

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

October 2, 2013

The North Ogden Planning Commission convened in a regular meeting on October 2, 2013 at 6:37pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on September 30, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Steve Quinney	Commissioner
Dee Russell	Commissioner

STAFF:

Craig Barker	Community Development Director
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

VISITORS:

Zach Hartmann	Suzanne Hartmann
JulieAnn Hartmann	Bill Hartmann

REGULAR MEETING

Vice-Chairman Thomas called the regular meeting to order at 6:30 pm. Commissioner Russell offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE SEPTEMBER 4, 2013 PLANNING COMMISSION MINUTES.**

Commissioner Russell made a motion to approve the September 4, 2013 Planning Commission minutes. Commissioner Brown seconded the motion.

Voting on the motion:

Vice-Chairman Thomas yes
Commissioner Brown yes
Commissioner Knight yes
Commissioner Quinney yes
Commissioner Russell yes
Commissioner Waite yes

The motion passed.

ACTIVE AGENDA

1. CONSIDERATION TO ELECT A CHAIRMAN AND VICE-CHAIRMAN OF THE PLANNING COMMISSION.

Commissioner Quinney made a motion to nominate Commissioner Thomas as Chairman of the Planning Commission. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Thomas yes
Commissioner Brown yes
Commissioner Knight yes
Commissioner Quinney yes
Commissioner Russell yes
Commissioner Waite yes

The motion passed.

Commissioner Brown made a motion to nominate Commissioner Waite as Vice-Chairman of the Planning Commission. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Thomas yes
Commissioner Brown yes
Commissioner Knight yes
Commissioner Quinney yes
Commissioner Russell yes
Commissioner Waite yes

The motion passed.

2. PUBLIC COMMENTS.

There were no public comments.

Commissioner Brown then stated she would like to hold the public hearing regarding the proposed amendment to the RE-20 Zone, but then table the remaining agenda items to give the Planning Commissioners and those in attendance the opportunity to attend the Mayoral Debate. Commissioner Russell stated there is another debate scheduled for Tuesday, October 15. Chairman Thomas added that Commissioner Brown may be excused from the meeting, but he would like her to be present for item three on the agenda.

3. PUBLIC HEARING TO AMEND THE RE-20 ZONE TO ALLOW AN ACCESSORY DWELLING UNIT.

A memo from Community Development Director Craig Barker explained the petitioner desires to build another single family detached dwelling on a lot which already has a single family detached dwelling on it. The petitioner's parents own and live on the lot. The petitioner has submitted information along with his petition describing his situation and his research of communities which allow Accessory Dwelling Units in some form. I have contacted all except Salt Lake City. Summit County allows detached single family accessory housing on the same lot with a main house. They have certain standards such as a 1,000 square foot limit for the accessory dwelling. The Commissioners and Planning Commission see these as desirable for vacationers as daily rentals and for resort employees. Tooele City has had some from many years ago but do not allow the single family detached dwellings at present. They site issues with both police and fire protection services and conflicts between occupants such as parking, utility billings, and services. Bluffdale does not allow them. Draper allows Accessory Dwelling Units which are separate from the main dwelling on the property. It must only be 50% of the foot print square footage of the main dwelling with other standards. There are issues the Planning Commission needs to discuss thoroughly and think through. The first decision is if the Planning Commission wants to pursue this. There will be serious consequences in the future to allowing this to happen without a very careful process and requirements for the property owner. Also there will be enforcement issues in the future as well. Staff feels that this should be discussed with City departments, utility providers, emergency services, and law enforcement. It might be beneficial to discuss with the City Council and City Administration as well.

Mr. Barker summarized his staff memo and noted that he has concerns about the way this public hearing was noticed; for this type of application, it is only necessary to publish a public hearing notice in the newspaper and on the City website. None of the surrounding property owners received individual notices. He stated there are not many people that read the public notices in the newspaper and that is why there are no members of the public present to speak to this issue. He noted that if this change is approved, it will impact all properties that are zoned RE-20 in the City and each of those property owners could apply for the same type of development on their property as the Hartmann's are applying for. He stated he feels it necessary to reach out to property owners with property zoned RE-20 to see how they feel about the proposed change.

Vice-Chairman Waite stated he read the zoning language and it is his understanding that one of the conditions for a hardship variance is that the requested use to be approved via a variance is already allowed in another zone. Mr. Barker stated that in order for someone to be granted a variance they must prove there is a hardship – the hardship cannot be financial – that it has

something to do with the lay of the land. He stated it is his guess that if the Hartmanns requested a variance from the appeal authority, they would not be granted that variance because there is no hardship associated with the lay of the land. He stated the Hartmanns are in a difficult position, but the question is whether to solve their difficulties at the expense of the rest of the community.

Mr. Barker then continued to review his staff report and referenced developments similar to what the Hartmanns are seeking in other cities.

Commissioner Knight stated he understands Mr. Barker to mean that this public hearing was noticed legally, but people in the area may not have seen that notice. Mr. Barker stated that is correct. He stated there are not many people that read the legal notices in the newspaper. A short discussion regarding noticing procedures for various types of applications ensued.

Commissioner Brown inquired as to how many dwellings are located in the area of the City zoned RE-20. Mr. Barker stated he would guess there are approximately 1,000 units in that area; many of them are vacant and there is potential for them to be developed. He reiterated this could be a major change to the zone, but he understands why the Hartmanns made this application because it is not possible for the Planning Commission to create a specialized zone just for their property.

Commissioner Knight asked Mr. Barker if he is proposing the Planning Commission delay a decision regarding the application until people living in the immediate area can be individually notified. Mr. Barker answered yes and reviewed exhibit A in the Planning Commission packet, which references various issues associated with two dwellings on one property. He stated that regardless of how the agenda item is handled tonight, he believes the Planning Commission needs to conduct extensive research regarding the implications of allowing two dwelling units on one property.

Chairman Thomas opened the public hearing at 6:50 p.m.

There were no persons appearing to be heard.

**Commissioner Russell made a motion to close the public hearing at 6:51 p.m.
Commissioner Brown seconded the motion.**

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

4. **CONSIDERATION TO AMEND THE RE-20 ZONE TO ALLOW AN ACCESSORY DWELLING UNIT.**

Vice-Chairman Waite asked if the Hartmanns have been provided with all documentation included in the Planning Commission packet, namely the report from the Fire Marshall. Mr. Barker stated that report was provided to the Hartmanns today.

Chairman Thomas stated some of the notes made by the Fire Marshall are very similar to the recommendations the Planning Commission receives for a typical development application, including the requirement that it be possible for a fire truck to be turned around on the property and that if a dwelling is too far from a fire hydrant, one may need to be installed. He stated the Planning Commission needs to consider how these requirements would impact the rest of the RE-20 properties in the City. Mr. Barker agreed, but noted the Hartmanns are fortunate to have a fire hydrant very close to their property. He noted, however, that will not be the case for all other RE-20 properties in the City and other property owners could be required to install individual fire hydrants to serve their property.

Vice-Chairman Waite stated that in thinking about the City in general, it would be shame to amend the zone and then find out that the Hartmann property still does not meet the requirements of the zone. He stated that is very possible.

Chairman Thomas stated there may be several other properties in the RE-20 zone in the City where property owners may have enough frontage to divide their property into two lots and, therefore, it would not be necessary to amend the zoning ordinance.

Commissioner Quinney asked Mr. Hartmann if he has had a chance to review all materials regarding this agenda item. Mr. Hartmann answered no and noted there was some confusion regarding noticing the public hearing and whether it would be necessary for him to ask his neighbors to speak to his petition. Commissioner Quinney stated he is simply concerned that Mr. Hartmann has not had a chance to review all relevant materials for what is a very complicated issue. He stated his suggestion would be to delay this discussion until a future meeting to give Mr. Hartmann time to review all materials in order for him to have an educated discussion with the Planning Commission.

Chairman Thomas clarified that the Hartmanns petitioned for the change in the ordinance and the packet materials are City staff's response to the petition. He stated this is not an issue that can be adequately addressed and voted upon in one meeting.

Mr. Hartmann stated he was told there would be a City Council meeting after this meeting and he assumed everyone would be notified of his petition so they could have an opportunity to speak about it. He stated when he saw the map highlighting the areas of the City that are zoned RE-20, he was surprised that quite a bit of the ground is still being used for agricultural purposes and this change is actually something that will benefit those property owners if they choose to develop their properties in the future. He stated this change will benefit him, but it will also benefit the other property owners in RE-20 zones.

Vice-Chairman Waite stated that after receiving public input the Planning Commission may become aware that there is a lot of interest in this zone language change and it may be a change that would benefit the overall community, but the Planning Commission needs to find out if that is actually the case.

Chairman Thomas stated the opposite may be true and there may be many people that have purchased property in a RE-20 zone for the reason that only one dwelling unit is allowed per large parcel of ground and owners are afforded an urban setting where they are allowed to keep animals. He stated the Planning Commission must consider those types of concerns when considering any zoning change.

Commissioner Knight stated the biggest hindrance to considering this petition is the frontage of the Hartmann property and he inquired as to the frontage of the property. Mr. Hartmann stated it is 120 feet wide; 10 feet shy of being of a sufficient width for a flag lot.

Commissioner Knight asked Mr. Hartmann to state his name and address for the record. Mr. Hartmann stated his full name is Zachary Hartmann and he currently resides at 567 E 2100 N.

Chairman Thomas asked Mr. Hartmann if he looked into obtaining an additional 10 feet of property in order to create a flag lot. Mr. Hartmann stated he did not want to ask his neighbors to give him 10 feet of their property when it would have been necessary to rip up and reroute utilities on the property to accommodate a flag lot; that would have cost a significant amount of money. He stated he has chosen to go through this process instead. He then summarized his intent for using the current accessory building on his property as a home for his parents to live in upon their retirement.

Suzanne Hartmann stated she is the co-owner of the property at 884 E 2100 N. She stated Mr. Barker mentioned similar properties in other cities that have had two dwelling units since the late 1800's and they were grandfathered under current ordinances. She stated she knows of other properties that have garages or houses behind the main dwelling unit; four of them are on Fruitland Drive and one is on 2100 North. She stated when the accessory building on her property was first built the intention was to use it as a shop, but she decided to be honest and tell the Building Official the ultimate plans for the property. She stated Mr. Kerr inspected the property several times, but during final inspection he informed her that no one could live in the structure. She stated that was several years ago and she explained the current living situation of herself and her children. She stated she and her husband do not want to move to a nursing home and pay \$8,000 per month to do that; she would rather give that money to her children.

Bill Hartmann, 884 E 2100 N, stated that he is the other co-owner of the property at 884 E 2100 N. He stated he feels this situation is being approached backwards and he would like for the City to tell him exactly what he needs to do in order to achieve his goal. Commissioner Quinney stated that was his point in asking if the Hartmanns had reviewed all materials provided by staff in response to the petition. Chairman Thomas added the Hartmanns are asking the City to change the requirements of a zone and that requires the Planning Commission to carry out its due diligence to determine the appropriate requirements and the ability to enforce those requirements

if the zone change is approved. Bill Hartmann reiterated he simply wants to know what he needs to do. Chairman Thomas stated this is all part of the process.

A short discussion regarding the petition process with a focus on notification of the public hearing ensued with Mr. Barker reiterating he did not feel the simple publication of a public hearing notice in the newspaper and on the City's website is adequate for this type of petition. Vice-Chairman Waite asked how long it would take to advertise another public hearing and notify other property owners in the RE-20 zone. Mr. Barker stated the Planning Commission will meet again two weeks from today and it would be possible to carry out the type of notification he is talking about prior to that meeting. He stated he will need to discuss with City Administration how to get information to the residents regarding this issue. He then stated in his discussions with City Administration they have said they will not allow shared utilities between the two structures and that may cause problems for the Hartmanns. He added the driveway to the back structure will be approximately 200 feet and it will be necessary for that to be a hard surface because the City does not allow gravel driveways in the City. He stated the Fire Department has said that driveway would need to be 20 feet wide with 13 feet of vertical clearance. He concluded there are some very technical issues the Hartmanns will need to address if this zone language change is approved.

Chairman Thomas stated subdivision development requirements address things like utilities and emergency vehicle access and he provided an example of Fire Marshall requirements in other areas of the City in order to accommodate the turn-around of a fire truck. Mr. Barker stated those are the types of technical issues that are considered when a zone is created. He added he spoke with the City Engineer about sharing utilities and he said that a water meter with a one inch connection may not be large enough to serve two dwellings and it would be necessary to enlarge water service based on the water pressure in the area. Commissioner Waite stated he would assume the same would be true for the sewer connection and he asked if it was sized appropriately for a 200 foot run. Mr. Kerr stated the distance could cause a problem and he added he believed the water line is a three-quarter inch line, which will also present problems.

Commissioner Knight stated Mr. Barker has mentioned several requirements that would need to be met relative to utilities, but Mr. Hartmann stood earlier and mentioned he was not in the financial position to install separate utilities. He stated regardless of the route taken to achieve the Hartmann's goal, it will still be necessary to meet the various requirements regarding utilities and the fire code. Mr. Hartmann stated that when he first approached the Planning Commission regarding this issue there was a discussion about the options available to him and there was discussion about accessory dwellings. He stated Salt Lake City has passed an ordinance allowing accessory dwellings and two units are allowed to be connected by utilities. He stated the building that is in his backyard is built to code and it passed inspections; the Planning Commission and City Council must determine what the law will be regarding accessory dwellings rather than try to work within the laws that are currently in place. He stated it is known that the current laws will not work for the City 20 years from now and he is trying to see how to make the laws work not just for him, but also for the other property owners that have lots that are narrow, but would desire to do something like he is seeking to do on his property. He reiterated the Planning Commission needs to make a decision regarding what they think the law should be and then wait to hear from the residents about that decision.

Chairman Thomas stated from the City's standpoint, the priority is ensuring the health and safety of the citizens and the Planning Commission will follow the recommendations from staff and the Fire Department to provide that health and safety. He stated Mr. Hartmann's situation is unique because there is an existing structure that could be converted into a dwelling unit; other people seeking to locate an accessory dwelling in their backyard in the future would need to meet the requirements of the zone. He stated the Planning Commission must consider this issue from a City-wide standpoint rather than with a focus on a single property. He stated it would be his recommendation to address this again after informing the public of the petition.

Mr. Hartmann suggested changing the name of the RE-20 zone for other properties.

Commissioner Knight stated it is not as simple as changing the name of a zone. He stated that he is trying to consider Mr. Hartmann's situation, but he is obligated to consider the entire City. He stated that he agrees with Chairman Thomas's recommendation, but he would like to see the issue progress and he would like to get the public notified as soon as possible in order to continue this discussion in two weeks. Mr. Hartmann asked for everything to be in order at that time so that an action can be taken. Commissioner Knight stated this is a very long process and there are several things that need to be addressed before the Planning Commission can recommend approval of a zone change to the City Council. He stated that it will not be possible to have a recommendation prepared for the next meeting based on positive or negative input from the public. Mr. Hartmann stated the public needs to be able to understand what change is actually being requested. Commissioner Knight stated Mr. Barker has provided Mr. Hartmann and the Planning Commission with information today and with this information coupled with the public comments the Planning Commission should have enough information to develop guidelines over the next few months.

Commissioner Quinney stated that his suggestion would be that Mr. Hartmann take the information that has been provided to him and determine whether he could comply with the requirements suggested by staff and if complying with those requirements would be financially feasible. He stated that his opinion is that it is not going to be financially feasible.

Julie Ann Hartmann stated all she and her husband are trying to do is help his parents and she understands there are legal requirements, but all the research she has conducted has led her to believe that one owner can be responsible for two dwelling units on the property and there must be sufficient parking for one car per unit. She stated there has got to be a way to make their idea work. She stated not only can she and her husband not afford to meet the requirements being recommended, but others in the future will be in the same situation; they will not be able to afford to reroute their sewer lines. She stated the point is being able to help ones family; she and her husband want to provide his parents with a place to live and there must be a way to make it happen. She stated they want to be safe and it would be possible for a fire truck to drive down the driveway. She stated that when the building was built as a garage there were no questions about whether a fire truck could fit down the driveway and she wondered why that is an issue now. She stated she and her husband have sold their house in order to move to the subject property and share it with her in-laws and now they have been living in an apartment. She stated they could have simply proceeded with converting the accessory building to a dwelling without checking with the City, but they decided to follow processes in place. She stated everyone she has talked to feels this is a great idea and somehow everyone needs to figure out how to make it

work without turning it into a huge issue. She stated there must be a simpler way and she reiterated people will not want to go through this same process in the future. She noted Salt Lake City passed an ordinance in 2012 allowing what she is requesting; there was a professor from the University of Utah that conducted extensive research into the benefits of accessory dwelling units that are built to help ones parents. She added Colorado, Washington, and Seattle have similar laws and they did not have any requirements to allow access for a fire truck. She stated she knows safety is important, but she is hopeful the Planning Commission can work something out. She added she was told she and her husband were supposed to meet with the City Attorney, but that never happened. She stated she has tried to do what is required of her; she filed the petition over two weeks ago and she is wondering why the response to the petition was just available today.

Chairman Thomas provided an explanation of the process that must be carried out in order for changes to a zone to take place, with a focus on the role the City Council plays. There was a short discussion about requirements of other zones in the City and Chairman Thomas reiterated his recommendation to continue this issue until the next Planning Commission meeting in order to carry out public notification as recommended by Mr. Barker.

Commissioner Quinney reiterated he still feels that if it is not financially feasible for the Hartmanns to meet the requirements of the amended zone, it does not make sense to follow the entire process to change the zoning language when no other property owners in the City are seeking the amendment. He asked Mr. Hartmann to study the staff recommendation and determine if it will be possible for him to meet the requirements of the amended zone, namely the provision that requires separate utility connections for each dwelling unit. Mr. Hartmann asked why the utility connections need to be separate if both units are located on one lot. Commissioner Quinney stated all dwellings in the City are required to have their own utility connections and that will not be changed for one dwelling.

Ms. Hartmann stated Council Member Bigler came to the property and said that what they are requesting should not even be an issue. She added he brought the City Manager to the property and he agreed and their idea is great and no one would even know the building is back there.

Commissioner Quinney stated he is trying to save everyone time because in the long run it does not make sense to go through the process if the Hartmanns will not even be able to meet the requirements of the amended zone. Commissioner Knight stated he understands what Commissioner Quinney is saying, but the problem is that the Planning Commission has not heard from the public regarding the issue. Commissioner Quinney stated that the issue should be discussed again in two weeks and in the meantime Mr. Hartmann needs to determine if he can meet the requirements of the amended zone.

Chairman Thomas noted it is very likely that if the Planning Commission decides to amend the zone, they will follow the recommendations of staff and the Fire Marshall because every other zone in the City follows those same recommendations. A discussion regarding the work to be done before the next meeting then ensued.

Commissioner Knight made a motion to continue the discussion to the next Planning Commission meeting after public notification has taken place. Vice-Chairman Waite seconded the motion.

Commissioner Quinney stated his recommendation is that all property owners in the RE-20 zone are notified of this issue prior to the next meeting. Mr. Barker stated he will attempt to do that as best he can and he will ask that the local newspapers publish a short article regarding the issue as well.

Vice-Chairman Waite suggested that the Hartmanns get as many of their neighbors to attend the next meeting as possible and noted their support may help the Hartmann's cause.

Commissioner Russell stated the Planning Commission has an obligation to look at the issue from the City's standpoint as well as the Hartmann's standpoint. He stated the Planning Commissioners are citizens themselves and they try to look at every issue from that position. He stated they are not trying to find a way to prevent the Hartmanns from doing what they want to do. He noted Mr. Barker must raise all issues for the Planning Commission to consider, but the body will consider both sides of the position.

Mr. Barker stated accessory dwellings have existed for some time, but 90 percent of the information he has reviewed states accessory dwellings constructed for elderly residents are contained within or attached to the main unit rather than being detached, standalone homes on the same property as the main unit. He stated he has reviewed many ordinances used in different jurisdictions and there are many standards relative to accessory dwellings that have not been discussed tonight. He stated that the Planning Commission must ultimately decide if this is something they want to allow in the City and if the answer is no it would be appropriate to forward a negative recommendation to the City Council. He stated it may take a while to make a final determination.

Chairman Thomas asked that Mr. Barker prepare a summary of the ordinances in other cities where detached accessory dwelling units are allowed. Discussion regarding some of the requirements of those ordinances took place, after which Chairman Thomas called for a vote on the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

Commissioner Brown was excused from the meeting at 7:45 p.m.

5. DISCUSSION OF FLAG LOTS AS A SPECIAL PROVISION.

This item was tabled until a future meeting since it was added to the agenda upon a request from Commissioner Brown.

6. DISCUSSION ON 11-10-2, ADDITIONAL USE REGULATIONS, AND 11-10-3, ADDITIONAL PRINCIPAL BUILDING REGULATIONS, OF THE ZONING ORDINANCE.

This item was tabled until a future meeting since it was added to the agenda upon a request from Commissioner Brown.

7. REPORT REGARDING UTAH LEAGUE OF CITIES AND TOWNS CONFERENCE.

Chairman Thomas provided a brief report regarding his attendance at the recent Utah League of Cities and Towns (ULCT) Conference and noted there were some topics discussed at the conference that may be of benefit to the entire Planning Commission if it is possible to provide additional training to the entire body. Mr. Barker stated he can arrange such training and he provided some information regarding the Wasatch Front Regional Council (WFRC) 2040 Plan training.

8. PUBLIC COMMENTS.

There were no public comments.

9. PLANNING COMMISSION/STAFF COMMENTS.

A brief discussion regarding the process to enlist a consultant to assist in updates to the City's General Plan ensued, with Mr. Barker explaining the request for proposal (RFP) has been prepared and should be published soon.

Commissioner Quinney stated he wanted to have additional discussion regarding the Hartmann property. Mr. Barker stated the City currently does not have a Public Works Director to weigh in on the issue of utilities and that is why the City Manager is the person that issued the opinion that the City will not allow the sharing of utilities on any one property. Discussion regarding the other suggested requirements, namely the requirement to provide access for a fire truck, then ensued with Chairman Thomas noting changing the zone in the way the Hartmanns are requesting could allow a developer to construct two dwelling units on one lot without adequate access for a fire truck. Commissioner Knight asked that the satellite map for the property be made available to the Planning Commission for the next meeting.

Commissioner Quinney stated that he is concerned that this issue is going to stir up a lot of feelings and concerns among other property owners in the City and he is not sure it is wise to proceed. Commissioner Knight stated the Planning Commission is charged to listen to the requests made by citizens. Commissioner Quinney stated that if the Hartmanns cannot afford to comply with the requirements being recommended by staff, the Planning Commission should not consider changing the zone. Discussion regarding this point ensued with Commissioner Knight noting that if the issue is dealt with appropriately at this point in time it will be much easier to respond to similar requests in the future. He added he does not want the issue to turn into a political issue in the event that the Planning Commission does not consider the petition. Discussion regarding the City's current ordinances governing accessory dwelling units took place with Commissioner Knight noting that it is not always appropriate to compare North Ogden City ordinances to ordinances in other cities because every city is so different.

10. ADJOURNMENT.

Commissioner Quinney made a motion to adjourn the meeting. Commissioner Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 8:09 p.m.

Planning Commission Chairman

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved

Petition to allow more than one single family detached home on a lot or parcel in the Residential Estates RE-20 Zone.

This petition, if passed, will change the Residential Estates Zone significantly with the impacts such a change will bring. The proposal is to allow a second single family home on a lot or parcel which is de facto rezoning to a greater density if the parcel or lot is not double the area of the existing zone. It also does not require any additional lot width or frontage. In the larger zone, such as the RE-20 zone, it creates conflict with the original intent of that zone which is to provide area for agriculture and the raising of domestic livestock of all types based on lot area.

There are significant impacts on the utilities serving the lot if no new service lines are required. The water service may not be large enough or have enough pressure to serve two dwellings. There is no way to separate service charges so the primary dwelling would be required to pay for the additional dwelling. The sanitary sewer sharing is a potential issue, especially if there is a sewer clog and backup. Electrical service may be shared with the main dwelling, again, having to pay for both. Additional storm water will be created by the additional hard service of the new dwelling and other features such as a garage, patios, driveways, and other hard surfaces. This could be significant with a long drive to access the new dwelling.

If utilities are not shared, think of the distances to run a new water service line, a new sewer service line, electrical, gas, and other utilities.

The City subdivision ordinance requires that the driveway to each home be hard surfaced with concrete, asphalt, or pavement brick with a ten feet minimum width.

Fire protection issues include the access width and the ability to turn fire equipment at the site. The amount of water and water pressure may be a problem if the home is located too far from a street hydrant. It may be necessary to place some type of hydrant at the home location.

Police protection can be an issue for these homes which are located at a distance back for the public street. It is difficult at times to view the home from the street.

There is concern from the City Engineer with the sharing of utilities as well. His concern is the likelihood that a service line intended for a single family home may serve enough water for two homes. The creation of another home on the property creates a significant amount of storm water from the additional hard surfaces created described previously. There are additional fees for culinary water, storm water, parks, and other impacts of development.

City Administration feels that the new dwelling not be allowed to share utilities with the main dwelling. A new water service and meter should be required as well as a separate sewer line, power, and natural gas utilities.

One of their main concerns is the ability to separate the new unit from the main dwelling on the property. The City is occasionally asked to provide special exceptions to subdivision standards for a few historic properties that have two dwellings on them. At some time the owner will approach the City to separate the new dwelling on its own lot from the main dwelling.

The problem with allowing this type of arrangement for family members may solve an urgent need for the family but the prospect for future separation is real.

If the new dwelling is restricted to family use only, the enforcement of such a requirement is very difficult for City staff.

Cities which allow them restrict the size of the dwelling to less than that of the main dwelling; some state that the dwelling cannot be rented and require covenants that say the dwellings may never be separated, nor lived in by, other than family members.

Staff believes that the Public Hearing notice required is ineffective in asking for all the property owners of land in the Residential Estates RE-20 Zone to have received any information that this is a decision that may affect theirs and their neighbor's properties in a significant way. A concerted effort should be made to find out how these owners feel about such a proposal.

Staff believes that the first thing the Planning Commission should discuss is if this proposal is the direction they feel the city should go within the zoned area. Is it appropriate for any other parts of the City? If, after the public hearing and the petitioners remarks, the Planning Commission believes that this is not the direction the City should go, they could make a motion to deny the application and send it on to the City Council. If the Planning Commission feels that there is a potential for such a type of development, I suggest that they table the issue and explore all the different issues and ramifications of each on the development of the City.

Stacie M. Cain

From: Craig Barker
Sent: Wednesday, October 02, 2013 9:07 AM
To: Stacie M. Cain
Subject: FW: Fire Department Requirements for lot on 2100 N.

For PC tonight Hartman petition

From: Jeremiah Jones [<mailto:jjones@northviewfire.com>]
Sent: Wednesday, October 02, 2013 8:40 AM
To: Craig Barker
Subject: Fire Department Requirements for lot on 2100 N.

Craig,

I am very familiar with the lot that will be having an additional house on it on 2100 N. There is a hydrant directly in front of the residence that will be sufficient for our needs. The only other concern that I have is for our access. We will need a 20 ft wide access road to get back to where the other lot will be located, this will need to have a height clearance of 13 ft as well. Since the lot is located further than 150 of the main road we will require a turn around for our apparatus. This can be a cul-de-sac or it could also be a hammer head of 120' both of these could be out of road base, but would have to be maintainable in all weather conditions and would have to support the weight of our vehicles. If you have anymore questions let me know. Thanks

Jeremiah Jones
North View Fire
Deputy Chief