

PLANNING COMMISSION MINUTES
May 21, 2002

Present: Chairman Paul Summers, Larry Rigby, Dick Dresher, Mark Green, Lois Williams, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: City Council Representative Barbara Holt and Al Hess.

Paul Summers welcomed all those present and introduced all Planning Commission Members.

Dick Dresher made a motion to approve the minutes for April 16, 2002 as amended. Lois Williams seconded the motion and voting was unanimous.

Conditional Use Permits

1. Public hearing to consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 629 E. 1050 N., Laura Hallen, applicant.

Laura Hallen, applicant, and Appen Oberly, second provider, were present. Blaine Gehring explained that in-home day-care 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 the State in a day-care under one person's supervision.

Laura Hallen would like to start a daycare in her home. She would like to expand the number of children to more than 8 and has applied for this conditional use permit.

The property is located just east of 600 East on 1050 North. Access to and from the daycare is not limited as a result and would not pose impacts on the surrounding neighborhood. The conditional use permit would only allow an additional four children as per State licensing limitations. The lot is very large and has adequate room for outdoor play areas in the fenced rear yard as required.

Staff recommends granting the conditional use permit to increase the number of children in this daycare up to a maximum of 12 children. Staff has received three letters, one for and one against the use and one without a name, address or signature.

Public hearing was opened for those present. Joe and Jessica Cuddy, residing at 652 E. 1130 N., are against this permit, and hope that the Planning Commission considers not granting this permit. This is a very quiet neighborhood and Mrs. Cuddy has concerns about the noise, her property value, and the increase in traffic. Mrs. Cuddy is upset about having the noise from the

children and the noise from the dogs. She is home during the day and does not want to hear them.

Joe Cuddy also has concerns about the loss of property value, noise, and the dogs. Mr. Cuddy mentioned that the ordinance requires that a public notification and a sign be posted on the property about the conditional use. Mr. Cuddy never saw such a sign on the property. Mr. Cuddy presented pictures of the section of his backyard, 6 to 8 feet, which abuts the Hallen's yard. Mr. Cuddy has complaints about the dogs damaging his fence and the constant barking from the dogs.

Rusty Mahan suggested that since there was not a sign put on the property, continue this public hearing at the next meeting after a sign has been posted on the property.

Laura Hallen explained that she has been licenced by the State for up to 8 children at her previous residence. Mrs. Hallen and Mrs. Oberry would like to provide a better standard of care for children. Having two providers will allow for better quality care and the providers will not get burned out from being alone.

There was a discussion about the dogs. Mr. Gehring noted that the dogs are an issue with the State Licensing and the parents of the children, not the Planning Commission.

Dick Dresher made a motion to table the public hearing and consideration of the day-care until the next meeting and proper notice is placed at the site. Larry Rigby seconded the motion and voting was unanimous. The next meeting is scheduled for June 18, 2002.

Site Plans

1. Consider preliminary and final site plan approval for Riley Court Phase 2 Apartments located at 575 S. 100 E., Marv Blosch, developer.

Marv Blosch, developer, was present. Blaine Gehring explained that Marv Blosch has purchased properties directly south and adjacent to the existing Riley Court apartments. He would like to do a second phase with 16 units on 1.2 acres of property. There will be an access driveway from 100 East connecting to Riley Court Phase 1. This driveway in Phase 2 is beyond 120 feet in length and requires a second outlet or a turnaround. By providing the second outlet, the two phases must remain under one ownership so that the secondary access remains open for Phase 2.

The buildings, as shown, have a minimal amount of stone on the exteriors. The ordinance requires that no more than 50% of the exteriors may be in stucco or other similar material. The plans need to be modified to meet this ordinance requirement.

A 10' x 10' dumpster pad has been shown but with no enclosure. A dumpster enclosure needs to be provided made from materials to match the exteriors of the buildings. If current dumpster facilities in Phase 1 are to be used, the pad should be eliminated and the existing enclosure in Phase 1 be fully enclosed with latching gates on the front.

There are 32 stalls (2 per unit) required and 36 stalls are provided. This would meet the new ordinance adopted which requires 1/4 space per unit for visitor parking. The parking as shown on the site plan and as shown on the landscaping plan are not consistent. Using the site plan as the official plan, there are only 11 spaces shown as covered (9 carports and 2 garages). Another 5 stalls must be covered. In addition, we have discovered that some of the garages in Riley Court Phase 1 are being rented as storage units. The garages for both Phases are for the exclusive use of the tenants of the complexes and may not be rented out. If the 2 garages for this Phase are intended to be storage units, 2 additional stalls under a carport must be provided.

The landscaping plan provides nice landscaping along the entry, the west property line, and in front of the building. There are two problems with this plan, however. First, the area which is part of Phase 2 abuts the garages in Phase 1 is not shown as being landscaped. Mr. Blosch mentioned that this area he would like to use as a garden area for the tenants. It will be maintained by the tenants and does not create a drainage problem. Also, the trees along the rear are spaces at between 50 and 70 feet apart. There are just over 240 feet across the back lot line which would require a minimum of 16 trees spaced 15 feet on center.

Marv Blosch explained that the design of this project is with artificial stone and artificial siding which was based around a building built in Provo. Mr. Blosch presented pictures and samples of the artificial stone and siding. Mr. Blosch would like to use this material with the idea that aesthetically it is very pleasing to look at. Mr. Blosch asked if using this type of material will it be defined as siding? Dick Drescher feels that it would and the Planning Commission agreed. Paul Rowland explained that with this project attaching to an existing development there are some issues that have come up. One is Riley Court Phase 2 is an extension of Riley Court Phase 1 which necessitated that the water line which comes in and dead ends at the fire hydrant, serving the original Riley Court, be looped around to the driveway and continued out. This is also part of the old creek bed for Millcreek. There is a dip which does not drain which will require building the site up for proper drainage. There have been some changes to the original site as far as the utilities.

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

- A. The following corrections be made to the site plan and landscaping plan before submission to the City Council for approval:
 1. Modify the building plans such that the exterior of the buildings have no more than 50% in stucco or similar materials.
 2. Provide a dumpster enclosure which matches the exterior materials of the buildings or upgrade the existing dumpster enclosure in Phase 1 with solid gates to screen the dumpster.
 3. Provide a 6 foot high fence along the north side of the driveway from 100 East

and along the south, east and west property lines beginning at 20 feet back from the sidewalk.

4. Provide the necessary covered parking stalls as required by ordinance and have the site plan and landscaping plans match.
5. Landscape the area east of the existing Phase 1 garages as part of Phase 2 and provide a minimum of 16 screening trees along the rear lot line.
6. Make revisions to site plan engineering drawing per red lines.

B. Recommend the following conditions be met at the time the Building Permit application is submitted:

1. Riley Court Phase 1 and Phase 2 must be tied together by deed. The two phases must remain in one ownership due to the length of the access driveway in Phase 2. Access driveway between Phase 1 and Phase 2 required to remain open and unobstructed at all times.
2. Garages in Phases 1 and 2 are for the exclusive use of tenants and may not be rented for storage or non-tenant use.
3. The area at the rear of the units (East side) is very flat and will have difficulty draining. Positive drainage required.
4. The culinary water main line is required to tie into the Phase 1 line.
5. Provide utility easement over entire access driveway 7 feet wide along the street frontage and along the south and east property lines.

6. Payment of fees:

a.	Storm drain impact fee	1.2 AC x 2100/AC	=	\$2,520.00
b.	6" culinary main line	395' @ 25.00/ft	=	9,875.00
c.	Fire hydrant & connections	Hydrant	=	2,130.00
		Tap & valve	=	1,500.00
		Connect & Ext	=	500.00
d.	Lateral & impact fee	Per size		
	Road patch	Per actual patch size		
	Sewer impact fee	16 units x \$1,556.00	=	<u>\$24,896.00</u>

7. Install 15" dia RCP storm drain from development to existing Barton Creek inlet

box on 100 East per drawing.

There was a discussion about the laundry room and the placement of the dumpster. Mr. Blosch explained that in Riley Court Phase 1 there are stackable washers and dryers in each unit. In Phase 2 there will be an area for stackable washers and dryers for those who want to use them. For those who don't, there will be a laundry room with coin operated machines. Mr. Blosch would like to change the location of the dumpster next to the garages.

Lois Williams made a motion to recommend to the City Council preliminary and final site plan approval Riley Court Phase 2 subject to the recommendation of Staff with the following changes:

- A-2. Provide a dumpster enclosure which matches the exterior materials of the building.
- B-1. Riley Court Phase 1 and Phase 2 must be tied together with a deed restriction. The two phases must remain in one ownership due to the length of the access driveway in Phase 2. Access driveway between Phase 1 and Phase 2 required to remain open and unobstructed at all times.

Larry Rigby seconded the motion and voting was unanimous.

- 2. Consider preliminary and final site plan approval for an expansion of the Bountiful Nursing Home at 523 N. Main, Heritage Management, owner.

Cory Bell and Chris Reed, Heritage Management, and Mark Fetzer, Dixson & Associates, were present. Paul Rowland explained that Heritage Management purchased the nursing home at 523 N. Main in or around the spring of 2001. At the same time (May, 2001) they purchased and had rezoned a small parcel from the Davis School District to square up the property on the northwest corner. The old home on the north property has been demolished and they are now desirous of completing the expansion described at the time of the rezone.

Blaine Gehring explained that the expansion will bring the total beds in the facility to 122. There are some specific parking requirements for these types of facilities and the following parking stalls have been provided on the site plan:

- One stall per five beds provided $122 \text{ beds} / 5 = 25$ 25
- One for each vehicle used by operators of facility provided 3 required 3
- One for every 2 employees on max. shift provided 20 required 20
- ADA accessible spaces provided 3 required 3

- ADA van accessible spaces provided 1 required 2
- Visitor spaces 0 required 10 provided
52 required 63 provided

The landscaping plan provides new landscaping along the expansion frontage, along the front, north and west sides of the building, in the interior courtyard, and along the north and west property lines. The one problem with the landscaping plan is the trees along the north and west property lines. Our ordinance requires screening trees on these lot lines every 15 feet on center. This would require 21 trees along the west line and 20 trees along the north line from the beginning of the parking. The plan shows 7 trees along each of the lot lines. Additional trees need to be provided to meet the ordinance.

One other note as to landscaping and fencing. Because the north and west property lines abut the junior high school property, the landscaping strip along the parking only has to be 5 feet and no screened barrier fencing will be required either.

Cory Bell explained that the property has not been managed very well with two old homes to the side and no visibility onto the street so changes are being made. In the old section of the facility the rooms are being remodeled to blend with the new section. Currently there are 89 beds, with the addition of 33 new beds there will be a total of 122 beds for the facility. This will be a great improvement for the neighborhood. The home to the south will be used as a business office for the facility. Mr. Bell is hoping to start construction in September.

Dick Dresher had some questions about having enough landscaping to meet the 40% as required by the ordinance. It was discussed and decided to add another condition to the recommendations. The location of the dumpster and the single entrance was also discussed. The dumpster is located in the rear of the facility and the Fire Department has approved the site plan for proper emergency access.

Blaine Gehring mentioned that it was not on the Staff report about the sprinkling system but all the landscaping areas will be irrigated.

Paul Rowland explained that this site does not have any type of storm drain or creek available to it. Currently the site drains to the rear into a sump. With the current environmental protection some sump systems are not desirable. However, in this case it is the only way the water can be dealt with. It has to drain on site. The storm drain sump system needs to be designed as a biofiltration system. This may require reducing the total parking and providing more landscaping. Where there is an excess of parking stalls provided, this should not be a problem if it is necessary.

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

1. The landscaping requirements for screening trees on the perimeter of any site is trees every 15 feet on center. The new landscaping plan for the north and west

property lines does not come near to that standard. There should be 21 trees along the west line and 23 trees along the north line.

2. Provide details and engineering on the biofiltration sump system including any changes in parking and landscaping designs.
3. Stormwater pollution prevention plan is required for construction site runoff.
4. Release of easement required for fire line easements.
5. Provide a 20 ft. wide easement required along fireline and a 7 ft. wide public utility easement required along all property lines.
6. Relocated the overhead power line.
7. Payment of the following fees:

Hydrant line	643 ft. @ \$25.00/ft. = \$16,075.00
Fire hydrant	2 @ \$2,030.00/ea. = 4,060.00
Tapping valve & sleeve	6" x 6" = 1,313.00
Sewer impact fee	based on fixture review
Storm drain impact fee	(on site retention - no fee)
Water impact fee	based on new service size

8. Construction must comply with the IBC and any local ordinances.
9. UDOT permit required for driveway and sidewalk construction.

Larry Rigby made a motion to recommend to the City Council for preliminary and final site plan approval for an expansion of the Bountiful Nursing Home at 523 N. Main subject to the recommendations of Staff with the addition of item #10 as follows:

10. Revise the site plan as necessary to meet the 40% landscaping requirement.

Dick Drescher seconded the motion and voting was unanimous.

Subdivisions

1. Consider a lot split for the Bountiful Mazda car dealership.

Mike MacDonald, owner, was present. Rusty Mahan explained that Mike MacDonald is proposing to divide his car dealership property from one lot into two. One will be for the Mazda dealership and the other for the Lincoln-Mercury dealership. In the recent past this property consisted of several distinct parcels in the records of the Davis County Recorder, but within the last couple of years were combined into a single description. Now it is proposed to break it

down into separate parcels again.

The general rule under State and City law is that properties must go through the subdivision process in order to divide into lots. However, there is an exception under the law, and we are proposing to use the exception on the Mazda dealership properties. Zions Bank holds the mortgage or trust deed for the entire property and they consent to the division of the property. Mr. Mahan has a title report reflecting the ownership which is subject to only one trustee. Mr. Mahan will prepare a document for the City Council to sign stating that they consent to the division of the property. The document will be attached to the deed and can be divided to metes and bounds rather than recording a plat.

The Planning Commission is approving the division of the lot into two lots by the exception rather than the subdivision plat. The Planning Commission needs to send a recommendation to the City Council for approval of the division of the property on the basis of the exception.

Dick Drescher made a motion to the City Council for approval of the division of the property into two metes and bounds descriptions, subject to whatever conditions the City Engineer may recommend. Lois Williams seconded the motion and voting was unanimous.

Meeting adjourned at 8:30 p.m.