

**PLANNING COMMISSION MINUTES**  
**August 2, 1988**

Present: Chairman Robert McKenzie, Berwyn Andrus, Robert Goodman, Dick Dresher, Cheryl Okubo; Harold Shafter, City Council Rep.; Phyllis Southwick, Planning Committee; Jack Balling, City Engineer

Excused: Mick Johnson, Richard Sharp, Jon Reed Boothe  
Absent: Elaine McKay  
Invocation: Berwyn Andrus

Minutes of July 19, 1988 were unanimously approved as amended.

**Conditional Use:**

8-2-88.8C Danbury Lane, 835 N. 200 W., Single Family PUD, 27 lots, Prowswood - Mike Holmes, Dick Prows

This property contains 9.54 acres, 50 per cent of which has been completed in attached townhouses. They would like to develop the remaining portion of land into single family detached units on a private street. All that will be sold are the homes plus a small enclosed patio area in the back. The rest would remain in common ownership. The total area of the project is 209,200 sq. ft. with a common area of 58%; ordinance requires 30%. The roads and walks are not part of the common area.

On April 19, 1988 Prowswood presented a plan to develop this remaining 4.7 acres into a separate Planned Unit Development. This was denied by both the Planning Commission and City Council inasmuch as the ordinance requires a PUD to have a minimum of 6 acres. In order to meet the ordinance, the two areas must be combined into one development.

Staff has reviewed this request and recommends approval subject to the following conditions:

1. Conditions as outlined at the meeting of April 19, 1988:
  - (a) The street pattern established under the original proposal be the same; i.e., that the two areas be connected on the south and north with through streets to allow circulation of traffic for emergency, safety, and service access;
  - (b) Terminate 800 No. St. in a standard city cul-de-sac as required under the original proposal;
  - (c) Access through a driveway from the cul-de-sac on 800 No. be provided;
  - (d) The sidewalk on the north side of the cul-de-sac to be waived;
  - (e) Developers to bond for all expenses to change the sewer and drainage system, and to provide storm detention on property as per the original approvals;
  - (f) Submit final construction plans for review and approval for all improvements in the proposed developments;
  - (g) All bonds posted and fees paid before a building permit is issued;
  - (h) Posting of a landscape bond to guarantee the landscaping of all common area open spaces before the building permit is issued.

2. The final plans to show: (a) The drainage plan acceptable to the city; (b) A landscape plan acceptable to the city; (c) Submit a PUD plat showing ownership of private and common areas as per State requirements; (d) Dimensions and locations of landscaping and playgrounds on common property; (e) Final construction drawings showing the 24" wide x 6" high back curb and gutter with asphalt paved streets with 2-1/2" of asphalt on 6" of gravel base; (f) Final plans to show the design of sewer, storm sewer, and water system acceptable to the city;
3. Provide a fence barrier along the west property to separate the PUD from the existing single family residences;
4. Meet all other requirements as imposed by the Planning Commission and City Council under the conditional use permit.

There is a question as to whether fences will be allowed along property lines, and Mr. Holmes stated there is no intention at this time to do any more than that allowed by ordinance. At some future time they may request a variance to allow more fences. The 30% open area requirement would include some portion of the back yards. This plan shows 58% common area and 34% on the first development. The only enclosure in the back of the homes is a 300 sq. ft. private area.

There is a cul-de-sac in the Birdella Subdivision to the west that was required for a temporary turnaround with the understanding that someday the road would go through to 2nd W. This never happened and Prowswood purchased the property for this PUD project. The city required Prowswood to finish the cul-de-sac so public traffic would have a means of exiting and not go through their private streets. The city has suggested a sign be posted at the end of the cul-de-sac identifying Danbury Lane as private property. A crash gate was considered but the city would prefer this not be done since people park in front of them, and when the vehicle needs to be moved the owner cannot be found.

Mr. Shafter expressed concern that posting a private property sign at the end of the cul-de-sac would not be adequate to stop people from using the private road in and out of both developments. He feels a crash gate would be a better solution.

In the original condition the area off 325 W. was not to be an ingress or egress from this development. It was suggested one of the conditions for approval be that if the signage does not prove satisfactory it could be closed off with a crash gate.

Mr. Andrus asked if it is going to be one ownership, how can you build a fence between the two, keeping the new area separate? Mr. Holmes responded that the Danbury Homeowners' Association will be one association for the entire development. Mr. Balling stated that if they want to change the 30% common open space, it will require a change of the entire PUD ordinance. The ordinance states "Every PUD shall provide common open space accessible to

all lots or units of at least 30% of the gross area of the development site." Mr. Balling further stated he was assured the plan would meet all the ordinances and conditions. He did not understand that this new portion would not have accessibility to those common areas. Mr. Holmes replied that the only limited access would be to the swimming pool.

Mr. Prows stated the present homeowners are willing to bear the cost of maintaining the pool for their exclusive use. When the new properties are sold, it will not be represented to those people that they have access to the pool, nor will they bear any of that expense.

Berwyn Andrus made a motion for approval subject to the conditions recommended by staff, with the condition that the gate posted by sign at the present time with the provision that if it becomes unacceptable in the future, an actual crash gate can be installed. A second condition is there would be a common homeowners' association, and that the delineation of the two separate areas be plotted and controlled so the buyers will know that they have two separate levels of participation in the association. Third, the actual land dedication to be plotted and shown. Cheryl Okubo amended the motion regarding staff recommendation 2D, to add the word "define" to read: "Define the dimensions and locations of landscaping and playgrounds on common property"; and in #3, change to "Provide for a fence barrier along the west boundary of the property to be constructed with 1 x 4 cedar post pickets." Cheryl Okubo seconded the motion in its entirety; Robert Goodman voted nay; 4 to 1 majority voted approval.

8-2-88.8C Park Haven Corp., 573 Medical Dr., Residential Facility for the Handicapped. Art Woolston, Rep.

The facility would house 8 mentally retarded adults. Ordinance allows residential facilities for handicapped persons subject to compliance with all state standards for group home occupations. This proposal does not meet state standards on the following requirements: the required distance from any existing residential handicapped facility is to be at least 3/4 mile. Project Turn, located at 3rd East and Center St. is 1,000 ft. away. Another requirement is that the location be residential. This location does not allow any residential use. Because this does not meet these requirements, the conditional use cannot be granted. Staff feels this is the best location in the city for this facility, but an ordinance must be passed by the City Council allowing this use in this district.

Staff recommends the Planning Commission deny this request on the basis it does not meet the city ordinance, and recommend to the City Council that an ordinance be prepared which will allow residential handicapped facilities in Neighborhood 3 District 6.

Susan Bailey from the Division of Services to the Handicapped, explained the state law does not restrict communities in terms of the 3/4 mile. It is up to the community as to whether they wish to impose the 3/4 mile restriction. (An interpretation of this law needs to be defined by the City Attorney).

Mr. Balling said staff feels it would be appropriate to rescind it within the hospital zone, N3-D6. However, it is not intended to rescind this state mandate in all the rest of the residential zones of the city.

Notice of a public hearing was published and several neighborhood residents were present. Although the Planning Commission must deny this request since it does not meet the present ordinance, those in attendance were given an opportunity to voice their concerns.

Cheryl Okubo made a motion to deny this request on advice of the city legal department since it does not meet the ordinance as presently written, and recommend City Council review this to prepare an ordinance which would allow residential handicapped facilities in Neighborhood 3 District 6. Harold Shafter asked for the motion to be in two parts.

1. Cheryl Okubo made a motion to deny this request on the advice of legal counsel since it does not meet the city ordinance as presently written. Harold Shafter seconded the motion; voting was unanimous.

2. Cheryl Okubo made a motion to recommend the City Council review the ordinance to <sup>6</sup>011" \F ~~ia-r-ep4--r-e~~ a change which would allow residential handicapped facilities in Neighborhood 3 District 6. An amendment to this motion was made by Robert Goodman that there also be a recommendation to City Council that they consider the 3/4 mile limitation or restriction, and if it is a problem, the Council adopt an ordinance which eliminates that problem for this district (Neighborhood 3 District 6). Robert Goodman seconded the motion; Harold Shafter voted against; majority voted 4 to 1 for approval.

Meeting adjourned at 9:00 PM.

August 2, 1988

**TO: PLANNING COMMISSION**

**FROM: CITY ENGINEER AND CITY ATTORNEY**

**RE: REVIEW OF CONDITIONAL USE REQUEST FOR PARK HAVEN HEALTH CARE FOR MENTALLY RETARDED - 8 ADULTS**

The use as defined on the application and addendum is for eight mentally retarded adult patients to be housed in a residential handicap ped home located at 573 East Medical Drive (across the street from the hospital).

The zone is classed as Neighborhood 3 District 6. This allows residential facilities for handicapped persons subject to compliance with all State standards for group home operations. This facility does not meet the State standards on the following requirement:

- (1) The required distance from any existing residential handicapped facility is to be at least 314 mile. (The Project Turn facility at 300 East and Center Street is 1,000 feet away).

Because this proposal does not meet the conditions as outlined by the State law, the conditional approval cannot be granted. It is the feeling of the staff that this is the best location in the City for this facility and in order to allow this use, an ordinance must be passed by the City Council allowing this use in this district.

Recommendation:

- (1) The City Planning Commission deny this request on the basis that it does not meet the City ordinance, and
- (2) Recommend to the City Council that an ordinance be prepared which will allow residential handicapped facilities in Neighborhood 3 District 6.

  
OCK P. BALLING, City Engineer

August 2, 1988

**TO: PLANNING COMMISSION**

**FROM: CITY ENGINEER**

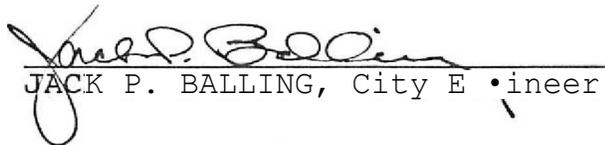
**RE: REVIEW OF THE PROPOSED REVISION TO DANBURY PLANNED UNIT DEVELOPMENT**

Description: Prowswood Developers would like to change the Danbury PUD located at 200 West 1000 North from attached townhouses to detached single family homes on a private street.

The development contains 9.54 acres and 50 percent of the development is completed on 4.74 acres. The property is still under the ownership and control of Prowswood Corporation and the proposed development does meet with the City ordinance. On April 19, 1988 this development was presented to the Planning Commission and the City Council. The review by the City staff is attached. The Planning Commission and the City Council denied the request for change; however, the owners feel that they can meet the ordinance and are now requesting reconsideration of their conditional use permit.

The staff has reviewed the request and would recommend approval subject to the following conditions:

- (1) Conditions as outlined on memo of April 19, 1988
- (2) That the final plans show:
  - (a) The drainage plan acceptable to the City
  - (b) The landscape plan acceptable to the City
  - (c) A PUD plat showing ownership of private and common areas as per the State requirements
  - (d) Dimensions and locations of landscaping and playgrounds on common property
  - (e) Final construction drawings showing 24" high back curb and gutter with paved streets 2 1/2" of asphalt on 6" of gravel base
  - (f) Design of sewer, storm sewer, and water system acceptable to Bountiful City
- (3) Provide for a fence along the west boundary of the property
- (4-) Meet all other requirements as imposed by the Planning Commission and City Council under the conditional use permit.

  
JACK P. BALLING, City Engineer

April 19, 1988

TO: PLANNING COMMISSION

FROM: CITY STAFF

SUBJECT: REVIEW OF PROWSWOOD CHANGE OF DANBURY P.U.D.

We have reviewed the proposed change of P.U.D. development of Danbury on 200 West and 1000 North. In order to qualify as a planned unit development under the ordinance (Section 7-301), the proposed development must contain a minimum of 6.0 acres. The area that has been developed contains 4.7 acres and the area which they propose to revise contains 4.7 acres. In order to meet the ordinance, the two areas must be combined into one development and that was the condition under the original approval.

The developers propose to change the west half of this project into single family detached dwellings with private 30-foot wide streets. We have reviewed the plan and recommend approval subject to the following conditions:

1. That the street pattern as established under the original proposal be essentially the same, i.e., that the two areas be connected on the south and north with through streets to allow circulation of traffic for emergency, safety, service access.
2. That 800 North Street be terminated in a standard City cul-de-sac as was the requirement under the original proposal.
3. That access through a driveway from the cul-de-sac on 800 North be provided.
4. That the sidewalk be waived on the north side of the cul-de-sac.
5. That the developers bond for all expenses to change the sewer and drainage system and to provide storm detention on property as per the original approvals.
6. That final construction plans be presented for review and approval for all improvements in the proposed developments.
7. That all bonds be posted and fees paid as per the City ordinance before any building permits are issued.
8. That a landscape bond be posted to guarantee the landscaping of all common area open spaces before the building permit is issued.