

**PLANNING COMMISSION MINUTES**  
**September 2, 2003**  
**7:00 P.M.**

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

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

Clark Jenkins made a motion to approve the minutes for August 19, 2003 as written. Barbara Holt seconded the motion and voting was unanimous.

**Conditional Uses**

1. Consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 2374 S. Pheasant Way, Jolynne Porter, applicant.

Jolynne Porter, applicant, was present. Blaine Gehring explained that in-home day-care and preschool activities are allowed in all residential zones with up to 8 children. Such activities which have more than 8 children per preschool session must receive a conditional use permit. 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, but a business license is required by the city.

With a preschool there is no impact on the neighborhood. The children are usually from the neighborhood and carpooling is encouraged. There have not been any complaints from residents on any of the existing preschools.

Because the yard is not yet landscaped, Mrs. Porter will not be doing any outside activities with the preschool at this time. If in the future that does become part of the preschool, the back yard will need to be fenced. There should be no problem with the yard and access to busy streets because of the way the rear yard backs the rear yards of adjacent lots.

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

1. If outdoor activity becomes part of the preschool agenda in the future, a 6-foot fence should be placed around the perimeter of the back yard.

A Public Hearing was opened for anyone with comments or concerns. The Public Hearing was closed for no one present.

There was a brief discussion about the un-landscaped yard, outside activities, two letters in

opposition and one in favor of the preschool. It was noted that the letters in opposition were 1-2 blocks away from the applicant and no impact was seen by the Planning Commission. The nearby elementary school would cause more noise and traffic than the preschool. Michael Allen made a motion for granting a conditional use to allow an in-home preschool for more than 8 children at 2374 Pheasant Way subject to the conditions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous.

2. Consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 408 E. 775 N., Cammie L. Crapo, applicant.

Cammie Crapo, applicant, was present. Blaine Gehring explained that this is the same as the previous item. There is a concern with traffic dropping off children directly east of 400 East. There will be little or no room for people dropping off children coming from the west. There should be some kind of carpooling arrangement set up so that as few cars as possible bring children to each session.

Staff recommends granting the conditional use per to allow a preschool for up to 12 children per session and two sessions per day with the following conditions:

1. Some sort of carpooling arrangement be made with parents to minimize traffic to the preschool and thus minimize traffic related to 400 East.
2. If outdoor activity becomes part of the preschool agenda in the future, a fence at least 4 feet in height shall be placed around the perimeter of the rear yard.

There was a discussion on traffic related to 400 East. It was suggested to Mrs. Crapo to encourage parents to carpool.

A Public Hearing was opened for anyone with comments or concerns. The Public Hearing was closed for no one present.

Barbara Holt made a motion to grant a conditional use permit to allow an in-home preschool for more than 8 children per session at 408 E. 775 N. subject to the conditions outlined by Staff. Larry Rigby seconded the motion and voting was unanimous.

### **Subdivisions**

1. Consider lot line adjustment at 4117 S. Hidden Ridge Circle, Ronn Marshall, owner.

Ronn Marshall, owner, was present. Rusty Mahan provided a copy of the NOTICE OF APPROVAL to each Planning Commission Member. Mr. Mahan explained that the document is only a format, it is not the final form. The property descriptions are not correct and some changes need to be made.

Paul Rowland explained that Mr. Marshall is requesting an exchange involving 5,488 square feet

between lot 307 and 308 of Summerwood Subdivision Phase 3. The lot line adjustment would remove the property from lot 307, (1.126 acres) and add it to lot 308 (7.530 acres) to provide for better access to the building pad on lot 308.

The new provision provides that the Planning Commission can approve the exchange if it does not create a new lot, and does not make either of the affected lots fails to conform to the size, frontage and other requirements of the city's ordinances. This small adjustment does not put either lot into nonconformance with the zoning requirements for the Summerwood area.

The approval does not have to go before the City Council. The Planning Commission approves the exchange, and the documents are signed and recorded with the county.

Duane Gardner made a motion to approve the requested lot line adjustment at 4117 S. Hidden Ridge Circle. Clark Jenkins seconded the motion and voting was unanimous.

2. Consider preliminary subdivision approval for the Kingston Subdivision at 550 N. 900 E.

David Kingston, representing D.U. Co., was present. Paul Rowland explained that this subdivision is a 4.4 acres, single 600 ft. long lot cul-de-sac subdivision, located at about 850 East on 550 North. The proposed development also includes 0.62 acres fronting onto 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. There will be 8 lots around the new cul-de-sac, two lots fronting onto 400 North and four lots fronting onto 900 East Street. This configuration 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 that criteria with the smallest being over 9,000 square feet.

Because this cul-de-sac is being built in an area that is already built up, it creates two conditions that require exceptions to be granted to the subdivision ordinance. First, even though the lots are all large enough to meet size and frontage requirements, lots 1 & 2 are shaped in such a way that the 30 ft. set back requirement creates somewhat shallow building pads (about 32 feet at the smallest dimension). A twenty foot setback on these lots would make them much more buildable. Also, lot 14 has an existing house which is located only 20 ft. from the front property line. The developer of the property is also the resident of the house. He has indicated that he intends to demolish the house and rebuild when the lots sell. In the mean time, the house will need to exist with a 20ft. setback until it is demolished. Any new new home would be required to build at the 30 foot setback. Thus, lots 1 and 2 should be approved with exceptions to allow the 20 foot setbacks.

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

The staff recommends preliminary approval of Kingston Subdivision with the following conditions and exceptions:

#### EXCEPTIONS

1. Grant reduced front yard setbacks on lots 1 and 2.

#### CONDITIONS:

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required.
2. Because so many of the new lots will have utility connections off of existing streets, the Developer needs to pay a fee to cover overlaying the affected area of 900 East Street, 400 North Street and 550 North (about 800 linear ft of street, full width).

There was a lengthy discussion on readjusting the cul-de-sac and lot lines, removing the existing trailer on Lot 13 and sewer lines. Several commission members were concerned about the small depth of the majority of the lots (90 feet). The current site plan meets the ordinance but there were a lot of suggestions given to improve the size of some of the lots. It was decided to add the following conditions and eliminate the exceptions for preliminary approval.

3. Remove the nonconforming trailer from Lot 13.
4. No rear yard or side yard sewer lines, unless justified.
5. Other conditions may exist prior to final approval.

Clark Jenkins made a motion to recommend to the City Council preliminary subdivision approval of Kingston Subdivision subject to the conditions outlined by Staff and the elimination of the exception and the addition of 3,4 and 5. Larry Rigby seconded the motion and voting was unanimous.

#### **Zoning Ordinance Amendments**

1. Consider a zone change from R-1-6.5 to R-3-13 at 523 N. Main, Heritage Management, Inc., applicant.

Cory Bell, representing Heritage Management, and David Dixon, architect, were present. Blaine Gehring explained that Heritage Management Incorporated is currently renovating the old

nursing home at 523 N. Main. They are adding a new addition as well as refurbishing the older part of the building. When they first came before the City Council and Planning Commission for site plan approval, their plan was short in meeting the 40% landscaping for the facility. A requirement was placed on the site plan approval which read: "Revise the site plan as necessary to meet the 40% landscaping requirement," To meet that requirement in order to get their building permit, the old home which had been used as an office building on the south front part of the property was to be torn down and the asphalt access and parking removed. They would like to keep that structure and use it as housing units for the owner's children. They have approached the Davis School District about purchasing a small strip of land (2.4 feet wide) along the west and north lot lines to add to the landscaping so they can keep the office structure. They are seeking a rezoning of that property.

Keeping the office building does not pose a problem with the additional property as landscaping replacing it. The problem that arises is that the parking area next to the house/office needs to be removed in order to meet the landscaping requirement even with the additional land in this request. Parking for the nursing home is sufficient to have four spaces for the living units but those spaces will be on the other side of the property which will not be the most convenient thing for the residents. Parking will not be allowed to continued to exit next to the old home.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for this rezone with the understanding that all parking around the house/office structure will be removed and replaced with landscaping as per the original site plan approval.

David Dixon explained that the existing home will be used for office and storage space and no longer used for residential. There will be a covered walkway from the home to the nursing home for employees, no patients in the home.

Cory Bell explained that the inside of the home has been remodeled and the required landscaping will be done.

Duane Gardner made a motion to recommend to the City Council a zone change from R-1-6.5 to R-3-13 at 523 N. Main. Tom Smith seconded the motion and voting was unanimous.

## 2. Consider amendments to the C-R Zone.

Blaine Gehring explained that following the last Planning Commission meeting, Mr. Fred Cox mentioned that in the C-R Zone there are not any guidelines to address mixed use development. There is straight commercial or residential with parking, landscaping etc. but nothing fully stated in terms for the mixed use. Mr. Gehring has some additional amendments to the C-R Zone which help clarify the mixed use and has made some changes to the outdoor display for merchants in the downtown area. The outdoor displays are part of the character of the downtown area and it needs to be encouraged.

Clark Jenkins made a motion to recommend to the City Council approval of the amendments to the C-R Zone. Barbara Holt seconded the motion and voting was unanimous.

Meeting adjourned at 8:30 P.M.