

PLANNING COMMISSION MINUTES
November 18, 2003
7:00 P.M.

Present: Chairman Mark Green, Vice Chairman Larry Rigby, Duane Gardner, Tom Smith, Clark Jenkins, City Council Representative Barbara Holt, City Attorney Rusty Mahan, Assistant City Engineer Mark Franc, Recording Secretary Connie Feil.

Absent: Michael Allen.

Mark Green welcomed all those present and introduced the Planning Commission Members.

Duane Gardner made a motion to approve the minutes for November 4, 2003 as written. Barbara Holt seconded the motion and voting was unanimous.

Conditional Use Permits

1. Conditional use and public hearing for the conversion of a single family dwelling into a duplex at 265 E. 400 S., Ron Hill, applicant.

Ron Hill, applicant, was present. Mark Franc explained that Mr. Ron Hill is requesting a Conditional Use Permit to allow him to convert the single family house at 265 East 400 South into a Duplex, with the separate units located one on the main floor and one in the basement. This property is located on an area that is designated as R-1 6.5 D, with the D indicating that duplexes are allowed if they meet requirements and are granted a Conditional Use Permit after an appropriate public hearing. This public hearing has been noticed in the paper and letters written to all property owners within 500 feet of the house.

The new basement apartment has two bedrooms and a small living room, kitchen and bathroom. A copy of the floor plan submitted for the building permit was also presented. Mr. Hill began work on the project some number of weeks ago and our inspection reports show that several building inspections have already been done including the installation of proper egress windows. The site plan sketch shows an existing driveway leading to an existing detached garage and it also shows a new driveway which has already been constructed along with the new entrance stairs and door into the basement.

There have not been any comments received, for or against, this project from neighbors.

With this duplex conversion meeting the requirements of the building code and city requirements, Staff recommends the Planning Commission review carefully the comments from the public hearing and then grant this Conditional Use Permit with one condition:

- 1 Replace all of the concrete improvement along the street frontage, including sidewalk, the existing drive approach and the curb and gutter.

Ron Hill explained that he started the remodel of the home, with a permit, for his children to have a place to live while going to school. Blaine Gehring, City Planner, suggested to Mr. Hill that it would be best to apply for the duplex overlay so when his children move out it will be a legal duplex.

There was a discussion about the enlarged egress windows in the basement apartment, the location of the new driveway and replacement of all damaged concrete, curb and gutter.

Rusty Mahan reviewed the provisions for the Duplex Overlay Zone and the Conditional Use process. The Planning Commission can disapprove, if there is a reason, or it can approve with conditions as appropriate.

Tom Smith asked if a duplex is legal in an area and meets the requirements what type of conditions would not be allowed?

Mr. Mahan explained that the only concern with this project would be with the property line for the additional driveway and having two driveways on property lines. Having two driveways on property lines would be undesirable. In this situation the proposed driveway is not on the property line. Conditional Use Permits are aimed at larger projects. Such as a three-story building or something that is not in harmony with the neighborhood.

Granting a Conditional Use permit gives the Planning Commission Members greater authority to impose conditions, if appropriate. A Public Hearing allows the public to voice their concerns about the impact to the neighborhood.

The Public Hearing was opened for those with concerns or comments.

Judie Kinghorn, residing at 487 S. 300 E., feels that the decision has already been made to approve without any outside input. She has some concerns about the absentee landlords in the neighborhood. The property is taken care of for a couple of years then left with no maintenance. The yards have trashed cars, boats and junk and the homes are run down. The neighborhood is turning into a real trashy area. Mrs. Kinghorn has some concerns about zone changes in this area. Is there a guarantee that the zone will not be changed?

Mr. Mahan explained that the Planning Commission Members have not decided about anything on this project and won't until there is a discussion and views from the public. There was an explanation on the current zone on what can and cannot be done.

John Grundvig, residing at 450 S. 300 E., has some concerns about zoning. Can anyone come to the City and create a 4-plex in this area? Mr. Grundvig has concerns about more than a duplex will be allowed.

Mr. Mahan explained that no one can create a 4-plex. That is not allowed in this zone. The largest anyone can have is a duplex. A new duplex cannot be constructed but an existing home can be converted to a duplex. It is illegal to construct a 4-plex and a duplex conversion must

have a Conditional Use Permit to be legal.

Kirstin Kinghorn, residing at 540 S. 300 E., has concerns about the City approving more units than is allowed in this area.

Mark Green explained that multiple family was a permitted use for years in this area before the zone was changed. The zone was changed from multi family to single family by requests from the property owners. Mr. Green assured Mrs. Kinghorn that everything has been done in regards to zoning to prevent anything more than a duplex conversion in this zone.

Stanley Hill, residing at 279 E. 400 S., has not objections to this duplex. Ron Hill has greatly improved the house from the inside to the outside. Mr. Hill feels that the property will be well maintained.

The Public Hearing was closed.

Clark Jenkins made a motion to approve the conditional use for the conversion of a single family dwelling into a duplex at 265 E. 400 S. subject to the amended condition as follows:

1. Replace all of the concrete improvement along the street frontage, including sidewalk, the existing drive approach and the curb and gutter that is damaged or does not meet City standards.

Tom Smith seconded the motion and voting was unanimous.

Subdivisions

1. Consider final subdivision approval of D.U. Subdivision (formerly Kingston Subdivision) 850 E. 550 N.

David Kingston, representing D.U Company and World Enterprises, was present. Scott Balling, Engineer, was also present. Mark Franc explained that this subdivision is a 4.4 acre, single-600 ft. long cul-de-sac subdivision, located at about 850 East on 550 North. The proposed development also includes 0.62 acres fronting on to 400 North street which already contains one house. The proposal is for the total area being divided into 14 lots including the one with the existing house. At the preliminary review, there were 8 lots proposed around the new cul-de-sac, two lots fronting onto 400 North and four lots fronting onto 900 East Street. After review by the Planning Commission and meeting with the neighbors and the engineer, the cul-de-sac was moved west enough to allow for deeper lots along 900 East and along the east side of the new cul-de-sac while eliminating the shallow lots along the west side of the cul-de-sac. With deeper lots along 900 East, the lots were narrowed down enough to provide one more lot on the existing street to make up for one of the lots lost in the cul-de-sac. This also allowed the lots to be larger, with the smallest now being 9,286 s.f. and the average being about 12,000 s.f. (With the exception of one parcel which is not proposed to be a building lot). This new configuration still provides that no lot will be double fronting. The area is zoned R-1-6.5 which allows a minimum 6,500 square foot lot and a minimum width of 70 feet at the building setback line. All

of these lots meet the zoning requirements.

Meetings between the neighboring property owners and Mr. Kingston have resulted in the creation of a small parcel on 550 North next to the Dwight Brown property. The Midgleys/Browns own the property north of that small parcel and are desirous of creating a building lot on it some day. By sectioning the parcel shown as Lot 7, it becomes possible that the Browns could buy that and combine it with the property to the north and create a lot on an already existing street. The same is true with the Richard Chidester property. His existing lot is large enough that it can be divided into two lots each with over 11,000 s.f. Utility stubs for water and sewer will be required into these lots at the time of construction of the road.

With the cul-de-sac forming a tight corner, the Chidester property becomes a corner lot and since their home was built with only standard eight foot side yards, the developer will be required to deed a portion of Parcel A to the Chidesters to avoid making their lot into a nonconforming corner lot with the house eight feet from the street. Parcel A is 15 feet wide so that the existing house will have more than the required 20 foot side yard.

Mr. Franc continued to explain that one of the conditions placed with the preliminary was that no rear yard sewer mains be allowed. Further investigation of the sewer main line in 900 East has shown that it is so shallow that it will be impossible to get the basements of the houses on lots 8-12 on the existing line in 900 East, therefore a rear lot sewer main will be allowed to service those lots.

The new cul-de-sac will be graded to drain to the north and west and a new storm drain line will be installed to at the east side of the Dwight Brown property to move water from the development into Dry Creek to the north. Water and sewer will run in the road and tie into the existing utility stubs at the end of 550 North. Lots fronting existing streets will be served with utilities in those streets. The amount of street patching that this will produce will require that the Developer overlay the streets to avoid a picket fence of utility cuts in 900 East and 400 North.

Full sidewalk will be provided on both sides of the cul-de-sac as well as replacing any damaged existing curb, gutter and all of the walk along 900 East and 400 North.

Staff recommends final approval of D.U. Subdivision with the following conditions:

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required.
2. Remove the non-conforming trailer from Lot 13.
3. Deed the north half of parcel A to the Chidesters to prevent the nonconforming corner lot problem.
4. Install sewer and water stubs into lot 7 and parcel A for future development as shown on the plans.
5. Revise the sewer mains for lots 8-12 as shown.

6. Post a bond, pay the fees and sign a development agreement as required by ordinance.
7. Provide a construction site runoff plan.

There was a lengthy discussion between the applicants and the board members that Lot 7 and Parcel A should be removed from the subdivision plat and handled as individual pieces of land rather than creating small pieces of land which are not legal lots within the subdivision.

In addition it was suggested that the City request the developer to install sewer and water stubs into non-platted areas for potential future lot development as shown on plans.

Duane Gardner made a motion to recommend to the City Council final subdivision approval of D.U. Subdivision with the following amended conditions:

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required.
2. Remove the non-conforming trailer from lot 12.
3. Post a bond, pay the fees and sign a development agreement as required by ordinance.
4. Provide a construction site runoff plan.
5. Delete Parcel A and Lot #7 from the proposed subdivision plat and re-number lots 8-14 to 7-13.

In addition to these conditions, the Planning Commission recommends that the City Council request the developer to install sewer and water stubs into the small non-platted areas (formerly Parcel A and Lot 7) to accommodate potential future development of adjacent lots.

Clark Jenkins seconded the motion and voting was unanimous.

Meeting adjourned at 8:30 P.M..