

PLANNING COMMISSION MINUTES
November 7, 2000

Present: Chairman Al Hess, Dean Thurgood, Mark Green, Lois Williams, Dick Dresher, 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. Mark Green made a motion to approve the minutes for October 17, 2000 as written. Gordon Thomas seconded the motion and voting was unanimous.

Conditional Use Permits

1. Consider a conditional use permit for an auto detailing shop at 245 West 300 South, Cameron Ford, applicant.

Cameron Ford, applicant, was present. The Public Hearing was opened. Blaine Gehring explained that Mr. Ford would like to establish a new auto detailing shop at 245 West 300 South where a former carpet business has been. The building is being renovated inside to accommodate the new business. There is an overhead door on the front building which will allow cars to be brought in and out for servicing. Mr. Ford is providing for both employee and customer parking on the site. There are spaces for 10-11 cars on site outside of the building. There will be four parking spaces provided on the east side of the building. All customers will park in front of the building. All cars dropped off for detailing will be stored inside the building after hours. No cars will be parked on the street.

Staff does not see this business at this location as any kind of problem. This will take a rundown site and put new life into it. The clean up of the site should include cleaning up the area directly west of the building next to the residential uses. This has been a problem for a number of years and needs to be addressed. Staff recommends the Planning Commission grant the conditional use permit for an auto detailing business with the following conditions:

1. The area west of the building is to be cleaned up and maintained by keeping all weeds cut down and no storage of any kind of materials allowed in the area.
2. No on-street parking of vehicles being serviced is allowed. All Employee and customer parking is to be on the site.

Gael Pyper, residing at 288 W. Lynwood Drive, is opposed to this application. Ms. Pyper has several concerns with this business. Within a three block by two block location there are two car washes and one car washing detailing shop. Bountiful does not need to have more car washes. These types of businesses create more traffic, more noise, more water waste and the problem of

chemical disposal. There are no sidewalks for children or adults to walk. Parking cars on the street will cause the pedestrians to walk out into the street. There are cars being parked on the street from the other businesses on this street. Will there be a holding tank or proper drainage to dispose of the water and the acid used to remove rust? Vacuums and air compressors create a lot of noise. Ms. Pyper is strongly opposed to this business.

Cameron Ford explained that until proper drainage can be done on site, he will be using another car wash. When moving these cars to the car wash he will not be going through the residential area. As far as the noise, the compressor and vacuums do not create that much noise. They cannot be heard if the doors are closed. There will not be any parking on the street from his business. All cars will be on site or in the building.

Ellen Louder, residing at 217 S. 300 W., is also opposed to this business. Ms. Louder has some concern with the small children in the neighborhood. This is a quiet area and she has concerns about the noise and traffic.

The Public Hearing was closed. There was a discussion about proper drainage, parking and noise created by a compressor and vacuums. All work is done inside so the noise issue should not be a problem. This is a commercial area and this business will not create any more traffic than any other business. All drainage of water and chemicals will be regulated through the proper authorities.

Mark Green feels that this business is not going to generate enough cars to create a problem. He also feels that the noise in comparison to the neighboring properties is not going to create a significant impact on the neighborhood.

Mark Green made a motion to approve the conditional use permit for an auto detailing shop at 245 West 300 South subject to the conditions outline by Staff and the addition of the following:

3. Require that the waste water and chemical water be disposed of properly and approved by Staff before business is opened.
4. Require that the Fire Marshall approve the facility before business is conducted.

Dick Dresher seconded the motion.

Gordon Thomas asked if it could be required to build a sound wall around the air compressor? Mr. Green feels that the noise is not an issue and his motion stands. Dick Dresher agrees with Mark that noise and traffic is not an issue. The doors on the building face the Power Department, not the residential area. Even if the doors are left open, the noise is not going to be that obvious to the neighbors. The residential lawn mowers, working on cars, radios etc. from the neighbors is going to be more noticeable.

Mark left the motion as mentioned and Lois Williams seconded his motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for 3 additional units at 127 E. 500 S., Robert McArthur, owner.

Ken Romney, representing Robert McArthur, was present. Blaine Gehring explained that during the October 10th Planning Commission meeting a site plan for Robert McArthur who is the owner of the property on the northeast corner of 100 East and 500 South was reviewed. The property is currently occupied by an older duplex on the far east portion of the lot. Mr. McArthur would like to add three more units to the property - a new duplex and a new single family dwelling. The Planning Commission recommended preliminary and final site plan approval for his site plan with the condition that the carport between the duplex and new house be made to conform with the 5 foot separation requirements. Before the recommendation was sent to the City Council, Mr. McArthur came in and wanted to change the plan to put the duplex on the north of the property and house near the 500 South corner. This is a revised plan from the two already reviewed by the Planning Commission on September 5th and October 10th.

This plan seems to work even better and is still compatible with the neighborhood. All required parking has been provided with a new double carport for the duplex and a new 2-car garage next to the existing garage on the northeast corner of the property. The driveways are a problem. Since the opening of Carmack's across the street on 100 East, there is a traffic and parking problem in this section of 100 East. Staff feels that providing more than one curb cut and tandem parking would only add to the problem. Staff is suggesting that the drive approaches along 100 East be combined into one and that side by side stalls be provided on either side of a combined carport for the duplex. This will allow for a turnaround space for both the duplex and the house to allow cars to exit onto 100 East going forward instead of having to back onto the street. Staff feels that this site plan meets the ordinance.

Staff does have some concerns with the overlap of the existing garage and how that situation has been resolved is still a question but not as big as before. Staff recommends preliminary and final approval be recommended to the City Council with the following conditions:

1. Driveways along 100 East be combined into one approach and no tandem parking be allowed in front of the duplex.
2. All necessary corrections be made to the site plans per Engineering check.
3. New 6" fire hydrant be installed in the 100 East park strip near the north property line.
4. Provide 7' easements along the west and north property lines.
5. Provide proof of resolution of the property line property in north east corner where the existing garage is on property owned by two of the neighbors.

6. Pay the following fees:
 - a. Storm drain impact fees \$ 886.03
 - b. Water fees (meters) 7,839.00
 - c. Sewer Impact 7,780.00
 - d. Power Fees as determined by Power Dept.
 - e. 6" Hydrant 4,780.00
 - f. Road patches as determined by Street Dept.

Paul Rowland explained that after reviewing the new plans Mr. McArthur has swapped the position of the house and the duplex from the previous plans. The plans show two curb cuts which Staff has redesigned the plans to eliminate one drive approach and moved the combined drive approach further away from the busy intersection. This allows for parking to turn around and leave going forward.

There was a brief discussion about the parking and too many buildings (garage) being crammed onto the property. Ken Romney does not know the intentions of Mr. McArthur as far as the garage.

Dean Thurgood asked to be excused from the meeting at 7:45 p.m.

Rusty Mahan mentioned that in his opinion this plan could be better arranged. The new residents are getting all the green space and the duplex is getting nothing.

Since Mr. McArthur is not present to make any decisions tonight, Mr. Gehring mentioned that the Planning Commission can make another condition to move the garage forward (to free up for more green space) or attached the garage to the house. This would allow Mr. McArthur time to redesign the site plan and bring back to the Planning Commission on December 5th. At least this would give him some kind of an approval to move forward to present to the City Council.

Mark Green is uncomfortable with giving approval for something that is being questioned. If changes are going to be made, they should be done before presenting to the City Council. Dick Dresher feels the same. Mr. McArthur has the responsibility, as the designer, to design his own plans. It is not the responsibility of the Planning Commission.

Paul Rowland mentioned that it would be in the best interest of Mr. McArthur to redesign his site plan on his own, not the Planning Commission. Mr. McArthur should be present when the site plan is presented to the Planning Commission.

Mark Green made a motion to table this item until applicant (Robert McArthur) can redesign the site plan and return to the Planning Commission at another date. Gordon Thomas seconded the motion and voting past by majority vote, one opposed.

Subdivisions

1. Consider final subdivision approval of Lewis Park Subdivision Phase 3.

Dan Lewis and Roy Reed, owners, were present. Jack Balling, consulting engineer for the developer, was also present. Paul Rowland explained that this subdivision is the third phase of the Lewis Park Subdivision, which was granted preliminary approval in April of 1997. Phase One, which is mainly the lots fronting North Canyon Road was completed in 1998-1999. The second phase, which contains 20 lots and is located along the south side of the park property, was substantially completed this last summer.

This third phase of the subdivision includes 15 lots ranging in size from about 9,000 square feet to just over 15,000 square feet. All of these lots are built around a single 598 foot long cul-de-sac located between the park property on the south and an LDS church on the north. This subdivision contains one flag lot which is not allowed by our current subdivision ordinance, however, since the preliminary subdivision approval was granted prior to the elimination of flag lots, this lot will be allowed as originally approved.

The Staff recommends final approval of Lewis Park Subdivision Phase 3 with the following conditions:

1. Final review and correction of the subdivision plans.
2. Payment of all required fees including but not limited to:
 - a. Culinary Water fee
 - b. Underground Power fee
3. Posting of subdivision bond and signing a development agreement with the City.
4. Provide a current title report.
5. Compliance with all other City ordinances and standards.

There was a brief discussion before Lois Williams made a motion to recommend to the City Council final subdivision approval of Lewis Park Phase 3 subdivision subject to conditions outlined by Staff. Gordon Thomas seconded the motion and voting was unanimous.

2. Review and discussion on Eagle Ridge Subdivision D.

Kevin Wright, developer, was present. Jack Balling, consulting engineer for the developer, was also present. Paul Rowland explained that this plat was before the Planning Commission in August 1998. At that time, it was tabled due to the many concerns with the plat. It was resubmitted in April of this year for discussion and reconsideration. The new developer submitted the development with three different street options: a proposed "Hoggan Alignment" to the east of the gas pump house, the original street alignment and a cul-de-sac option. The lots shown on the submitted plat are not where the actual lot lines would end-up on a final plat. If the Cul-de-sac option were approved, a 54' wide access into the Lion's gun range would need to be reserved through the back of the circle.

Kevin Wright, developer, is requesting that the Planning Commission make a final decision about which of the following three options can be approved.

City Engineer, Paul Rowland, reviewed the street options:

Cul-de-sac option:

One possible lot would be available at the end of the cul-de-sac. Other ground shown to be under the 30% slope requirement is either in the creek or in patches smaller than 5000 sq. ft.

Hogan Alignment option:

This alignment does not appear to have any benefit over the original alignment and adds the problems of tight curves, bad grades and a potentially large fill along the gas pump house. Staff recommends that this alignment not be given any consideration.

Original Alignment option:

In addition to the one possible building pad mentioned in the cul-de-sac option it would be possible to get one pad west of the road at the extreme north end of the property. Another one, and maybe two building sites may be available east if the road in the area shown as lot 5 on the map, bring the total sites to a potential five (best case).

He stated that because this development is now being considered for approval independent of any other development, the overall average slope of the proposed subdivision is 40.7% which exceeds the allowable slope of 30% under the Foothill Ordinance.

Jack Balling explained that the original development was submitted by Tod Jones in 1990. This subdivision was part of a larger development. There was to be a large cut in the lower portion which has been completed. The material taken from the cut area was to be used to build the crossing over the creek, but now is no longer available. Tod Jones sold the property to Kent Hoggan with the intentions of using the cut material for the crossing of the creek and a temporary turnaround at the end. Mr. Hoggan did not have this done. Consequently Tod Jones and Lloyd Hayes, with an agreement from Mr. Hoggan, cut the hillside way back into the road eliminating any possibility of developing any lots. Mr. Hoggan either gave away or sold any material from the cuts leaving none to now build the crossing. Mr. Hoggan has now sold the property to Kevin Wright who wishes to continue with the previous plans.

Mr. Balling feels that there are three main reasons that this subdivision needs to be approved. #1 This subdivision was part of the developable ground before the Foothill Ordinance came into being. The waterline has been established and brought over to serve this area in the development of Eagle Ridge Subdivision below. #2 Mr. Balling feels that the main reason in having the road

developed in the original alignment is to have access to the shooting range. This shooting range is very important to the City. It is used all year long. #3 For the future development of the remaining ground. Some of this is Forest Service ground, but some day there will be an exchange of ground that will make this ground developable. At this time there will need to be an access. It would be an advantage to the City to have the road built.

He said that the Planning Commission granted the final approval several years ago to allow the road to be developed and a temporary turnaround put in. It is in the best interest of the City to see that the road is built by someone other than the City and serves the needs of the City. The need exists now for the shooting range and will be for the future. Mr. Wright is concerned about what he can do with the ground. Mr. Balling wants to know what can be approved. Jack Balling feels that the original option is the only option that can be given.

Rusty Mahan explained that Eagle Ridge consists of Plat A, B and C. This proposal is for Eagle Ridge Subdivision Plat D but now is not part of Eagle Ridge. Plats A, B, C, & D were originally approved together, but now the approval of Eagle Ridge Subdivision Plat D has expired. Plat D no longer is a part of Eagle Ridge and it must stand alone. Since the last approved, there has been a law suit against the previous developers to bring the lots to a two-to-one slope. The City has been in negotiations with the Forest Service for the acquisition of the shooting range for over four years now without any results.

There was a lengthy discussion between the Planning Commission and Jack Balling. There are concerns about the impact on the overall slope. The uphill side will not be such an impact but the lower side will be because they will be working with slopes over 40% and a larger area. To use the Cul-de-sac option would cause an impact because of the huge cut into the mountain side and a retaining wall will have to be built.

Paul Rowland mentioned that there is over 60 acres of ground north of this property that is buildable but is the property of the Forest Service. If a land trade could be done with this property, the road would be an advantage to the City. This road is not mandatory but not having it would not be good planning. It would provide a necessary access. The negotiations with the Forest Service is a long process.

Kevin Wright understands that this is a stand-alone subdivision. Water, sewer and electricity have been previously approved twice. Mr. Wright needs the Planning Commissions approval to use the Cul-de-sac option or do the right thing and put the road through with the original alignment as approved previously. Mr. Wright will force the issue because it does meet code, and build as many lots that can be built.

Paul Rowland explained that the City Council has the ability to grant exceptions. One exception would be a cul-de-sac road more than 600 feet. The other exception would be a subdivision approved with an average slope of 40%. Other exceptions would deal with the height of cuts and fills and crossing ground over 30% slope.

Rusty Mahan read from the Bountiful City Code 7-1-101: In cases where unusual topographical or other exceptional conditions exist, variations from this Subdivision Ordinance may be made

by the City Council, after recommendation from the Planning Commission.

Paul Rowland explained that Mr. Wright has brought in three options for the Planning Commission to discuss and decide on one for approval. Mr. Rowland feels that the Hoggan option is not an option. The remaining two options have some advantages and some disadvantages. The advantage is it is a developed subdivision. The disadvantage with the original option is with an extended road to the end, and nothing is developed in the future, you have a long cul-de-sac which exceeds the Foothill Ordinance. The advantage for the cul-de-sac option is that it meets the Foothill Ordinance for length of a cul-de-sac but still has the grade problems. Disadvantage is that it makes it difficult for Mr. Wright to justify the expense of large fill and it leaves a dirt road to the shooting range.

Paul Rowland did not give any recommendation in his memo to the Planning Commission. Mr. Rowland feels that the original option has some advantages but he has some problems with granted a subdivision which is way in excess of the requirements. As a stand-alone subdivision, normally it would be denied. Mr. Rowland presented a more detailed map of the lot alignment. There was another discussion with concerns of how many lots and crossing the creek and extending the road.

Kevin Wright has a problem with what is being discussed. He feels that the Planning Commission is holding up their decision because of what can happen in the future. If he could purchase the property from the Forest Service and combine it with his there would be no problem. Since he does not have it, Mr. Wright feels like he is being penalized. Mr. Wright would like as many lots as he can have to make it feasible to build the bridge. He feels that he has buildable lots.

Mark Green feels that the slope is too excessive to put in a road. Mr. Green has no objections in granted some exceptions, like crossing some 30% slopes, but this one is too excessive.

Rusty Mahan read the section from the Bountiful City Ordinances 14-13-108 Requirements for Building in the Foothill Overlay Zone items 1-8. The decision before the Planning Commission is to give an indication of whether it may approve the long road, the cul-de-sac or nothing. Then Mr. Wright can come back and present to the Planning Commission the details of a plan.

Lois Williams made a motion to recommend that Mr. Wright go with the original alignment option and submit site plans to the Planning Commission before approval. Gordon Thomas seconded the motion. Two voted for the motion, Lois Williams and Gordon Thomas, and three voted against, Dick Dresher, Mark Green and Al Hess.

Dick Dresher has concerns about cutting across the canyon. Mark Green also has some concerns with cutting across the canyon and the length of the road. The road to the Gun Club does get used and one week a year gets heavy use, but is not like a public park, library, school or gulf course. Mr. Green feels that the people that use the existing road like it just as it is. Mr. Green can't justify an improved road just for the use of the Gun Club.

Rusty Mahan explained that another motion could be made or no motion could be made. No action is action. Dick Drescher mentioned that this is only a review and discussion and does not stop the subdivision.

Kevin Wright feels that the Planning Commission is holding him up from doing something that he wants to do. If this is not approved, Mr. Wright will file a legal suit against the City. By taking no action it is costing him more money and he isn't willing to do that. He feels that he does have approveable lots and what does it hurt to have a subdivision?

Rusty Mahan explained to Mr. Wright that there has to be exceptions made with this subdivision and the Planning Commission has to decide what is best for the City. Dick Drescher added that Mr. Wright might have buildable lots but are they accessible? If they are not accessible, they are not buildable lots. If you cannot cut across 30% ground then your lots are not accessible nor are they buildable. Mr. Wright is asking for exceptions to the rules and requirements to the subdivision ordinance. Which means you have to cut across 30% ground which you are not allowed to do.

Paul Rowland has some concerns with the overall slope of 40%. This will have to be an exception and in the past this has never been granted.

Gordon Thomas made a new motion which is the same as the original motion to recommend that Mr. Wright go with the original alignment option and submit site plans to the Planning Commission before approval. Lois Williams seconded the motion.

Al Hess has some concerns with Mr. Wright going to the expense to bring this back if the exceptions are not going to be approved. Mr. Balling mentioned that if this is brought back there will have to be at least two exceptions: One the length of the cul-de-sac and one for the crossing of the creek. Mr. Mahan mentioned that there will have to be an exception for the overall slope.

Blaine Gehring has some concerns with creating lots that are on a road which borders on either side a gun range which will be difficult to sell. It is going to be tough enough selling the lots next to the gun range. This is another negative against this project. What type of a living environment is being creating for the people? Lots need to be created that are worthwhile to the citizens of Bountiful. The City owes something to the future citizens of Bountiful to approve useable lots.

Al Hess asked for the motion to be voted upon. Motion was made and voting past by majority vote. Four voted for the motion and one abstained from voting.

Zoning Ordinance Amendments

1. Consider miscellaneous zoning ordinance amendments.

Blaine Gehring asked the Commission Members if they had a chance to review the amendments

or do they need more time? Mr. Gehring understands that they have not been able to review this item because their packets were not delivered. At this time there is an item that needs to be addressed which is Item #5 Establishment of uses not listed. The City has been contacted by the Family Connection Center in Clearfield about opening a satellite group home in Bountiful. This type of facility allows for parents who are stressed or otherwise at their wits end to bring their children to a home for up to 72 hours to give them time to be away from the children before the situation becomes abusive. These homes are known as family support homes and offer that service as well as counseling and parenting classes dealing with a variety of issues. These facilities are in a home in a residential area.

Mr. Gehring has looked at the ordinance to see how this will fit but the City does not have a category for this type of use. The ordinance now states that commercial uses which are not listed in the permitted or conditional use categories go to the City Council for consideration. If the City Council wishes, it can go to the Planning Commission for approval. At this time the provision in the ordinance applies to commercial or industrial uses. Staff is recommending, rather than deal with a one time use situation, to amend Section 14-2-106 to allow the City to consider uses in any zone.

Dick Dresher made a motion to send a recommendation to the City Council to amend Section 14-2-106 in the Zoning Ordinance as outlined by Staff. Gordon Thomas seconded the motion and voting was unanimous.

Meeting adjourned at 9:42 p.m.