

Planning Commission Minutes
January 2, 1996

Present: Chairman Mike Holmes, Vice Chairman Elaine McKay, Dick Drescher, Mark Green, Dean Jolley, Don Milligan, Lois Williams; Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Ken Cutler.

Mike Holmes welcomed all those who were present. The minutes for November 21, 1995 were approved as written by majority vote on a motion made by Mark Green and seconded by Dick Drescher. Sam Fowler abstained from voting.

Elections for Chairman and Vice-Chairman for the new year 1996.

Mr. Holmes opened the floor for nominations for Chairman. Mark Green made a motion to nominate Dick Drescher for Chairman of the Planning Commission; seconded by Dean Jolley. Mike Holmes nominated Elaine McKay for Chairman of the Planning Commission; seconded by Don Milligan. The final voting was three for Elaine McKay and two for Dick Drescher. Mr. Holmes opened the nominations for Vice-Chairman. Mark Green made a motion to nominate Dick Drescher for Vice Chairman; seconded by Don Milligan. No other nominations were made. The motion was unanimously approved. Mr. Holmes then turned the remainder of the meeting over to Elaine McKay.

Conditional Uses

1. Consider granting a conditional use permit for 25 multiple family units on 1.95 acres on the southeast corner of 500 South and 100 East, Vicor Realty applicant.

Dick Drescher and Mike Holmes asked to be excused from this issue due to a possible conflict of interest.

Marv Blosch, applicant, was present. Blaine Gehring explained that Marv Blosch is seeking a conditional use permit approval for the density incentive bonus in the Zoning Ordinance. This area is zoned R-3-13 which allows a maximum of 13 units per acre with a base density of 10 units per acre. A conditional use permit is needed to allow for the additional 3 units. Mr. Blosch is proposing 24 units in a 3-story structure with 8 units per floor. The small house on 500 South will remain and the corner house will remain as an office for the complex. A review of the drawings submitted show the following as meeting the requirements for the 3 units per acre increase:

Structure Design

- Main building and accessory structures include a coordinated variety of heights, forms and materials.

- All units provide a private outdoor balcony per unit.
- All units include washer and dryer hook-ups within the unit.

Landscaping

- 53.5% of the site is landscaped including several open areas, buffered parking areas and site perimeter areas (exceeding the 40% of site requirement).
- Wide variety of landscaping materials which includes numerous trees and shrubs (more than the required 3 trees and 6 shrubs per unit).
- Numerous large trees and shrubs to remain.
- Buffer areas include numerous trees (approximately 1 tree per 300 sq. ft. of buffer area).
- Perimeter fencing to maintenance free vinyl slatted chainlink fence to match the existing fence at east property line.
- Decorative ornamental iron fencing and decorative entry walls provided at several locations.

Building Materials

- Exterior of the building is clay face brick and stucco. (The stucco covered approximately 40.1% of the exterior in excess of the required minimum of 30%.)
- Soffits and fascia are prefinished vinyl of aluminum.
- Roofing is a 30 year architectural grade laminated fiberglass composition shingle.

Parking Facilities

- 50 spaces are required on the total site; 64 total spaces have been provided on site, including 2 for the separate unit on 500 South, 2 for the home to be used as an office for the complex, 1 covered space per unit, 8 stalls for the disabled, and 10 enclosed garages large enough for recreational vehicle storage if necessary.
- Parking facilities are distributed around the site on three sides of the building to provide good access to and from the units. The areas are smaller areas allowing for landscaped islands, dividers, etc.
- Landscaped berms and screening provided to buffer visibility of parking areas from adjacent streets.

Urban Design and Neighborhood Compatibility

- Building setbacks exceed existing adjacent setback requirements.
- Building height is allowed to be increased due to the larger setbacks. Approximate building height is 32 feet with the maximum in the zone being 35 feet.
- Architectural design of the building, landscaping, traffic flow, etc. are compatible with adjacent multiple family residential and commercial uses.

Energy Efficiency

- Energy efficient features include:
 - air conditioning equipment with EER rating above 10.5

- high-efficiency gas burning furnaces with programmable set-back thermostats
- water saving faucets and shower heads
- low consumption toilets (1.6 gallon per flush maximum)
- low "E" glazing in double glazed windows in thermal break frames
- R-38 roof insulation, R-14 wall insulation, R-11 duct insulation

Staff recommends approval of the conditional use permit with the following conditions:

1. The exterior brick be increased and the stucco decreased to not more than 30% of the exterior.
2. Required site plan approvals from the Planning Commission and City Council be granted.

Mr. Blosch mentioned that Mr. Gehring presented the project very well and he is excited about the design and quality of this complex. Mr. Blosch feels that there is a market for quality housing for senior citizens. This complex will not be for low income housing. This complex will have an elevator to accommodate the senior citizens. There will also be some safety features for the handicap like wider hall ways, grab bars in bathrooms, security gate at the front door, etc.

A Public Hearing was opened for any further comments. Alice Johnson, 2447 S. 450 E., owns property near the complex. Mrs. Johnson would like to know the size of these units. Mr. Blosch explained that they will vary from 900 to 950 sq. feet per unit.

Dan Dobbin, 427 S. 100 E., is concerned with the height of this building. He feels that a building of 35 ft or higher is not compatible with the neighborhood and would like to see the first level put into the ground. Even with the greater set backs Mr. Dobbin feels that this is not going to fit with the rest of the neighborhood.

Ida White, 172 E. 500 S., has concerns about her privacy, the fence, landscaping, will there be a buffer and the time frame of the buffer. Mrs. White would like a block wall for the fence and mature landscaping put in. Mr. Blosch mentioned that there will be more landscaping than required for a buffer and the fence will be a chainlink with slats.

Susan Hope, 160 E. 500 S., would like the first level put into the ground. She feels that the building will be too high. Mr. Blosch mentioned that about _ of the lower level will be in the ground with 4 foot windows. Putting the lower level totally into the ground would make basement apartments and Mr. Blosch feels that no one would like to live in a dark basement.

Robert McArthur, 127 E. 500 S., asked if any thought has been for single families in this area? Mr. McArthur has concerns about losing family values and that this will open the door for developers to build more apartments and commercial developments. This will take away the reputation that Bountiful has for "Beautiful Homes and Gardens."

Clay Christiansen, 550 S. 100 E., a single family dweller is beginning to feel smothered by what is happening. Mr. Christiansen has concerns about the single families being smothered out by

multiple family development. Mr. Christiansen asked if the City has any long range plans for this area?

Kelly McIlrath, 551 S. 100 E., asked for a stipulation that this project will be for elderly housing and remain as such. Mr. McIlrath feels that he and the neighborhood have been betrayed with the apartment complex across the street from him. Mr. McIlrath was told that this complex would not be low income and now it is. Mr. McIlrath has concerns that this could happen again.

Rusty Mahan, City Attorney, responded to Mr. Christiansen question on "What is the Planning Commission's plans for this area?" The Planning Commission's plan is to do the best that they can to fulfil the zone requirements that have been set by the City Council. The Planning Commission makes recommendations on the zoning, but the City Council writes the zones and ordinances that put them in place. This sets the criteria that the Planning Commission follows in their evaluations. Private enterprise allows property owners to build what is allowed.

Elaine McKay mentioned that there is a need for senior citizen housing and she hopes that this project will continue to be for the elderly. The Planning Commission does not have the power to say that this project will remain senior citizen housing.

The Public Hearing was closed and then opened to the Planning Commission for any further discussion. Mark Green mentioned that this project will not be the only tall building in this area or in Bountiful. Albertson's, the bagel shop, City Hall, and Carriage Crossing are all tall buildings and in this same neighborhood. A new home can be built up to 35 feet tall with no conditional use hearing or public hearing. Mr. Green feels that this project will be a benefit to the community.

Dean Jolley asked if there will be any sign and what type of fence? The site plan shows a masonry wall with a flood light and some landscaping at the entrance of the complex. The site plans show a 6-foot chainlink fence with white slats that will be on the east and south sides around the perimeter of houses or other properties. An open iron fence will be around the front and entrance of the complex.

Blaine Gehring explained that with the zoning Mr. Blosch could build up to 20 units without a conditional use permit. These could be built the same height and closer to the property line. The zoning in this area has been in place since the early 70's or sooner. The zoning has not changed, it is the market for housing that has changed. The City nor the Planning Commission has given any promises to anyone on what type of renters can go into a complex. The City nor the Planning Commission has the power to restrict what type of renter a neighborhood can have.

Don Milligan made a motion to grant a conditional use permit for 25 multiple family units on 1.95 acres on the southeast corner of 500 South and 100 East, Vicor Realty applicant, subject to the conditions outlined by Staff. The following changes have been made:

This condition is to be deleted.

1. The exterior brick be increased and the stucco decreased to not more than 30% of the exterior.

1. Reserve the issue of the solid vinyl fence to be reviewed at another date.
2. Required site plan approvals from the Planning Commission and City Council be granted.

Mark Green seconded the motion, Mike Holmes and Dick Dresher abstained from voting, voting passed by majority vote.

Elaine Mckay welcomed the Scout Troop that was present.

2. Consider granting a conditional use permit for a flag lot as part of a proposed lot split at 1864 E. Ridge Point Drive, Alan & Mindy Collier, applicants.

Alan Collier, applicant, was present. Blaine Gehring explained that the Collier's own a large lot and would like to split this lot into two separate lots. The proposed flag lot will be on the lot with the existing home and will have the minimum 30 foot frontage required. The other lot will have in excess of 120 feet of lot width at the building setback line as required. Both lots have a minimum of 120 sq. feet required. Staff recommends granting the conditional use permit for the creation of a flag lot with the condition that the necessary subdivision process be followed and the necessary approvals be received by the City.

Alan Collier, applicant, was asked if he had any further comments for the Planning Commission? Mr. Collier introduced his neighbor Steve Creamer. Mr. Collier mentioned that he and Mr. Creamer have an agreement that Mr. Collier will not build any further off the road than 150 feet. By doing this Mr. Collier will not infringe on Mr. Creamer's view.

Dick Dresher asked if the existing house is to have a sprinkling system or fire hydrant, will these lots be sharing the same driveway, and can the lot be accessed through the unbuildable area? Anything that is existing the Planning Commission can't go back and require. There will be two separate driveways and any new house would have the necessary fire system if beyond 150 feet. The unbuildable area or unnatural 30% slope is caused by road and driveway grading and will not be considered as natural slope.

Mike Holmes was concerned with the large foothill lots. Is the City going to see more of these lots being divided? With the subdivision covenants and the available buildable space on these lots it could happen but the requirements still need to be met.

The Public Hearing was opened for any further comments. There were no further comments for this issue and the Public Hearing was closed. Mark Green made a motion to grant the conditional use permit for a flag lot as part of a proposed lot split at 1864 E. Ridge Point Dr., Alan & Mindy Collier applicant subject to the recommendations of Staff. Motion was seconded by Lois Williams and voting was unanimous.

Subdivisions

1. Consider Preliminary and Final Approval of Orchard Crest Estates Subdivision at the northwest corner of 500 South and Davis Boulevard, Smith-Brubaker developer.

Eldon Haccke, representing Smith-Brubaker, was present. Jack Balling explained that Mr. Haccke is proposing the Orchard Estates Subdivision which is located on 500 South and Davis Blvd. It will have 11 lots, 1000 East will be extended through to 500 South and two of these lots will be flags lots.

Staff has reviewed the subdivision plat and recommends preliminary and final subdivision approval with the following conditions:

1. Completion of the engineering drawings as required by the City Engineer.
2. Submission of a title report with the same description as appears on the subdivision plat.
3. Payment of fees as outlined in the subdivision letter.

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|-------------|-------------|
| Total Bond | \$68,569.00 |
| Subdivision | 30,980.96 |
| Power fee | 40,776.00 |
| Service | 18,400.00 |

The service fee will be refunded as service is connected.

4. Posting of a letter of credit in the amount as outlined in the subdivision letter.

Mr. Haccke would like the power to be relocated on the existing power poles. By City Ordinance all power has to be underground. The location of the power and fees need to be reviewed with the Staff and the Power Department.

Mike Holmes made a motion to the City Council to grant the preliminary and final subdivision for Orchard Crest Estates Subdivision, Smith-Brubaker developers, subject to items 1-4 with the addition of the following:

5. The issue of fees and location of the power be resolved between the Staff, Power Department and the Developer.

Mark Green seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider rezoning property at 2084 S. Orchard Drive from C-G to R-3-16, Mark Arnold, applicant.

Mark Arnold, applicant, was present. Blaine Gehring explained that Mr. Arnold has a piece of property that he would like to develop some multiple family units on. However, the 25 foot right-of-way is not sufficient access and he needs frontage on Orchard Drive to develop. Mr. Arnold has purchased the property of the old gas station for the needed frontage. An Environmental Study has been done on the property and everything is okay with regards to any petroleum contamination.

Mr. Arnold is desirous of having this parcel rezone to R-3-16 to match the parcel to the rear. Staff recommends a favorable recommendation to be sent to the City Council to rezone the property at 2084 S. Orchard Drive from C-G to R-3-16.

Mike Holmes made a motion to recommend to the City Council for a favorable recommendation for the rezone at 2084 S. Orchard Drive from C-G to R-3-16 as written by Staff. Dean Jolley seconded the motion and voting was unanimous.

Meeting adjourned at 8:35 P.M.