

PLANNING COMMISSION MINUTES
June 18, 2002
6:00 P.M.

Present: Acting Chairman Al Hess, Larry Rigby, Dick Dresher, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil. Chairman Paul Summers came in at 6:40 p.m.

Absent: Mark Green and Lois Williams.

Al Hess welcomed all those present and introduced all Planning Commission Members.

Dick Dresher made a motion to approve the minutes for the May 21, 2002 as written. Larry Rigby seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for the Pages Place Apartments, 1900 N. 200 W., Chad Salmon, developer.

Chad Salmon, developer, and Brian Knowlton were present. Paul Rowland explained that Mr. Chad Salmon has been working with Brian Knowlton to purchase the parcel of property which was recently deannexed from Centerville and annexed into Bountiful along our northern city boundary on 200 West. It lies directly adjacent to the north of the Call Meadows PUD now under construction by Mr. Knowlton. The apartment development will consist of 33 units on 2.5 acres or a density of 13 units per acre. The architectural drawings show designs for a four-plex, a five-plex and a six-plex. The breakdown of these plans and the number of units for each is as follows:

4 four-plexes	2 2-bedroom units and 2 3-bedroom units
1 five-plex	1 2-bedroom unit and 4 3-bedroom units
2 six-plexes	2 2-bedroom units and 4 3-bedroom units

This makes for a total of 33 units consisting of 13 2-bedroom units and 20 3-bedroom units. The original site plan came in with the required parking stalls per 2 bedroom unit and 2.5 stalls per 3 bedroom unit plus 4 additional stalls. The plan was revised to include 4 more stalls and the plan now meets the new ordinance requirements.

This project is in the area that will drain into the storm drain system of Centerville City. Centerville is in the process of putting this storm drain system in and has requested that this project have no detention basin provided. Centerville City wants the water drained into their system and out to the lake as soon as possible. The storm drain fee will be paid directly to Centerville City.

Blaine Gehring explained that staff has reviewed the landscaping plan, and found that this development and Call Meadows PUD are being treated as the separate properties they are with a line of screening trees along the property line adjoining the two parcels. Staff feels that both sets of trees will be too much, especially where they will be next to the major storm drain that comes along the south property line of this complex. Staff recommends that a single set of screening trees be provided, alternating between the properties every 15 feet on center as required. Staff is recommending that a revised site plan be submitted by both developments showing alternating trees along property line. Also, a stamped landscape plan and the parking plans need to show the islands being smaller. Both plans need to match which at the present time do not.

There is the usual problem with the coverage of stucco versus masonry on the exteriors of the buildings. All three plans (4-plex, 5-plex and 6-plex) do not show enough masonry on the exteriors. Also, the dumpster enclosure must be of a material to match those exteriors as well.

Staff can see a potential problem with the storage units being used for rental units. These units need to be used exclusively by the tenants of the apartments and not be rented as commercial storage units.

Blaine Gehring asked if these three phases, Pages Place PUD, Pages Place Apartments and Call Meadows PUD, are one large development connected together or three separate projects? Is the intent for the use of the storage units for the apartments or are they for the other phases also? Brian Knowlton explained that the storage units will be restricted to the owners and tenants of the overall project. Mr. Gehring mentioned that the condition needs to be modified for the use to be limited to the owners and tenants only, no commercial use.

Brian Knowlton mentioned that these projects have been designed to cover large and small units and to blend into the community. There will be a revised plan with the corrections for the exterior of the units and landscaping.

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

1. Revise the landscaping plan to: (a) match the site plan for number of units and parking stalls; (b) revise the Call Meadow PUD landscaping plan and the Pages Place Apartments landscaping plan along the common property line as appropriate maintaining 6 minimum of trees per unit for each development site, (c) have the plan be certified by a landscape architect or certified landscape installer.
2. Revise the architectural drawings to show not more than 50% of the exteriors of the buildings in stucco or siding materials.
3. Show the dumpster enclosure out of a material to match the exteriors of the buildings.

4. Modify the requirements placed on Call Meadows and require that the stub at Pages Place Drive approved as part of Phase 1 be extended to meet the continuation of Pages Place Dr. in the new apartment development.
5. Review and approval from Centerville City required for the connection of Pages Place Drive to 400 West (200 West in Bountiful) Street.
6. The Storm Drain impact fee for this project will be paid to Centerville City per the agreement between the Developers, Bountiful City and Centerville City.
7. Provide the following easements:
 - a. Full road with along Pages Place Drive (both 1900 N and 250 West) to cover the culinary water and sanitary sewer.
 - b. 15' wide along the south property line to cover the storm drain and sanitary sewer.
 - c. 15' wide along the 400 West frontage from the south property line to Pages Place Drive to cover the culinary water line.
 - d. 7' wide along all other property lines.
8. Payment of the following fees:

a.	6" water line, laterals, meter boxes and hydrants:	\$32,940.00
b.	8 - 1" and 1 - 1.5" culinary water meters	18,380.00
c.	Storm Drain Impact Fee: 2.5 acres @ \$2,100/ac	5,250.00
d.	Sanitary Sewer: fee paid direct to South Davis Sewer	
e.	Site Plan review fee	<u>100.00</u>
		\$56,670.00
9. Submit a Construction Site Storm Water Pollution Prevention Plan.
10. Submit a deed restriction so that Pages Place Drive cannot be closed.
11. Exterior material of the storage units match the main buildings and the use of the storage units be limited to the owners and tenants of Pages Place PUD, Call Meadows PUD and Pages Place Apartments.

Dick Dresher made a motion to send preliminary and final site plan approval for Pages Place Apartments subject to the conditions 1-11 outlined by Staff. Larry Rigby seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider amending the Zoning Ordinance regarding storage of trash, garbage and junk vehicles.

Blaine Gehring explained that there is a growing problem in Bountiful—junks cars and other stored, unsightly materials. There are cars which are inoperative, abandoned, dismantled, unlicensed, and allowed to just sit on a piece of property. Staff is suggesting no longer used yard equipment, piles of garbage and boxes, etc., be stored in yards and in carports. The current ordinance provisions are also conflicting in that reference to trash storage in specific zones allow such things to be stored behind an opaque fence or barrier while the specific section in the Supplementary Standards does not allow for “abandoned, wrecked or junk vehicles” to be stored on any property unless an exemption has been given. There is the section of the City Code which does not allow for “garbage, refuse, unsightly or deleterious objects or structures to be upon the property” at all.

Blaine Gehring mentioned that he has been working with the City Attorney Russell Mahan, City Prosecutor J. C. Ynchasusti, and Code Enforcement Officer Mary Barnes to put together some new provisions which they feel will help better enforce and prosecute (when necessary) such problems.

First, the City Code will be amended to remove from Section 8-6-102 (b) reference to “disused, abandoned motor vehicles” and add the words “except in an enclosed building.”

Second, Sections 14-4-116 C., 14-5-116 C., 14-6-116.E1. of the zoning Ordinance are to be amended to read:

C. Trash Storage. No trash, garbage, refuse, unsightly or deleterious objects or structures, or used materials, ~~or wrecked, unused or abandoned vehicles or equipment shall be stored in an open area~~ allowed or permitted upon any property. ~~All such materials must be screened from public streets and adjacent properties with an opaque material, or must be stored within an enclosed building.~~ Storage of commercial goods or material is expressly prohibited.

And, Section 14-9-118 F. be amended to read:

F. Trash Storage. The following provisions shall apply to storage and disposal of trash and other used materials and debris in the C-R Zone:

1. For all single family and duplex residential uses, No trash, garbage, refuse, unsightly or deleterious objects or structures, or used materials, ~~or wrecked, unused or abandoned vehicles or equipment shall be stored in an open area~~ allowed or permitted upon any property. ~~All such material must be screened from public streets and adjacent properties with an opaque material, or must be stored within an enclosed building.~~ Storage of commercial goods or materials is expressly prohibited.
2. For multi-family residential, institutional and commercial uses, A screened or otherwise enclosed area will be as an integral part of the on-site buildings or an outside area designated for having a dumpster or other trash control device to

keep the trash out of public view and controlled to keep litter from scattering throughout the area.

Third, more detailed provisions for the storage of abandoned, inoperative, dismantled vehicles to Section 14-14-109 of the Zoning Ordinance including the requirement for a permit to allow a person to have such a vehicle on their property if it is under legitimate repair and/or restoration.

Mr. Gehring mentioned that Bountiful has an ordinance problem and would like to make the ordinance tighter to help control the problem. With the current ordinance the cars, trash etc. could be placed behind a fence. Staff is asking if the ordinance needs to be changed? Is putting these cars, trash, etc., behind a fence no longer an option?

Barbara Holt and Larry Rigby has some concerns about the use of the garage. Some people rebuild and restore old cars by using the garage and can the City legally stop someone from storing items in the garage?

There was a discussion on the health hazard that can develop from these items and what can be stored or worked on in a garage. It was decided to modify the wording to include an exception to what can be stored in an enclosed garage. It was agreed to issue a 6 month permit to rebuild or restore a car but all other types of trash and debris will no longer be allowed.

Dick Drescher made a motion to amend the Zoning Ordinance regarding storage of trash, garbage and junk vehicles as outlined and modified. Larry Rigby seconded the motion and voting was unanimous.

Al Hess turned conducting of the remainder of the meeting over to Paul Summers.

2. Consider amending the Zoning Ordinance as to posting of signs for public hearings.

Blaine Gehring explained that at the last meeting, a neighbor of Laura Hallen who was seeking the day care in her home, complained that the property had not been properly posted with a sign as per the ordinance. This was just forgotten.

This brings up this proposed amendment to the ordinance removing this specific requirement. The ordinance has three things that require sending and posting a notice: zone changes, conditional use permits, and variances. State law provides specific provisions for a public notice generally and for a specific time period of 14 days published notice for a zone change. Other than that, there are no specific requirements for notices for a conditional use permit or for a variance. To insure that there has been more than adequate notice to surrounding property owners, Staff placed two additional provisions in the ordinance. One, which is common among most cities, is mailing of notice to all property owners within a certain radius distance. That is typically 300 feet, but our ordinance is for 500 feet. As an added provision it has been added a posting of a sign on the property. The experience with such signs is that unless they are placed during a period of good weather, the signs curl after being wet, or they blow away during high winds which we experience in Bountiful. Even though a property may have been posted 10

days prior to the hearing, the sign may only be up a short time before it is no longer readable, or has been removed by weather or other means.

When a petition is submitted to our office, it is required that the applicant supply a list of property owners within 500 feet on mailing labels. The list is double checked against out utility records and the county plats. When names have been left off or are incorrect, they are corrected and updated prior to sending out the notices. There have been no problems with the mailings. Mr. Gehring feels that the intent of the ordinances and State law by publishing a notice at least 14 days in advance of the hearing and sending a mailed notice to all property owners within 500 feet have been met. The posting has not been effective because of the reasons stated.

Staff recommends sending to the City Council a favorable recommendation to amend the following sections by repealing the provisions requiring the posting of the property with a sign be eliminated from Sections 14-2-105 G.3. (Zone changes), Section 14-2-205 C. (conditional use permits) and Section 14-2-206 (variances) as discussed.

Dick Drescher has some concerns about the renters of properties not getting the legal notices. Posting the sign gives them the information since they don't receive a notice, yet he understands that the current signs do not work.

Barbara Holt excused herself from the meeting.

Rusty Mahan suggested that posting of the signs be removed, since it is not required by State law, or require the applicant to post the sign and Staff make sure that it has been done. Mr. Mahan will revise the posting of the sign and bring back to the Planning Commission.

Larry Rigby made a motion to table this item until the next meeting. Dick Drescher seconded the motion and voting was unanimous.

Paul Rowland excused himself from the meeting.

Conditional Use Permits

1. Continuation of consideration of 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 were present. Blaine Gehring explained that as a result of an oversight on Staff's part (not properly posting the necessary signage on the property), this item was continued following a partial public hearing at the May meeting. A notification sign was delivered to Mrs. Hallen and it was properly posted not later than June 8th which was ten days prior to this meeting.

During the last meeting's discussion, the neighbors adjacent to the Hallen property to the north voiced opposition to this conditional use. Among their concerns were included the potential

noise from that many children and dogs in the yard behind them while they were trying to sleep following swing shift type work. Two written comments opposing the daycare due to increased traffic it might create and one written comment in support have been received and placed in the record.

Mr. Gehring has discussed a couple of issues with Mrs. Hallen and offer the following in rebuttal to those arguments. First, Mrs, Hallen did not want to delay opening the day care entirely and has amended her original application to 8 children with the State. This is within the permitted uses in the R-1 Zone and she is now operating under that license. What Mrs. Hallen is asking for is permission to have 4 more children and a second provider in her home. (The second provider is bringing her own baby. When combined with Mrs. Hallen's twin babies, the actual number of children which will be brought to the home for care will be only nine because children under two years of age must be counted in the total.)

Second, the Planning Commission have considered several of these in-home day care/preschools with more than 8 children. Staff has not received one complaint from any of them after they were up and running and some were opposed by their neighbors on similar grounds. This includes noise from the children and any extra traffic from parents bringing their children to the home. There is no difference in what Mrs. Hallen is proposing from any of the other in-home care facilities the Planning Commission has approved previously.

Third, the issue of the dogs is not one which should even be considered in this discussion. If there is a nuisance problem, it should be handled between the two neighbors and/or with the police. As far as how the dogs play into the day care, this is also not the Planning Commission's place to decide. (See City Attorney's memo which is in the records) Staff has contacted the State licensing people and they said a full investigation is done where dogs or other animals are present. The State then makes a finding as to whether the animals are a potential hazard or not and issue the license with stipulations regarding them and their place in the day care setting. This should also not be in the discussion.

Last, Mr. Gehring asked Mrs. Hallen about what is required in terms of the children being outside. She said they are only required to have the children outside one time during the day. On good days, she might have them out twice but only for about 15 or 20 minutes at a time and they are closely supervised while outside. On stormy days, they do not go outside. Most of a typical day the children will be indoors participating in planned activities and will not be outside at all.

From what was said and presented at the public hearing in May combined with the new information from Mrs. Hallen and the State licensing staff, Mr. Gehring can find no reason that this day care would be any different from those which have already been granted a conditional use permit. Mr. Gehring reaffirms his recommendation that this conditional use permit be granted.

Public hearing was opened for those present with any comments.

Jessica Cuddy, residing at 652 E. 1130 N., who was at the initial meeting and this one, still has concerns about the day care. Mrs. Cuddy has concerns about her property value. She says there is a difference between a day care in the neighborhood and in your own yard. Mrs. Cuddy believes that if she tries selling her home that the value will suffer from having a daycare and barking dogs. She is willing to have her home reappraised with this information to see if there is any change. Mrs. Cuddy is also concerned about the traffic. There is a good possibility that there will be 12 cars with 12 children coming and going through the neighborhood twice a day. With the increase of cars there be an increase of car accidents which gives concerns with the children in the neighborhood. The majority of home owners around the Hallens are retired, old and single. This area is not a family neighborhood. There are no little kids within the first six houses on that block. Mrs. Cuddy has talked to the neighbors, which are not present, and there is a lot of misrepresentation going on. Mrs. Hallen has made statements saying that there will only be a few children and now that is not true. Some of those people still think that. Mr. Braun, residing at 651 E. 1050 N., is a single gentleman. Mr. Braun likes to barbeque and have adult friends over. Is there going to be a problem if we are entertaining and maybe the language is inappropriate or someone is outside drinking a beer? Mrs. Cuddy is concerned with having small children around. She also has concerns with the dogs. Mrs. Cuddy has a record of the dogs charging the fence repeatedly. She would feel terrible if something happened to one of the children.

Mrs. Cuddy states she is throwing up all these flags for her own reasons because it is for her own peace and quiet. If the two dogs can't be quiet, how can she expect 12 children to be quiet? Mrs. Cuddy suggested placing the day care somewhere on 400 East or 6th Plaza that is commercial. There are a lot of areas where this day care could go. If Mrs. Hallen wants to have a nice business and still be with her children, why does it have to in someone's back yard? Mrs. Cuddy has heard that Mrs. Hallen has said that this is a done deal. If this is a done deal why is there a public hearing? Mrs. Cuddy pleaded to the Commission members to take all this into consideration.

Rachel Howe, residing at 673 E. 1050 N., wants to have some clarification on some concerns that she has. There has been a lot of talk going around the neighborhood that is not true. Mrs. Howe has heard that there is going to be 16 children plus their own which would be 20 children. As far as this being a quiet retired community, Mrs. Howe lives two houses up the street and has three children, the house across the street has nine children, and another house across the street has four children. There are children in the neighborhood. As far as the traffic concerns, the traffic comes from up above not this part of the neighborhood. Mrs. Howe feels that there will not be a traffic problem. Mrs. Howe feels that if this doesn't work out there will be some type recourse to fall back on. It has also been said that if the Hallens can't afford to live here they need to go elsewhere. This is not fair and should not be going on in Bountiful. As far as property value Mrs. Howe has a rental property next door which has not been a problem. There is going to be a lot of "If's," but can be worked out. Mrs. Howe wanted to clarify and clear up the misrepresentations going around the neighborhood.

Rusty Mahan explained that a conditional use permit goes with the land. It goes from owner to

owner as long as the conditional use is being conducted on the property. If the new owners do not use it then the conditional use lapses. It does not have to be renewed. The Planning Commission can set conditions such as certain times of the day which the day care can be opened.

Blaine Gehring explained that any children age two and under will count as part of the total twelve children. Mrs. Hallen has twins and Mrs. Oberly has one child so there can be nine more children with a total of 12.

Dick Drescher mentioned that if there are complaints with a conditional use there is action that can be taken. Rusty Mahan explained that a notice can be given to stop the violation or it can be brought before the Planning Commission to have it revoked.

Joe Cuddy, residing at 652 E. 1130 N., still has concerns with the sign that was posted. It was only 6" by 14" and the top part of the sign was bend over so no one could see it. Mr. Cuddy does have concerns about his property value and the buffering and privacy zone that is in the ordinance 14-2-2-06 #B. Mr. Cuddy wishes the City or the Planning Commission to pay for this buffering or privacy if this use is permitted. Mr. Cuddy does not want all the kids looking into his backyard. From time to time the kids climb the trees and look into his yard.

Rusty Mahan mentioned that a fence could be required if necessary. This permit does not automatically entitle the neighbors to a six-foot solid vinyl fence. If the Planning Commission feels, that under the circumstances of the neighborhood, it would be appropriate to impose a condition for that. Mr. Cuddy provided pictures of the fence which has been attacked by the dogs.

Laura Hallen feels that since she has extra fence slats in her garage, which were there when she bought the home, the fence belongs to her not the Cuddy's. There is only a five-foot section that abuts the Cuddy's back yard. There are also two trees planted in the five-foot section. There is a three foot retaining wall under the three-foot fence which make a total of six feet tall. The back yard is completely enclosed by a fence or the wall of a garage.

Eric Hallen, husband of Laura Hallen, mentioned that the slats have been torn up in the fence by the dogs. The Cuddy's also have two dogs. The Cuddy's had a piece of plywood up to the fence to prevent the dogs from seeing each other. Since the last meeting that has been taken down so Mr. Hallen has placed a piece of plywood up against the fence. Occasionally Tim Braun will have guests with dogs which has caused barking and tearing of the fence by both sides. Mr. Hallen will take every precaution possible to maintain the fence and prevent the dogs from barking.

Laura Hallen mentioned that the hours of operation will be Monday through Friday from 6:30 a.m. to 6:00 p.m. and closed on Holidays. If the children are left after 6:00 p.m. they are charged extra per child so parents really try to be on time. Mrs. Hallen requested that if a condition is put into place for replacing the slats on the fence could she be allowed enough time to do so. As far as the dogs, the State requires that the dogs be licensed and have all their shots and all parents be informed about the dogs. The Animal Control has been to the home and Mrs. Hallen has their

approval. Mrs. Oberry also mentioned that she has left her child with the dogs with no problems.

Tim Braun, residing at 651 E. 1050 N., mentioned that these dogs are not small dogs but a German Shepard and a Rotweiler.

Public hearing was closed.

Dick Drescher mentioned that the City Engineer has stated, several times, that Bountiful's streets are more than adequate for an increase in traffic. The residential streets are adequate to handle thousands of cars per day and in reality this street probably has very few cars per day.

Al Hess understands Mrs. Hallen is licensed and zoned for eight children and is asking for an addition of four more. There is an incremental impact of only four more children.

Dick Drescher made a motion to grant the conditional use permit to allow an in-home daycare for more than 8 children at 629 E. 1050 N. with the maximum of 12 children with the Finding of Fact and subject to the following conditions:

Findings of Fact:

1. It is found that the home, yard and streets are adequate for the proposed use. This use could be considered a necessary public service to have a daycare in the area.

Conditions:

1. The hours of operation be limited from 6:30 a.m. to 6:00 p.m..
2. The back yard be completely fenced and the fence on the east be repaired (within 60 days) and maintained.
3. State License be obtained and maintained for the additional children.

The motion was seconded by Larry Rigby. The Planning Commission voted unanimously to approve the request for a conditional use permit.

2. Public hearing to consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 1260 S. 200 W., Jeri Ann Eggett, applicant.

Jeri Ann Eggett was present. Blaine Gehring explained that in-home daycare and preschool activities are allowed in all residential zones in Bountiful. However, for more than 8 children per daycare or preschool session it is required to have 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 daycare under one person's supervision. Preschools are not required to be licensed

under State guidelines.

Jeri Ann Eggett has an existing preschool in her home with more than 8 children. Mrs. Eggett was not aware that she needed both a conditional use permit for that many as well as a City Business License to operate the preschool out of her home. Mrs. Eggett is seeking this conditional use permit to make her preschool legal and continue to operate.

The property is located on the section of 200 West between 1150 South and its connection into Main Street just before 1500 South. It is also directly across the street from an LDS Chapel's western parking lot. It also backs Highway 106 in the rear. There is minimal impact to any residential neighbors. Because it has already been in operation with no complaints to the City, it seems to not be a problem in the neighborhood. There is a well defined plan for dropping off and picking up the children which is done in about a 10 minute time period.

There is sufficient area in the rear yard for play and exercise. The one concern is that one section of that yard is not secured with any kind of fencing. Preschools are not licensed as are day cares so this particular issue would not be addressed by the State. There should be some discussion with Mrs. Eggett about this and the Planning Commission can decide if there is sufficient concern to require a fence be placed in that location.

Staff recommends granting the conditional use permit to increase the number of children in this preschool up to a maximum of 12 children with the possible condition of addition of adding a fence to secure the rear yard if the Planning Commission finds it necessary.

Public hearing was opened for those present with comments.

Chuck Swallow, residing at 1280 S. 200 W., mentioned that they live next door and don't even know that there is a preschool in the home. Mr. Swallow doesn't know when the school is in session because there is not any noise coming from the home. Mr. Swallow is happy to know that Mrs. Eggett is helping kids.

Roger Bailey is in favor of the preschool.

The public hearing was closed.

Larry Rigby made a motion to grant a conditional use permit to allow an in-home preschool for more than 8 children per session at 1260 S. 200 W., Jeri Ann Eggett, applicant. Dick Drescher seconded the motion and voting was unanimous.

Subdivisions

1. Preliminary approval of Hidden Lake of Summerwood Phases 3-4

Ronn Marshall, developer, was present. Blaine Gehring explained that this is a remodification of the discussions about these two phases of the development. Mr. Marshall is requesting that

phases 3 and 4 be separated from the previously combined request for preliminary approval.

Ronn Marshall is requesting preliminary approval of two additional sections of property along the upper Summerwood loop road known as Hidden Lake Drive. The existing road in its current alignment was previously granted preliminary and final approval by both the Planning Commission and City Council. The application now under review is for the approval of new lots along the existing Hidden Lake Drive, plus the construction of two new streets (designed as Roads D and E) with new lots which have received no previous approvals.

Mr. Marshall is proposing 16 single family lots split up between two phases, with the phases being:

Phase three proposes six lots primarily situated around a 250 ft. deep cul-de-cac.

Phase four proposes ten lots located around a 575 ft. deep cul-de-sac. The new road runs along the edges of the 50 ft. wide Williams Pipeline easement for the 30" diameter high pressure Kern River gas pipeline. The buildable pad for three or four of the lots are located across the easement opposite the road, requiring driveways to cross the pipe. One of the lots is double fronting, with the rear of the lot facing Hidden Lake Drive.

The average slope of the development is such that the Foothill Ordinance requires that all be a minimum 20,000 square feet in area with a 120 ft. frontage at the set back line. All of these lots can meet the minimum lot size criteria, the smallest being at 0.61 acres (26,600 sf.), and the largest being 37.4 acres (1,627,500 sf.). Some lot line adjustments may need to be in the Phase 4 cul-de-sac to meet the frontage requirements.

The storm run-off for all of this area was handled as part of the original Summerwood approval and is being detailed in the Summerwood detention basins.

Paul Rowland explained that the proposed subdivision plan does not meet all requirements of the Zoning Ordinance or the Subdivision Ordinance, and cannot be granted approval without exceptions. These exceptions include:

1. Because the natural ground is quite steep, two areas have cuts and fills that exceed the 10 feet allowed by ordinance. On roads D and E, which serve Phase 3 and 4, there are about 250 feet of cuts and fills which exceed 10 feet. All of these cuts and fills are in Phase 4 which has around 1350 ft. of frontage along road.
 - a. The excess cuts and fill constitute 18% of the total street frontage on this road which is not an excessive amount.

Exceptions needed: Cuts and fills exceeding 10 Feet.

2. Because of the tight curve of the roads and the steepness of the slopes, one of the lots works best as a double fronting lot. Of the proposed 16 lots, only one is

requested to be double fronting.

Exceptions needed: Double fronting lots.

3. The Subdivision Section of the city code allows for down-hill cul-de-sacs with a grade steeper than 4% only when a specific exception is granted “if it can be demonstrated that the requested increase in grade will not be detrimental or injurious to the property or improvements adjacent thereto, the general well being of the neighborhood, or the delivery of public services such as fire protection, utilities, snow removal, etc.”

Exception needed: Road E cul-de-sac have a down hill grade of 6% .

After considerable review by Staff and the Planning Commission in previous meetings, Staff recommends that the Planning Commission send a favorable recommendation for preliminary approval of Hidden Lake at Summerwood Phases 3 and 4 subject to the following conditions:

1. All areas that are cleared of natural vegetation shall be replanted with an appropriate vegetation to prevent erosion. These plans shall be compatible with the existing vegetation. Plans showing the landscape areas and necessary sprinkling systems must be submitted for review.
2. Permission and crossing rights must be obtained from Williams Pipeline (formerly Kern River) for the crossing of their easement at the cul-de-sac.
3. No work on these phases begin until the work on Hidden Lakes Drive and the required drainage facilities is completed to provide runoff control and proper access.
4. All cut slopes along Hidden Lakes Drive be addressed with retention or landscaping.
5. This preliminary approval does not grant any type of approvals for uses listed on the plat outside the actual proposed lots or roads.
6. Where sidewalk is placed at the back of walk because of double fronting lots or what ever reason, the walk must be six feet wide minimum. The road right of way shall be excavated to it’s full design width.

Mr. Rowland mentioned that one double fronting lot was eliminated which makes only 9 lots in Phase 4. This also eliminates #2 of the exceptions. There was a brief discussion about the cuts and fill could be less than 10 feet. Mr. Marshall mentioned that he has been given permission to place sidewalks over the pipeline, which he will not have to do.

Al Hess made a motion to grant preliminary approval of Hidden Lake of Summerwood Phases 3

and 4 subject to the recommendations by Staff eliminating #2 of the exceptions. Dick Dresher seconded the motion and voting was unanimous.

Ron Marshall asked if he could discuss some changes he has made and some options to the roads for Hidden Lake of Summerwood Phases 6 & 7 with the Planning Commission. Mr. Marshall has talked with the City Engineer and City Planner about some realignments to the road and some reduction on cuts and fill. There was a discussion on the possibility of a private road and create a PUD in one section of the development. The owners will control the building of the homes with some restrictions and the extra funds will help maintain roads and open space. Mr. Marshall has created a third access which he feels is good for safety and traffic flow.

The Planning Commission Members liked what was presented and agreed with the changes.

2. Consider preliminary and final site plan approval on a condominium plat for Tierra Vista Comdominiums Phase 2 at 385 W. 200 N., Grant Horsley, applicant.

This item was cancelled for the next scheduled meeting. There was no one to represent the item.

Meeting adjourned at 8:20 pm