PLANNING COMMISSION MEETING
APRIL 7, 1992

Present: Chairman Jeff Chretien, Mike Holmes, Dick Dresher, Kathi Izatt, Mick Johnson, Elaine McKay, Don Milligan, Mark Green; Barbara Holt, City Council Rep.; Jack Balling, City Engineer; Jon Reed Boothe, Planning Director; Russell Mahan, Assistant City Attorney

Excused: Shirley Chevalier, Recording Secretary

Before approving the minutes of March 17,1992, Kathi Izatt felt some mention should be made that Michael Pless and another gentleman were present representing the First Southern Baptist Church. While not an agenda Item, they had some questions regarding the use of a temporary classroom structure on the church property. This proposal will be brought before the Planning Commission at a later date. With this addition, Kathi made a motion to approve the minutes; seconded by Barbara Holt; voting was unanimous.

Conditional Use:

4.7.92-5A 92-4C Heritage Place, 1150 S. Main, Addition of 12 Units to Existing Facility (72 Total Units) Gary Taylor and Tom Smith present.

There are currently 28 units under construction along the south side of this property. The owners would like to extend this addition to the west by adding 12 more living units. The elevations will be the same with 6 units on each floor. A parking lot will be constructed on the north side with 16 parking spaces to meet ordinance, with access to 1050 South Street. They have the proper landscaping and off-street parking.

Staff recommends approval subject to the following conditions:

1 . The final plans meet all conditions of city building codes;

2. The storm drainage to be piped to 1050 So. from the detention basins and not allowed to flow in the open concrete ditch;

3. The completion of a landscape and sprinkling system plan to the approval of the City Planner; 4. The clearance of the ownership or lease on the existing parking lot on the east;

5. Payment of all required fees and posting of the required bonds.

There is an area of the LDS Church parking lot which meets the southwest corner of this property that has one light and no landscaping. In talking to the church, there would be no problem with putting drainage catch basins out to 200 West. There is no storm drain on 1050 South. This still needs to be worked out.

Regarding item #4, Mr. Balling stated they are leasing the parking lot on the east which is needed to meet the ordinance requirements. There needs to be something in writing that states in 15 years, before the lease terminates, they will build another parking lot.

Chapter 10 of the zoning ordinance, Off-Street Parking, 10-205 Alternative to On-Site Parking, states:

"For any new use, structure, or building other than a dwelling, required off-street parking which, due to the size or location cannot be provided on the premises, may be provided on other property not more than 500 ft. distant from the nearest point of the parcel." In this case, ft could have been provided and still can.

Elaine McKay made a motion to grant the conditional use of the addition of 12 units to the existing Heritage Place facility at 1150 South Main, subject to the conditions outlined by staff, noting that the parking lot to the back will be built as planned with the landscaping as indicated, and that in 15 years if the parking lot lease is not renewed, the owners must work with the city in providing the necessary parking and sidewalk, within 6 months, and as the facility expands. As the developer constructs the current addition, he will install sidewalk, landscaping, and parking lot to the north. Kathl Izatt seconded the motion. Barbara Holt said she approves of what is being done but must abstain from voting because of a conflict of interest. Dick Dresher said the way the motion was presented, on the parking with the 15 year lease, he does not feel we should restrict it. In 15 years, the lease could be broken at any time by either party, and if it is broken, it should be brought back to the Planning Commission, and we should have the option to review where they propose to put the alternative parking. Elaine accepted the amendment to the motion. Kathl's second remains. property line. Making these two changes still leaves adequate landscaping to meet the ordinance. There were 7 votes for approval; Mike Holmes voted nay; I abstension; motion approved by majority vote 7-2.

Mr. Taylor wanted to go on public record saying the city employees have been great to work with and very good to offer help in finding useable alternatives.

4.7.92-513 91-2C 880 South Main, Multi-family Parking Amendment, Mike Youngberg

In the northeast corner of this property and adjacent to the Canyon Oaks Realty's parking lot, Mr. Youngberg wishes to add 4 more parking spaces, utilizing the Canyon Oaks driveway off Main Street, widening the driveway from 10 ft. to 20 ft. Mr. Youngberg stated that in talking with Canyon Oaks, they have always wanted to widen their driveway, and ft would help his project by separating the parking from the office building. Originally they showed four covered parking stalls, and they would now like to turn them into garages. He plans on moving them back to within 1 ft. of the property line. Making these two changes still leaves adequate landscaping to meet the ordinance.
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The Planning Commission questioned whether the property owners should have been notified, inasmuch as those who were present at the public hearing witnessed a conditional use approval for one thing, and now there are changes they are not aware of. Also, a written agreement between the developers of this project and the Canyon Oaks Realty owners on the proposed access and parking should be considered. Mr. Youngberg answered those concerns by agreeing to get letters from the affected property owners, and a written agreement from Canyon Oaks.

Kathi izatt recommended tabling this and renotifying the property owners since we are changing a conditional use. Mr. Youngberg said he appreciated the Planning Commission's concerns, but ft only affects two property owners, and he will bring in letters from those owners with respect to the covered parking which he wants to convert to garages which are on the south of the property.

Mark Green made a motion to approve the parking lot amendment for Mike Youngberg multi-family units as presented; Mick Johnson seconded the motion. Dick Dresher said he thinks there should be a reciprocal agreement between the Youngberg property and Canyon Oaks Realty.

Mark Green withdrew his first motion and made a new motion to approve the parking lot addition on the north side of the property, providing that Mr. Youngberg gets a written reciprocal land use agreement with the adjacent property owner (Canyon Oak Realty); seconded by Mick Johnson; voting was unanimous.

4.2.92-5C 85-12C PUD, 3900 So. 40o E., Clark Jenkins, Landforms and Kenneth Shepherd, Attorney

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4.2.92-5C 85-12C PUD, 3900 So. 40o E., Clark Jenkins, Landforms and Kenneth Shepherd, Attorney

Mr. Balling stated that in 1985 approval was granted to the first phase of the Newport Heights condominium project. There was a field trip to the property. The original approval was granted to start in phases. The first phase of 12 units was constructed, then the second phase of 23 units. In the interim, the market collapsed for PUD's.

On June 4, 1991, an approval was given to an amended plan. There were several conditions required by the Planning Commission. They have now completed the final drawings, and several corrections have to be made (see attached). One of the conditions was to make the road 30 ft. wide and put sidewalks along one side. This has been done and all the basic conditions have been met, but there

are some minor details that have to be addressed.

The one major issue is the tie. The city said there had to be a continuous road from 4th East to Bountiful Blvd. to tie the previous development to the new development for emergency access, ingress and egress. Now there are objections from the people from the first development. They say it has gone past the statute of limitations, the road was never continued, and they have a vested right. They want this to be a dead end street; the city would prefer to have a thru street. Staff has talked to Mr. Jenkins about this, however, there are some problems.

The attorney for the Newport Heights Condominium Owners' Association, Mr. Kenneth Shepherd, wrote a letter on July 12, 1991, which was sent to all members of the City Council. Mr. Balling read the letter in pan: "Pursuant to the declaration, the project can contain a maximum of 28 units". (It currently contains 22 units with 4 additional planned units). "it cannot be expanded beyond Its current size. Even if Mr. Jenkins received the approval of the city in 1985 to build a larger condominium project than the existing project, the developers of the project (Mr. Jenkins) did not reserve, in the declaration, the right to expand the project beyond Its current size or extend the road for the benefit of an additional development." This says he sold out the first condominiums, but because this was not in the declaration of the Condominium Ownership Act when it was recorded, he doesn't have the right to extend it and they want the road terminated. Mr. Jenkins was told the original road was to be a thru street. The letter goes on to say "Regardless of the approvals granted by the city, Mr. Jenkins cannot expand the project or extend the road for use by or for the benefit of the PUD without the express consent of the Association."

Mr. Jenkins met with the Association, and the Association has pretty well given him the approval that will allow him to tie the two roads together, but the city wants a barrier, a gate (not a crash gate), that slides across and can be opened in an emergency situation. It would be a permanent fixture, not locked.

Mr. Balling further explained that when approved in 1985, this would be a thru street, and was again reinforced in 1991. In the proposed development there will be a cul-de-sac at the end of lots 10 & 11 with another cul-de-sac at the west end of the private road that traverses Newport Heights Phase 3, where they will come together with a gate between that could be rolled back and forth. It could not be locked. The homeowners of Newport Condominiums want the gate because they are fearful that with the additional 21 lots, people will come up 4th East off 3100 South, which is the access, and go through their development to get to their homes rather than use Bountiful Blvd.

Mr. Shepherd said Mr. Jenkins asked him to draft an agreement to be signed by both owners' associations, The agreement will set forth the minimum standards for what the gate will look like, who will be responsible for maintenance and upkeep. There will be a meeting of the homeowners on April 14th to discuss this item, assuming the PC gives approval to do this provided there is an agreement with the owners' association.

Mr. Balling said the Planning Commission must decide whether to allow the gate to be installed or not. This is in direct conflict with the provisions of the first approval. This project depends on having the gate. If it is disallowed, then there is no project.

Kathi asked the developer if he would meet with the people who need to use the gate for emergency vehicles (fire, police, ambulance, etc.), so that they could agree upon the type of gate and how to use it, and give their input. She would like the gate to be open.

Mr. Jenkins was asked about the timing on this development regarding phases and the possibility of unfinished roads. He replied that it was not going to be developed in phases and the whole road would be built all at once. It will be finished this summer.

When the Planning Commission met last June, they wanted to see the final development plans. The plans are complete and any questions or concerns need to be addressed now. This will not be brought back. Mr. Jenkins brought copies of the covenants and some of the house designs. The plans show the play field, the detention area, two tennis courts, how to get into the common area, where the parking area will be, etc.

Mike Holmes made a motion to approve the amended change with the cul-de-sacs; that there be a gate allowed; that the developers meet with the appropriate emergency people to determine how that gate should be designed; that the Planning Commission have a copy of the agreement before this approval is final and the agreement signed by both parties, and in that agreement It stipulates that there will be no snow piled up, no parking, and no way that the gate will be blocked in any circumstances; Kathi Izatt seconded the motion; Mick Johnson abstained; approval was by majority vote 8-1.

Miscellaneous:

4.7.92.11 A Temporary Structures - Discussion with Assistant City Attorney, Russell Mahan

There has been much concern over temporary structures. A video was made of temporary structures around the city, which was presented to the Planning Commission and City Council to discuss whether or not they meet the ordinance. It was the consensus that most of them did not comply. In residential areas, the ordinance does not allow mobile homes. Ordinance definition indicates a mobile home is any building completely assembled, and not constructed according to the Uniform Building Code. The ordinance does allow component buildings which, if they meet the Uniform Building Code and are inspected, can be moved into a residential area and assembled.
The ordinance does not address commercial properties in regard to these structures. The City Attorney indicates that if someone

comes in and they want to have a temporary building, they can put it anywhere in commercial areas If It meets the Uniform Building Code and zoning. There is no provision in the ordinance for contractors' trailers, though they have been allowed. There needs to be an ordinance that allows construction trailers, but prohibits them in all commercial areas unless for a specified period of time, and allow mobile homes on a temporary basis for the sale of lots in subdivisions.

Mr. Mahan said he could draft something, and have several alternatives of how the Planning Commission would like to have the ordinance.

Kathi Izatt made a motion that Mr. Mahan give us every possible alternative based on what has been discussed tonight, so the Planning Commission can have something in written form to determine how they each feel on any given alternative. Elaine McKay seconded the motion; voting was unanimous. Mr. Mahan said he would try to have a draft prepared by the next Planning Commission meeting April 21 st.

4.7.92-11 B Jack Billings, Discussion re Block 29 Proposal

Mr. Billings told the Planning Commission he would like to get a feeling on his proposal as presented. He prepared a letter to the Planning Commission along with a drawing, explaining his concept. A copy is available in the Planning office. Mr. Billings said that basically he is talking about the block filled up, almost setting aside setbacks, landscaping, etc. He spoke of utilizing underground parking.

Kathi Izatt said if he was asking the Commission for a concept, he will get nine different responses to what each member believes should happen on that block. She feels there is a real need for elderly housing and likes that part of Mr. Billings' plan.

Mike Holmes said he could not form an opinion based on what was presented. Jeff Chretien said he did not like building right up to the sidewalk. The present ordinance would not allow the Planning Commission to approve variances to the setbacks, parking, landscaping, height restrictions, or sign requirements.

Planning Commission told Mr. Billings that before they could consider a plan it would have to be prepared by a developer, showing elevations, and parking and landscaping details, that when presented would give an overall view of what is proposed. Further, the Planning Commission will not be the body who will approve a plan for Block 29, but will give a recommendation one way or the other. The RDA is the entity that will present a proposal that has financing and plans prepared, which is then submitted to the Planning Commission for Its review.

Elaine McKay said her personal feeling was that this plan was not appropriate and that it won't work. She does not like buildings without landscaping.

4.7.92-11 C Consider Flag Lot at Wood Hollow Way and 2853 South, Dave Bird

On December 6, 1983, the Planning Commission granted final approval for two flag lots with a 50 ft. access (25 ft. for each lot) from Wood Hollow Way at 2853 South in Maple Hills. The access also serves 43 acres of private property east of Wood Hollow Way. The owners of the 43 acres would like to develop their property through the 50 ft. access, and they presented a sketch for a 400 ft. cul-de-sac. In review of this proposal, staff's concerns were:

1. The road would have a maximum grade of 12%;

2. The cul-de-sac would have cuts and fills of 15 ft. and would cut up a 250 ft. wide area on the hillside;

3. The access angle at Wood Hollow Way is dangerous and does not meet the ordinance;

4. The three building lots are marginal because of the topography.

Because of these concerns, the city was asked if a private road could be constructed and just one house built at a setback not to exceed 500 ft. as outlined in Ordinance 88-4. A plan must be prepared and submitted to the Planning Commission for review and approval. The request is for a 500 ft. setback.

Mr. Balling has reviewed the proposed private road which is proposed to serve the two flag lots as approved in 1983, plus one additional lot with a 500 ft. setback as requested. Staff feels this would be the best solution for development of the 43 acres since ft would eliminate the concerns that were outlined in the first review. Staff recommends approval subject to the following conditions:

1 . The City Attorney's review for compliance with city ordinance;

2. A sediment/detention basin be constructed to prevent erosion damage and sediment washing on the public streets;
3. Payment of all required fees;
4. Posting of a bond to guarantee the completion of the private access road;

5. The three buildings be allowed to use the 30 ft. wide access road to junction point of their private access; 6. Compliance with all

other building requirements.

Mr. Bird said he has designed this with all parties in mind. He presented an overview. The flag lots have been approved but there is no construction yet.

Mike Holmes asked if there was a written agreement between the property owners. Mr. Bird replied not at this time, but he represents them. Mike asked who owns the 30 ft. strip of roadway as ft comes in off Wood Hollow. Mr. Bailling said the city has an easement over ft, but the title is vested in the flag lots. In essence the city can grant him approval, but he cannot cross that property without an agreement from the other two people. Mr. Bird said that isn't quite true, because Guardian Bank also has a 50 ft. right-of-way that accesses their property through here.

Mr. Balling said the ordinance states you cannot build beyond 200 ft. from a public street. We may grant up to 500 ft., but this is the limit. Most of the land is marginal. The only place they can build is on the ridges. The rest is over 30% slope.

Mike Holmes made a motion to recommend approval of this proposal for the 500 ft. setback to the City Council provided ft meets all the ordinances, and conditions as outlined; Don Milligan seconded the motion; Kathi Izatt opposed; approval was by majority vote 8-1.