

PLANNING COMMISSION MINUTES
December 4, 2012
7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Planning Commission Members Von Hill, Sharon Spratley, Sean Monson, Michael Allen, City Council Representative Beth Holbrook, City Manager/City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Chairman Tom Smith welcomed all those present.

1. Approval of the minutes for November 27, 2012.

Michael Allen made a motion to approve the minutes for November 27, 2012 as amended. Von Hill seconded the motion and voting was 6-0 in favor. Beth Holbrook abstained from voting.

2. Consider preliminary subdivision approval for Hansen Subdivision located at 810 E. 500 S., David Hansen, applicant.

Von Hill recused himself from this item due to a conflict of interest. David Hansen, applicant, and Sean Macklyn, prospective buyer, were present. Paul Rowland explained that David Hansen is proposing a 4 lot subdivision located at 810 East and 820 East 500 South. The subdivision will combine two separate parcels; one of which contains a single family house, and the other a non-conforming duplex which has been in existence for over 40 years. All of the proposed lots will front on to either 500 South Street or Cedar Circle.

The subdivision is 1.95 acres in size and is located in the R-4 zone, which allows up to 4 units per acre. All of the proposed lots meet the minimum requirements with room on each of the lots to provide for the required 2,000 sq ft min. building pad.

Mr. Rowland explained that the sewer, culinary water, and irrigation water are all available in 500 South and Cedar Circle, and Lots 1 and 3 already have all of their necessary utilities. Lot 2, fronting 500 South, will be served from the main lines already located in that street, and Lot 4, fronting Cedar Circle, will be served by the utility main lines in the cul-de -sac. Storm water runoff will run naturally to either 500 South or into Barton Creek. No detention is provided on site therefore the developer will be required to pay the storm water impact fee of \$2,100.00 per acre.

There is sidewalk along the existing streets and the sidewalk along the Cedar Circle frontage is fairly new. Since no construction activity is planned for the two lots with the existing structures, a general bond to cover all of the subdivision improvement work will not be required; rather individual bonds covering surface improvements will be required with the building permits for the new homes on Lots 2 and 4.

Only two new building sites are being added to this subdivision, but the total area of the development exceeds the 1 acre threshold of the storm water ordinance. The Hansen Subdivision will be required to meet the ordinance requirements which require providing a Storm Water Pollution Prevention Plan, posting a storm water bond, obtaining a Bountiful City Storm Water Permit, etc.

Staff recommends preliminary approval for the Hansen Subdivision with the following conditions:

1. Any and all redlines be corrected.
2. Provide a current Title Report.
3. Payment of the required Storm Water Impact Fee.
4. Meet the requirements of the Bountiful Storm Water Ordinance.

David Hansen mentioned that maybe in the future the duplex on Lot 3 could be replaced with a new home, and that the existing pool with the dressing room will remain on Lot 4. Mr. Hansen also mentioned that in the future he might divide Lot 1 into two separate lots.

After a brief discussion Dave Badham made a motion to recommend to the City Council preliminary approval of the Hansen Subdivision subject to the conditions outlined by Staff with the addition of the following:

5. Identify an easement for utilities or relocate utilities for the existing pool to remain on Lot 4.

Sean Monson seconded the motion and voting was unanimous in favor.

Von Hill returned to the table for the remainder of the meeting.

3. Consider preliminary subdivision approval for The Pines at North Canyon located at 97 E. North Canyon Road, Brighton Homes, applicant.

Sharon Spratley recused herself from this item due to a conflict of interest. Patrick Scott, representing Brighton Homes, and Jim Williams, property owner, were present.

Patrick Scott explained that he has looked at different scenarios to create a layout that would yield the same number of lots and accommodate the existing home and Mr. Williams' proposed home on Lot 6. A revised proposal was presented that would alter Lot 6 which gives more frontage to Lots 5 & 7. Patrick feels that this proposal meets the ordinance.

Paul Rowland explained that this revised proposal still presents a double fronting lot, just not as abrasive. There are other ways to divide the property that will not defeat the zoning ordinance regarding double fronting lots, but still provide a reasonable development. This property does not have any unique features to justify not following the ordinance. The City Council and Planning Commission in previous actions have determined that double fronting lots are not

desirable. If the Planning Commission and City Council feel otherwise, the ordinance can be changed.

Russell Mahan explained that double fronting lots often create an orphan backyard up against the street and/or a backyard abutting front yards. Double fronting lots don't fulfill the spirit of the law or the intent of the law.

There was a lengthy discussion regarding the ordinance not allowing double fronting lots, having a backyard in the middle of a cul-de-sac and having a 6 ft back yard fence along the cul-de-sac.

Aric Jensen presented a drawing and suggested changing the standard cul-de-sac to an offset cul-de-sac. This will create the square footage and the setback Mr. Williams is asking for. The Commission discussed with Mr. Rowland the possibilities that could be created by using an offset cul-de-sac.

Mr. Rowland explained that the motion made tonight is not for preliminary approval but a discussion only. Nothing was submitted in time for staff to review any type of an approval.

The applicants asked for some type of decision or guidelines so they can move forward to configure a plan for approval. The general concerns of the Commission were as follows:

1. Not to repeal the ordinance.
2. That the new proposal still has the affect of a double fronting lot and does not meet the intent of the law.
3. That the Commission will consider the offset cul-de-sac to see if it meets the ordinance.
4. A backyard fence should not be within the minimum front yard set back from the sidewalk.

After giving their opinions, Beth Holbrook made a motion to continue consideration of preliminary subdivision approval for The Pines at North Canyon until the next Planning Commission meeting scheduled for January 15, 2013. Von Hill seconded the motion and voting was unanimous in favor.

Sharon Spratley returned to the table for the reminder of the meeting.

5. Planning Director's report and miscellaneous business.

Aric Jensen presented the proposed Planning Commission schedule for 2013. Mr. Jensen suggested eliminating November 5th (Election Day) and December 17th (Christmas).

Von Hill made a motion to approve the schedule as amended. Dave Badham seconded the motion and voting was unanimous in favor.

The schedule is as follows:

2013 PLANNING COMMISSION MEETINGS

DATE

January 15
February 5
February 19
March 5
March 19
April 2
April 16
May 7
May 21
June 4
June 13

DATE

July 2
July 16
August 6
August 20
September 3
September 17
October 1
October 15
November 19
December 3
January 7, 2014

Meeting adjourned at 8:20 p.m.