

Planning Commission Minutes
October 15, 1996

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

Absent: Lois Williams.

Elaine McKay welcomed all those present. Mark Green made a motion to approve the minutes for September 17, 1996 as written. Dick Dresher seconded the motion and voting was unanimous.

Conditional Use Permit

1. Continuation of a public hearing to consider a conditional use permit for The Domain at Highland Oaks Planned Unit Development consisting of 11 units at approximately 450 E. Highland Oaks Drive, Douglas Harris, applicant.

Douglas Harris, developer, was present. Blaine Gehring explained that this development has been before the Planning Commission on May 21 and May 28, 1996. Following a field trip to the site this item was tabled to give Mr. Harris more time to work on a better access. Mr. Harris has reached an agreement to purchase the property of Robert Vaughn which is all of Lot 8, Indian Springs Estates Plat A. This lot has been put under contract. Mr. Harris has now revised his plan to include this lot which brings the total number of units to 11.

Some of the Staff's concerns have been alleviated. A soil report and an accurate topographic survey certified by an engineer or surveyor have now been submitted. These have been reviewed by the City Engineer and there are no problems which he can see. The following are the exceptions now being requested:

1. The original plan would have required an exception for 180 feet of the road to be on 30% slope or unusable property; the new proposal has only 25 feet as the longest stretch of that road on 30% plus ground.
2. The original plan would have required an exception to allow 135 feet of roadway to exceed the 12% street grade; the new proposal has 260 feet in excess of the 12% minimum.
3. The original plan would have required an exception to allow for 200 feet of the street with cuts in excess of 10 feet; the new proposal has more than 350 feet on the street and a total of about 400 feet for the entire site with cuts in excess of 10

feet.

The driveway widths, accesses and grades have been changed such that they meet Fire and Building codes and the Zoning Ordinance. Staff feels that now this project is workable and recommends granting conceptual and preliminary approval only.

Douglas Harris expressed his appreciation to the Staff for working with him on this project. With the help from the Staff, some of the concerns have been taken care of. With the purchase of Mr. Vaughn's property the access, which would have been more than a 60% slope, is now acceptable. Following Mr. Balling's recommendation, the elevations of the pad sites will be changed so there will be positive drainage off of all the units in the development. This development is intended for what is called "Empty Nesters" those who no longer have children at home. The project is a high quality project with the outside of the units being natural stone and stucco. Each main floor will be 2000 sq. feet. There will be landscaping and maintenance for everything in common. There will be snow removal and road maintenance in common.

Dave Bird explained with this revised site plan there will be less cuts and fills for the road. There should be about 25% of the road with a grade of more than 10%. About 35% of the length of the road will be on a 15% grade. Another 35% of the road at 12% and the remaining will be an average of 5% grade. There will be 2 feet of curb and gutter on both sides of the road.

Rusty Mahan pointed out that Lot 8 will have to be vacated from Indian Springs Estates Plat A then incorporated into the PUD.

The Public Hearing was opened for any further comments. Douglas Eyre, residing at 3773 S. Bountiful Blvd., owner of lot #7, is against this development. If this development is permitted, Mr. Eyre will have 2 homes above him looking into his back yard. He feels that this will be taking away his privacy and will lower the value of his property.

Julie Ferreira, residing at 3819 S. Bountiful Blvd., is concerned about losing the property above her to 11 homes. There is enough traffic on Bountiful Blvd. without adding more traffic that these homes will create. She feels that a PUD with 11 homes is not any better than having 11 different homes. This is just a fancy name to crowd in more homes. She feels she will not have any privacy in her back yard from the homes and the lights from the street. She also feels that she will not be able to walk on the paths above her.

John Carey, residing at 3780 S. Huntington Drive, has some concerns with the density of these units. He feels that the density for this project is too high. He also has some concerns about safety with the street being over 12% grade. Will Bountiful City be able to service an emergency with these steep grades? If there is a fire in the above foothills will the City be able to get to it?

Mr. Harris mentioned that the caliber of these homes and the landscaping will increase the value

of the surrounding property. Mr. Harris has talked with Mr. Eyre about using more landscaping around the boundaries of his home to bring a barrier for more privacy to his back yard. Mr. Harris is willing to plant trees on Mr. Eyre's property to help with this issue. Mr. Harris wants to work with all the surrounding neighbors so they don't feel that this development will be such an impact on them.

A discussion followed with clarification by Russell Mahan and Jack Balling that this is a free enterprise system for those who own land. The only way to prevent homes from being built would be to purchase the land themselves. When Mr. Eyre, Mrs. Ferreira and Mr. Carey purchased their property, they interfered with those living below them. The only way you can prevent growth is own the property yourself. The City Council can not manage what is to be built on the foothill. The City Council passes a subdivision ordinance or a development ordinance and this is followed. There are reasonable limits set on what can be done and the City doesn't manage growth.

Mr. Balling explained that about 20 years ago there was an uproar about building above Bountiful Blvd. At this time there were no homes up there and the City had a moratorium on building above Bountiful Blvd. The owners of the Maple Hills development took the City to court on this issue. The Judge said that the City can not prohibit the people from using their private ground. It is against the Constitution. The City had to make a reasonable ordinance for people to be able to build on their property. At this time the Hillside Ordinance was put together and accepted as an ordinance. The ordinance allows for PUD's in the foothill area. This PUD is within the ordinance.

Mark Green mentioned that the PUD ordinance is a tool to minimize the damage or scarring of a hillside. It helps to stop more cuts and fills and to protect the natural vegetation of the hillside.

Mike Holmes mentioned that he lives on 1500 South and when there is any building above him the traffic increases. The impact from growth affects him but he can't stop it. He also mentioned that the Hillside Ordinance can't be unreasonable for building.

The Public Hearing was closed. Mike Holmes made a motion to grant conceptual and preliminary approval for The Domain at Highland Oaks Planned Unit Development subject to the conditions recommended by Staff. Ken Cutler seconded the motion and voting was unanimous.

Site Plans

1. Consider Preliminary and Final Site Plan Approval for Ozzie's 30 Minute Photo at 60 S. 500 W., Ron Osborn, owner.

Ron Osborn, owner, was present. Mr. Gehring explained that Mr. Osborn has remodeled an existing building at 60 S. 500 W. to accommodate his photo business. Part of Mr. Osborn's remodel has been the purchase of the property north of the store. He has regraded this and will

be putting in an expanded parking lot with a landscaped area to handle storm runoff and serve as an outdoor photo studio. He is providing a new access road to the rear to Horizon Publishers.

Staff has worked with Mr. Osborn and he has now met the criteria including approval from UDOT on his drive approaches to 500 West. We recommend sending a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions:

1. Provide for at least one parking stall for the disabled as required by the Zoning Ordinance and by the Americans With Disabilities Act.
2. If all paving and landscaping cannot be completed before the winter weather prohibits completion, post the necessary bond as per Section 14-2-308 of the Zoning Ordinance.

Mr. Osborn mentioned that the paving and landscaping should be finished within the next two or three weeks.

A discussion followed about requiring a bond if the landscaping doesn't get finished until spring. It was decided to have a bond posted by January 1, 1997 if the landscaping is still unfinished.

Ken Cutler made a motion to recommend approval to the City Council preliminary and final site plan approval for Ozzie's Minute Photo at 60 S. 500 W. subject to the recommendations by Staff with the addition of posting a bond by January 1, 1997 for the unfinished landscaping. Dean Jolley seconded the motion and voting was unanimous.

2. Consider preliminary and Final Site Plan Approval of a 4-plex and an existing single family house on the northwest corner of 100 W. and 300 S., Bob Roberts, owner.

Bob Roberts, owner, was present. Mike Holmes excused himself from this issue. Mr. Gehring explained that Mr. Roberts and his associates have purchased an "L" shaped parcel at the northwest corner of 100 West and 300 South. A small house exists on the property facing 100 West. Mr. Roberts is desirous of building a 4-plex on the remainder of the property, and at the same time provide parking of the existing house where none currently exists.

Staff recommends sending a favorable recommendation to the City Council for preliminary and final site plan approval with the following conditions:

1. The 4-plex needs to be raised to provide for a 2% slope out to the parking area as required by the Uniform Building Code.
2. Provide a 7-foot utility easement along the frontages of 100 West and 300 South and any other easements as may be required by other utilities.

3. Pay the storm detention fee (in lieu of on-site detention) of \$2100/acre x 0.376 acres=\$789.60.
4. Post a cash bond to guarantee replacement of any broken sidewalk, curb and gutter as per ordinance.
5. No occupancy to be approved until site work and landscaping are complete or bond posted for completion if it cannot be completed due to weather.
6. Completion of all building plans for compliance with building codes.
7. The fence needs to be a solid barrier fence. It needs to be of a solid material or have slats put in the proposed chain link.
8. The dumpster enclosure must be of the same material as the 4-plex to meet ordinance.

Mr. Roberts is willing to comply with all the recommendations and requirements for approval.

A discussion followed with some concerns about the rear yard being only 18-feet and the location of some parking. It was decided to move the units forward to provide a 20-foot rear yard and revise the plans for the parking in front of the units to provide adequate building separation.

Dick Drescher made a motion to recommend preliminary and final site plan approval for a 4-plex and an existing home on the northwest corner of 100 West and 300 South subject to the recommendations of Staff and the addition of the following:

9. That a 20-foot minimum rear yard be provided.
10. Revise the carport layout to comply with the setback and structure separation requirements on the lot.

Sam Fowler seconded the motion and voting past by majority vote. Mike Holmes excused himself from voting.

Subdivisions

1. Consider final subdivision approval of Bridlewood South Estates Phase 2 at 4300 S. Bountiful Boulevard (west side).

Merrill Bunker, developer, was present. Jack Balling explained that this subdivision is located on Monarch Drive and Bountiful Boulevard (4500 South) and was granted preliminary approval by the Planning Commission on April 16 and the City Council on May 1, 1996. The developers,

Stephen Randle and Merrill Bunker, are now requesting final approval for 21 lots in Phase 2. With this development and Bountiful Ridges Subdivision Phase 1, Bountiful Boulevard will be completed. The Staff has reviewed the final plat and the engineering drawings and the staff recommends final approval subject to the following conditions:

1. Posting the site improvement bond as outlined in the subdivision bond letter.
2. Payment of subdivision fees as outlined in the bond letter.
3. Payment of underground power fees as determined by Power Department.
4. Provide a bond for their share of 50% of the cost of the reservoir.
5. Subdivision shall not be recorded until after Bountiful Ridges Subdivision Phase I is recorded, dedicating Bountiful Boulevard.
6. Provide the City with a deed to the reservoir site.
7. Provide the City with an access easement to the reservoir site.
8. Completion of the corrections on the subdivision plans.
9. Compliance with all City ordinances and building codes.

Mr. Bunker mentioned that items 6 and 7 cannot be legally provided. There was a discussion on the way that this has been stated as a condition. If Mr. Bunker can't provide this information this should be reworded to fit the situation. It was decided to reword these conditions as follows:

6. The City must be provided with a deed to the reservoir site.
7. The City must be provided with an access easement to the reservoir site.

Sam Fowler made a motion to recommend final subdivision approval of Bridlewood South Estates Phase 2 at 4300 S. Bountiful Boulevard with the modification of conditions 6 &7. Mark Green seconded the motion and voting was unanimous.

2. Consider final subdivision approval of Bountiful Ridges Subdivision Phase 1 at 4300 S. Bountiful Boulevard (east side).

Dick Moffat, Developer, and Scott Balling, Architect, were present. Jack Balling explained that this subdivision was granted preliminary approval by the Planning Commission on March 19, 1996 and the City Council on March 27, 1996. The owners are now requesting final approval

for Phase 1 of this subdivision. With this development it will complete Bountiful Boulevard to North Salt Lake. There will be a total of 66 lots in Phase 1. The Staff recommends final approval subject to the following conditions:

1. Posting the site improvement bond for \$853,387.50 as outlined in the subdivision bond letter.
2. Payment of \$182,697.44 subdivision fees as outlined in the bond letter.
3. Payment of underground power fees as determined by Power Department.
4. Provide a bond for 50% of the cost of the reservoir.
5. Provide a bond for offsite storm drainage system.
6. Provide the City with a deed to the reservoir site.
7. Provide the City with an access easement to the reservoir site.
8. Completion of the corrections on the subdivision plans.
9. Furnish the City with a construction plan and a landscape plan for the storm water detention basin.
10. Compliance with all City ordinances and building codes.

Dick Moffat and Scott Balling had no further comments. A discussion followed with some concerns about the storm water detention basin. The basin will seldom have any water in it. With a 10 year storm there could be 4 or 5-feet of water that will empty within 3 hours. This will be a permanent water basin and the City will have to maintain it.

Ken Cutler made a motion to recommend final approval of Bountiful Ridges Subdivision Phase 1 at 4300 S. Bountiful Boulevard (east side) subject to the recommendations from Staff with the following modifications:

6. City must be provided with a deed to the reservoir site.
7. City must be provided with an access easement to the reservoir site.

Dean Jolley seconded the motion and voting was unanimous.

Meeting adjourned at 9:00 P.M.