

PLANNING COMMISSION MINUTES
MAY 5,1992

Present: Chairman Jeff Chretien, Mike Holmes, Kathi Izatt, Dick Dresher, Mark Green, Don Milligan; Barbara Holt, City Council Rep.; Jack Balling, City Engineer; Jon Reed Boothe, Planning Director; Tom Hardy, City Manager; Layne Forbes; City Attorney; Shirley Chevalier, Recording Secretary

Excused: Elaine McKay, Mick Johnson

Minutes of April 21, 1992: Staff found and corrected an error in paragraph 2, page 1, the date of May 4, 1992 should have been May 5, 1992. The minutes were unanimously approved as written and corrected by staff.

Conditional Use:

92-5C Lakeview Terrace Condo Development, Public Hearing, Lynda Hobson, Developer

In 1973, approval was granted for the Lakeview Terrace project, 1400 East Lakeview Drive, for a 72 unit PUD and 61 subdivision lots. The lots were sold and homes constructed on all but 10 lots in the northeast area. The PUD was started and 10 units were constructed and sold. The remaining area has remained undeveloped for the past 15 years. The property has been acquired and a plan is being presented to complete the project.

This property is in the Foothill Zone which allows a PUD with a maximum density of 4 units per acre. This proposal has 3.75 units per acre. Ordinance requires 30% of the site in common area; this proposal shows 33%. The plan shows twin home construction with zero lot line which is also allowed in this zone. There are 3 acres of land along the north property line that exceed the 30% slope. This area has been reserved for common area which is acceptable under the Foothill Zone.

The streets are 30 ft. wide, ordinance requires 22 ft. The maximum grade is 12% on the lower road and meets the ordinance. The cul-de-sacs do not exceed 600 ft. in depth. The development provides three accesses which exceed the required two.

There will be a 1200 ft. long storm drainage collection system to collect all the runoff from the upper road and center road, piping ft to the Barton Creek basin east of Lakeview Drive. This plan does not provide for storm water detention. They must pay a fee in the amount of \$34,923.00. The sanitary sewer and culinary water systems both have the capacity to serve this development.

There are no sidewalks in the project since this is not a requirement of the PUD ordinance. However, Planning Commission could require this as a condition.

Vehicle storage on site is located off Lakeview Drive on the southeast corner of the property. This needs to be screened from the public, and the city would like to see the existing oak brush remain and a landscape plan presented that would screen this area. The existing condominium project will share in the amenities of the newly developed portion; i.e., tennis court, swimming pool, etc.

Staff recommends approval subject to the following conditions

1. Completion and submittal of a landscape plan to be approved by the City Planner;
2. Completion of the engineering drawings showing the street, sewer, drainage, curb/gutter, and water;
3. Payment of all required fees;
4. Posting of the site improvement bond;
5. The entire site to be completed in one phase;
6. Compliance with all provisions of the Foothill Zone and PUD ordinances;
7. AJI building plans to comply with the building codes and city ordinance. The roof to be designed for a 40 lb/sq.ft. live load and the frame be designed for a 100 mph wind load;
8. Presentation of the common area maintenance agreement for final review.

Lynda Hobson said she is the sole owner of this property at this time. This project will complete the originally designed Lakeview Terrace. There has been a very positive response from the homeowners of the ten existing condos. She presented a rendering of the structures. There will be 30 duplexes and 2 single units. They will be constructed of brick and stucco. The square footage will run from 3430 sq. ft. to 4469 sq. ft. The base price will range from \$154,000 to \$215,000. There are 32 names on a waiting list for these units. The name of this development will be Barton Woods at Lakeview Terrace.

Opponents to this project were represented by Brent Wilcox (Opening Remarks/Closing Statement), Kent Bowman (Financial Feasibility), Dean Collinwood (Environmental Issues), Ted Tueller (Traffic), Jenny Sadler (Safety), Kim Burningham (Extension of Time/Further Studies). Inasmuch as this hearing lasted for over two hours, briefly the concerns expressed by this group and other individuals were: wanting proof of Ms. Hobson's ownership, past experience with failed projects, financing the project, environmental concerns re removal of trees and shrubs, etc., traffic problems and safety of children, more communication between Ms. Hobson and property owners, more traffic study and more time to address the issues. The new LDS Temple was discussed as being a new contributing factor to the impact of traffic in this area.

Mrs. Sadler, who is PTA President of Oakhills Elementary School, said that approximately 65% of the children in the area cross the intersection of Lakeview Drive, Moss Hill Drive and Canyon Crest to the front door of the school. She has received more calls this year on the safety of the children walking that specific area of the street than all other issues combined.

Jack Balling, in addressing the traffic concern, gave some statistics: Lakeview Drive is 60 ft. of dedicated street width. It is a feeder street. The paved area from back to back of curb is 36 ft. When the original development was presented, the Master Street Plan adopted by the City Council in 1968, showed that the street through this development would be classed as a feeder street. This was a requirement imposed upon the developer 17 years ago. There is a lot of concern where it goes past the Oakhills School and ties onto 500 South, which is also a feeder street. It is capable of carrying up to 10,000 vehicles a day if it had to. At the present time it carries about 1500 vehicles. It is a relatively safe street. There was one accident in 1991. There is a thorough analysis made of every street and intersection in the city every year. Where there are 3 or more accidents at any intersection, there is a detailed study. There has never been three or more accidents at any intersection along Lakeview Drive during any one calendar year. There are traffic reports prepared every January and presented to the Traffic Committee as well as the City Council. These are available to the public. As the traffic increases when the area develops, there is a higher incident of accidents. At the present time, it is not a dangerous street. It was designed for 40 mph, it has a 450 ft. radius curve on it. The speed limit on the street is 25 mph.

Mr. Balling further stated that with full development of the area, the maximum cars the street would handle would be approximately 5,000. At the city's last traffic count, the street carried 1,500 vehicles per day. This development has 62 units. A round trip development of this nature will generate 2.52 round trips per day or 156 vehicles. In terms of a subdivision and how many lots might be able to be developed on this property, it calculated out to 30 single family lots. Under the Transportation Traffic Engineering Handbook, where these figures came from, that subdivision would generate 3.62 round trips per day, or a total of 108 vehicles per day on that street. The difference between the single family subdivision and the planned unit development is 48 vehicles per day increase.

Mrs. Gary Jones, 1355 E. Lakeview Dr., stated that due to the nature of the unfinished property above her home, they have suffered extensive flood damage and expense during a heavy rainfall, and her biggest concern is being protected from a recurrence of this.

Neal Sabin, Ms. Hobson's attorney, said she did not create any of the problems, she is trying to solve them. She plans on developing this property in a responsible manner, saving as much green space as possible and building higher quality homes. In addressing the title issue, they have negotiated an arrangement with the RTC which holds the primary lien. They have run into a roadblock with another asserted lien in the amount of \$626.00 by someone with an interest in this project who claims they have title despite what the title report says. This has been holding up the settlement with the RTC.

City Attorney Layne Forbes said if Ms. Hobson has fee simple ownership she has the right to develop. When asked if she had fee simple ownership, she presented a paper to the Commission and Mr. Forbes studied the paper. He said this was a policy of title insurance showing that fee simple title is vested in Lynda R. Hobson. It is subject to a lien of \$3.9 million as of 1983, but the lien does not disqualify it. The ordinance requires that it be in ownership and she has shown that.

The PUD ordinance, 7-601, Financial Ability of Applications pg. 7-5, states that the proponents of the Planned Unit Development must demonstrate to the satisfaction of the Planning Commission that they are financially able to carry out the proposed project. They cannot get financing unless there are some presales, which would be on condition. The Planning Commission can make some reasonable inquiries as to where the financing is coming from and the structure of the financing, keeping in mind they have to be able to post the bonds.

Regarding their financial ability, they must provide a bond in the form of a surety bond, cash deposit, or a Letter of Credit and Guarantee from the bank. This would guarantee all of the site improvements, based on 120% of the cost estimate of all the improvements. They could not proceed with the project if they could not post the bonds. They must be posted before any plat can be recorded. If they fail, the city can take the money and complete the improvements. The bond is for the streets, curb and gutter, paving, storm drainage, landscaping, sprinkling system, all of the amenities, but does not include the units.

Ms. Hobson said that, besides personal finances, there are two major corporations interested but they will not proceed until they get preliminary approval, and until then she cannot disclose who the lenders are.

Barbara Holt said she felt 7-600 Review By Planning Commission in the PUD ordinance has several conditions, and she is not comfortable giving approval tonight but would be in favor of tabling it until some of these can be addressed. She made a motion to table this item for a study session and take under advisement the concerns that have been brought up and include the items under 7-6043, page 7-6 of the PUD ordinance. Kathi Izatt seconded the motion.

Mark Green said If there is anything specifically we want from the developers that might get hung up at another meeting, they need to be appraised of what we want from them. They need to disclose who their financial lender is and provide this information before there is another meeting.

Kathi Izatt mentioned the ordinance says that the proposed use of a particular location shall be shown as necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community. This is a burden on the developer, and these are the items we want from the developer for the next meeting.

For the benefit of the audience, it was stated that tonight was the official public hearing for which they had been properly notified. There will be no more public hearings as such, but the study session is open so the people present tonight may listen to what is being

said, but may not actively participate. The study session is scheduled for Tuesday, May 12th, 7:00 PM.

Chairman Chretien addressed the motion which is to table for a study session, with the stipulations as outlined by Barbara Holt and seconded by Kathi Izatt; Mike Holmes voted nay; approval was by majority vote.

5-5-92.513 91-2C Mike Youngberg - Letters From Adjoining Property Owners, 880 So. Main Project

Mr. Youngberg had been requested by the Planning Commission at an earlier meeting, to present letters from adjacent property owners giving their approval for proposed garages next to their property line, and from Canyon Oak Realty on the sharing of a driveway accessible to parking on both properties. This has been done. These letters are attached to the minutes of permanent record in the Bountiful Planning and Zoning Department. Kathi Izatt made a motion to approve the covered parking, garages and parking lot on the 880 Place apartments and allow Mr. Youngberg to proceed with his construction; Mike Holmes seconded the motion; voting was unanimous.

5-5-92.85-12C Spring Hollow At The Woods Condos, 3900 S. 400 E., Returned at Request of City Council

Mr. Balling explained that when this was approved, one of the conditions was they furnish to the Planning Commission the gate agreement which is being presented tonight. When the design plans come in, a meeting will be held with the appropriate emergency departments to approve the plans. The developers are proposing a rolling gate, on wheels, which will remain closed except for emergency vehicles, maintenance, snow removal purposes, and other such services and uses. There will be a masonry, either rock or brick, pillar on each end that will support the gate so it can roll across the street on a metal or concrete trough, and roll beyond the pillars when the gate is open. It was noted that nowhere in the agreement did they agree to never lock the gate. It was decided this should be a condition of approval, as well as clearance on both sides.

Mike Holmes made a motion to table until it comes back with provisions for the gate remaining unlocked perpetually, and that there be sufficient area on both sides of the gate so it will be able to roll. Barbara Holt seconded the motion.

Tom Hardy suggested the motion be made to approve the gate agreement subject to adding conditions. This will let the developer and the Condominium Association know that this is a concern, and if they meet the concern, then It can be approved.

Mike Holmes withdrew his motion and Barbara Holt withdrew her second. Mike made a new motion to approve the gate agreement subject to the following: that the design of the gate have the written approval of the emergency departments in the city; there must be no obstructions around the gate so that it may perpetually be able to be moved back and forth; and that the gate will never have a lock placed upon it. Barbara Holt seconded the motion; voting was unanimous.

Subdivisions - Final:

5-5-92.7A Consider Preliminary and Final Approval to One Lot Subdivision at 2408 S. Maple Hills Dr.;
C. E. Farr, Owner

This lot was never approved for development. It is in the Foothill Zone and has an average slope of 20% to 30%, which requires a lot size of 20,000 sq. ft. and a frontage of 100 ft. at the front setback line. The ordinance also requires a building pad of 5,000 sq. ft. located on area that is less than 30% slope. This lot meets the conditions of the Foothill Zone as described.

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

1. That building and improvements be placed only on usable area less than 30% slope as required by the Foothill Ordinance;
2. Provide 7 ft. wide utility easements around the perimeter of the lot as needed;
3. Replace all damaged curb and gutter and sidewalk along the frontage of the lot;
4. Payment of the required fees for power, sewer and water installation and connection;
5. Payment of the required fees for the asphalt repair of the road for the service connections;
6. Posting of the required bond to install the Improvements as described above;
7. Payment of the required subdivision fees for checking and administration of the subdivision lot;
8. Payment of the required storm detention fee in the amount of \$964.00.

Mike Holmes made a motion to give preliminary and final approval subject to the recommendations of staff; Mark Green seconded the motion; voting was unanimous.

