

PLANNING COMMISSION MINUTES

April 20, 2004

7:00 P.M.

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

Barbara Holt introduced her grandson, Michael Holt.

Michael Allen made a motion to approve the minutes for April 6, 2004 as written. Tom Smith seconded the motion and voting was unanimous.

Conditional Use Permits

1. Consider granting a conditional use permit to allow an in-home preschool for more than 8 children per session at 402 S. Brentwood Lane, Karen Butters, applicant.

Karen Butters, applicant, was present. Aric Jensen explained that the property is located at 402 South Brentwood Lane (approx. 1500 East), in an R-1-10 zone designation. The applicant is proposing to hold a preschool class consisting of up to ten students twice a week in her home. The rear yard of the property is completely enclosed by a 6 foot high vinyl fence, with two self latching gates. This item has been properly noticed in the paper and mailed to surrounding property owners as per City Code.

Staff is a little concerned about the drop off point being immediately adjacent to the property line where it may unduly impact the adjacent neighbor. The applicant needs to provide additional information regarding hours/days of operation. The applicant should also discuss the potential issues of noise impact and vehicular traffic, particularly in relationship to the hours of operation. Staff believes the use does provide a desirable service and that it is in harmony with the surrounding neighborhood.

A Public Hearing was opened for those with questions and concerns. The Public Hearing was closed due to no one present.

Karen Butters explained that she plans on having two sessions per week and two sessions per day. Sessions will be conducted on Tuesday and Thursday starting at 9:15 a.m. to 11:30 a.m. and 12:15 p.m. to 2:30 p.m. The driveway in question abuts the property adjacent to the Butter residents and has a fence half way down the driveway. The cars will pull into this driveway, drop the kids off, and the kids will go around back to enter the preschool. There should not be any traffic problems.

Mark Green mentioned that this proposal is one of the better ones that has been issued.

Clark Jenkins made a motion to approve the conditional use permit for a preschool for more than 8 children subject to the following conditions:

1. Sessions be limited to three days per week.
2. Sessions be limited to two sessions per day and not exceeding 5 hours per day and no later than 3:00 p.m.
3. Sessions not to be conducted on weekends.
4. Applicant maintain a current home occupation business license.
5. Applicant meet all other City, State, and Federal requirements.

Barbara Holt seconded the motion and voting was unanimous.

Mark Green excused himself from the next two items due to conflict of interest. Mr. Green assigned Vice-Chairman Larry Rigby to act as chairman for these items.

Subdivisions

1. Consider preliminary plat approval for Hidden Lake at Summerwood Estates Phase 6 amended, Ronn Marshall, developer.

Ronn Marshall, developer, was present. Aric Jensen explained that at the previous meeting of April 6th, the Commission had some questions regarding this item and requested that staff review and prepare a memo clarifying the issues. Rusty Mahan prepared a staff report which the Commission Members have reviewed.

Mr. Jensen mentioned that after reviewing Mr. Mahan's report, both Planning and Engineering Staff agree that having three lots on this piece of property will not impact this area. Staff recommends approving the proposed amendment for three lots.

Paul Rowland explained that the concerns of the Commission were the average slopes, will they meet previous and a current ordinances. Mr. Rowland has analyzed the plats with three lots together, two lots and one lot at a time. The average slope comes out at 27% to 30% average slope. The back side of the property is added to the lots rather than added to common area which contributes to the average slope.

Tom Smith mentioned that the Commission was concerned about going against some legal requirements based on the code. With the information furnished by Mr. Mahan they now know that they can make a legal decision going either way.

There was a discussion explaining that the Planning Commission and City Council approved the plat as three lots with the ability to go down to two lots. This will be a better project with three

lots.

Duane Gardner made a motion to recommend to the City Council preliminary plat approval for Hidden Lake at Summerwood Estates Phase 6 amended. Clark Jenkins seconded the motion and voting was unanimous.

Rusty Mahan excused himself from the meeting.

2. Consider final plat approval for Hidden Hollow at Hidden Lakes P.U.D., Ronn Marshall, developer.

Ronn Marshall, developer, was present. Aric Jensen explained that this item was continued from the April 6th meeting because of issues associated with Hidden Lakes at Summerwood Estates Phase 6. The project has already received preliminary approval from the Planning Commission and City Council subject to four conditions. Those conditions are as follows:

1. Revegetation of disturbed areas.
2. A complete geotechnical study of the road.
3. That sidewalks be constructed on at least one side of the road.
4. The payment of all fees and bonds.

The developer is requesting a reduction from 12 lots to 11 lots, and would like to transfer a portion of the previous lot 709 (now 708), to a lot in Hidden Lakes Subdivision PH 6. The net result of these changes would be an increase in lots 707, 708, and 709, and no change to any of the other lots or the proposed private road. Since the project contains commonly owned open space areas, a homeowner's association will need to be formed, with appropriate bylaws and CC&R's.

Staff recommends approval of the final subdivision plat for Hidden Hollow at Hidden Lakes PUD, with the following conditions:

1. All previous conditions be met
2. A homeowner's association be formed as per City and State Code to maintain common areas
3. Post a required Bond per the bond letter and pay required fees.
4. Sign a Development Agreement with the City.

Ronn Marshall mentioned that the changes to this plat make the lots better. The common area is an area that needs to be preserved. There are a lot of trees and a spring and by using it as common area it eliminates having double fronting lots.

Michael Allen made a motion to recommend to the City Council final plat approval for Hidden Hollow at Hidden Lakes P.U.D. subject to the conditions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous.

Mark Green returned to the table to conduct the last item.

3. Consider preliminary and subdivision final approval for 300 North Condominium conversion at 182 W. 300 N., Steven Andrews, applicant.

Steve Anderson, applicant, was present. Rick Sput was also present. Aric Jensen explained that this is an approved site plan which is under construction. The applicant is requesting to convert the units into condominiums. Staff cannot find any reason for denying the request. Staff recommends preliminary and final condominium plat approval with the following conditions:

1. Any outstanding issues be resolved to Staff's satisfaction.
2. The applicant provide a recordable, mylar plat.
3. Any outstanding fees be paid.

Paul Rowland explained the difference between a PUD and condominiums. Mr. Rowland is extremely bothered by this site. He does not like the site and feels that this project is a reason to change the ordinance. However, the site plan was approved for apartments and changing to condominiums only changes the ownership. The side yards, front and back yards do not change but were granted with the original site plan approval.

Barbara Holt mentioned that with a condominium you are not dealing with renters but someone who wants to buy it and take care of what they own.

Steve Anderson explained that this will be a nice site and he has put a lot of extras into this project. Mr. Anderson feels that owners will take better care of the units and he wants them to be nice.

There was a brief discussion with concerns about having four units on such a small piece of property. The Commission does not want to be critical to Mr. Anderson as a developer or builder but critical to the circumstances left with tiny, narrow properties. The Commission prefers the site to be twice the size. With the current (new) ordinance this project wouldn't have been approved. It would require larger side yards, rear yards and more open space.

Clark Jenkins made a motion to recommend to the City Council preliminary and final approval for 300 North Condominium conversion subject to the conditions outlined by Staff. Larry Rigby seconded the motion and voting was unanimous.

Meeting adjourned at 7:45 p.m.