mentioned that the existing curb, gutter and sidewalks do not require posting a bond. At time of the building permit there will be a concrete bond required.

Mr. Gehring and Mr. Olsen have communicated with the Duffins several times. The Duffins are aware of and pleased with this project. The Duffins will sell lot 3, where the existing home is located and retain the ownership of lots 1 & 2.

Paul Summers made a motion to recommend to the City Council preliminary and final approval for the Duffin Subdivision subject to the recommendations of Staff. Barbara Holt seconded the motion and voting was unanimous.

2. Consider amended final approval for Bountiful Meadows at Summerwood Subdivision

Phases 1 & 2, Ivory Homes, developer

Frank Ivory, Ivory Homes, was present. Mark Franc explained that Ivory Homes has amended their initial final approval for the Meadows Subdivision and are now requesting that the amended final approval be split into two phases. Phase 1 will include 33 lots which are fronted by the roads that will be installed as part of Summerwood Subdivision Phase 2. These lots will require very little infrastructure on their own. Phase 2 has the remaining 29 lots which are in the area with the new roads.

Ivory Homes anticipates developing Phase 1 this summer and Phase 2 the following summer, depending on the real estate market. Everything is still the same as when the subdivision was granted the original approval.

Staff recommends that the Planning Commission send a favorable recommendation to the City Council for final approval of Bountiful Meadows at Summerwood Subdivision Phase 1 & 2, with the following conditions:

1. Posting the site improvement bond as required by City Ordinance.
2. Payment of subdivision fees as outlined in ordinance.
3. Payment of underground power fees as determined by Power Department.
4. Provide the overall grading plan showing how the lots will be drained. This will not need to be to the detail previously anticipated in the preliminary approval.
5. Complete all corrections on the construction drawings and plats.
6. Compliance with all City ordinances and building.

Frank Ivory explained that it will be less expensive for Ivory homes to develop this property if divided into two phases. The only changes to the original approval is dividing it into two phases.

Barbara Holt made a motion to recommend to the City Council the amended final approval for Bountiful Meadows at Summerwood Subdivision Phase 1 and 2 subject to the six conditions recommended from Staff. Dick Drescher seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for a convenience store and gas station on the northeast corner of 412 North and 500 West, Moyle Petroleum, dev.

Russ Naylor, Nichols/Naylor Architects, was present. Mark Franc explained that Moyle Petroleum has purchased the existing Conoco station on the northeast corner of 400 North and 500 West along with the house just east of the old station, and they are requesting site plan

approval for a new 5 island gas station and mini mart.

The existing site is very tight, with more than the necessary drive approaches, two of which are located just feet from the corner of the intersection. The new site plan proposes only one approach on each street, being located well back from the corner. Since both of fronting streets are State Highways, Moyle is required to get permission from the State for the approaches.

The proposed site plan is providing onsite storm water detention, with runoff and overflow piping directly into UDOT's existing storm drain system, therefore no Storm Drain Impact Fee will be required. Since the storm drain system is UDOT's a permit will need to be granted by the State before that work can be done.

One thing discussed with the architect and engineer was a solid masonry wall along the east side which abuts a residential zone. They are willing to put up that wall and will show that on a revised site plan with UDOT's revisions.

With the old station being demolished , the old gasoline storage tanks will also be removed and new ones put in. The removal of the old tanks and installation of the new tanks will require approval by the Bountiful City Fire Marshall as well as the Utah Division of Environmental Quality.

The Staff recommends that the Planning Commission send a favorable recommendation to the City Council for preliminary and final site plan approval Moyle Petroleum's new gas station, with the following conditions:

1. Storm drain and curb cut access permits be granted by UDOT prior to the issuance of any building permit.
2. Replacement of all existing damaged curb and gutter and sidewalk, which will require an excavation permit from UDOT also.
3. Show on drawings the location of the existing tanks, and documentation from the State Division of Environmental Quality that successful removal of the tanks and any clean up necessary is completed.
4. Payment of necessary impact and connection fees, including approximately \$3,400 to move the existing fire hydrant.
5. Conformance with all other Ordinances and Uniform Building Code requirements.
6. Provide a 6 foot high solid masonry wall along the east property line as per the Zoning Ordinance.

Russ Naylor mentioned that there is no problems with the conditions or recommendations. Mr.

Naylor has met with the Staff several times to make sure that everything meets the ordinance and codes.

There was a discussion on location of a dumpster, adding more street trees to meet the ordinance, grading and drainage and what the exterior of the building will look like.

Mr. Gehring mentioned that he has one more concern with the site plan. He feels that there should be a 6 foot solid masonry wall on the north property line that abuts the mobile home park. Mr. Gehring asked that this wall be added as another condition also adding additional street trees.

Dick Drescher made a motion to send to the City Council for preliminary and final site plan approval for a convenience store and gas station on the northeast corner of 412 North 500 West subject to the recommendations from Staff 1-6 with the addition of the following:

7. Provide a 6 foot solid masonry wall along the north property line that abuts the mobile home park.
8. Provide additional street trees to meet the ordinance.

Paul Summers seconded the motion and voting was unanimous.

2. Consider preliminary site plan approval for Phase 1 of Pages Lane Condominiums at 350 W. Pages Lane, Brian Knowlton, developer

Mark Franc explained that Brian Knowlton has approached the City about developing a large piece of property behind the apartments and houses that front onto Pages Lane just west of 200 West and the houses that front onto 200 West just north of Pages Lane. You will notice that a portion of the overall project is located in Centerville City, which complicates things like utilities, infrastructure and drainage. Mr. Knowlton has told staff the he has approached Centerville about disconnecting the portion in their city and annexing it into Bountiful. Until all of the inter-city and drainage problems can be worked out, Mr. Knowlton would like to start on the west side of his property with this initial Phase.

Mr. Knowlton has submitted a site plan and is requesting preliminary site plan approval for the first phase of this planned unit development which is located at 350 West Pages Lane. The first portion of this development, which is the west portion of a much larger PUD extending all of the way through to 200 West, has been split into two phases. Because our zoning ordinance does not allow any more than 20 units to be built on a property without two separate access, this first phase contains only five separate four-plex units with a paved temporary turn-around at the end of the street. The entire area is zoned R-3-13, allowing 13 units per acre.

The Engineer's area tabulations show that there is 40% landscaping provided along with more parking stalls provided than are required. Each unit will have a two car garage and additional off street parking is provided in driveways and designated parking stalls.

This area has very high ground water, and as such, has difficulties with water in basements. As a result, Mr. Knowlton is proposing two story units with no basements. This way Mr. Knowlton can keep the building pads built up and out of the ground water. It also allows the site to be drained south to Pages Lane and the Stone Creek culvert.

Staff recommends that the Planning Commission send a favorable recommendation for preliminary approval of Pages Place Condominiums, with the following conditions:

1. Development of a drainage plan that protects the adjacent building east and south of the site.
2. Provide evidence of a recorded deed combining all parcels of ground into one piece and being held by the developers.

Brian Knowlton explained that this approval will be for phase one of the project. The second phase will have to be completed from Centerville or Mr. Knowlton will have to have the property annexed into Bountiful. The second road exiting from Bountiful will be removed from the plat for final approval. It will not be recorded from this plat.

Blaine Gehring explained that Mr. Knowlton has given Mr. Mahan a copy of the purchase agreement for the George property that has been in question.

Al Hess made a motion to send to the City Council preliminary site plan approval for Pages Place Condos subject to the recommendations from Staff. Paul Summers seconded the motion and voting was unanimous.

Ordinance Amendments

1. Consider a zone change from Multiple Family (R-3-13) to Professional Office (P-O) on the northwest and northeast corners of 400 North and Main Street.

Steven Williams, home owner at 415 N. Main, was present. Blaine Gehring explained that in May of last year a new Professional Office Zone (P-O) was created. This is the first request for a zone change to that zone. It involves the two office buildings on the northeast corner of 400 North and Main and the three small homes on the northwest corner of the same intersection. The property owners, specifically the Williams who live at 415 N. Main, have been trying to sell their homes for 18 months with no success. The interests have been from doctors, accountants, psychologists, etc., who want to convert these homes into offices. Mr. Gehring has met with Mr. and Mrs. Williams about two months ago about the situation and, following a discussion with Tom Hardy, Rusty Mahan and a couple of members of the City Council, encouraged the Williams to seek this zone change. Mr. Gehring has specified that this should include the existing offices on the east side of Main as well as the properties on either side of them. Mr. Williams has successfully secured the owners' signatures for all the properties and has filed the official application for this zone change.

Mr. Gehring wanted to see this type of zoning when the Professional Office Zone was created. The offices on the east side of Main were one area Mr. Gehring specifically felt would be benefitted by such a zone. As they stand, they are non-conforming uses in the R-3-13 Zone. This will make them conforming uses and legitimize their status.

As for the three homes, they are isolated from the rest of north Main by the bend in Main Street at 400 North and the little island separating traffic at that location. They are bordered on the west and north by Bountiful Park Place Condominiums. To the west of the condos are Bountiful Jr. High Seminary and Bountiful Jr. High School. To the north of the condos is one single family home and a rest home bordered by the junior high property. Across the street to the south are a couple of antique shops and the IHC Office Building (formerly the Shipley Building). Making the three homes available for professional office uses would be very compatible and more desirable than their continued use as single family homes.

Steven Williams, owner of the home at 415 N. Main, has submitted signatures of all property owners involved for the zone change. Kelly Cook would like to purchase the home at 407 for a CPA Office. In order to convert these homes into offices, site plans will have to be submitted to the Planning Commission for approval. The approval will have to meet all ordinances covering landscaping, parking, dumpsters, etc..

Staff recommends that the Planning Commission send a favorable recommendation to the City Council for a zone change on the northwest and northeast corners of 400 North and Main from Multiple Family (R-3-13) to Professional Office (P-O).

Barbara Holt made a motion to send to the City Council for approval of the zone change from Multiple Family (R-3-13) to Professional Office (P-O) on the Northwest and Northeast corners of 400 North and Main. Al Hess seconded the motion and voting was unanimous.

2. Consider amending the Zoning Ordinance Regarding number of children in a permitted In-Home Day Care.

Blaine Gehring explained that a couple of years ago the State Legislature changed the child care licensing provisions for in-home day care. It used to be that one adult could only care for up to 6 children in the home, including their own. In order to care for up to 12 children, two adults had to be present. To accommodate those provisions, we have had in our zoning ordinance an allowance for up to 6 children under a permitted in-home day care with a conditional use permit required to care for up to 12 children.

Mr. Gehring has attended the Utah League of Cities and Towns Midwinter Conference in St. George. All of the sessions were centered on zoning issues. One of the sessions addressed several special zoning issues, including in-home day care. An emphasis was placed on that fact that while a majority of children in the United States, including Utah, are cared for in child care homes, most of those facilities are unlicensed or operating “underground” due to what many feel is excessive regulations on the part of cities. With a new law in place by the 1999 Legislature

requiring background checks on all such providers, it becomes a further concern when such facilities are not properly screened and licensed by the State.

Since our current ordinance does not conform to State requirements (6 versus 8 children), we get questioned about it regularly by those seeking such licenses in Bountiful. Are we driving some of these facilities “underground” in Bountiful with this inconsistency? Mr. Gehring is convinced that the State licensing people have tightened things down such that these facilities will not become a problem in the community or in a neighborhood. Any complaints as to noise, excessive traffic, etc., need only be forwarded to them and they will respond. If corrections are not made accordingly, the license is revoked.

Mr. Gehring is recommending that the changes be made to the ordinance to allow up to 8 children in an in-home day care or child care home with a conditional use permit required for facilities wishing to care for 9-12 children. This would officially amend Land Use Code No. 6815 in Sections 14-4-102, 14-5-102 and 14-6-102 as follows:

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
6815	Preschool Group Instruction/Day Care - In single family dwellings only with no more than six (6) <u>eight (8)</u> children as per Utah State Department Health licensing requirements including those residing in the dwelling.

In addition, Land Use No. 6815 under Sections 14-4-103, 14-5-103, and 14-6-103 would be amended to read as follows:

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
6815	Preschool Group Instruction/Day Care - In single family dwellings only in which <u>with</u> not more than twelve (12) children as per Utah State Department Health licensing requirements , including those residing in the home, or where not more than twelve (12) children will be receiving instruction at any given time. <u>For preschools,</u> there shall be no more than two (2) sessions per day lasting no more than four (4) hours. <u>With</u> no child shall <u>attend</u> ing more than one (1) session per day.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for these amendments to the Zoning Ordinance.

Mr. Gehring clarified the difference between a Day Care and preschool also a Day Care Provider and Residential Care Provider. Day care is 8 or more hours a day in home care of a child, other than your own, as licensed by the State for that purpose. This includes all meals and all the care. Preschool meets up to 4 hours per session with the purpose of education. There are no meals

given or daycare services. A licensed Day Care Provider or Care Provider is a person that provides daycare of someone in their home. A Residential Care Provider is someone that provides care for foster children, for troubled teens, etc., as a care home. These are permanent group home living facilities for these special needs. These are also licensed by the State. This type of care is not considered a business so Bountiful is not required to license them.

Paul Summers made a motion to send to the City Council a favorable recommendation for approval for the amendments to the Zoning Ordinance regarding the number of children in a permitted In-Home Day Care. Al Hess seconded the motion and voting was unanimous.

Meeting adjourned at 8:15 P.M.