

**PLANNING COMMISSION MINUTES**  
**August 20, 2002**  
**7:00 P.M.**

Present: Chairman Dick Dresher, Vice-Chairman Mark Green, Larry Rigby, Michael Allen, Duane Gardner, Clark Jenkins, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Dick Dresher welcomed all those present and introduced all Planning Members.

Clark Jenkins made a motion to approve the minutes for July 16, as amended. Barbara Holt 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 341 W. 3500 S., Kathy Andersen, applicant.

Kathy Andersen, applicant, was present. Blaine Gehring explained that in-home day-care and preschool activities are allowed in all residential zones in Bountiful. 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. Preschools are not required to be licensed under State guidelines.

Kathy Andersen would like to start a preschool in her home with up to 12 children per session. She would also have an additional teacher in the home. The property is located at 341 W. 3500 S., which is a circle (not a cul-de-sac) and has exits at both ends. Traffic is limited but not congested as it would be on a cul-de-sac. Mrs. Andersen will have as many mothers as possible car pool to reduce the number of cars coming and going from her home. Mrs. Andersen has had the driveway widened to accommodate drop-offs better. There has been a chain link fence installed to close the back yard.

Staff recommends granting the conditional use permit to allow a preschool with up to 12 children per session and two sessions per day.

Public hearing was opened for those present.

John Oliekan, father, mentioned that Kathy has been a substitute teacher for 7 years with the School District and has the experience as a teacher and knows how to properly care for children. There are more children in this area now and a preschool is needed. Jade Campbell, residing at 329 W. 3500 S., is also a teacher with the School District. Jade feels

that Kathy knows what is needed for children to begin kindergarten. The children need skills in hand writing, knowing colors and numbers, preschool gives the children a good start to begin. Kathy is experienced as a teacher and knows what is needed.

Public hearing was closed.

Blaine Gehring mentioned that there have been no letters or phone calls, for or against the conditional use permit for a preschool.

Mark Green made a motion to grant a conditional use permit to allow an in-home preschool for more than 8 children per session at 341 W. 3500 S., Kathy Andersen, applicant. Clark Jenkins seconded the motion and voting was unanimous.

### **Site Plans**

This item was heard out of agenda order so Mr. Blosch could attend another meeting in Woods Cross.

Mark Green excused himself from this item.

1. Consider revised site plan approval for The Park Apartments located at 575 S. 100 E., Marv Blosch, developer.

Marv Blosch, developer, was present. Blaine Gehring explained that when Marv Blosch purchased the property now known as The Park Apartments, he purchased a small home with the property. It is located just south of the new driveway into the apartments off of 100 East. Mr. Blosch's intent all along was to sell the home separately. His original thought was to take out the large tree on the south and provide a new garage and driveway on the south side of the property. However, since the site plan approval in May, he realized that would be too costly and has decided to use the existing driveway and garage. That requires a little more property be added on the north side of the driveway to provide a little over 11 feet of side yard. This requires in turn that some of the property from the apartments be taken.

The revised site plan attached shows the following:

1. The revised driveway from 100 East with the slight reduction in property just south of that driveway.
2. The five parking stalls on the north side of the main driveway have been removed and a turnout for large moving or delivery vans has been put there.
3. The five stalls have been made into four (2-regular and 2 handicap) and put in front of the apartments with a new sidewalk to the apartments.

The overall density remains the same (1.2 acres X 13 units per acre = 15.6 units rounded up to

16 units as per Section 14-6-1107). Parking is also within requirements with 38 total stalls plus the turnout. The requirement in Section 14-18-107 A.7. is 2 stalls per unit with one covered plus 1/4 stall per unit for visitor parking = 36 stalls required.

The units have been sized down slightly due to the additional cost of the additional masonry/stone on the exterior so the landscaping requirement remains within ordinance (minimum 40% of the site as per Section 14-6-116 B.6.).

Staff recommends the Planning Commission send a favorable recommendation to the City Council for revised site plan approval with all of the original conditions except the condition requiring the minimum 50% masonry/stone exterior which has been met as follows:

1. Provide a minimum of 16 screening trees along the rear lot line.
2. Riley Court and The Park must be tied together by deed or deed restriction so that the access driveway between Phase 1 and Phase 2 remain open and unobstructed at all times.
3. Garages in Riley Court and The Park are for the exclusive use of tenants and may not be rented for storage or non-tenant use.
4. The area at the rear of the units (East side) is very flat and will have difficulty draining. Positive drainage required.
5. The culinary water main line is required to tie into the Phase 1 line.
6. Provide utility easement over entire access driveway 7 feet wide along the street frontage and along the south and east property lines.
7. 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>
8. Install 15" dia RCP storm drain from development to existing Barton Creek inlet box on 100 East per drawing.

Marv Blosch mentioned that this revised site plan is better. It works better with the driveway to the old home and gives 10 ft. away from the abutting property.

Larry Rigby made a motion to send to the City Council approval for a revised site plan for The Park Apartments located at 575 S. 100 E., Marv Blosch, developer. Michael Allen seconded the motion and voting was unanimous.

### **Subdivisions**

1. Consider final subdivision approval for Hidden Lake at Summerwood Phase 3, Ron Marshall, developer.

Mark Green excused himself from this item.

Ron Marshall, developer, was present. Paul Rowland explained that Mr. Ron Marshall has now finished plans for this development and is now requesting final approval of this 6-lot subdivision located along the upper loop road of Summerwood Subdivision. This is a short cul-de-sac with four lots and a couple of lots along Hidden Lake Drive. Mr. Marshall has revised the preliminary plat which has reduced the impact on the hillside by lowering the cuts. The engineering has been completed with the exception of some minor revisions needed that are currently under way.

Staff recommends that the Planning Commission send a favorable recommendation to the City Council final approval of Hidden Lake at Summerwood Subdivision Phase 3 with the following conditions:

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.

Ron Marshall explained that by revising the preliminary plat he has eliminated 15 to 18 foot cuts. These are large lots and Mr. Marshall will have a stipulation in the subdivision covenants that these lots cannot be subdivided.

Michael Allen made a motion to send a recommendation to the City Council for final approval of Hidden Lake at Summerwood Subdivision Phase 3. Clark Jenkins seconded the motion and voting was unanimous.

Mark Green excused himself from the meeting.

2. Consider preliminary and final subdivision approval for the Canyon Oaks Subdivision Phase 2 at 1800 South and 1200 East, Bruce Dickamore, developer.

Bruce Dickamore and son Tony Dickamore, developer, were present. Paul Rowland explained that the LDS Church has owned a parcel of property on the northwest corner of 1800 South and 1200 East for many years. They have decided it is no longer needed and have put it out for bid. Mr. Bruce Dickamore was the successful bidder and has purchased the property. He would like to divide it into four, deep lots, all fronting onto 1200 East Street, which is an existing dedicated street. There are stubs for both sewer and storm drain in the northwest corner of the property with water in the street. As a result, there will be no new streets, only the dedication of some new easements on the lots, and minor utility work to bring water and sewer to the lots. All proposed lots meet the zoning of the area which is R-1-8 (Single Family Residential with 8,000 square foot minimum lot area and 80-foot minimum lot width per lot.)

With an existing stub from the storm drain in the road below, this area has the unique opportunity to provide a private collection system for storm runoff from roofs and rear yards. The developer has proposed to install a private storm water system along the rear of the yards that can be accessed by the new homes to prevent runoff from affecting the houses along the street below. The developer will be required to pay the regular storm water impact fee.

The only real excavation required as a part of this development will be the moving of a large hump of soil on the south two lots to provide better building pads on the north two lots. For the developer to do this grading prior to the issuance of individual building permits will require approval at the time of the subdivision approval and have been shown on the proposed preliminary/utility plan.

Bruce Dickamore explained that the lots are deep and lot 4 is larger so the side yard set back can be the 20 ft. required. It is proposed to use a high pitched rambler style home with vaulted ceilings. Protective covenants will be recorded with a requirement that lots have to be built upon within one year of purchasing the property. It will also be proposed for the four lots to have 40 to 45 foot front yards, all being uniform to have a nice appearance to the subdivision. Mr. Dickamore wishes to put as little an impact onto the city as possible. Before selling, the lots will be cleaned of debris and will be graded.

Paul Rowland explained that there is a sewer and storm drain stubbed into the northwest corner of this property. This will provide the developer with a private drain system along the back of the lots and the down spouts can drain into the manhole. This will reduce the impact to the neighbors below with the potential for flooding.

Staff recommends the Planning Commission send a favorable recommendation for preliminary and final subdivision approval for the Canyon Oaks Subdivision Phase 2 with the following conditions:

1. Payment of the necessary fees and posting of a small bond to cover the costs of the laterals and storm collection system.
2. Provide a signed mylar copy of the final plat with a current title report.
3. Sign a Development Agreement with the City.
4. Provide a Construction Site Storm Water Pollution Prevention Plan.

Larry Rigby made a motion to send a recommendation to the City Council for preliminary and final subdivision approval for the Canyon Oaks Subdivision Phase 2 at 1800 S. 1200 E., Bruce Dickamore, developer. Duane Gardner seconded the motion and voting was unanimous.

5. Consider conceptual approval for Keith Duerden Subdivision, 2475 S. Bountiful Blvd.

Keith Duerden, property owner, and Chris Balling, engineer, were present. Paul Rowland explained that Mr. Duerden owns lot 1 of Maple Hills Subdivision 2 Plat A. The lot is 3.9 acres and has an existing house. There are no protective covenants in this subdivision preventing Mr. Duerden from subdividing his property into 5 small lots.

There have been discussions between Mr. Rowland and Mr. Balling on whether there can be 5 lots because of the average slope and complying with the Foothill Ordinance. Provisions of the Foothill Ordinance say that ground over 30%, which is deemed unbuildable, need not be considered in the calculation of average slope for determining lot size. The slope is under 15% (14.93%) and meets the ordinance for 12,000 sq. ft. lot size.

Keith Duerden needs to know if his property can be subdivided before putting any more money into it. This is for conceptual approval so Mr. Duerden knows if it can or cannot be done. It does meet the Foothill Ordinance, engineering for proper drainage and services, access to the lots and it meets the spirit of the ordinance.

There was a discussion on the lots being so narrow. The homes would not be large but a nice size rambler will fit nicely. This area, being so close to the golf course, could be sold to retired couples not wanting a large house with a lot of stairs.

Rusty Mahan explained that there will have to be a public notice sent to vacate from the subdivision at the time of preliminary and final approval.

Clark Jenkins made a motion to send to the City Council conceptual approval for Keith Duerden Subdivision at 2475 S. Bountiful Blvd. Barbara Holt seconded the motion and voting was unanimous.

### **Site Plans**

2. Consider preliminary and final site plan approval for Wasatch Recreation at 3271 S. Main (hwy 89).

Chris Balling, engineer, Jed Knight and Doug Marsiglia, representing Wasatch Recreation, were present. Blaine Gehring explained that Wasatch Recreation rents and sells ATVs, snowmobiles and other such outdoor equipment. They have been in Bountiful now for five years and have seen their business continue to grow. They have been at two different locations the last one being at 751 S. 500 W. where they were leasing space. Their lease was up August 1<sup>st</sup> and rather than continue to lease they have opted to buy a permanent location. The site they have purchased is the home that was granted a conditional use permit for a bed and breakfast earlier this year. Peggy Wendel decided not to pursue that business in her home and has sold the property.

Wasatch Recreation needs to get a new parking area in the front of the building and a paved storage area on the north side of the building soon before paving becomes impossible due to the winter weather. Thus, they are only proposing developing part of the overall site at this time. Their plans are to use the home for their sales and company offices. The existing garage and shed would also remain and be used as part of the business. The front area will be regraded and turned into parking, the required landscaping and a landscaped detention area which would double for special display similar to what the Land Rover dealership does in Centerville (near Target along the frontage road).

The one issue that staff has had to address is the driveway which is also a perpetual easement for access to the property in back of this one. The driveway is unpaved at present and staff feels that it needs to be paved and curb and gutter put along it at least back to the last garage. Beyond that, it can remain unpaved until future development occurs.

Because this site is a mature, residential home site, there is plenty of landscaping existing that should and will be maintained. Thus, the only real “development” of this site is the area in front of and to the north of the existing house. There will be a large parking and paved display area with 8 parking stalls. Our understanding is that these stalls will be for customers and visitors. Any employee or business parking will be to the rear in the garages or paved areas. With minimal employees (2-3) the parking should be adequate for the present use.

The proposed asphalt storage area to the north of the home will essentially be new development. Unlike the long access driveway which has an existing line of landscaping along the south property line, this section will need to meet the 5-foot landscaping requirement along the north property line. The site plan only shows 3 feet. However, the 8 parking stalls shows 10 foot widths where only nine is required. The extra two feet can easily be found without jeopardizing the rest of the site plan.

The landscaping plan as submitted is short both street trees and screening trees. The ordinance

requires that there be one street tree for every 30 ft. of lineal frontage. There is 129 feet of lineal frontage requiring 4 street trees where only one is shown. Also, the ordinance requires screening trees along the sides of the property at every 15 feet. This would require a total of 9 screening trees along the new paved storage and parking areas where only 3 trees are shown on the plan.

As mentioned, one unique display will be created in conjunction with the required detention basin. They would like to display their equipment in a fashion which portrays the fun and excitement people can have using it. So part of the “landscaped” area will actually be designated as display area and not really counted into the required landscaping which cannot be used for display. The first ten feet will be required to be kept as landscaping only and not be used for any kind of display.

The developers are proposing to provide on site retention for storm water runoff (which will be required by UDOT.) However, with onsite detention there will be no storm drain fee required.

The one item that is required and can be added easily is a dumpster with enclosure for storage of garbage and refuse. The enclosure must be of a material to match the existing home.

It was asked if there will be any new construction soon and the height of their displays. There will not be any new construction unless the business grows, and the height of display will be just enough to give the display a slope.

Paul Rowland explained the recommendations from Staff with the following conditions:

1. The existing home be brought up to any code requirements for commercial use, including but not limited to International Building Code and the Persons with Disabilities Act.
2. The first ten feet of landscaping across the front of the property be restricted to landscaping only and may not be used for outdoor display.
3. The landscaping buffer next to the proposed paved storage area on the north property line must be a minimum of 5 feet.
4. Provide 3 more street trees and 6 more screening trees as required by ordinance.
5. Future commercial development of the rear portion of the site will require a new site plan approval.
6. UDOT approval will be necessary to allow the site to drain into Highway 89 storm drain.
7. Provide a dumpster with an enclosure to match the exterior material of the existing home.
8. Pay required fees:

- a. \$100 site plan review fee.
- b. Building permit fees as required.

Dick Drescher questioned the need for screening trees. This is a commercial use next to commercial use, not a commercial use next to a residential use. By ordinance screening trees are not required. It was decided that the screening trees are not needed but the 3 street trees are still required by ordinance. Condition #4 needs to be modified as follows:

4. Provide 3 more street trees as required by ordinance.

Barbara Holt made a motion to send to City Council preliminary and final site plan approval for Wasatch Recreation at 3171 S. Main (Hwy 89). Larry Rigby seconded the motion and voting was unanimous.

Meeting Adjourned at 8:20 p.m.