

PLANNING COMMISSION MINUTES

February 1, 1994

Present: Chairman Mark Green, Don Milligan, Kathi Izatt, Mike Holmes, Dick Dresher; Russell Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning and RDA Director; Shirley Chevalier, Recording Secretary

Excused: Elaine McKay; Barbara Holt, City Council Representative Absent: Jeff Chretien, Mick Johnson

The minutes of January 18, 1994 were unanimously approved as written.

Conditional Use Permit

2-1-94.3 Continuation of the consideration of two flag lots at 291 and 297 East 750 North, Darryl Sanford, owner.

At the public hearing on January 18, 1994, this item was tabled for two weeks in order that Mr. Sanford could work with his neighbors to see if they wanted to share the expense of developing a subdivision and take advantage of access to their property. In addition, City Attorney Russell Mahan wanted to look at the legal implications of this situation.

Mr. Gehring mentioned that another concern was the question of both of those accesses using the same bridge for driveways. At this time no agreement has been reached with the property owners because of the cost. It would be very expensive to bring a full street bridge across and develop a cul-de-sac for a subdivision.

Russell Mahan reported that he researched the ordinance's two flag lot limit. The limit is not on the flag lots themselves, but whether they may be placed adjacent to each other and share the same curb cut access. It is possible, under the ordinance, to have three flag lots. Mr. Sanford can have his two flag lots next to each other and have the driveways adjacent to each other on the property line so that half of the driveway, 12 ft., is in each lot, and bring it across on a 25 ft. bridge. It would then divide to each separate lot. The other neighbor who has property fronting on 750 North can later come in and apply for a flag lot at that location as well. He could not use the same curb cut, and he would need his own bridge. As far as the other interior lots are concerned, they are not legally landlocked. They all have access on 900 North. Mr. Mahan's recommendation is to approve the two flag lots across the 25 ft. bridge, allowing the neighbors to come in later with their development plans.

There was some confusion in referencing the ordinance which states the flag lot access portion of it is to be 25 ft. each. Mr. Mahan said that a driveway in this area needs to be 12 ft. wide, as in 14-18-109, Access Requirements. Kathi Izatt said she feels this applies to Normal lots and flag

lots are under a special provision of a Conditional Use Permit. Mr. Mahan said he feels the word "access" really means frontage. These lots meet the ordinance in the amount of frontage on a dedicated public street which serves as access. They will share the bridge as a common driveway 25 ft. wide, 12 ft. for each lot. This is a curb cut access as opposed to a flag lot access. Each lot will have 25 ft. of frontage and the driveway will straddle the common lot line between the two and will be 25 ft. wide. The stem will be 25 ft. wide for both lots all the way back.

The fire code says there has to be a fire hydrant and a 20 ft. access back to the hydrant. This is being provided.

Requirements for a flag lot, Section 14-14-106 of the ordinance, requires that a lot have at least 30 ft. of frontage on a dedicated public street, which serves as access only to the subject lot or parcel. Each of these lots meet that requirement. The two flag lot accesses may be located adjacent to one another and share the same curb cut. In such case, each access may be only 25 ft. (here is where the word "Access" should be changed to read "each frontage may be only 25 ft.") The access strip or staff portion of the lot is at least 30 ft. in width and not more than 200 ft. in length, and this is met.

Staff recommends that the two flag lots be approved as building lots with the following conditions:

1. A 25 R. wee access bridge be shared by both lots with 12 ft. driveways on each;
2. A 15 ft. wide utility easement along the centerline of the sewer line is required; an access easement as required by the Fire Dept.; utility easements as required by the Power Dept.; a 20 ft. wide easement along the north side of the creek as required by Davis County;
3. Payment of a storm detention fee of \$627.00;
4. Filing of a survey plat with the Davis County Surveyor and Records office;
5. Payment of a \$60.00 checking fee for the two lots;
6. Completion of the bridge plans and paved access road to the approval of the City Engineer;
7. Payment of all required connection fees at the time permits are issued;
8. Completion of water, sewer, curb and gutter, sidewalk and paving plans along the public street over the bridge. The bridge should have a protective wall on each side and the fencing should be continued across the bridge on both sides;
9. The payment for a water line and fire hydrant as required by the Fire Chief.

Mike Holmes made a motion to grant a conditional use permit for the two flag lots at 291 and 297 East 750 North subject to Items 1 through 9 as presented by staff, with a recommendation to City Council to approve the two building lots; seconded by Don Milligan; opposed by Kathi Izatt; majority voted approval.

Subdivisions

2-1-94.5 Consider preliminary and final approval of a 2 lot subdivision at 2480 South 150 East, Art Bird, developer.

Each lot will have 75.35 ft. frontage which exceeds the requirements of the R-1-6.5 zone. The property can be sold by a metes and bounds description; however, it requires the approval of the Planning commission and City Council.

Staff recommends preliminary and final approval subject to the following conditions:

1. Provide a 7 ft. wide utility easement along 150 East Street and along the east and west property lines as required by the utility companies;
2. Filing a record of survey, with the County Surveyor's office; (the shaded portion was added at this meeting);
3. Payment of the required fees at the time a building permit is issued - \$60.00 subdivision fee for both lots, \$314.00 storm detention fee per lot; storm runoff fee of \$1,385.00 per lot, sewer connection fee of \$600.00 per lot, and payment of electrical power fees;
4. Construction of the following improvements at the time the building permit is issued - construction of the sidewalk to city standards; reconstruction of the damaged curb and gutter as required by the City Engineer.

Mr. Balling saw it has been brought to staff's attention that the street in front may not be dedicated, in which case Mr. Bird will have to file a subdivision plat and the full width of the street will have to be dedicated in order to put in the sidewalk. Mr. Balling also said in regard to item 2 above, it should be added "or" subdivision plat as required" for dedication of the street. (It was noted that in the new survey, 150 East Street had been taken out.)

Don Mliligan made a motion to recommend preliminary and final approval for the two lots at 2480 South 150 East subject to the conditions outlined by staff, including the dedication of the street, and amending item 2; seconded by Dick Dresher; voting was unanimous.

2-1-94.6 Consider preliminary and final approval of Lewis Estates Subdivision at approximately 2500 South Davis Boulevard, Foss Lewis 8 Sons, developer.

In 1979 the Lewis family deeded the property to Bountiful City for the construction of Davis Boulevard. At that time the subdivision was granted preliminary approval and the sewer and water was installed with service lateral into each lot. At the time the street was constructed the Lewis family did not want to file a final plat. Since all the improvements are completed, the street, sidewalk, curb and gutter, this plat can be recorded without the posting of a bond.

Staff recommends preliminary and final approval subject to the payment of the required subdivision fees, the title report, and all required signatures for recording.

Mike Holmes made a motion to recommend to City Council preliminary and final approval for the Lewis Estates Subdivision, 2500 South to 2600 South on the west side of Davis Boulevard, subject to the normal subdivision requirements and the recommendations of staff; seconded by Kathi Izatt; voting was unanimous.

2-1 -94.7 Consider preliminary approval of Bountiful Shadows Subdivision, 200 West and Pages

Lane, Magna Investments and Development, LTD, developer.

This Item was cancelled at the request of the developer.

Zoning Ordinance Amendments

2-1-94.4 Consider amending Sections 14-13-105 E and 14-14-106 of the zoning ordinance dealing with fire access and better defining creation of flag lots.

Recently there have been two property owners who have filed for conditional use permits in order to develop rear properties that, until the new zoning ordinance was adopted in 1993, could not get approval for a flag lot except for property located in the Foothill Overlay Zone. Staff feels that some changes need to be made in the provisions of Sections 14-14-106 and 14-13-105E. Creation of a flag lot should not be done to get around subdivision regulations or good planning where whole interior sections of a block could be developed. It should be used as a last alternative for people who can find no other feasible or practical use of a rear piece of property.

Section 14-13-105E, Lot and Access Design, in the Foothill Overlay Zone, deals with access to homes built beyond 150 R. from the street and to the flag lot provisions. The Uniform Fire Code, as adopted by the State, requires that certain approvals be given prior to any residential structure being built beyond 150 R. from the street as measured to the farthest point of the structure. There has been a conflict with that provision as it relates to homes beyond 200 ft. from the street. There is a problem with flag lots that may be created, because in most cases such lots will have stems in excess of 100 R. and placement of homes beyond that which would exceed the 150 ft. provision.

Staff recommended to the Planning Commission some changes to these two sections of the ordinance to help prevent future problems. The proposed changes were reviewed and some revisions suggested which will be rewritten and submitted back to the Planning Commission on February 15, 1994.

Meeting adjourned at 9:00 PM.