

Planning Commission Minutes
May 21, 1996

Present: Acting Chairman Mike Holmes, Ken Cutler, Don Milligan, Mark Green: Sam Fowler, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Connie Feil, Recording Secretary.

Absent: Elaine McKay, Chairman; Dick Drescher, Vice Chairman; Blaine Gehring, Planning Director; and Lois Williams.

In the absence of the Chairman and Vice Chairman Mike Holmes acted as Chairman and conducted the meeting. Ken Cutler made a motion to approve the minutes for May 7, 1996 as written. Don Milligan seconded the motion and voting was unanimous.

Conditional Use Permits

1. Consideration of conceptual and preliminary approval for a Planned Unit Development of 10 units at approximately 450 E. Highland Oaks Drive, Douglas Harris, applicant.

Douglas Harris, Richard Harris and Dave Bird were present. Rusty Mahan mentioned that he has some serious concerns about this development, and talked to Mr. Harris today about them. It was suggested that Mr. Balling introduce this conditional use permit and hold the public hearing. Mr. Mahan also recommended that this be thereafter continued to the next meeting to give time to Mr. Harris to address these concerns.

Mike Holmes had some concerns with tabling this without another public hearing. Mr. Holmes would like a public hearing if this is to be tabled for another date.

Jack Balling explained that this conditional use permit is for a 10-Unit PUD development at 450 E. Highland Oaks Drive, Douglas Harris, developer. This is in the foothill zone and PUD'S are allowed if the property is 6 acres, this piece of ground has 8.36 acres. This puts the density at 1.25 units per acre way below the minimum 2.5 units per acre allowed in the R-1-12 zone under the most restrictive provisions.

The Staff has reviewed the preliminary drawings and there are several concerns that the Staff has with this development. The area is on a steep piece of property. The average slope is between 20% to 30% and most of the area is more than a 30% Slope. Another concern is the excessive cuts on the road entrance. Mr. Harris is proposing cuts up to 48 feet for about 200 feet along the road entrance which also goes over 30% slope and a 15% grade on the road. There will be excessive cuts and fills around the building pads. There have been some problems with slippage in this area. Some concerns are with the soil in this part of Bountiful. Some of the roads in Temple Ridge Subdivision and on Marv Blosch's project have slipped. This has caused a lot of problems and thousands of dollars for Bountiful City. The City is concerned

that the same type of slippage will happen with this property.

Before any preliminary or conditional use permit can be granted the Staff needs a geologist's report and a soils engineer's report for the structural stability of this property. There will also need to be some exceptions to the ordinance before this project can be approved. The following conditions need to be met for final conditional use approval:

1. Submission of a soils engineer's report for the structural stability of the soils based upon the proposed cuts as shown on the preliminary plan. (As required by the Foothill overlay)
2. Submission of a geologist's report as outlined in the foothill overlay.
3. Granting of an exception to allow the roadway to be constructed on property over 30% slope. (180 feet of the 540 foot road is on 30% non-usable property)
4. Granting of an exception to allow 135 feet of roadway to exceed the 12% street grade extending the grade to 15%.
5. Granting of an exception to allow cuts to exceed 10 feet for 200 feet of street.
6. Providing a topographic survey certified by a registered land surveyor at contour intervals to verify that no construction will take place on unusable ground (30% or greater slope).
7. Change driveway accesses of lower units to provide a positive grade to the street as per building code.
8. Compliance with all State building codes and City ordinances.
9. Submission of all final engineering construction drawings for review by the City Engineer.
10. Posting of a bond and payment fees as required by the City for final approval.
11. Submission of a title report and covenants as required for final approval.

There have been some concerns from the Fire Department that needs to be dealt with. The following are the additional conditions.

12. Access to the buildings needs to be 20 feet minimum to meet fire code. No parking signs need to be posted along the road.
13. Some 60-foot wide hammerhead turnaround at the end of the road. This is for fire

- vehicles to be able to get in and out in case of an emergency.
14. No parking signs need to be posted along the entrance road and access roads.
 15. The proposed gate at the entrance needs to be some type of crash gate for emergency use.

Mr. Balling mentioned again that there are several concerns with this project. When Mr. Harris came to the City with the first development as a subdivision he was told that it was too dense and this property was not intended for this type of use. Mr. Harris was also told that this type of project was not keeping with the objective of the Foothill Ordinance. This project will go against all of the objectives of the Foothill Ordinance. If all of the conditions can be met, the Staff will recommend preliminary approval of a conditional use permit.

Douglas Harris mentioned that he was surprised with the concerns from the Staff. The memo he received states that Staff recommends this project. On Monday morning Mr. Harris met with Mr. Balling and Mr. Gehring on the conditions required for approval. Items 1&2, soils engineer report and geologist's report, are standard requests and Mr. Harris will provide these reports. Mr. Harris has met with Mike Barfuss, Fire Marshall, and changes on the 20 foot access drive and a crash gate can be done. Changes on the driveway access to the lower units can also be worked out. Items 6-11 can be changed or they are standard requests and will be met.

Mr. Harris feels that the 11 items required for approval there are only three items, 3,4,&5, that have some concerns. The following are the three items:

3. Granting of an exception to allow the roadway to be constructed on property over 30% slope. (180 feet of the 540 foot road is on 30% non-usable property)
4. Granting of an exception to allow 135 feet of roadway to exceed the 12% street grade extending the grade to 15%.
5. Granting of an exception to allow cuts to exceed 10 feet for 200 feet of street.

Mr. Harris feels that this property has only one access. This access will require to cross 30% slope but other cities have allowed this. It will require a cut in excess of 10 feet but he can make this look beautiful. The last issue of concern is the roadway exceeding the 12% grade to 15% grade. A 12% grade for the road can be met but if this is done Mr. Harris feels that he will have a terrible project. Mr. Harris feels without these exceptions this property is land locked to any development. These exceptions can be made if the Planning Commission will grant them. They have been done in other cities and his development will be high quality and make Bountiful beautiful. Mr. Harris feels that this PUD will be the best that Bountiful has ever seen.

Rusty Mahan expressed his concerns with this PUD. If this many exceptions are granted for this project how will the Planning Commission be able to say no to other developers? There are houses 200 feet from a public street but this can be worked out. An exception that is being

asked for is a 30 foot road which ordinance requires a 54 foot road. The sidewalks are being waived which in a PUD this is possible. This is another item that is being given up for this project. The road will be 180 feet out of 540 feet or 33% of the length is on 30% slope. The streets are required to be no greater than 12% grade. With this project 135 feet or 25% will be over 12% grade. On the 10 foot cuts, it is required to be less than 10 feet. There will be various heights up to 28 feet. The density for R-1-12 will allow 4 or 5 homes on this property. Asking for a PUD is another waiver. The City will have to waive almost every restriction that the City has to approve this project. If these exceptions are granted how will the City be able to say no to others that have equal or even greater requirements? Mr. Mahan cautioned the Planning Commission that if all of these waivers are granted it will be hard to justify saying no to others.

Mr. Holmes opened the public hearing. Robert Vaughn, owner of lot #8 next to this property, has some concerns with the road going into this project. The ordinance states that no building can be beyond 500 square feet from a dedicated street. This would mean that the last three homes will not meet the regulations. Mr. Vaughn feels that this project is like pounding a square peg into a round hole. There are so many exceptions that need to be granted for this project to be completed. The way it is being terraced the water will run off into Mr. Vaughn's back yard. Mr. Vaughn is also concerned with the 33% of the road being on a slope of 30% and on a 15% grade. This is on the north slope and there will be not enough sun to melt the snow and ice. The cuts of 28 feet are going to scar the land and it will not look natural. This should not be granted.

Lanis Eyre, owner of lot #7, has concerns about the slope being so steep and too many units crammed into this space. She feels that this development is not right and should not be granted.

No one else wished to speak and the public hearing was closed. Ken Cutler asked what has changed since the memo was printed saying Staff recommends approval and now with not recommending? Jack explained that during the City Staff meeting on Monday there were some concerns expressed by the Fire Department and other Staff members. After a discussion with the Staff, City Manager, City Attorney and others, they were all concerned with not keeping with the ordinances. The purpose of the PUD ordinance is not being complied with. This proposal goes against the intent and purpose of the ordinance. The Staff has been open and up front with Mr. Harris from the beginning of this project. To be fair with Mr. Harris, if he can comply with all the conditions and exceptions by the Planning Commission and the City Council, the proposal can be granted.

Mr. Cutler asked what will these units sell for and the fees to cover the cost for maintenance? Mr. Harris mentioned that the units will be selling for \$300,000.00 to \$400,000.00 and monthly fee or dues will be around \$200.00 to \$300.00 per unit. The driveways and courtyards will be heated by boilers. All heating and air conditioning will also be done with boilers.

Don Milligan concerns are with the now undeveloped ground in the City. Will the City be faced with these complications and this type of requests? Mr. Mahan mentioned that there are alternatives for the land and there are alternatives for this project.

Mike Holmes explained that the Commission has made exceptions but they have been minor exceptions. Mr. Holmes has some concerns with having so many exceptions. He agrees with Mr. Mahan that if this is granted when do you say no? Mr. Holmes also agrees with Mr. Milligan concerns with complications arising with more land being developed. Mr. Holmes is not personally ready to vote on this project. He suggested that a field trip be arranged for all those present so a better decision can be made.

Mark Green mentioned that he did go look at area today. He feels that this slope exceeds the 30% and this is major steep. If you dig into that hill 40 feet and then go up a 15% grade up that hill your looking at a major steep slope. And the volume of dirt coming out of that hill will be horrendous. Mr. Balling mentioned that this slope is well over 30% more like 60% to 70%. Mr. Green asked how will this hillside be retained? Mr. Bird explained that the wall will be an alan block type design that will be terraced. There will be tie backs into the soil every five of six feet. Mr. Green's major concerns are with the 30% slopes and how to retain the hill. We are here not to mitigate on the issues. We need to keep in mind that the Planning Commission is here to look at the issues and not to bargain with them.

A decision was made to hold a special field trip and Planning Commission Meeting for all those present. Mr. Mahan will send out notices to meet at the site then return to City Hall for continued consideration of this PUD.

Mark Green made a motion to continue this item and hold a special field trip and Planning Commission Meeting on Tuesday May 28, 1996 at 7:00 P.M. The motion was seconded by Don Milligan and voting was unanimous.

Subdivisions

1. Consider converting the apartments at 1895-1923 S. Main Street to condominiums, Russ Jones, applicant.

Russ Jones, applicant, was present. Jack Balling explained that these apartments have been existing for several years. Mr. Jones is requesting to convert these apartments into condominiums. Converting apartments into condominiums seems to be a good idea this encourages single ownership and better upkeep. Staff recommends the Planning Commission send a favorable recommendations to the City Council for approval of this conversion with the conditions that a title report and copy of the Homeowners Association Covenants be submitted to the City Engineer and City Attorney for final review prior to the recording of the plat and all recording fees be paid.

Russ Jones feels that this is an appropriate conversion for this part of town. These apartments have been built as nice high quality apartments. The heating, air condition and plumbing have been updated. There are dumpsters for the garbage and there is adequate parking. Notices will be sent to all tenants on the conversion giving them the option to buy and all existing leases will be honored.

Mark Green made a motion to recommend approval of converting the apartments at 1895-1923 S. Main to condominiums, Russ Jones, applicant. Motion was seconded by Sam Fowler and voting was unanimous.

Meeting adjourned at 8:45 P.M.