PLANNING COMMISSION MINUTES
December 5, 2000

Present: Acting Chairman Dean Thurgood, Dick Dresher, Mark Green, City Council Representative Gordon Thomas, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Chairman Al Hess, Vice Chairman Paul Summers and Lois Williams.

Dean Thurgood welcomed all those present and introduced all members. Dick Dresher made a motion to approve the minutes for November 7, 2000 with one correction. Gordon Thomas seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for an additional single family house on the property at 127 E. 500 S., Robert McArthur, owner.

Robert McArthur, owner, was present. Blaine Gehring explained that two plans have been reviewed involving the placement of three additional units on the property owned by Robert McArthur on the corner of 100 East and 500 South. The property is currently occupied by an older duplex on the far east portion of the lot. Mr. McArthur has rethought this property, discussed finances with his banker, and decided he does not need the extra two units that has been seen as the extra duplex. Mr. McArthur is proposing only the addition of the single family home for a total of three units on the property with a second detached garage for three cars. Much of the landscaping exists. New landscaping between the duplex and the house and along the north side of the property will need to be provided which is shown on the revised landscaping plan. This arrangement works out better all the way around for neighborhood compatibility, the spacing on the lot, the landscaping and green spaces, and the traffic issue along 100 East. This will be treated similarly to the additional single family house approved on the Lofgreen property on 200 North.

Staff recommends preliminary and final approval be recommended to the City Council with the following conditions:

1. All necessary corrections be made to the site plans per engineering check.

2. Provide 7' easements along the west and north property lines.

3. Provide proof of resolution of the property line problem in the north east corner where the existing garage is on the property owned by two of the neighbors. This condition has been done and can be removed.

4. Pay the following fees:

a. Storm drain impact fee $ 886.03
b. Water fees (meter) 2,613.00
c. Sewer impact fee 1,556.00
d. Power fees as determined by Power Department
e. Road patches as determined by Street Department

Paul Rowland explained that required fire hydrant on the previous plans has been dropped. There is sufficient fire protection in the area to cover only one additional unit.

Robert McArthur mentioned that he tried to design the home to be similar to the neighborhood.

There was a discussion about the location of the fence and what type of fence would be required.
Mark Green made a motion to send to the City Council preliminary and final site plan approval for an additional single family house at 127 E. 500 S. subject to the conditions outlined by Staff with the removal of #3. Gordon Thomas seconded the motion and voting was unanimous.

2. Consider preliminary and final site plan approval for an office complex development on the northwest and southeast corners of 1350 North and Main Street, Sterling Brimley, developer.

Sterling Brimley, developer, was present. Blaine Gehring explained when the Papanikolas family developed Bountiful Shadows, they left the two corners of 1350 North at Main Street out of the subdivision. The properties are zoned C-G. Mr. Brimley has purchased the properties and would like to develop the two corners into a small office development. One the north corner, Mr. Brimley is proposing two buildings-one with 8 offices in it and one with 4 offices. There will be 40 parking spaces provided based on an occupancy of "professional offices for attorneys, C.P.A.s, architects, engineers, etc." which has the requirement of one parking space per 400 square feet of floor area. On the south corner, it is being proposed one building with 4 offices and a total of 14 parking spaces based on the same requirement. There would be no access to either site from Main Street. Both sites have driveways coming off of 1350 North.

All required setbacks adjacent to the residential properties bordering the west property lines have been met. The north corner borders the J.C. Penny property on the north and the south corner borders the Bangerter Trucking Company property on the south. There are two driveways shown on the south corner due to attempts to try and save the mature trees on the site.

Mr. Gehring has some concerns with the fencing and the landscaping that does not meet the ordinances. The site plan shows existing chain link fences with slats along both western property lines. In fact, along the property line of the south corner there is a 6 foot vinyl fence which drops down to 3 feet from the 30 foot setback. Along the north corner property line is also a vinyl fence but it is at least 50% or more open similar to a picket type fence. The ordinance requires a "screening device or wall of masonry, wood or approved alternate material" which is 6 feet high to within 20 feet of the street where it needs to be 2 feet high along these property lines. There is a discrepancy as to the height along the 20 feet which can be 30 feet in

the residential zone.

The landscaping plan shows some screening trees along the west property lines next to the two homes adjacent to the site. To meet the ordinance which requires screening trees every 15 feet along property lines adjacent to residential uses. There are only 5 trees on the north corner where 11 are required and 4 trees on the south corner where 8 are required. Six more trees will need to be added on the north side and four more on the south side.

Paul Rowland explained that the north and larger parcel can and will drain into the existing storm drain in Main Street, however, the outflow into the storm water system must be detained on the site with a maximum discharge rate of 0.19 cfs. The south parcel has much less impervious area and because there is no suitable drainage system in 1350 North Street, will be allowed to drain to the street.

Since some of the utility connections for the north parcel are into Main Street excavation permits will be required from UDOT for any work the state row.

Sterling Brimley asked if it was his responsibility to contact the home owner about changing the fence that already exists? Rusty Mahan asked Mr. Brimley to talk to the home owner about replacing the fence. If the home owner wishes to leave the fence it would probably be better to leave. If there are no problems it should be changed to meet the ordinance.

Mr. Brimley was asked if these offices are going to be condominiums which Mr. Brimley answer was yes. Mr. Rowland mentioned that there are different rules and regulations for condominiums than for regular offices. A filing of a condominium plat, bonding for site improvements, approvals from Planning Commission and City Council.

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

1. A total of 10 more screening trees be added along the west property lines - 5 on the north corner property and 4 more on the south corner property.

2. The fence along the west property line of the south corner property needs to be modified to 6 feet. The fence along the west property line on the north property needs to be replaced with a 6 foot high solid fence to within 20 feet of the sidewalk where it may be 3 feet high and solid. Inasmuch as this will replace an existing vinyl fence belonging to the home owner, the solid fence should also be vinyl. If the home owner wishes to leave the fence it would probably be better to leave. If there are no problems it should be changed to meet the ordinanace.

3. Complete engineering and drainage details for the site, insuring that the neighbors are not impacted by any storm runoff.

4. Provide 7' wide utility easements along all street frontages and an easement as

required by Bountiful Light and Power along the south line of the south parcel.

5. Payment of the following fees:

Storm water impact fee, south parcel 0.34 ac.@ $2,100/ac=$714.00
Water meters 3 @ $2,613.00/1" meter=$7,839.00 plus road patch
Sewer impact fees 3 @ 1,556.00/connect=$4,668.00 plus road patch
Power fees as determined by the Power Department
Building fees per the Uniform Building Code

6. Participation with Bountiful Light and Power in having the power guy pole moved in the south parcel.

Dick Dresher made a motion to send to the City Council preliminary and final site plan approval for an office complex at 1350 North and Main Street subject to the conditions outlined by Staff with the amendment of item #1 from 5 trees to 6 trees with a total of 11 additional trees. Mark Green seconded the motion and voting was unanimous.

3. Consider preliminary site plan approval for a 19-unit condominium development on the northeast corner of Pages Lane and 200 West, Crocket and Kholer, developers.

Dave Byrd, Engineer, was present. Paul Rowland explained that on the northeast corner of Pages Lane and 200 West is a 1.48 acre vacant parcel zone R-3-13. This allows for up to 19 units on the property. Crockett and Kholer, owners of the property, are proposing to place 19 condominiums on the property. It will have a private road with access points on both Pages Lane and 200 West. There will be three 5-plex buildings and one 4-plex. The units are all 2 bedroom units with no basements. A single car garage with one parking stall to the side will be provided for each unit. A single car garage with one parking stall off to the side will be provided for each unit. All units will face into the development rather than facing either Pages Lane or 200 West.

The site is situated such that 90% of the land can be drained to the existing storm drain in Pages Lane. Because of the proximity to the Stone Creek culverts at 200 West and Pages Lane, there is enough capacity in the system to handle this run off without detention. The developer will be required to pay the full storm water impact fee.

To reduce the temptation to motorists wanting to cut-thru the project to avoid the traffic signal at the intersection, a choke point has been installed in the drive to discourage casual traffic. The entrance at Pages Lane is being constructed as a right in-right out only access point. This will eliminate turning conflicts with the existing Pages Lane left turn lane, and further discourage cut-through traffic.

Blaine Gehring explained that the plans do not show what type of fencing will be provided along the north and east sides of the development. It is Staff's understanding that the fencing along the east side is already part of the Country Springs development. Fencing along the north side,

however, is required. A 6-foot high vinyl fence to match the other proposed fencing should be shown beginning at a 30 foot setback from 200 West. There is a two-section, 6-foot high vinyl fence called for along 200 West. This fence provides for privacy for the units backing the street. This should be treated the same as a regular corner lot would be allowing for a 6-foot fence along one of the street frontages beginning at the front setback. This would require a slight modification to the proposed fence shown at the corner of Pages Lane. The fence should be modified to extend no further than the 25 foot setback from Pages Lane. The landscaping plan has also been provided which shows adequate street and screen trees with abundant shrubs and other plantings which will be can be adopted as part of the final.

The ordinance requires that all units have no more than 50% of the exterior in stucco and that a privacy patio area be provided for each unit. The building plans have been modified to include brick which covers at least 50% of the exteriors of the units to meet ordinance requirements. Patios are going to be provided for each unit (4'x8').

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

1. A 6-foot high vinyl fence be placed along the north side of the property beginning at the 30 foot setback.

2. The fence along 200 West not extend any closer to Pages Lane that the 25 foot setback.

3. Show all existing easements on the property. All common area on the final condominium plat will be designed as a PUD.

There was a discussion about visitor parking. For this to be a successful project there needs to be adequate visitor parking. The plat shows all the required parking for the owners but it does not show any visitor parking. Mr. Gehring mentioned that the extra 9% from the landscaping could be used for extra parking and still meet the 40% requirement for landscaping. It was suggested to add an additional 10 stalls for visitor parking and add this to the conditions for the final approval.

Mark Green made a motion to send to the City Council preliminary site plan approval for a 19-unit condominium development on Pages Lane and 200 West subject to the conditions outline by Staff with the addition of the following:

4. Provide approximately 10 additional parking stalls for visitor parking.

Gordon Thomas seconded the motion and voting was unanimous.

<u>Ordinance Amendments</u>

1. Consider a zoning change on the property at 309 E. 500 S. from R-1-13 to C-G, Lowell

Leishman, applicant.

This Item has been cancelled. Rusty Mahan explained that it is possible to give something away that cannot be taken from you and the City Administration has decided to do with Mr. Leishman. A building permit was issued to remove the kitchen and a business license was also issued. It was noted on the building permit that the permit did not give them the conditional use permit needed to conduct a commercial business. The owner's new that a conditional use permit was never applied for. Legally Mr. Leishman could not have won in court, but the City Administration has granted this property to be a legal non-conforming use. This property will not be rezoned and cannot be expanded.

2. Consider Miscellaneous Zoning Ordinance Amendments

Blaine Gehring explained that there are several sections of the Zoning Ordinance which the Staff feels that need to be amended. Over the last several months it has been discovered at least three uses that currently exist in the Heavy Commercial (C-H) Zone which has been left out of the list of permitted uses in the 1993 rewrite. Mr. Gehring explained the changes to be amended to the C-H Zone.

In Section 14-13-105 E. of the Foothill Overlay Zone, there are some specific requirements fir homes built beyond 150 feet from a public street. That same requirement existed as part of the requirements for a flag lot outside th Foothill Overlay Ordinance Zone. It was done away with when we no longer allowed flag lots. The fire protection needs to be provided for the homes built beyond 150 feet from a public street in non-foothill areas of the city. Mr. Gehring explained the changes to be amended as a new subsection E. of Sections 14-4-116, 14-5-116, and subsection G. of 14-6-116.

There are some problems with Side Yard-Accessory Building section. First, the accessory buildings may not encroach on any easements. Most lots have side yards with recorded easements of 5 or 7 feet for utilities. If a side yard may be as little as 8 feet, there is no room for anything in the first place. Second, if the accessory building must be at least 5 feet to the rear of the main structure, it is no longer in the side yard, but in the rear yard thus allowing nothing in the side yard. And third, such accessory buildings should not be allowed in the side yard areas at all because of obstructions to fire protection access around homes. The recommendation is to amend subsections 14-4-109E., 14-5-109E., 14-6-109E., and 14-9-109E. By repealing the current wording and have the new subsections read: "No accessory buildings shall be allowed in any required side yard."

Recently the Staff has had a problem with the grade of a driveway at a new home in the foothill zone. The owners put the driveway in wrong and then applied for and were granted a variance from the Board of Adjustment. The variance was granted on the basis of grades submitted by the owner which were measured along the outside edges of the driveway. The City inspectors do their measurements along the centerline of the driveway. The confusion this has created for all concerned needs to be remedied by amending the ordinance that the grade measurement will be along the centerline of the driveway.

When Mr. Gehring was reviewing the application for Zoning Amendment Procedure he discovered a conflict with the wording and our current practice. Mr. Gehring explained the modification to the wording for Section 14-2-105C.5.

Staff has been called out to a couple of repossessed homes with swimming pools which have posed health risks. The entire rear yards of these homes were covered by the pool, patios and surrounding decks. A minimum of landscaping of any kind exists in these rear yards. The inspector from the Health Department asked how these could be approved this way. Didn't the City have something restricting the amount of concrete, etc., that a lot could have?

As Mr. Gehring researched the wording on permissible lot coverage as it pertains to residential uses, no mention is made of the amount of impervious material can cover the property in addition to the structures. Staff proposes that the sections regarding permissible lot coverage in the R-1, R-2, and R-3, zones Sections 14-4-113, 14-5-113, 14-6-113 and 14-9-113B be amended, which Mr. Gehring explained.

There was a discussion on what consists of impervious surfaces and it was suggested to add sport courts and pools to the list. There were no other changes.

Mark Green made a motion to send to the City Council approval for the amendments to the Zoning Ordinance with the wording addition of sport courts and pools to the Section 14-4-113, 14-5-113, 14-6-113 and 14-9-113B. Dick Dresher seconded the motion and voting was unanimous.

Meeting adjourned at 8:36 p.m.