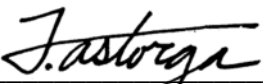


BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, February 18, 2020
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room, **South Davis Metro Fire Station, 255 S 100 W, Bountiful, Utah, 84010**, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Consider approval of the minutes for January 21, 2020.
3. **PUBLIC HEARING** - Consider approval of an amended variance for development standards to the Val Verda Well for South Davis Water District located at 33 E 3300 South, Carter Hatch representing South Davis Water District, applicant – Curtis Poole
4. **PUBLIC HEARING** – Consider approval of a PUD Plat Amendment for The Domaine at Highland Oaks Subdivision lot 7, located at 3865 Highland Court, Justin Merkley and The Domaine at Highland Oaks HOA, applicant – Lloyd Cheney
5. Planning Commission Rules of Order and Procedures update – Curtis Poole
6. Open and Public Meetings Act Presentation – Clint Drake
7. Planning Director’s report, review of pending applications and miscellaneous business.



Francisco Astorga, Planning Director

Bountiful City
Planning Commission Minutes
January 21, 2020

Present: Chair – Sean Monson; Vice Chair – Jesse Bell; Planning Commission Members – Sam Bawden, Jim Clark, Lynn Jacobs, and Sharon Spratley; City Council Representation – Kendalyn Harris; City Attorney – Clint Drake; City Engineer – Lloyd Cheney; City Planner – Francisco Astorga; Assistant City Planner – Curtis Poole and Recording Secretary – Darlene Baetz

1. Welcome and Introductions.

Chair Monson opened the meeting at 6:30 pm and welcomed all those present.

Shawna Andrus swore in Lynn Jacobs as a new Planning Commissioner.

2. Approval of the minutes for December 17, 2019.

Jesse Bell made a motion to approve the minutes for December 17, 2019 as written. Sam Bawden seconded the motion. Voting passed 6-0-1 with Commission members Bawden, Bell, Clark, Monson, and Spratley voting aye with Councilwoman Harris abstained.

3. Consider approval of a request for a preliminary architectural & site plan review of 12 multiple-family dwellings (four triplexes) located at 1265 North Main St, Douglas Bangerter Holdings LLC represented by Ivory Development, applicant.

Chase Freebairn was present representing Bountiful Chase. Curtis Poole presented the staff report.

On September 3, 2019, the Planning Commission forwarded a positive recommendation to the City Council and on October 8, 2019, the City Council held a Public Hearing to receive comments regarding a zone change, submitted by the Applicant, from the C-G (General Commercial) Zone to the RM-13 (Multiple Family Residential) Zone at 1265 and 1295 North Main Street. The Council voted unanimously to approve the zone change and the Applicant is now requesting Preliminary Architectural and Site Plan approval for a 12 Unit Multi-Family Townhome which will accompany a 22 Lot Single-Family Residential development. Ivory presented to the Council and Commission a conceptual plan of the development as part of the zone change.

The proposed development is located on three (3) parcels which total 3.94 acres, and is the current location of Bountiful RV. These three (3) parcels will need to be re-subdivided and recorded with Davis County prior to applying for building permits. A Preliminary Planned Unit Development subdivision plat amendment has been submitted concurrently with this application. The subject property has the R-4 (Single-Family Residential) Zone to the north, west and east. It has the RM-13 (Multiple Family Residential) Zone to the south and northeast and has the C-G (General Commercial) Zone to the north.

The proposal submitted by the Applicant shows the 12 Unit Townhomes located adjacent to Main Street with the Single-Family homes located behind. There will be two (2) access points from Main Street and the Applicant will need to receive approvals from UDOT prior to any construction or alteration of the drive approaches. The proposal also shows a horseshoe shaped road that will be owned and maintained by the Homeowners Association. This private road will loop the development from one approach to the other, with a connecting road behind the townhomes.

A central feature in the proposal is open space for the future residents. The open space provides an appropriate buffer between the townhomes and the Single-Family homes. Prior to submitting for Final Site Plan approval, the Applicant shall provide a detailed landscaping plan for all common areas surrounding the townhomes and the open space. The parking plan submitted shows the Applicant meet the standards of the Code. The townhomes will each have a rear loaded two-car garage with six (6) additional parking spaces behind the townhomes. Each future Single-Family home will provide for its own parking.

The RM-13 Zone would permit the Applicant a residential development up to 51 Residential Units. The Applicant proposed to decrease the density of the Planned Unit Development by providing mixed residential housing types, known as life-cycle housing. In exchange of such community benefits, the Applicant seeks some relief from some of the development standards of the Code, particularly the front and side yard setbacks of the townhomes, the setback requirements of the Single-Family homes and lot coverage. The planned unit development gives the Applicant an ability to mitigate a potentially undesirable element, in this case the impact of density, by reducing its effects in exchange for flexibility with some development standards. Staff has researched the effects of the proposed reductions as well as the benefits of the proposal and finds the effects are mitigated based upon best planning practices.

The Applicant has provided a product lineup for the townhomes; however, prior to Final Site Plan approval the Applicant will need to provide renderings of the actual townhomes to be built at this location consisting of building elevations and applicable sections. Each Single-Family home will be required to submit a separate building permit to be reviewed and approved by Staff.

The proposed development is in an area which has anticipated Multi-Family uses and the current infrastructure is adequate to handle the additional townhomes and Single-Family residences proposed.

Staff recommends that the Planning Commission forward to the City Council and positive recommendation of approval the Preliminary Site Plan for 12 Unit Multi-Family Townhome and 22 Lot Single-Family Residential Development subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to the issuance of building permits, the three (3) parcels will need to be re-subdivided.
3. The drive approaches shall receive approvals from UDOT prior to applying for a building permit.
4. All damaged curb, gutter and sidewalk along Main Street shall be replaced.
5. Submit a Landscape Plan meeting the standards of the Code prior to Final Site Plan approval.
6. Provide renderings, including elevations and building materials, of the Townhomes prior to Final Architectural and Site Plan approval.
7. Sign a Development Agreement.

Mr. Poole stated the exact rendering will be brought to the Planning Commission at the final site plan.

Sharon Spratley made a motion to forward a recommendation of approval to the City Council for the approval of the preliminary architectural & site plan review of 12 multiple-family dwellings (four triplexes) located at 1265 North Main St with the seven conditions outlined by staff. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, and Spratley voting aye.

4. PUBLIC HEARING - Consider approval of a request for a preliminary subdivision of a 34-lot

residential subdivision consisting of 22 single-family lots and 12 multiple-family dwellings (four triplexes) located at 1265 North Main St, Douglas Bangerter Holdings LLC represented by Ivory Development, applicant.

Lloyd Cheney presented the staff report.

Ivory Development is requesting preliminary approval of a 34 unit Planned Unit Development (PUD) located on the Bangerter RV site at 1295 N Main Street. The development will also include the property which is associated with the single family home at 1265 N Main Street. This project site was rezoned from C-G (General Commercial) to RM-13 in September 2019. The surrounding properties consist of offices and single family residences to the north; single family residences and an orchard to the east and south; a sedimentation removal structure on Stone Creek and an electrical substation on the west side of the development. The Village on Main (mixed use) site is located approximately 1,000 ft north of the site.

General: Ivory Homes is proposing to build 12 townhomes in the first phase, followed by a second phase which will include 22 single family units. The overall development proposal is the same as the concept which was presented to the Planning Commission and the City Council at the time the property was re-zoned. The townhomes which are proposed in the first phase of the project will be divided into 4 separate structures of 3 units each. The second phase will include the 22 single family residences on the western portion of the property. The interior streets will be dedicated as private streets owned and maintained by the PUD's Homeowners Association. The streets will be constructed in two configurations, each of which having a 22 foot wide pavement, and a 2 foot wide curb and gutter section on each side. The wider street configuration is proposed to have a 6 foot wide sidewalk constructed on one side of the street for pedestrian access. This wider street section is proposed as the width for the primary access route from Main Street which forms the "loop" through the development. Main Street is a UDOT facility, and the improvements that are proposed within the Main Street Right of Way (including the access points to the development) will require UDOT approval and must meet UDOT standards for construction.

The site generally slopes from SE to NW, with approximately 10 ft of fall across the site. Minimal amounts of grading will be required for construction of roadways and building pads.

Utilities: All necessary utilities are available to serve the site. Sewer will connect to the development from an existing sewer main near the Northwest corner of the PUD. This stub line was installed as part of the construction of the Bountiful Shadows Subdivision. The sewer will be installed so that it can potentially serve future development of the properties to the south. The proposed storm drain system will include a detention basin on the west side of the single family units. The system will discharge to Stone Creek through a piped connection on the north side of the sedimentation basin. Ivory will be required to obtain the necessary permits from Davis County Public Works to connect to the channel. Overflow from the detention basin will be directed to the creek channel. Culinary Water is also available from the Bountiful Shadows subdivision via a stub line which was installed at the same time as the sewer. In order to create a looped system, a connection to the existing culinary main on the east side of Main Street will be required. The current plans indicate 2 planned crossings of Main Street for connection to the culinary water line, but only one connection is necessary to create the looped water system. Each utility crossing on Main Street crossing will require UDOT approval and permits. The townhomes will be served by culinary and sewer services from the west side (rear) of the buildings to minimize utility cuts on Main Street. As with the sewer, the culinary water system should be installed

with a stub which could serve the future development of the properties to the south of this development. Overhead power currently serves the site, and the existing homes to the south.

Traffic: During the period of 2016-2019, traffic counts have shown a range of traffic volume between 12,000-13,000 cars per day. The expected increase in traffic from the site (340± vpd) represents approximately 2.6% of the current volume on Main St., and should not significantly decrease the current Level of Service on Main St.

Miscellaneous: The existing site survey has identified a minor issue with the fencing along the west portion of the property. The existing fence alignment has accommodated access by Davis County Public Works for access to the sedimentation basin and for Bountiful Light and Power's access to the substation for more than twenty years, so it is well established as a prescriptive easement. This item could be addressed by Ivory in the following ways:

1. Grant fee ownership or an easement for access to Davis County and Bountiful City.
2. Adjust the west property line to follow the existing fence line.
3. Fence to the west property line as shown.

One of these options should be a condition of approval.

It is recommended that the Planning Commission forward a positive recommendation to the City Council for the preliminary approval of the Bountiful Chase PUD with the following recommendations:

1. Complete the redline corrections for minor issues on the plat.
2. Complete the redline corrections for the required utility adjustments.
3. Obtain UDOT approval and permits for access and construction.
4. Obtain Davis County approval and permits for connection of the storm drain system to the Stone Creek channel.
5. Resolve the access/fencing/property boundary issue to provide access to the existing creek channel and power substation.

He reported on the provisions that were made years ago to have the utilities permitted from the rear of the property. This helps to mitigate the development for UDOT along Main St.

Mr. Drake stated that he does not anticipate any problems with the fencing/property line.

Chase Freebairn thanked the City for working with the developer.

Chair Monson opened the **PUBLIC HEARING** at 6:57 p.m.

Verlon Duncan resides at 1330 North 200 East. Mr. Duncan asked if the property has been surveyed and asked for clarification on the utilities to be stubbed in. He mentioned that he has not seen any survey markers.

Chair Monson closed the **PUBLIC HEARING** at 6:59 p.m.

Mr. Astorga stated that the property has been surveyed and there are two structures that are encroaching onto this project. Chase mentioned that the development has had a full survey done and the developer

will be in contact with the property owner to the south regarding the two structures to be relocated.

Mr. Cheney reviewed the sewer connections.

Chair Monson asked about encroachment issues. Mr. Drake mentioned that it is a private matter and is between the owners.

Sharon Spratley made a motion to forward a recommendation of approval to the City Council for the approval for a preliminary subdivision of The Bountiful Chase, a 34-lot residential subdivision consisting of 22 single-family lots and 12 multiple-family dwellings (four triplexes) located at 1265 North Main St with the five conditions outlined by staff. Sam Bawden seconded the motion. Sharon Spratley amended her motion to include the Planning Commission has no comments regarding the structures that appear to be encroaching on the development. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson and Spratley voting aye.

5. PUBLIC HEARING – Consider approval of Omnibus Amendments to the Bountiful City Land Use Ordinance.

Francisco Astorga presented the staff report.

On a regular basis, usually annually, the Planning Department will bring up various amendments that need to be made to the Land Use Code in order to provide order, accuracy, and clarifications that need to be made. The current Code is 266 pages and consists of the work, research, analysis, etc. of current and former City Planners, Planning Commissions, and City Councils. Given the ever changing nature of land use development it is necessary to periodically revise and amend the Code. The proposed amendments include the following:

- Adding a definition of “plaza”
- Restricting eminent domain for trails (already prohibited in the Utah State Code but restricting the City’s ability of the law were changed), as directed by City Council
- Amending the current definition of a “Planned Unit Development”
- Removing the Planned Development Overlay (PDO) Zone chapter
- Amending the term “Land Use Ordinance” to “Land Use Code”
- Amending sections of the parking Code for clarity
- Clarifying the role the administrative review process of Conditional Use review

Staff recommends that the Planning Commission review the proposed Land Use Code text amendments, hold a public hearing, and consider forwarding a positive recommendation for the City Council, based on the findings drafted on the attached proposed Ordinance.

Chair Monson opens **Public Hearing** at 7:13 p.m.

Terry Eggett resides at 211 E 1700 South. Mr. Eggett asked for a spelling error to be corrected.

Chair Monson closed the **Public Hearing** meeting at 7:14 p.m.

Ms. Harris stated the public’s concern about restricting eminent domain for trails. Mr. Drake discussed the State stance on the eminent domain for trails.

Jesse Bell made a motion to forward a recommendation of approval to the City Council for the approval of the Omnibus Amendments to the Bountiful City Land Use Ordinance. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson and Spratley voting aye.

6. Planning Director's report, review of pending applications and miscellaneous business.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:18 p.m.

Francisco Astorga, Bountiful City Planner

Planning Commission Staff Report

Item: PUBLIC HEARING – Amendment to a Variance
Request from Lot Standards, Setback Requirements
and Permissible Lot Coverage.
Address: 33 East 3300 South
Author: Curtis Poole, Assistant City Planner
Date: February 18, 2020



Description of Request

The Applicant, South Davis Water District, has requested an Amendment to a Variance request from lot standards, setback requirements and permissible lot coverage standards found in the R-3 Single-Family Residential Zone. The proposed Amendment would allow for construction of a larger well house at this location.

Authority

Section 14-2-111 designates the Planning Commission to be the review body for Variance Requests within the R-3 Zone related to building setback requirements.

Background and Analysis:

The Planning Commission reviewed and granted a Variance for the Applicant at its September 17, 2019 meeting with a vote of five to one (5-1). After the Variance was granted the Applicant decided to alter the footprint of the well house and use a shipping container for the structure. The Applicant indicated the cost of the shipping container would be less expensive to build than the structure granted in the original Variance and would be installed much quicker.

The existing well was drilled in 1955; however, it has not been in operation for the last ten (10) years due to performance issues. South Davis Water District has decided to perform rehabilitation on the well which will require a structure to be built on the property to house chlorine and fluoride, which are incidental to the well rehabilitation. The property is forty (40) feet deep and sixteen (16) feet wide (640 square feet) and currently is nonconforming due to the size. The parcel does not comply with the following R-3 Zone lot standards:

- Minimum lot size – 11,000 square feet
- Minimum buildable area – 3,000 square feet
- Minimum lot frontage width – 80 feet
- Minimum distance abutting a public street – 50 feet

The well house from the granted Variance was approximately fifty (50) square feet with two doors facing 3300 South. It was proposed to be 17.5 feet from the front property line, just over 2.5 feet from the side property lines and a little over fifteen (15) feet from the rear property line. The proposed well house in the Amended Variance will be one hundred and sixty (160) square feet. The proposed structure will be a shipping container which the Applicant will need to completely cover with a façade and roof. City Code does not permit a shipping container to be located in a Residential zone for extended time periods; however, the Code does not prohibit the frame of a permanent structure to be a shipping container if a façade is used to diminish the characteristics of the container. The structure will have two (2) doors facing east. The Applicant indicated the shipping container would be less expensive to construct than the previously granted well house and will decrease the construction time at this location.

The proposed structure will be 2.75 feet from the west (side) property line, six (6) feet from the east (side) property line, approximately fifteen (15) feet from the front and five (5) feet from the rear property lines. The Land Use Code requires buildings in the R-3 Residential Zone to have the following minimum setback requirements:

- Front Yard – 25 feet
- Side Yard – 8 feet
- Rear Yard – 20 feet

The Applicant will replace the existing chain link fence with a vinyl fence which was a condition of the original Variance request. Other structures such as electrical boxes and well vault will not be increased or moved. Based upon the width and depth of the property it severely limits anything which could be constructed. Furthermore the Land Use Code regulates permissible lot coverage of at least fifty percent of all required front, side and rear yard areas to be landscaped.

Variance Findings

Utah Code 10-9a-702 establishes the criteria for review of a Variance request and stipulates the Applicant “shall bear the burden of proving that all of the conditions justifying a Variance have been met.” In order to grant a Variance **each** of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

Staff Response: State Law defines a hardship as “associated with and peculiar to the property itself.” The size of the property would require the Applicant an unnecessary and unreasonable hardship to comply with building lot standards, setback and permissible lot coverage standards of the Code. The proposed amended plans are reasonable for the use of the property. When reviewing Variances, Staff reviews any unique conditions found on a property which do not apply to other properties.

(ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

Staff Response: There are no other properties in the R-3 Zone with the same characteristics as the Applicant's property, and which provide a public benefit. To Staff's knowledge there is no other property in the zone under the same circumstances and it is highly unlikely there will be any other property with similar characteristics in the future. Additionally, there are very few, if any, other property owners that would fall under the same circumstances as the current Applicant because the Applicant provides a public benefit to properties within the zone. Staff would consider these to be special and unique circumstances.

(iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

Staff Response: Granting the Amendment to the Variance will allow the Applicant the ability to update and provide ongoing maintenance for a public use.

(iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

Staff Response: Since the property is relatively small and has been in existence for decades there will not be a substantial affect to the General Plan. Granting the Amendment to the Variance will allow the Applicant to rehabilitate the well, and provide a benefit to the neighboring properties, the properties within the same zone and the public in general.

(v) *The spirit of the land use ordinance is observed and substantial justice done*

Staff Response: Allowing the Applicant to build the proposed structure will maintain the spirit of the Land Use Code within the constraints of the property.

Department Review

The Amended Variance request has been reviewed by the City Planner, City Engineer and City Attorney.

Recommended Action

Staff recommends the Planning Commission grant the request for an Amendment to the granted Variance, based on the analysis of the required review criteria from State Law included in the above findings and the materials submitted by the Applicant with the following conditions:

1. Applicant shall install solid fencing and landscaping to buffer the use of the property from the neighboring residential properties. The fencing shall be in compliance with Bountiful Land Use Code §14-16-110 regarding fencing standards in Single-Family

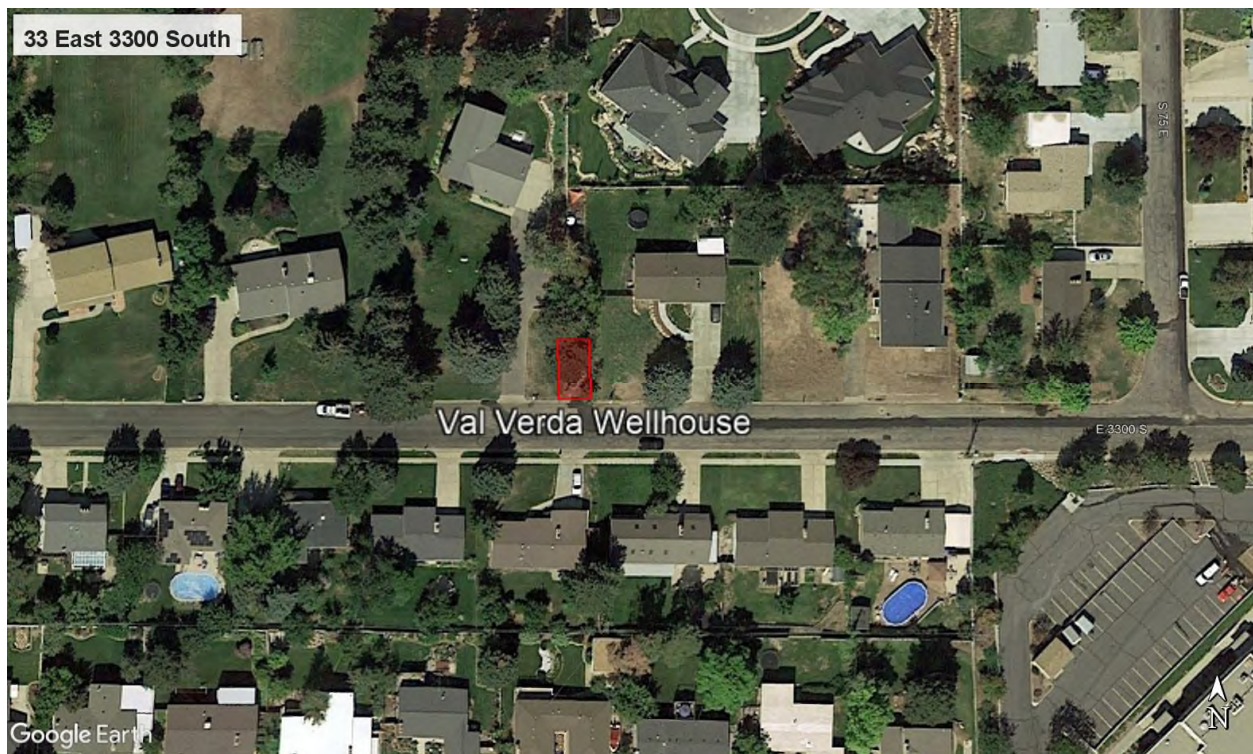
zones, which may include a combination of solid fencing for security and aesthetic purposes. The fencing shall meet the clear-view standards of City Code and other applicable standards from the State of Utah.

2. The Applicant shall completely cover the shipping container with a façade and roofing material consistent with the surrounding residential properties and approved by Staff.
3. The Applicant shall apply for a building permit to be reviewed and approved by Staff.

Attachments

1. Aerial Photo
2. Applicant's Narrative
3. Proposed Amended Plan
4. Fencing Requirement Sheet

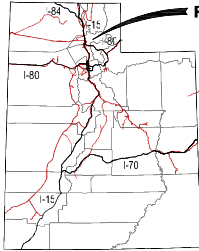
Aerial Photo



SOUTH DAVIS WATER DISTRICT VAL VERDA WELLHOUSE 30% DESIGN

ISSUE DATE: JANUARY 2020

STATE OF UTAH



PROJECT LOCATION

LEGEND

- RAILROAD
- MAJOR HIGHWAY
- COUNTY LINE



NOT TO SCALE

VICINITY MAP



PROJECT VICINITY MAP

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE	SHEET DESCRIPTION
1	G101	TITLE SHEET
2	G102	GENERAL NOTES
3	CS101	EXISTING CONDITIONS
4	CP101	SITE PLAN
5	CU101	VAULT PIPING PLAN
6	S101	STRUCTURAL DETAILS
7	S102	STRUCTURAL DETAILS
8	CU501	DETAILS

PRELIMINARY
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NO.	REVISION	DATE

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DESIGNED BY: D. ANDERSON, PE
 CHECKED BY: M. CHANDLER, PE
 DRAWN BY: M. CHANDLER, PE
 IN CHARGE: S. WOODRUFF
 PROJECT: VAL VERDA WELLHOUSE
 AS SHOWN
 DATE: JANUARY 2020

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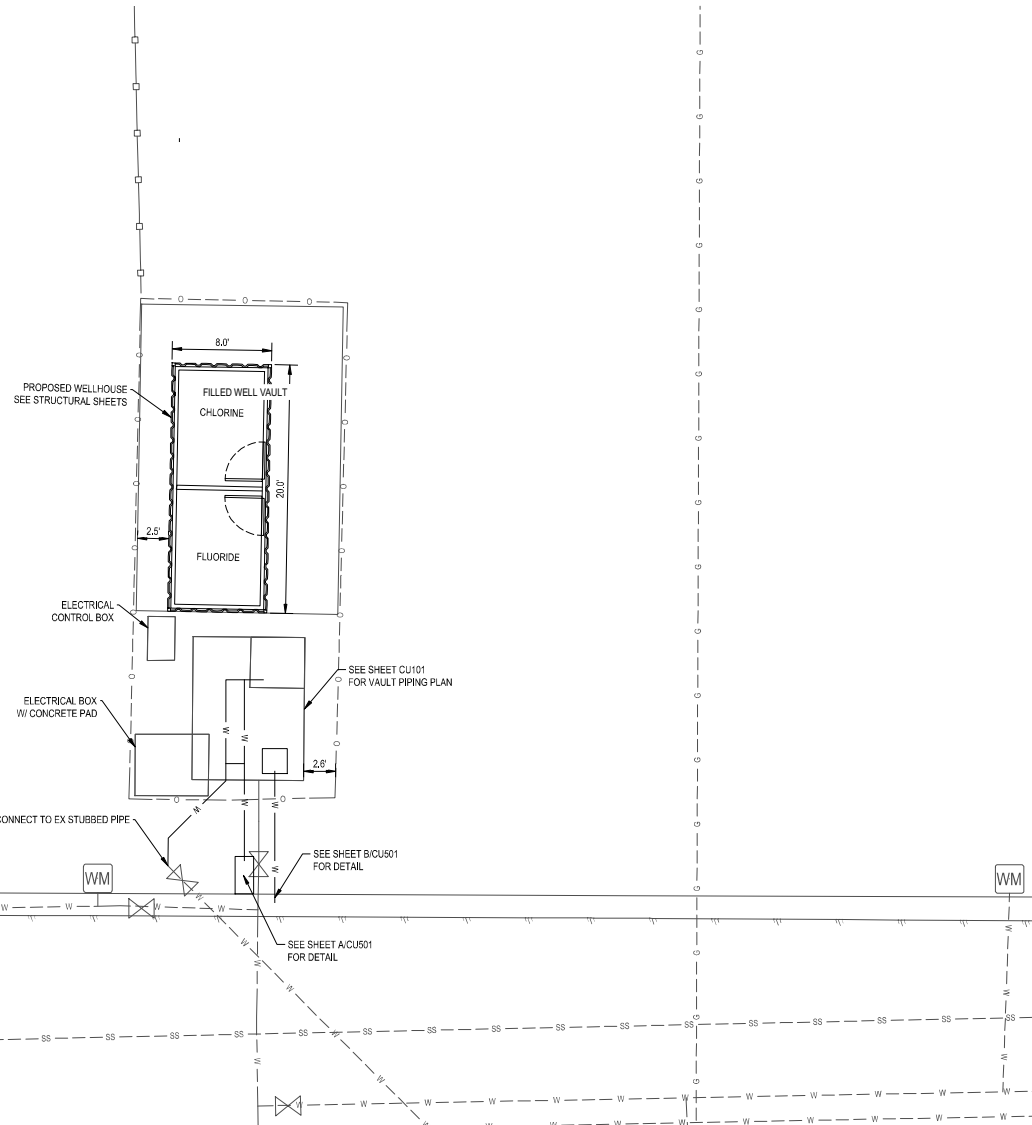
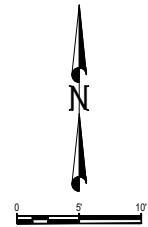
SOUTH DAVIS WATER DISTRICT
VAL VERDA WELLHOUSE
TITLE SHEET

3300 SOUTH

BOUNTIFUL, UT

2019-0136	
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 CHECKED BY: M. CHANDLER, PE
 DRAWN BY: M. CHANDLER, PE
 DATE: 1/8/20
 PROJECT: S. WOODRUFF
 SHEET NO.: AS SHOWN
 DATE: JANUARY 2020

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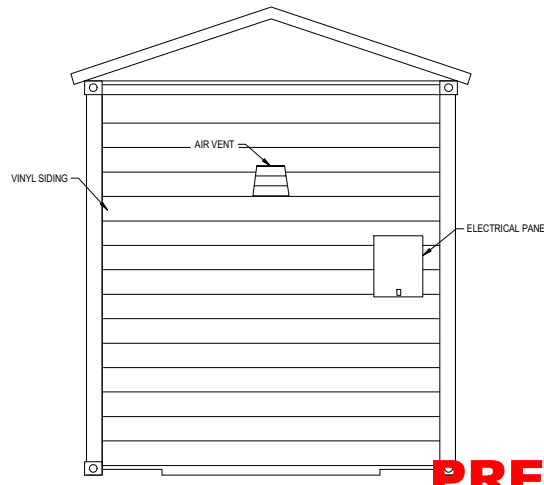
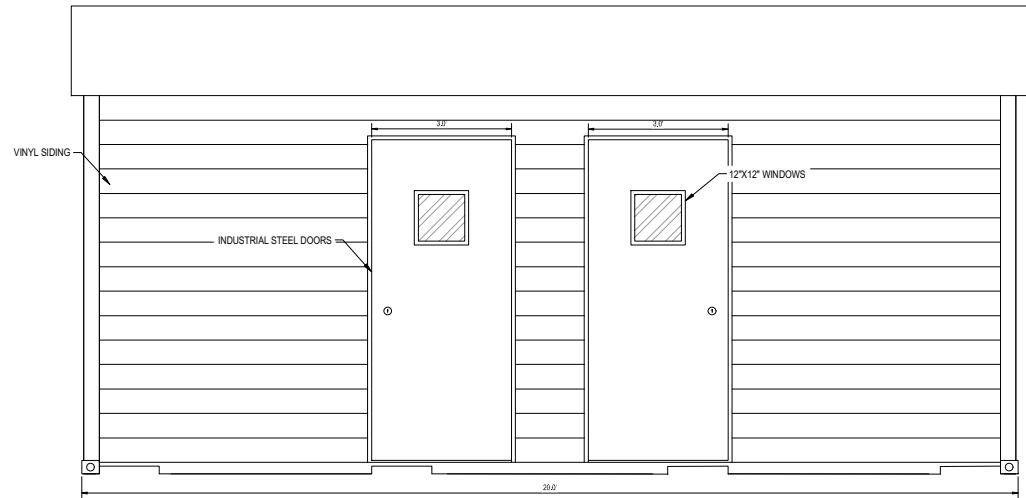
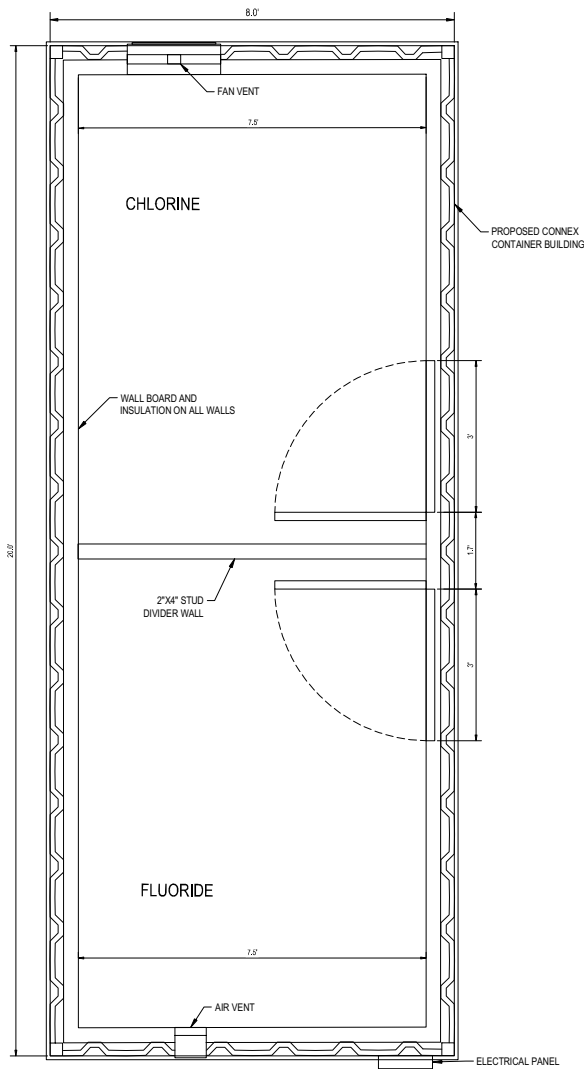
SOUTH DAVIS WATER DISTRICT
VAL VERDA WELLHOUSE
 SITE PLAN

3300 SOUTH BOUNTIFUL, UT

PROJECT NUMBER	2019-0136
SHEET	4
TOTAL SHEETS	9
SHEET NUMBER	CP101

PROJECT NUMBER: 2019-0136
 SHEET: 4
 TOTAL SHEETS: 9
 SHEET NUMBER: CP101

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 CHECKED BY: M. CHANDLER, PE
 DRAWN BY: M. CHANDLER, PE
 DATE: 1/27/2020

DESIGNED BY: S. WOODRUFF
 CHECKED BY: AS SHOWN
 DATE: JANUARY 2020

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SOUTH DAVIS WATER DISTRICT
 VAL VERDA WELLHOUSE
 STRUCTURAL DETAILS

3300 SOUTH BOUNTIFUL, UT

PROJECT NUMBER:	2019-0136
SHEET:	5 OF 9
DATE ISSUED:	S101

FENCING REQUIREMENTS AND CLEAR VIEW AREAS

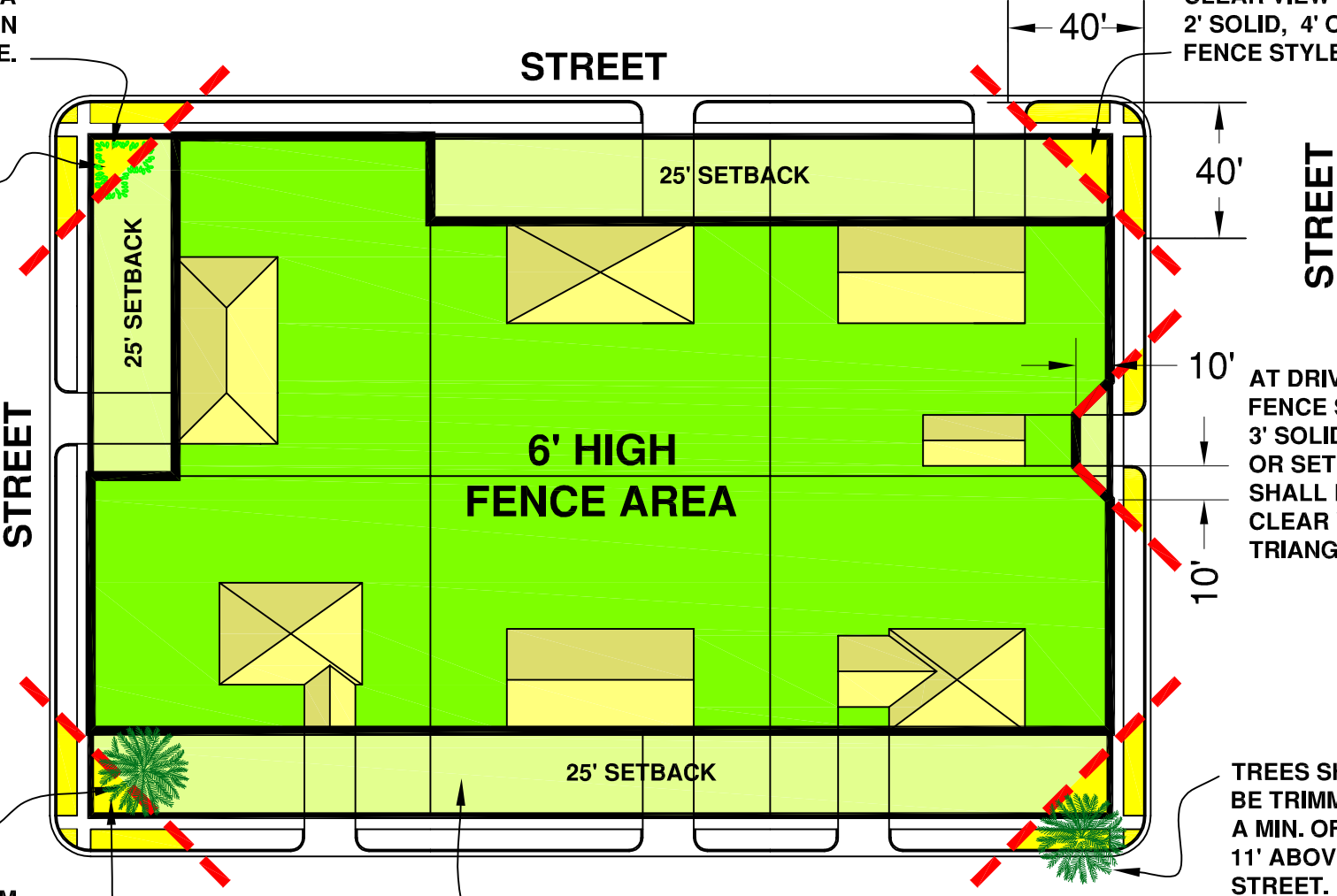
40' MINIMUM CLEAR VIEW AREA
2' SOLID, 4' OPEN
FENCE STYLE.

40' MINIMUM CLEAR VIEW AREA
2' SOLID, 4' OPEN
FENCE STYLE.

SHRUBS SHALL BE TRIMMED A MAX. HEIGHT OF 2' ABOVE THE SIDEWALK OR THE TOP OF THE CURB IF THERE IS NO SIDEWALK.

TREES SHALL BE TRIMMED A MIN. OF 7' ABOVE THE SIDEWALK OR THE TOP OF THE CURB IF THERE IS NO SIDEWALK.

40' MINIMUM CLEAR VIEW AREA
2' SOLID, 4' OPEN
FENCE STYLE.



AT DRIVEWAY FENCE SHALL BE 3' SOLID, 4' OPEN OR SETBACK SHALL BE 10' MIN. CLEAR VIEW TRIANGLE.

TREES SHALL BE TRIMMED A MIN. OF 11' ABOVE THE STREET. NO FENCE IN PARKSTRIP.

**3' SOLID FENCE,
4' OPEN (75 %) FENCE
AREA.**

Commission Staff Report

Item #

Subject: Preliminary and Final Approval of a P.U.D. Plat Amendment at The Domaine at Highland Oaks, Unit 7
Author: Lloyd Cheney, City Engineer
Address: 3865 South 600 East
Date: February 18, 2020



Description of Request

Justin Merkley and the Home Owners Association of The Domaine at Highland Oaks are requesting approval for an amendment to the P.U.D. through an adjustment of the platted location for Unit 7 of the development. As proposed, Unit 7 would remain the same size and be moved 10 feet to the Southeast.

Background and Analysis

The Domaine at Highland Oaks is an 11 unit development located in the R-F subzone, just east of Bountiful Boulevard at approximately 3800 South. This development was originally platted in 1997, and a similar modification to Unit 2 was approved in 2007 which allowed the proposed building location to be modified from the original plat. Currently, 10 of the 11 units have been constructed, with Unit 7 as the last to be built. The Homeowners Association supports the proposed modification.

As Mr. Merkley has prepared for the construction of his proposed home, several issues have been identified:

- The existing frontage and access to the building pad is very restrictive. As is typical with most P.U.D.s, the cul-de-sac diameter is significantly smaller (70 ft diameter) than a standard cul-de-sac on a public street (108 ft diameter). While the developers benefit from the reduced construction cost, the net result is less frontage for each unit with access from the cul-de-sac.
- The proximity of Units 7 and 8 on the original plat did not account for grading and construction of retaining walls required for each unit.

Mr. Merkley has previously applied for a Variance at this location, but no action has been taken pending the approval of this amendment. Regardless of the location for the construction of Unit 7, a variance for construction on slopes exceeding 30% will be necessary. After reviewing Mr. Merkley's initial site plan, staff finds that relocation of the building pad would result in minor modifications to the building elevations and retaining wall heights, and would allow reasonable access for construction. Based on the applicant's initial site plan, Staff believes that the resultant change in grading of the hill side is acceptable since the hillside is generally covered in native grasses, and would not disturb any nearby stands of native oak brush.

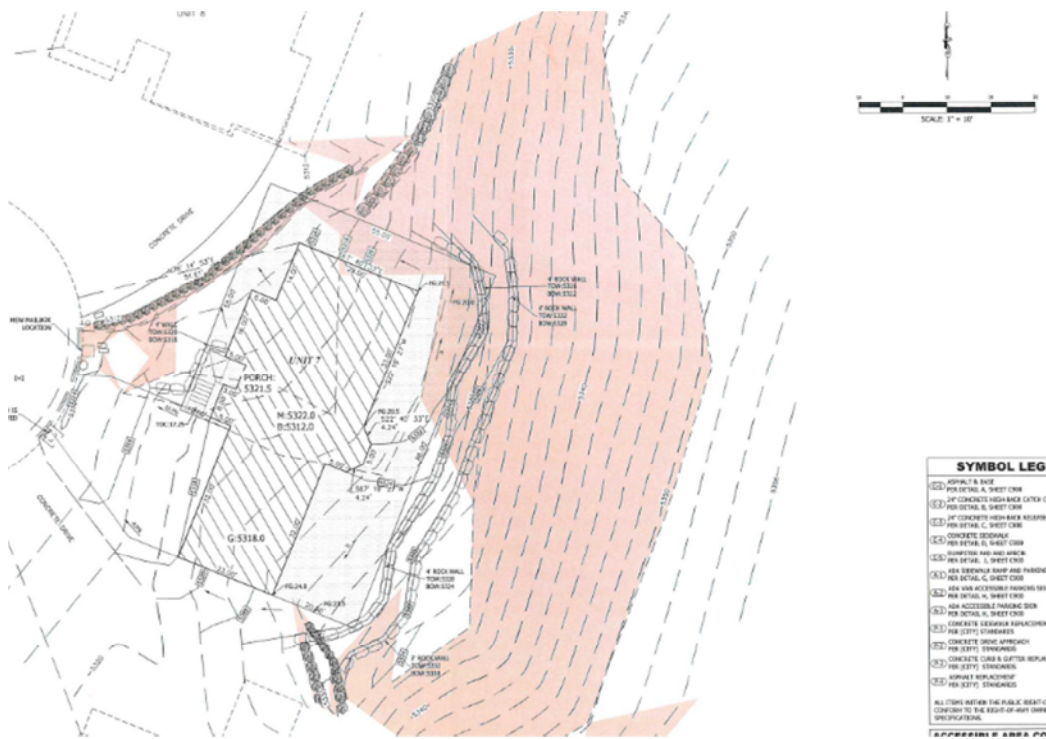


Figure 1 Unit 7 Original Site Plan Shaded are indicates slopes>30%

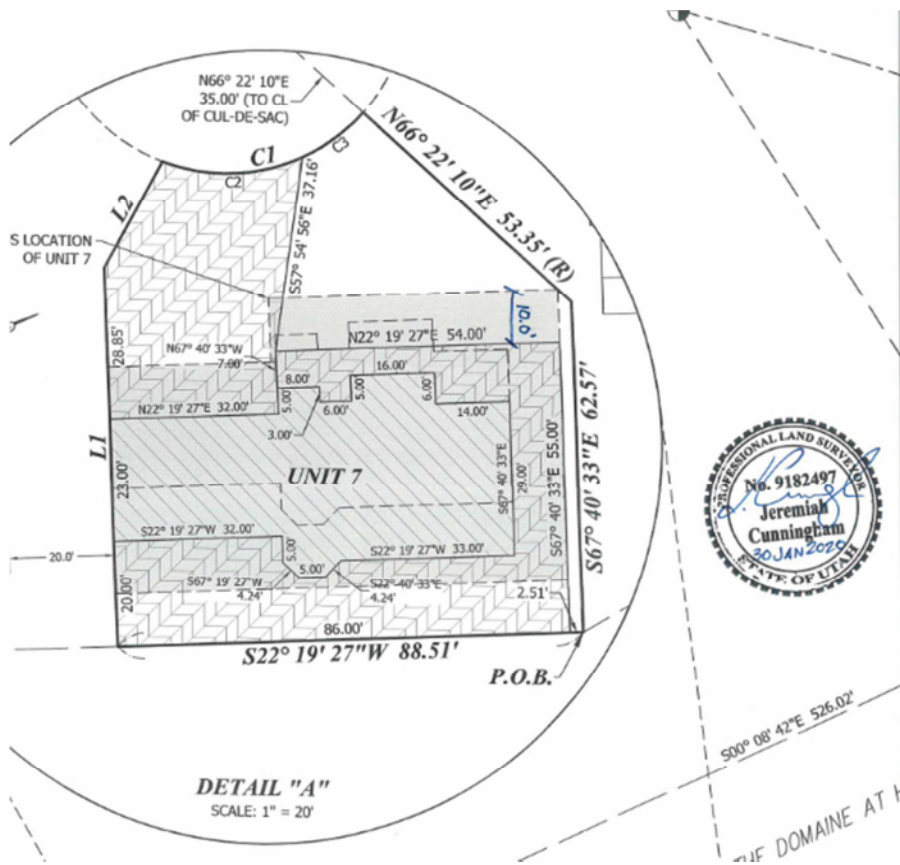


Figure 2 Proposed Relocation of Unit 7

Department Review

This proposal has been reviewed by the Engineering and Planning Departments and by the City Attorney.

Significant Impacts

Construction of a single family residence at this location will require a Variance. This will be presented to the Planning Commission at a future date.

Recommended Action

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval for Preliminary and Final Approval of a P.U.D. Plat Amendment at The Domaine at Highland Oaks, Unit 7, subject to the following conditions:

1. Complete any and all redline corrections on the Plat.
2. Pay recording fees in the amount determined by the City Engineer.

Attachments

None

Planning Commission Staff Report



Subject: Planning Commission Rules of Order and Procedure
Author: Curtis Poole, Assistant City Planner
Date: February 18, 2020

Background

In accordance with Utah State Code §10-9a-301, the Planning Commission may adopt rules and procedures which govern how it conducts business. Such rules shall follow State law regarding the Open and Public Meetings Act and authority granted by Bountiful City Code. These rules may be amended by successive Planning Commissions as needs may dictate. Staff has found the Planning Commission last adopted rules of procedure in 2007.

The Commission may benefit from reviewing the following proposed procedures and discuss the rules and procedures to guide how to conduct its meetings. These serve only as discussion points and not an official recommendation from Staff.

Proposed Procedures for Conducting Business

Commencing and Adjourning a Meeting

1. The Chairperson or designee, upon determining a quorum is present, shall open the meeting.
2. The Chairperson or designee, upon determining there is no further business to conduct, shall adjourn the meeting.

Agenda Items

1. The Chairperson, in consultation with the Planning Director or designee, may modify posted agenda items as deemed necessary to provide a more orderly flow to the meetings.
2. A **sample order** for agenda items **may** include the following:
 - a. Staff presentation
 - b. Questions/comments of Commission Members to Staff
 - c. Applicant presentation (length may be limited by Chairperson)
 - d. Questions/comments of Commission Members to Applicant
 - e. Public Hearing (when applicable)
 - f. Applicant closing comments
 - g. Staff closing comments
 - h. Commission discussion, deliberation, comments, and additional questions directed to Staff, the Applicant, or anyone present demonstrating expertise on the subject matter
 - i. Commission action which may include:
 1. Approval or Forward Positive Recommendation to City Council (may include adding and/or modifying conditions of approval)
 2. Denial or Forward Negative Recommendation to City Council (may include adding and/or modifying findings of fact relating to the denial or negative recommendation)

3. Continue (table) the item if Commission finds it needs additional information to make a decision

Public Hearings

Public Hearings will be held when required by State Law and/or City Code. The Chairperson, or designee, shall request those wishing to address the Commission in a Public Hearing to stand (if possible), state their name and address prior to addressing the Commission. The Chairperson, or designee, has discretion to determine the time permitted for the public to speak in favor or in opposition and may limit the number of speakers in favor or in opposition, so long as there are equal numbers representing each view.

From time to time during a Public Hearing the public will ask repeated questions to the Planning Commission and/or Staff. Public Hearings are not intended to serve as question and answer periods or to discuss items outside the scope of the hearing. Using prudence, applicability, and sound judgement, the Commission during their deliberation time, may answer applicable questions, and/or request to have Staff answer questions. Staff should always address the Commission and not the public.

Temporary Chairperson

In the case where both the Chairperson and Vice-Chair are absent in the same meeting, the Commission shall elect a temporary Chairperson for that specific meeting at the beginning of the meeting.

Existing Code

Membership

1. Shall consist of seven (7) members.
2. Planning Commission members shall be residents of Bountiful City and shall be appointed by the Mayor with the advice and consent of the City Council.
3. The terms of Planning Commission members shall be staggered. Each member of the Planning Commission shall serve for a term of four (4) years and until a successor is appointed, provided that members may be appointed for terms shorter than three (3) years when necessary to provide staggered terms.
4. Terms of Planning Commission members shall begin on July 1st of each year.
5. Planning Commission members may be reappointed for successive terms.
6. The Mayor, with the advice and consent of the City Council, may remove any member of the Planning Commission at any time with or without cause.
7. A vacancy occurring on the Planning Commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.
8. The Mayor may appoint one person from the City Council as a full member of the Planning Commission.

Organization and Meetings

1. Members of the Planning Commission shall select one (1) of its members as chair to oversee the proceedings and activities of the Planning Commission.
 - a. The chairperson shall serve for a term of one (1) year.
 - b. Members of the Planning Commission shall select one (1) of its members as vice-chair to act in the absence of the chair.
2. The chair and vice-chair may be re-elected for successive terms.
3. The Planning Commission may adopt policies and procedures, consistent with the provisions of this Title and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. All such policies and procedures shall be submitted to the City Council for review and approval.
4. The Planning Commission shall meet on a regular basis, as determined by a vote of the Commission members, and at such other times as the Commission members may determine. All meetings shall be properly noticed as required by law, and held in accordance with the open meetings law set forth in Utah Code Ann. ' 52-4-1, et seq., as amended. At the beginning of each calendar year the Bountiful City Planning Department shall create and post in its office a schedule of Planning Commission meetings and application deadlines.

Quorum

No official business shall be conducted by the Planning Commission unless a quorum of its members is present. Four (4) members of the Planning Commission shall constitute a quorum. Any action taken shall require a minimum of four (4) yes votes from members of the Planning Commission, unless otherwise prescribed by law.

Hearings and Decisions

1. Any person desiring to appear before the Planning Commission shall complete an application and submit all required materials and fees to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant.
2. After an applicant has submitted a completed application to the Planning Department, the item shall be placed on the next available Planning Commission agenda, unless the applicant and the Commission Chair agree to postpone placing the item on the agenda or agree to continue the item to a subsequent meeting.
3. An applicant may request that an item be postponed or continued a maximum of one (1) meeting (i.e. once) or for forty five (45) days from the date of application, whichever is longer. If the matter is not heard within this deadline, the application is deemed to have expired or been withdrawn, and must be resubmitted if the applicant desires the Commission to act on the item. This shall not apply to completed applications that have been placed on an agenda, reviewed and discussed by the Planning Commission, and then continued for reasons determined by the Commission.
4. The Planning Commission shall not reconsider a previous action or change a recorded vote, and once an action is taken, the matter shall not be considered again for twelve (12) months from the date of decision.

5. Decisions of the Planning Commission shall take effect on the date of the meeting or hearing where the decision is made, unless a different date is designated in the Commission's rules or at the time the decision is made. The approval of written findings shall relate back to the date of decision.

Minutes

1. The Planning Commission shall keep written minutes of its proceedings, showing the vote upon each question, or if absent or failing to vote, indicating that fact, and keep records of all its official actions. The Planning Commission may, but is not required to, have its proceedings transcribed by a secretary, a court reporter, a tape recorder, or other recording device.
 - a. The Planning Commission shall report, either verbally or in writing, its official acts and recommendations to the City Council. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council.
 - b. The minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the Planning Director, under the direction of the City Recorder. All such records are public records and shall be available for public review and access in accordance with the Government Records and Access Management Act, Utah Code Ann., 63- 2-101, et seq., as amended.

Powers and Duties

The Planning Commission shall have all the powers and duties, explicit or implied, given planning commissions by Utah State law and the Bountiful City Land Use Code, including but not limited to the following. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this Title and of State law.

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;
2. Recommend Land Use Code and maps, and/or amendments to Land Use Code and maps, to the City Council;
3. Administer applicable provisions of this Title and of State law;
4. Recommend approval or denial of subdivision applications;
5. Advise the City Council on matters requested by the City Council;
6. Hear and decide the approval or denial of conditional use permits;
7. Hear and decide variances from this title;
8. Hear and/or decide any other matter that the City Council designates;
9. Exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council; and
10. Perform any other power or duty set forth in this Land Use Code or in State law relating to Planning Commissions.

Appeals

Any person adversely affected by a final decision of the Planning Commission may appeal that decision as set forth in Section 14-2-108 of this Title. Any recommendation of the Planning Commission to another approval body is not a final decision and therefore cannot be appealed.

Examinations and Surveys

The Planning Commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote City planning, development, and enforcement of the provisions of this Title.

Significant Impacts

The Planning Commission may adopt policies and procedures, consistent with the provisions of the Bountiful City Land Use Code and applicable law, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. All such policies and procedures shall be submitted to the City Council for review and approval.

Miscellaneous-Sample Motions

During recent discussion with the Commission, City Staff committed to provide some sample motions, see below:

Positive and Modified Positive Recommendation

Mr. Chairman, I move that we forward a positive recommendation to the City Council for (Site Plan, Subdivision) based on the conditions of approval listed in the Staff Report / and the following additional conditions / modified conditions...

Approval/Granting and Modified Approval/Granting

Mr. Chairman, I move that we approve/grant approval of the (Conditional Use Permit, Variance) based on the conditions of approval listed in the Staff Report / and the following additional conditions / modified conditions...

Negative Recommendation/Denial

Mr. Chairman, I move that we forward a negative recommendation (Site Plan, Subdivision) to City Council based upon the findings listed in the Staff Report / and the following additional reasons...

Mr. Chairman, I move that we deny the (Conditional Use Permit, Variance) based on the findings listed in the Staff Report / and the following additional reasons...

(The use of "Mr. Chairman" is used in the above examples because the current Chairperson is a man. In the event the Chairperson is a woman, "Madam Chairwoman or Ms. Chairwoman" should be utilized. The use of "Mr. Chair," "Madam Chair," or "Ms. Chair" without a pronoun is also acceptable.)

Attachments

Attachment 1 – Utah State Code (LUDMA) §10-9a-301

Attachment 2 – Utah State Code (LUDMA) §10-9a-302

Effective 5/9/2017

10-9a-301 Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

- (1)
 - (a) Each municipality shall enact an ordinance establishing a planning commission.
 - (b) The ordinance shall define:
 - (i) the number and terms of the members and, if the municipality chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission;
 - (v) subject to Subsection (1)(c), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
 - (c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (2) The legislative body may authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Amended by Chapter 70, 2017 General Session

Effective 5/14/2019**10-9a-302 Planning commission powers and duties.**

- (1) The planning commission shall make a recommendation to the legislative body for:
 - (a) a general plan and amendments to the general plan;
 - (b) land use regulations;
 - (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
 - (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
 - (e) application processes that:
 - (i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (ii) shall protect the right of each:
 - (A) applicant and third party to require formal consideration of any application by a land use authority;
 - (B) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
 - (C) participant to be heard in each public hearing on a contested application.
- (2) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

Amended by Chapter 384, 2019 General Session