

PLANNING COMMISSION MINUTES
March 7, 2000

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

Absent: Vice Chairman Paul Summers.

Al Hess welcomed all those present and introduced all members. Dick Dresher made a motion to approve the minutes for January 4, 2000 as written. Dean Thurgood seconded the motion and voting was unanimous.

Conditional Uses

1. Public hearing to consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 430 E. Huntington Drive, Kelly Foster, applicant.

Kelly Foster, applicant, was present. Blaine Gehring explained that in-home day care and preschool activities are allowed in all residential zones in Bountiful. However, such activities which will have more than 8 children per day-care or preschool session must receive a conditional use permit from the Planning Commission. The reason for the 8 children limit is based on the number of children allowed by State in a day-care under one person's supervision. Preschools are not required to be licensed under State guidelines.

Kelly Foster would like to start a preschool in her home and have 12 children per session. She notes in her application that "the preschool would provide a service for parents who desire to have their children attend a preschool that is close to their home... I plan to keep enrollment numbers small and include many close neighbors who are within walking distance to her home/school." This is generally the case with these preschools with several students walking on good days thus reducing any traffic to and from the home. At the same time, however, Huntington Drive is a through street and provides good access to and from the site. People dropping of their children at this location should not pose a great problem.

The City Ordinance states that a limitation of 12 students per session. Mr. Gehring is changing his recommendation from 15 to 12 students. Staff recommends granting the conditional use permit for the in-home preschool with the condition that the classes be limited to not more than 12 students per session. Two four hour sessions can be allowed under the ordinance provisions.

Kelly Foster explained that there is a demand for preschools in Bountiful and several neighbors have approached her to start a preschool in their neighborhood. At this time she will have only one session per day from 9:30 to 11:30 a.m., three times a week. She has a complete fenced backyard for recess time. The family room downstairs will be used for instruction time.

The Public Hearing was opened for any comments. No one was present and the Public Hearing was closed.

There was a brief discussion with Mrs. Foster. Mark Green made a motion to grant the conditional use permit to allow an in-home preschool for more than 8 children per session at 430 E. Huntington Drive with the change from 15 to 12 students per session. Dean Thurgood seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final subdivision approval for the 175 East Subdivision.

Dave Lewis and Paul Ensign, developers, were present. Paul Rowland explained that this three lot subdivision, located in an R-1-8 zone, (8,000 sf. Min. lot size, 80 ft. of frontage at the setback) has been created by taking one lot from the previously preliminary approved Lewis Park Phase 2 Subdivision and combining it with the undeveloped property fronting the west side of the new 175 East cul-de-sac. Under the original preliminary approval, this street was to be developed to access one lot only as part of the 30 lot second phase of the Lewis Park Subdivision. Because of rescheduling of the Lewis Park Subdivision (phase three is now going to be second phase built and phase two will be built later) Dave Lewis has requested that this piece be separated out and approved as a totally different subdivision.

Lots two and three have been added because the west side property has changed hands and the new owner has realized that it is easier to go through the subdivision approval process once now, rather than wait until he is ready to build a new house, and then go through this process again for his two lots. Mr. Rowland agrees with him on this point.

The storm drain piping and sewer mainline and laterals have already been installed and South Davis Water is preparing to install the water mainline soon.

Staff recommends that the Planning Commissions send a favorable recommendation to the City Council for preliminary and final approval of 175 East Street Subdivision, with the following conditions:

1. Posting the site improvement bond and payment of subdivision fees as required in City Ordinance.
2. Signing a development agreement with the City.
3. Payment of underground power fees as determined by the Power Department.
4. Submit a final title report for the entire property.
5. Complete all corrections on the plat and submit a final recordable myler plat map.

There was a discussion about the water and sewer draining to the back of the cul-de-sac. The road at 175 East Street has already been dedicated. When this plat is recorded the cul-de-sac will become a dedicated road along with the street. There is no need for an access to South Davis Water District property. The access for South Davis Water District comes from the Lewis Park Phase One Subdivision. South Davis Water supplies water to this area so there are no water fees. Most underground subdivision improvements were put in with Phase Two.

Mark Green made a motion to send a favorable recommendation to the City Council for preliminary and final approval for 175 East Street Subdivision subject to the conditions from Staff. Dick Drescher seconded the motion and voting was unanimous.

2. Consider final approval of Hidden Lake at Summerwood Subdivision

Ron Marshall, developer, was present. Paul Rowland explained that Mr. Marshall has now finished plans for this development and is now requesting final approval of the first 10 lots along the upper loop road of Summerwood Subdivision which will be called Hidden Lake at Summerwood Subdivision. This subdivision will have a 500 foot long cul-de-sac which will extend east from the upper loop road and be across the gas pipeline right-of way. In order to reserve a possible access into the property just south of the development, one lot has been dropped from the original 11 lot preliminary approval. The configuration otherwise has stayed essentially the same.

Because of the need to get the waterline and drain line into the new city culinary reservoir which is accessed through this development, most of the underground utilities are already in place. The water, sewer and storm drain lines have already been laid and are currently in use.

Staff recommends the Planning Commission recommend final approval of the upper loop road revision and preliminary subdivision approval for Hidden Lake at Summerwood Subdivision with the same conditions and exceptions as listed in the preliminary approval along with the following:

1. Posting of an acceptable bond, letter of credit or cash deposit as required by ordinance.
2. Signing of a Development Agreement with the City by the developer.
3. Payment of all required fees.
4. Completion of minor corrections on the plat and construction drawings.

Mr. Rowland explained that all subdivisions are required to have two accesses. Ron Marshall was asked when the upper loop road was going to be connected to Phase Three to provide for this second access? Mr. Marshall explained that depending upon the money situation it should

be sometime within the next 24 months. It was suggested that the Planning Commission make it a requirement that with the next phase the road be completed. Mr. Marshall agreed with the recommendation.

Mr. Rowland also explained that availability to access the foothills in Bountiful are vary limited because of privately owned property. The City has plans to provide a trailhead access on the tank site property. This will be for non-motorized bikes, foot and horse trail only. There will be parking and restrooms provided.

Lois Williams made a motion to recommend to the City Council final approval for Hidden Lake at Summerwood Subdivision subject to the recommendations from Staff on the preliminary and final approval. Gordon Thomas seconded the motion and pasted by majority vote. Mark Green abstained from voting.

Zoning Ordinance Amendments

1. Consider amending the Zoning Ordinance to include a definition for domestic help.

Blaine Gehring explained that one of the fastest growing problems in zoning enforcement today is illegal apartments in single family areas. This is not only a problem in Bountiful but across the nation. And the City has had a new twist put on it by property owners in the past few months.

The City was notified of an illegal apartment being rented in a lady's basement in the northern part of the City. After she received our letter, she responded by telling us the couple in the basement were not renters but "domestic help" which provided her yard care and baby sitting from time to time. Since then we have had two others come into the office asking how they can create an apartment for domestic help. This has made Mr. Gehring want to better define the concept of domestic help in the ordinance so that these illegal apartments cannot be created for that purpose.

The internet is a great source of information on all kinds of issues and this was no exception. Mr. Gehring was able to find the following definition from an ordinance in Texas:

Domestic employee: a person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person and no member of the family of any person who pays rent for himself or herself, or his or her family shall be deemed the domestic employee of the person to whom such rent is paid.

Mr. Gehring has modified this slightly for the City's purposes and better clarification:

Domestic employee or help: a person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, working

solely within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for themselves or their family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, unattached or within the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

Mr. Gehring had a conversation with Al Hess about using the word “solely” on line three. Mr. Gehring and Mr. Hess feel that this word should be stricken from this part of the definition. It is not intended that this be the only job for the domestic help. The person or persons may have another job besides domestic help. The key part of this definition is that the person is providing help within and around the house but they don’t pay rent or utilities.

Mark Green made a motion to approve the amendment to the Zoning Ordinance to include a definition for domestic help with the elimination of the word “solely” from line three. Lois Williams seconded the motion and voting was unanimous.

Meeting adjourned at 7:53 p.m.