

1 Minutes of a special meeting of the  
2 PLANNING COMMISSION  
3 March 26, 2002  
4 5:00 p.m.  
5  
6

7 Present: Lois Williams, Mark Green, Dick Dresher, Al Hess, Council Representative Barbara  
8 Holt, City Engineer Paul Rowland, City Attorney Russell Mahan, Planning Director Blaine  
9 Gehring, Recording Secretary Ellen Call.

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11 Excused: Chairman Paul Summers, Vice Chairman Rodney Nordfors  
12

13 In the absence of the Commission Chairman, Lois Williams called the meeting to order at 5:03  
14 p.m. and welcomed those present, then introduced the members of the Planning Commission.  
15

16 **Minutes Approved**  
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18 Dick Dresher made a motion to approve the minutes of March 5, 2002 as written. Al Hess  
19 seconded the motion and voting was unanimous.  
20

21 **Conditional Use Permits**  
22

- 23 1. Consider granting a conditional use permit for a Bed & Breakfast in the C-G Zone at  
24 3171 South Highway 89, Auto Auction Café – Peggy Wendel, applicant  
25

26 Blaine Gehring explained that a public hearing for this item was advertised for last Tuesday's  
27 meeting (which was canceled), but no opposing letters or telephone calls were received and no  
28 one showed up for the meeting, so the conditional use permit will be considered at this meeting.  
29 Mrs. Williams formally opened the public hearing at 7:06; and as no one was in attendance to  
30 comment, the public hearing was closed.  
31

32 Peggy Wendel, owner of the home at this location, would like to convert two bedrooms and one  
33 bathroom in her home to a partial bed and breakfast arrangement to accommodate out-of-town  
34 clients of the Utah Auto Auction, where she has operated the Auto Auction Café for 17 years.  
35 Mr. Gehring clarified that the "partial" designation is based on what the use will be and to what  
36 extent. He noted that the owner and her daughter will be living in part of the home, and only a  
37 very small area will be rented out, in comparison to a stand-alone bed and breakfast.  
38

39 Mrs. Wendel, who was in attendance, stated that it is not her desire to have a commercial kitchen  
40 at this location, but rather would serve a continental breakfast to her guests. Mr. Gehring  
41 reminded her that one of the stipulations of the conditional use permit is that her facility meet the  
42 requirements of the Davis County Health Department, and Mrs. Wendel stated that she  
43 understood this. There will be no new construction for this conversion, and there is already  
44 adequate parking to accommodate the guests.  
45

46 Al Hess made a motion to grant a conditional use permit for the bed and breakfast as requested,

with the following conditions:

1. The driveway and guest parking be paved with either asphalt or concrete from the street to 24 feet beyond the guest parking pad.
2. No off-street parking be allowed in the front gravel area next to the street
3. Owner meet with the Davis County Health Department and comply with all requirements regarding the facility before a business license will be issued.

Barbara Holt seconded the motion, and voting was unanimous.

### **Site Plans**

1. Consider preliminary and final site plan approval for seven apartments located at 680 South Orchard Drive – Kim Dunn, developer

Mr. Gehring noted that this proposal has previously been discussed at length. The discrepancies have been corrected and the site plan is now in compliance, with properly separated buildings, adequate driveways, and two additional parking stalls. One unit has been removed from the original plan, and developer Kim Dunn, who was in attendance, is now requesting the approval of his seven-apartment complex – two duplexes and one triplex.

Al Hess said he felt that the changes have adequately satisfied the concerns from the previous review. Mr. Gehring stated that the staff is satisfied with the revised plan and recommends the Planning Commission send a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions (the original landscape plan will not be altered):

1. Re-grade the building so the basements of the west triplex will drain to the sewer.
2. Roof water from all units must be directed to the driveway and out to Orchard Drive.
3. Guard rail required on the retaining wall between the west and the center buildings.
4. Design of detention basin sump required with pump spec and check valve indicated.
5. Grade detention basin so that overflow goes to Orchard Drive.
6. A 6" fire hydrant line required from Orchard Drive, as shown.
7. An 8" sanitary sewer line with manholes required, as shown.
8. Provide a 25' wide easement along south property line to cover the fire hydrant line and sewer main.
9. Provide a 7' wide easement along the Orchard Drive frontage.
10. The garbage can pads need to be enclosures constructed of a material to match the exteriors of the buildings.
11. Not more than 50% of the exterior of the buildings may be in stucco.
12. Developer required to pay water, sewer, power, building permit, and site plan review fees.
13. All buildings shall meet the requirements of the International Building Code.
14. Developer to post a subdivision bond and complete a development with the city.
15. Complete and receive approval of a condominium plat as required by city ordinance and

1 state law.

2  
3 Al Hess made a motion to recommend to the City Council the preliminary and final site plan for  
4 their approval, subject to the 15 conditions listed. Dick Drescher seconded the motion and voting  
5 was unanimous.

6  
7 **Subdivisions**

- 8  
9  
10 1. Consider preliminary and final subdivision approval for the Farnes two-lot subdivision,  
11 and approval to build beyond 200 feet from a public street – Tim Farnes, owner.

12  
13 Tim Farnes, owner, and Chris Martineau, builder, were present. Mr. Rowland explained that this  
14 proposed two-lot subdivision is situated in the middle of the Bridlewood Subdivision. The 3½  
15 acre parcel was originally held out for an LDS church site, but they later decided to sell it for  
16 residential development. The area has been excavated, and none of the ground is natural grade.  
17 The owner plans to build his home on the back of the parcel, leaving the second lot in front for  
18 another home. Although it gives the appearance of a flag lot, there is sufficient frontage at the  
19 street to qualify it as a legal lot.

20  
21 The original plan made allowance for a road into the site, but with the development of a two-lot  
22 subdivision, the dedicated road will no longer be necessary and can be returned to street frontage  
23 by vacating that portion of the property back to the homeowners.

24  
25 This area is in the foothill zone, which requires that all houses be within 200 feet of the street to  
26 receive approval from the Planning Commission. This house is 380 feet along the centerline of  
27 the driveway up to the garage and will require an exception to be granted. The Fire Department  
28 has reviewed the layout and is satisfied that it meets the requirements for turn-around and fire  
29 hydrant location. A sprinkling system is required in the house. Mr. Rowland said he feels that  
30 the plans as presented meet all requirements and recommends the Planning Commission send a  
31 favorable recommendation to the City Council for their approval, with the following conditions:

- 32  
33  
34 1. Payment of fees  
35  
36 2. As part of the vacation of the stub road, remove asphalt, reconfigure curb and gutter, and  
37 install sidewalk  
38  
39 3. Construct, identify, and mark a fire department approved fire access with proper turn-  
40 around and a 6" fire hydrant into Lot 2.  
41  
42 4. Provide an in-house fire protection sprinkling system as approved by the fire department.  
43  
44 5. Provide an easement along the full width and distance of the driveway permitting access  
45 to city emergency and service vehicles and inspection personnel and a minimum 20-foot-  
46 wide utility easement to the fire hydrant from the public street.  
47  
48 6. Finalize the plat for recording by making minor corrections.

- 1  
2 7. Grade around the building site to prevent excess runoff water from impacting the lots in  
3 Bridlewood South below.  
4

5 Mark Green asked why this was different from a flag lot, and Mr. Rowland explained that it has  
6 the 80-foot legal frontage required for a regular lot, although it does taper down toward the  
7 house. Mr. Green contends that it still looks like a flag lot. Mr. Mahan suggested that even if it  
8 were a flag lot, it might be eligible for a variance because it is a situation that was not self-  
9 created but is on a lot that was originally intended for other purposes.  
10

11 After a discussion regarding flag lots and other possibilities for developing the site, Mr. Rowland  
12 pointed out that a cul-de-sac would not change the configuration of the land use but would just  
13 add more public street for the city to maintain. Mr. Gehring noted that homes will have much  
14 less impact on the area than there would have been had a church been placed there. Tim Farnes  
15 assured Mark Green that the entire subdivision will be landscaped, which will be a substantial  
16 improvement over what the area has been for a long time.  
17

18 Mr. Martineau asked about the width of the driveway, and Mr. Rowland explained that city  
19 ordinance requires it to be 20 feet wide as a fire lane. Mr. Gehring said that the plans show a 26-  
20 foot driveway, which width is only actually required at the fire hydrant. Al Hess made a motion  
21 to recommend to the City Council preliminary and final approval of the Farnes two-lot  
22 subdivision as described, as well as an exception be granted to build beyond 200 feet from the  
23 public street. Barbara Holt seconded the motion, which passed by majority vote, with Mark  
24 Green voting nay.  
25

26 At 5:45 p.m., Mark Green was excused from the meeting, and Tom Hardy joined the group.  
27

- 28  
29 2. Consider preliminary subdivision approval of Hidden Lake of Summerwood, Phases 3-6  
30 – Ronn Marshall, developer  
31

32 Ronn Marshall, who was in attendance, is requesting preliminary approval of the final sections  
33 of property along the upper Summerwood loop road known as Hidden Lake Drive. This matter  
34 has previously been discussed and was referred back to the developer for revisions.  
35

36 Paul Rowland reviewed that the developer is requesting approval for four more phases (3, 4, 6,  
37 and 7), consisting of 29 lots -- down 3 lots from the plan originally submitted. Other revisions to  
38 the plan were lot reconfiguration and elimination of a private road. He reviewed the new plan as  
39 submitted, describing the layout of the four phases of the subdivision. The storm drainage and  
40 detention system was approved with the original design of the entire Summerwood development.  
41

42 At the first review of this project on January 15, it was requested that "Road B" be improved as  
43 far as cuts, fills, and grading were concerned. This has been done, and the road is now at 12%  
44 grade all the way up. There are still some cuts and fills over 10 feet, which will require granting  
45 an exception, and the road will need a retaining system in the one phase. Mr. Rowland said the  
46 staff felt comfortable recommending the other three phases, but the one with the questionable  
47 road needs further revision. From a city standpoint, long-term road maintenance in an area such

1 as this would be very difficult because of its orientation. Its steepness will require retaining, and  
2 snow will be heavy and removal will be difficult because of the north facing direction which will  
3 prevent the sun from hitting the slope.  
4

5 Mr. Marshall disagreed, stating that the road faces west and therefore will receive the sunlight.  
6 He is also satisfied with the changes that have been made with lot reconfiguration and  
7 elimination, and is of the opinion that more cuts and fills can be done. He reminded staff that the  
8 loop road was approved last September, and to eliminate some of the concerns the city had they  
9 have actually created a better road and made it public instead of private because the staff didn't  
10 like the idea of a private road. He pointed out that there are few options for accessing that part  
11 of the property.  
12

13 Mr. Marshall said he hopes the city realizes his commitment for completing the subdivision, and  
14 is satisfied with his desire to comply with all the requirements concerning maintenance issues,  
15 landscaping, retaining, etc., and that he is open to any suggestions the staff might make. He said  
16 he feels like the staff has turned from a spirit of cooperation to one of disinterest with no input.  
17

18 In answer to a concern posed by Barbara Holt, Mr. Marshall assured her that part of the road is  
19 north facing, but that it is fully exposed to sunlight in the wintertime. Tom Hardy said that the  
20 Summerwood Subdivision is very difficult for the street crews to maintain, and even with the  
21 exposure to the sun the snow is heavy in that area and the steep roads make it hard for the plows  
22 to maneuver, and it is sometimes necessary to bring in a backhoe to remove the snow from the  
23 area. Tom also suggested that if the vertical retaining structure for the road should ever fail, the  
24 city would face a very large expense to make the repairs.  
25

26 Paul Rowland reminded Mr. Marshall that he has always opposed the portion of the road that is  
27 in question – not because of the snow, the retaining, the cuts and slopes, but because the ground  
28 in that area is unstable and could pose serious problems in the future, both in maintenance and in  
29 integrity. He reviewed the past discussions on the matter and pointed out that a recommendation  
30 for approval had not been given, but that the Planning Commission was admonished to continue  
31 to examine the plans for a more workable solution.  
32

33 Barbara Holt said that after reviewing the layout as presented, she felt like the section of road  
34 being discussed does not meet the intent of the foothill ordinance.  
35

36 After discussing the road at length, whether it should be private or public, possible changes that  
37 could be made, and problems associated with street maintenance in the foothills, Dick Dresher  
38 made a motion to table the issue until a better configuration of the road can be designed. Mr.  
39 Marshall asked if a private road would be a consideration. Blaine Gehring said if it would have  
40 the same access as now shown on the drawing, the problem of excessively steep slopes would  
41 still exist, requiring an exception that would not be acceptable. Mr. Marshall said he would be  
42 willing to come back with a few different options for Planning Commission review in the future.  
43 Al Hess seconded the motion to table the request, and voting was unanimous.  
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45 Meeting adjourned at 6:53 p.m.