



**BOUNTIFUL CITY**  
**PLANNING COMMISSION AGENDA**  
**Tuesday, April 6, 2021**  
**6:30 p.m.**

**NOTICE IS HEREBY GIVEN** that the Bountiful City Planning Commission will hold a meeting in the Conference Room, Bountiful City Hall, 795 South Main, 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.

*Bountiful City Planning Commission meetings, including this one, are open to the public. In consideration of the COVID-19 Pandemic, Bountiful City will be observing social distancing and may limit the number of people at the meeting. If you would like to submit a comment for the public hearing listed on the agenda below, please e-mail that comment to [planning@bountiful.gov](mailto:planning@bountiful.gov) prior to the meeting and indicate in the e-mail if you would like your comment read at the meeting; you are also welcome to attend the meeting in person.*

1. Welcome
2. Minutes for March 16, 2021 to be approved at next meeting.
3. Conditional Use Permit for a vehicle service business for Take 5 located at 293 West 500 South, Charles Openshaw, owner - *City Planner Curtis Poole*
  - (Public Hearing took place on February 16, 2021)
  - a. Action
  - b. Consider drafted approval in written form
4. Amended site plan review for Take 5 located at 293 West 500 South, Charles Openshaw, owner - *City Planner Curtis Poole*
  - a. Action: Consider forwarding a recommendation to the City Council
5. Variance for 30% slope and retaining walls greater than 10' for 27 Bountiful Blvd, Allen Clemons, owner - *City Planner Curtis Poole*
  - a. Public Hearing
  - b. Action
  - c. Consider drafted approval in written form
6. Adjourn



# Planning Commission Staff Report

**Subject:** Amended Site Plan and Conditional Use Permit  
Review for a Vehicle Service Business  
**Author:** Curtis Poole, City Planner  
**Address:** 273 West 500 South  
**Date:** April 6, 2021



## Background

The Applicant, Charlie Openshaw on behalf of CJO Holdings, LLC, requests a conditional use review for a vehicle service business, an express oil change, located at 273 West 500 South. The proposed use will be located within the 5<sup>th</sup> South Plaza, which is located within the C-G (General Commercial) subzone. 5<sup>th</sup> South Plaza does not include the Chase Bank property or the Panda Express property. The subject property is surrounded by other commercial uses in the C-G subzone. The new business would be located adjacent to the Panda Express building and across 500 South from the Sinclair convenience store.

The Applicant previously applied for an amended site plan review in 2016. That proposal also showed demolition of the Barbacoa building and replacing it with a 4,000 square foot office building. The Applicant requested a reduction in parking from 201 to 112 stalls. That site plan was reviewed by the Planning Commission and the City Council in December 2016. The Council approved the site plan and reduction in parking. Since that time, no further action was taken by the Applicant on that approval and the application has expired. Bountiful Land Use Code states that site plan approvals expire within one (1) year of the final decision.

The Applicant recently submitted and updated application. The Commission reviewed this item and held a public hearing at its February 16, 2021 meeting. After a discussion of the parking reduction and nonconforming landscaping on the site, the Commission voted to table the item and directed Staff to review the Code to ensure whether it provided the flexibility to approve a nonconforming site plan that decreased the level of nonconformity. The staff report for that meeting is located [here](#).

Staff reviewed the current Code and found the Code did not provide flexibility for applications that would reduce the degree of nonconformity to be approved. Based upon significant research and internal discussions, Staff developed parameters for altering nonconforming uses. This text amendment was presented to the Planning Commission at its March 16, 2021 meeting and was forwarded to the City Council with a positive recommendation on a 6-0 vote. The Council reviewed and approved the text amendment at its March 23, 2021 meeting.

## Analysis

The current layout of the property substantially matches what was originally approved as the Fashion Village Mall in 1977. Based upon available information, Staff finds the development met the standards of the 1965 City Code. Other than interior building tenant remodels Staff has found no permits or approvals indicating changes or alterations to landscaping, parking or to change the footprint of the buildings since the development was completed.

During the February 16, 2021 meeting, Staff noted the existence of the landscaping and parking nonconformities for the site. In addition to these nonconformities, Staff has found additional nonconformities that would be eliminated by the alterations proposed by the Applicant. For example, the drive aisle to the east of the Barbacoa building is approximately five feet (5') narrower than is permitted by code and multiple ADA parking stalls do not meet current standards. These nonconformities would be eliminated with the proposed amendment to the site plan.

The amended Land-Use Code states the following regarding nonconformities:

### **14-2-402            GENERAL PROVISIONS**

- A. *Continuation. A nonconformity in any zone may be continued as provided so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as provided in this Chapter or as may be required by law. If any nonconformity is removed from the property on which it was located, it shall not be replaced unless it conforms to the current provisions of this Title.*
- B. *Maintenance and Repair. Repairs and structural alterations may be made to any nonconformity within the existing footprint thereof provided that the degree of nonconformity is not increased.*
- C. *Alteration and Modification. Any expansion of a nonconformity that increases the degree of nonconformance is prohibited. Alterations, modifications or changes to a noncomplying structure or site or nonconforming use may be allowed only if the proposed alteration, modification or change reduces and mitigates the degree of the existing nonconformity, is in harmony with the surrounding neighborhood and is consistent with the General Plan. When considering if an alteration, modification or change may be approved, the Planning Commission shall consider whether all the following factors are reduced or mitigated, where applicable:*
  - 1. *Setback restrictions,*
  - 2. *Height restrictions,*
  - 3. *Aesthetics,*
  - 4. *Landscaping,*
  - 5. *Parking,*
  - 6. *Traffic and pedestrian circulation*

*An application to alter, modify or change a nonconforming use or site shall be reviewed by the Planning Commission. For purposes of this Section, the addition of a solar energy device to a building is not an expansion.*

...

Staff finds the following nonconformities pertaining to the 5<sup>th</sup> South Plaza site:

1. Landscaping (currently 7% of the total site - should be 15%)
2. Drive aisle width (currently 12' – should be 15')
3. Parking requirement (currently 109 stalls – should be 210)
4. ADA parking (6 stalls do not have minimum 96" access aisle)

Staff further finds the amended site plan application mitigates the degree of the existing nonconformity, is in harmony with the surrounding neighborhood and is consistent with the General Plan and finds the proposal submitted by the Applicant makes substantial improvements to the site because of the following:

1. Setback restrictions – there are no current setback nonconformities on the site and the proposed structures comply with the current setback standards in the Code.
2. Height restrictions – there are no current height nonconformities on the site and the proposed structure comply with the current height standards in the Code.
3. Aesthetics – the proposed application improves the aesthetics of the site by demolishing an old, dilapidated building and provides a new structure that uses building materials that are consistent with the adjacent properties and neighborhood. Additionally, the Applicant proposes an additional 1.5% landscaping to the site.
4. Landscaping – the proposal does not meet the requirement of fifteen percent (15%); however, the Applicant proposes a 1.5% increase in landscaping and an addition of trees on the site.
5. Parking – the application decreases the nonconformity in both parking (adding 5 stalls) and provides better ADA compliant stalls. The proposal also includes a change in the parking layout from angled parking to 90-degree parking which would improve circulation. Although the Applicant does not meet the current 215 parking stall requirement under the Code, it does propose 114 stalls, which is an increase of five (5) stalls for the site. Additionally, section 14-18-104, E of the Code authorizes the Land Use Authority to reduce the parking requirement based upon mixed-use or staggered parking intensities. The Applicant has provided a parking study that states the proposed number of 114 stalls exceeds the necessary amount of parking stalls for the site as the study found a peak parking demand of ninety-one (91) vehicles.
6. Traffic and pedestrian circulation – the proposed traffic circulation would be a substantial improvement because it removes one of the small inefficient drive approaches, eliminates the current one-way traffic flow, eliminates a nonconforming drive aisle and provides better ingress/egress to 500 South. Additionally, the Applicant has suggested a willingness to provide an easement to

the City to the south of the existing building that would provide pedestrian access from 200 West to a park that will be built at the old Washington Elementary School site.

## **Department Review**

This proposal has been reviewed by the Engineering, Planning, Police and Power Departments and by the Fire Marshall and City Attorney.

## **Significant Impacts**

This proposed use is located in an area with urban levels of infrastructure already in place. Redevelopment of properties along the 500 South corridor is critical to the economic stability of Bountiful as it represents a significant portion of the City's commercial inventory. The Applicant proposes to eliminate or reduce nonconformities associated with the site and mitigate ongoing nonconformities.

## **Recommendation**

Conditional Use: Staff recommends that the Planning Commission review and approve the conditional use request for a vehicle services use with the following conditions:

1. Prior to applying for a building permit the Applicant shall:
  - a. Show plans to add one (1) street tree between the two (2) proposed drive accesses on 500 South.
  - b. Add shrubs or additional plant material to the landscape buffer between 5<sup>th</sup> South Plaza and the Panda Express property.

Site Plan and Parking Reduction: Staff recommends that the Planning Commission review the amended site plan and forward a positive recommendation to the City Council for the amended site plan, including the parking reduction, with the following conditions:

1. Complete all redline correction.
2. Coordinate final easement location with Bountiful Light and Power.
3. Dumpster enclosure shall match the building material of the proposed Take 5 Oil Change building.
4. Receive construction permits and approvals from UDOT prior to applying for a building permit.
5. Pay fees and post an acceptable bond in the amount determined by the City Engineer.
6. Provide an easement along the south of the existing building for public access to/from the future park to be built at the Washington Elementary School site.
7. Sign a Public Improvement Development Agreement.

## Attachments

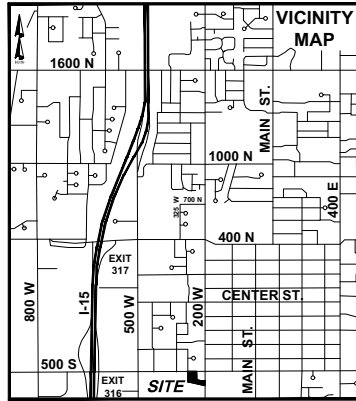
1. Aerial photo
2. Site Plan
3. Utility and Demo Plan
4. Landscape Plan
5. Building Elevations
6. Architectural Rendering
7. Parking Study
8. 5<sup>th</sup> South Unit Legend

## Aerial Photo



# 5TH SOUTH PLAZA - TAKE 5 OIL CHANGE

Located in the Northeast Corner of Block K,  
North Mill Creek Plat, Bountiful Townsite Survey,  
273 W. 500 S., Bountiful City, Davis County, Utah



**FLOOD PLAIN NOTES:** Property is located within two (2) flood zone designations:

1. Mill Creek is located on the south portion of the property in an improved channel to contain said creek with its improvements and is in a zone designation of Zone AE (No Base Flood Elevations determined) with the following explanation: Special Flood Hazard Areas (SFHAs) Subject to Inundation by the 1% Annual Chance Flood. The 1% annual chance flood (100-year) also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Area of Special Flood Hazard include Zones A, AE, A1-A30, AE, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
2. The existing buildings and parking lot of the property which is located North of Mill Creek is in an area having a zone designation of Zone "X" (Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance flood.)

Both designations are shown on FEMA FIRIM map Number 460110030E, with a date identification of June 18, 2007, with the Community Panel Number 394 of 575, in Davis County, Utah. Additional information was determined as designated on the Bountiful Interactive Website (<https://bountiful.megaplan.com>) with Layer Special Flood Hazard Area (SFHA) Preliminary 2018 and the flood hazard information that was derived directly from the authoritative NFHL web services provided by FEMA (<https://msc.fema.gov/>). This map was updated on 12/16/2020.

TABULATION TABLE			
	SQ. FT.	AC.	PERCENT
<b>TOTAL AREA</b>	<b>115,118.71</b>	<b>2.64</b>	<b>100.0</b>
BUILDING (EXISTING)	38,991.24	0.90	33.5
BUILDING (REMOVED)	2,872.18	0.07	
BUILDING (NEW)	1,423.00	0.03	
<b>BUILDING TOTAL</b>	<b>37,542.06</b>	<b>0.86</b>	<b>32.5</b>
IMPERVIOUS (EXISTING)	62,957.79	1.45	54.5
IMPERVIOUS (REMOVED)	16,185.08	0.37	
IMPERVIOUS (NEW)	15,210.10	0.35	
<b>IMPERVIOUS TOTAL</b>	<b>61,982.81</b>	<b>1.42</b>	<b>54.0</b>
LANDSCAPE (EXISTING)	7,706.73	0.18	7.5
LANDSCAPE (REMOVED)	2,155.86	0.05	
LANDSCAPE (NEW)	4,580.02	0.11	
<b>LANDSCAPE TOTAL</b>	<b>10,130.89</b>	<b>0.23</b>	<b>9.0</b>
<b>MILL CREEK AREA</b>	<b>5,462.95</b>	<b>0.13</b>	<b>4.5</b>
PARKING STALLS (EXISTING)	109 (8 ADA)		
PARKING STALLS (REMOVED)	70 (8 ADA)		
PARKING STALLS (NEW)	75 (5 ADA)		
<b>PARKING STALLS TOTAL</b>	<b>114 (5 ADA)</b>		

**BOUNDARY DESCRIPTION:**

BEGINNING ON THE SOUTH LINE OF 500 SOUTH STREET, SAID POINT BEING SOUTH 89°41'20" WEST 232.64 FEET ALONG THE SOUTH LINE OF SAID 500 SOUTH STREET FROM THE NORTHEAST CORNER OF LOT 2, BLOCK "K", NORTH MILL CREEK PLAT, BOUNTIFUL TOWN SITE SURVEY, IN THE CITY OF BOUNTIFUL, SAID NORTHEAST CORNER BEING SOUTH 89°41'20" WEST 33.00 FEET AND SOUTH 0°03'06" WEST 33.00 FEET FROM A BOUNTIFUL CITY SURVEY MONUMENT IN THE INTERSECTION OF 500 SOUTH STREET AND 200 WEST STREET, AND RUNNING: THENCE SOUTH 0°18'40" EAST 235.38 FEET; THENCE SOUTH 77°31'22" EAST 117.83 FEET; THENCE SOUTH 88°47'34" EAST 111.99 FEET TO THE WEST LINE OF 200 WEST STREET; THENCE SOUTH 0°55'20" WEST 146.80 FEET ALONG THE WEST LINE OF 200 WEST STREET TO THE CENTER LINE OF MILL CREEK; THENCE NORTH 77°30'40" WEST 495.01 FEET ALONG THE CENTER LINE OF SAID MILL CREEK; THENCE NORTH 0°18'40" WEST 301.53 FEET TO THE SOUTH LINE OF 500 SOUTH STREET; THENCE NORTH 89°41'20" EAST 259.05 FEET ALONG THE SOUTH LINE OF SAID 500 SOUTH STREET TO THE POINT OF BEGINNING.

AREA = 115,119 SQ.FT. / 2.64 ACRES

**SITE INFORMATION:**  
Serial Number: 300350092  
Address: 273 W. 500 S., Bountiful, Utah

**OWNER / DEVELOPER:**  
Openshaw Properties/CJO Holdings, LLC  
Walter "Charlie" Openshaw  
2230 North University Parkway, Suite 6C  
Provo, UT 84604  
801-367-1444  
charlesopenshaw@gmail.com

**SURVEYOR, ENGINEER, PLANNER:**  
A.L.M. & Associates, Inc.  
2230 North University Parkway, Suite 6D  
Provo, UT 84604  
(801) 374-6262 (801) 374-0085 FAX  
MGreenwood@ALMonline.com

**ARCHITECT:**  
Childrey Robinson Associates  
1212 Kinnikinnick Avenue  
Charlotte, North Carolina 28204  
704-370-6000  
www.ChildreyRobinson.com

**ZONING INFORMATION:**  
Zone - C-G (General Commercial)

**SHEET INDEX:**  
C1.0 COVER SHEET  
C2.0 SITE PLAN  
C3.0 UTILITY PLAN  
C4.0 GRADING AND DRAINAGE PLAN  
C5.0 DEMO PLAN  
C6.0 SWPPP  
C6-1 SWPPP DETAILS

**SITE PLAN SYMBOL LEGEND**

	STORM DRAIN LINE
	SANITARY SEWER LINE
	SEWER LATERAL
	WATER LINE
	WATER LATERAL
	ELECTRICAL LINE
	GAS LINE
	EXISTING FEATURES
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	PUBLIC UTILITY EAS. LINE
	SETBACK LINE
	IRRIGATION CONTROL VALVE
	WATER VALVE
	WATER METER
	FIRE HYDRANT
	SEWER MANHOLE
	CURB INLET BOX
	SD MANHOLE OR SUMP
	SD CATCH BASIN BOX
	LIGHT POLE
	EXISTING TREE
	BACK OF WALK
	EXISTING GROUND
	EDGE OF PAVEMENT/ASPHALT
	FINISH FLOOR ELEVATION
	FINISH GRADE
	FACE OF CURB
	INVERT OR FLOW LINE OF PIPE
	LINEAR FEET
	LP OF GUTTER
	MANHOLE
	REINFORCED CONCRETE PIPE
	STORM DRAIN
	SQUARE FOOTAGE
	SANITARY SEWER
	TOP OF ASPHALT
	TOP BACK OF CURB
	TOP OF CONCRETE

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- GENERAL NOTES:**
1. APPLICATION FOR INSPECTION BY THE CITY OF BOUNTIFUL ENGINEERING DEPT. SHALL BE MADE BY THE CONTRACTOR AT LEAST 48 HOURS BEFORE THE INSPECTION SERVICES WILL BE REQUIRED.
  2. THE CONTRACTOR SHALL TAKE ALL NECESSARY AND PROPER PRECAUTIONS TO PROTECT ADJACENT PROPERTIES FROM ANY AND ALL DAMAGE THAT MAY OCCUR FROM STORM WATER RUNOFF AND/OR EROSION OF DEBRIS RESULTING FROM ANY AND ALL WORK IN CONNECTION WITH CONSTRUCTION.
  3. PRIOR TO FINAL ACCEPTANCE, BOND RELEASES, AND A CERTIFICATE OF OCCUPANCY, A CERTIFIED LEGIBLE AS-BUILT DRAWING MUST BE SUBMITTED TO THE CITY OF BOUNTIFUL. AS-BUILT MUST SHOW ALL CHANGES AND ACTUAL FIELD LOCATIONS. IN THE ABSENCE OF CHANGES A COPY OF THE APPROVED DRAWINGS WILL BE REQUIRED STATING "INSTALLED AS PER DRAWINGS" AND CERTIFIED AS SUCH BY THE DEVELOPER'S ENGINEER.
  4. EXISTING UTILITIES ARE LOCATED ON THE PLANS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR THE PROTECTION OF UTILITIES AND THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN ON THE PLANS OR NOT IN THE LOCATION SHOWN ON THE PLANS. THIS INCLUDES ALL SERVICE LATERALS OF ANY KIND.
  5. ALL GRADING SHALL CONFORM TO THE SOILS REPORT:  
ENGINEER:  
DATE:  
JOB NUMBER:
  6. EARTHWORK SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT AND PROJECT SPECIFICATIONS.
  7. PROTECTION AND REPLACEMENT OF SURVEY MONUMENTS OR PROPERTY STAKES NOT DELINEATED ON THE CONTRACT DRAWINGS SHALL BE THE CONTRACTORS RESPONSIBILITY. REPLACEMENT OF SURVEY MONUMENTS OR PROPERTY STAKES SHALL BE DONE TO Davis County STANDARDS.
  8. AFFECTED UTILITY COMPANIES SHALL BE NOTIFIED AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  9. MODIFICATIONS TO EXISTING UTILITIES SHALL CONFORM TO THE OWNERS UTILITY STANDARDS AND SPECIFICATIONS.
  10. THE CONTRACTOR SHALL TAKE REASONABLE MEASURES TO PROTECT EXISTING IMPROVEMENTS FROM DAMAGE AND ALL SUCH IMPROVEMENTS DAMAGED BY THE CONTRACTORS OPERATION SHALL BE REPAIRED OR RECONSTRUCTED TO THE ENGINEERS SATISFACTION AT THE EXPENSE OF THE CONTRACTOR.
  11. ALL OFFSITE AND ONSITE WATER AND SEWER FACILITIES UP TO WITHIN 5 FEET OF BUILDINGS SHALL BE CONSTRUCTED TO PUBLIC WORKS AND ENGINEERING STANDARDS.
  12. CONTRACTOR TO FOLLOW BOUNTIFUL CITY NOISE ORDINANCE STANDARDS.
  13. CONTRACTOR IS RESPONSIBLE FOR ALL OSHA REQUIREMENTS ON THE PROJECT SITE.
  14. ALL BOUNDARY CORNERS AND LOT CORNERS SHALL BE MARKED WITH SURVEY MARKERS AS SHOWN IN THE STANDARD PLANS.
  15. CONTRACTOR TO CONTACT BLUE STAKES FOR MARKING OF EXISTING UTILITIES PRIOR TO PERFORMING ANY EXCAVATION.
  17. BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS TO BE USED IN CONJUNCTION WITH AFWA MANUAL OF STANDARD SPECIFICATIONS AND PLANS. BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS SUPERSEDES ALL AFWA STANDARD SPECIFICATIONS AND PLANS.
  18. THE FIRE PROTECTION ITEMS (FIRE HYDRANTS, WATER MAINS, ACCESS ROADS, ETC.) SHOWN ON THIS SITE PLAN ARE PRELIMINARY ONLY. PLAN REVIEWS BY THE CITY OF BOUNTIFUL FIRE PREVENTION BUREAU SHALL COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE PLAN REVIEWS BY THE CITY OF BOUNTIFUL FIRE PREVENTION BUREAU MAY IDENTIFY ADDITIONAL FIRE PROTECTION REQUIREMENTS WANTED BY THE INTERNATIONAL FIRE CODE. FIRE HYDRANT FOOT VALVES SHALL BE INSTALLED AT THE CONNECTION POINT WITH THE SANITARY WATER LINES.
  19. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC UNDERGROUND SPRINKLING SYSTEM INWHICH INCLUDES A BACK-FLOW PREVENTER DEVICE TO THE BUILDING. BACK-FLOW DEVICES SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH BOUNTIFUL CODE. WATER METER SIZES SHALL BE DETERMINED BY THE CITY OF BOUNTIFUL BUILDING DIVISION AT THE TIME OF BUILDING PERMIT APPROVAL OR WHEN THERE IS A REQUEST TO CHANGE THE WATER METER SIZE. WATER METERS SHALL BE LOCATED AT THE BACK OF SIDEWALK OR CURB IN AN AREA THAT IS ACCESSIBLE FOR READING AND SERVICING. WATER METERS SHALL NOT BE LOCATED WITHIN AREAS ENCLOSED WITH FENCES OR WITHIN TEN FEET (10') OF ANY EXISTING OR PROPOSED STRUCTURE.
  20. IF REQUIRED BY BOUNTIFUL CITY CODE OR BY THE APPLICANT'S PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE, A SAMPLING MANHOLE AND FAT AND OIL SEPARATOR/GRABBER TRAP SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOUNTIFUL STANDARDS AND SPECIFICATIONS.
  21. ALL SIGNAGE SHALL COMPLY WITH THE REQUIREMENTS OF THE BOUNTIFUL CITY CODE.

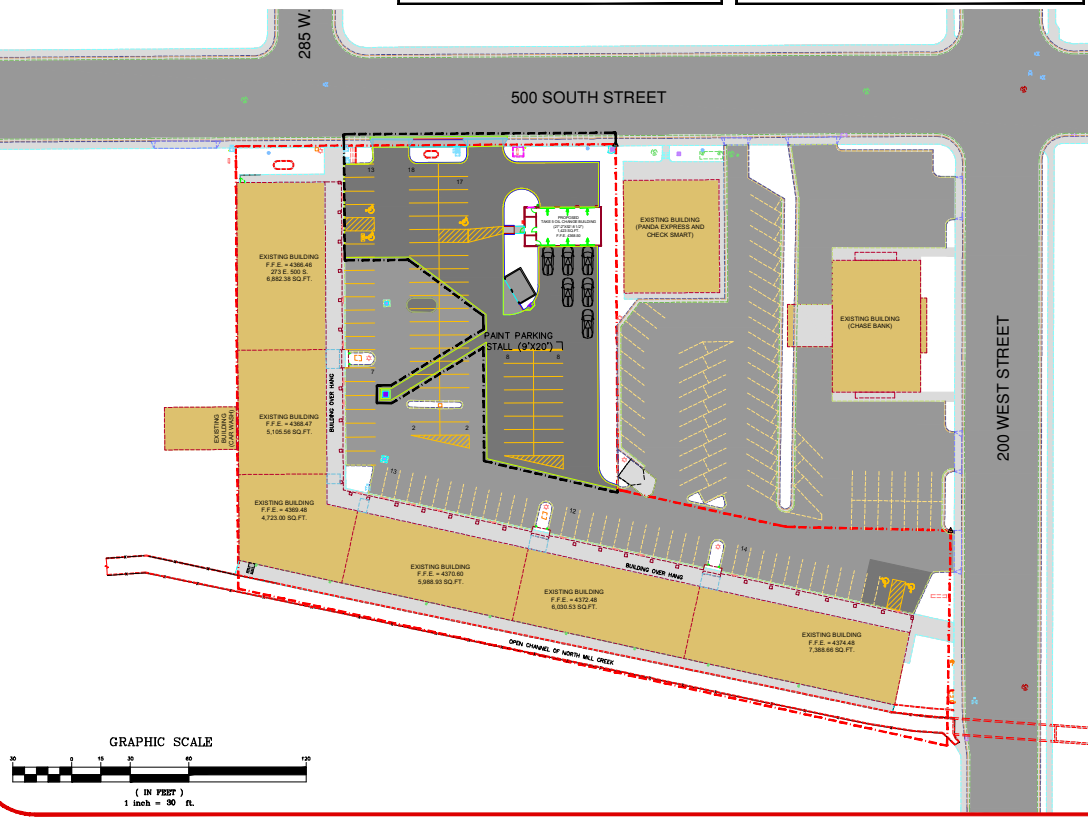


**A.L.M. & Associates, Inc.**  
Engineering • Surveying • Development • Planning  
2230 North University Parkway, Building 6D, Provo, Utah 84604, ph: (801) 374-6622

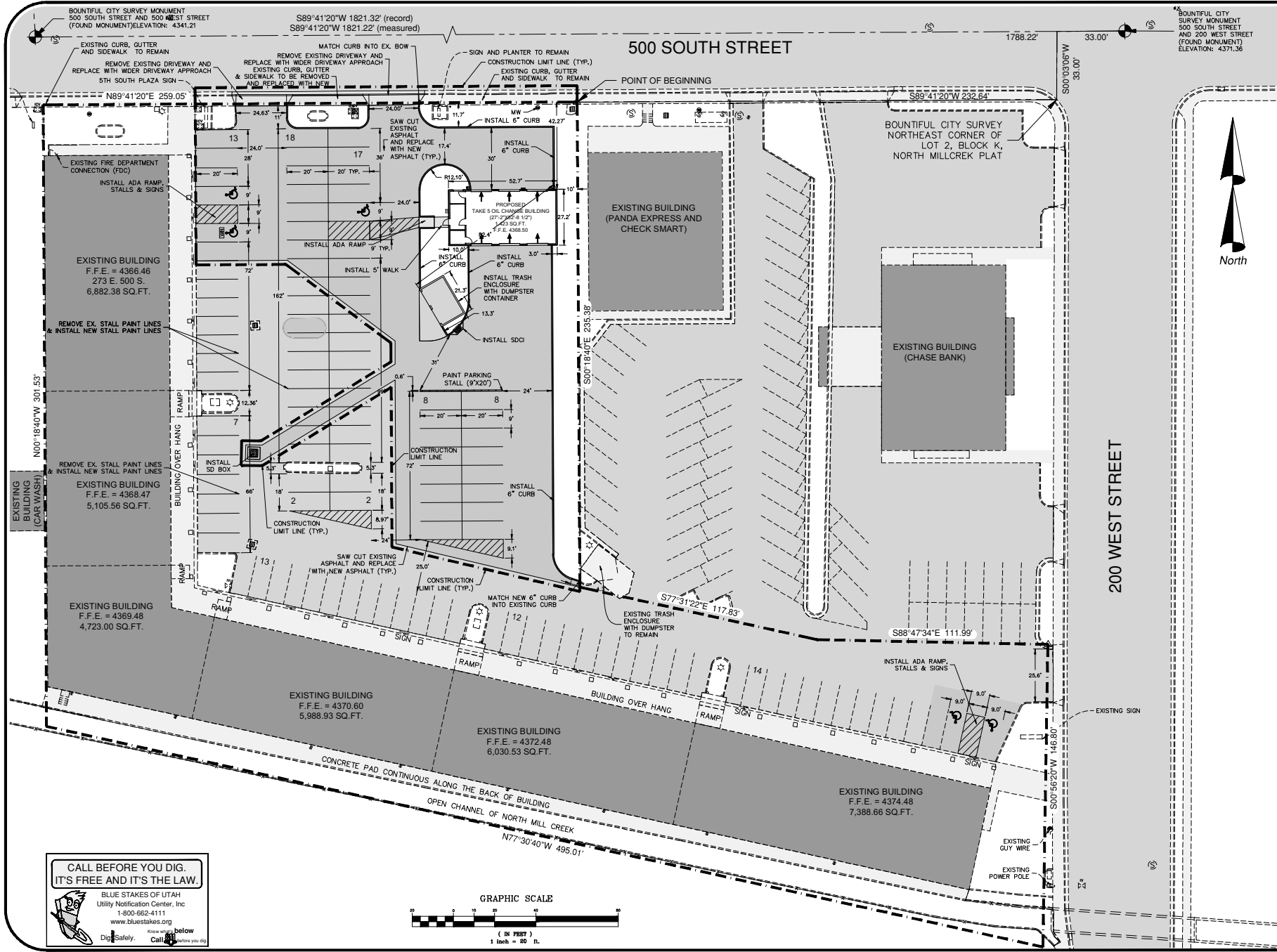
5TH SOUTH PLAZA - TAKE 5 OIL CHANGE  
OPENSHAW PROPERTIES/CJO HOLDING, LLC  
COVER SHEET

No.	Revision	Date

**C1.0**  
OF SHEETS  
Proj # 559-1771



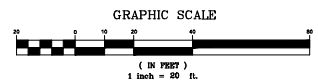




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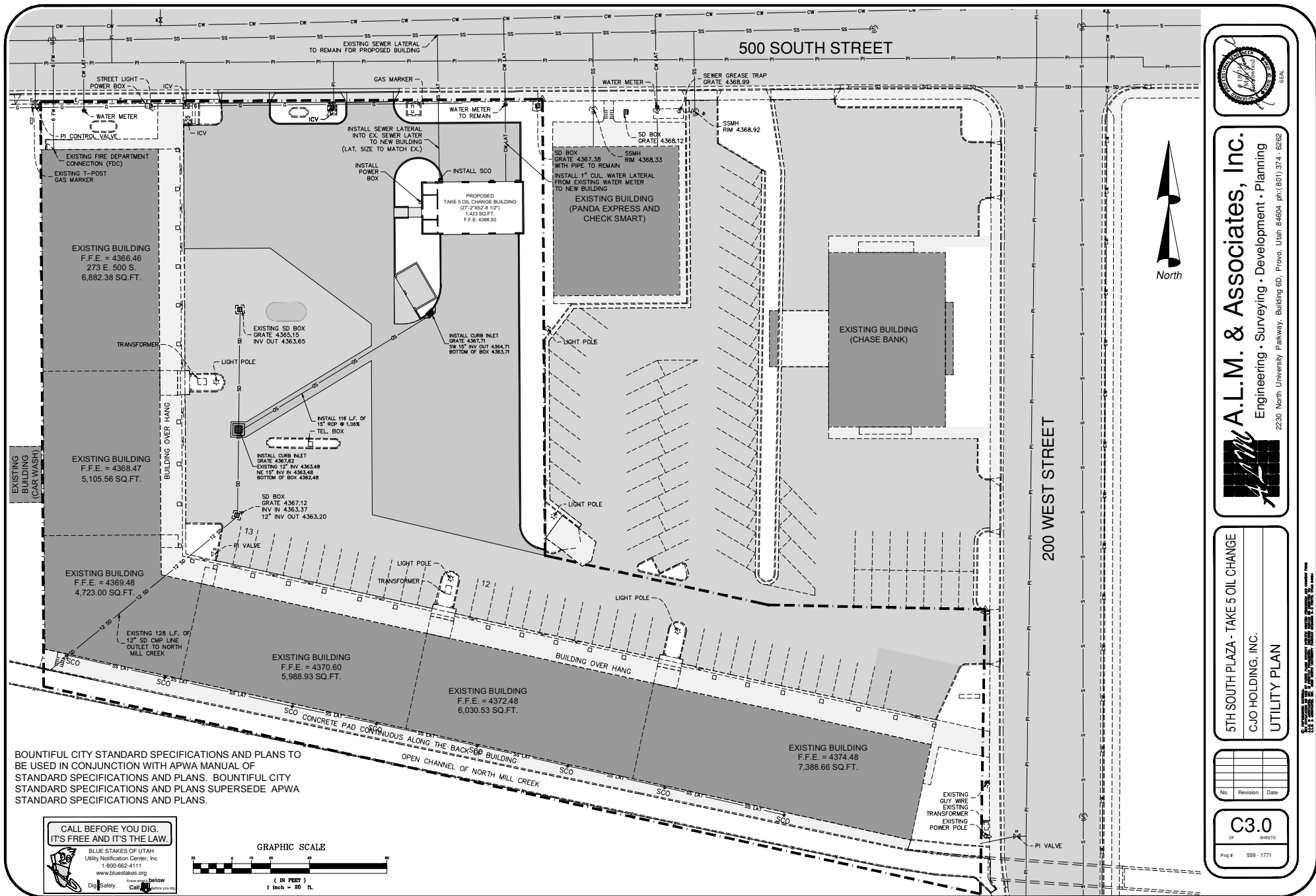


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5TH SOUTH PLAZA - TAKE 5 OIL CHANGE  
CJO HOLDING, INC.  
SITE PLAN

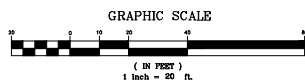
No.	Revision	Date

**C2.0**  
OF SHEETS  
Proj # 559-1771



BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS TO BE USED IN CONJUNCTION WITH APWA MANUAL OF STANDARD SPECIFICATIONS AND PLANS. BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS SUPERSEDE APWA STANDARD SPECIFICATIONS AND PLANS.

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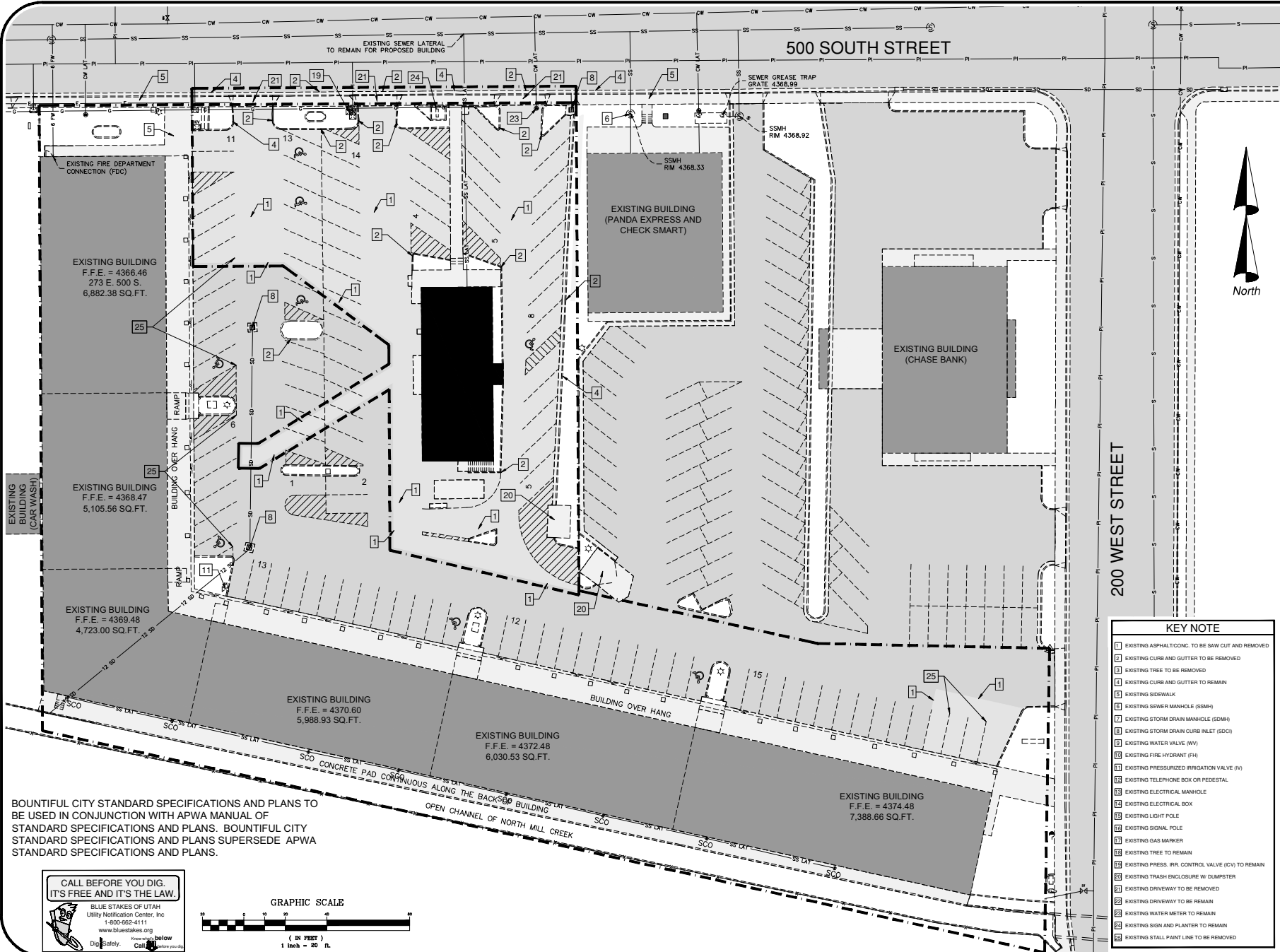
**A.L.M. & Associates, Inc.**  
 Engineering • Surveying • Development • Planning  
 2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374-6622

5TH SOUTH PLAZA - TAKE 5 OIL CHANGE  
 CJO HOLDING, INC.  
 UTILITY PLAN

No.	Revision	Date

**C3.0**  
 OF SHEETS  
 Proj # 559-1771

P:\559-1616.dwg\1616-Task 5 Site Plans 12.dwg 18 Jun 2021 3:50pm



500 SOUTH STREET

200 WEST STREET



**A.L.M. & Associates, Inc.**  
 Engineering • Surveying • Development • Planning  
 2230 North University Parkway, Building 6D, Provo, Utah 84604 ph:(801) 374-6622

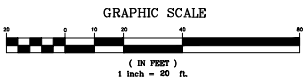
5TH SOUTH PLAZA - TAKE 5 OIL CHANGE  
 CJO HOLDING, INC.  
 DEMO PLAN

KEY NOTE	
1	EXISTING ASPHALT/CONC. TO BE SAW CUT AND REMOVED
2	EXISTING CURB AND GUTTER TO BE REMOVED
3	EXISTING TREE TO BE REMOVED
4	EXISTING SIDEWALK
5	EXISTING CURB AND GUTTER TO REMAIN
6	EXISTING SEWER MANHOLE (SSMH)
7	EXISTING STORM DRAIN MANHOLE (SDMH)
8	EXISTING STORM DRAIN CURB INLET (SDCI)
9	EXISTING WATER VALVE (WV)
10	EXISTING FIRE HYDRANT (FH)
11	EXISTING PRESSURIZED IRRIGATION VALVE (IV)
12	EXISTING TELEPHONE BOX OR PEDESTAL
13	EXISTING ELECTRICAL MANHOLE
14	EXISTING ELECTRICAL BOX
15	EXISTING LIGHT POLE
16	EXISTING SIGNAL POLE
17	EXISTING GAS MARKER
18	EXISTING TREE TO REMAIN
19	EXISTING PRESS. IRR. CONTROL VALVE (ICV) TO REMAIN
20	EXISTING TRASH ENCLOSURE W/ DUMPSTER
21	EXISTING DRIVEWAY TO BE REMOVED
22	EXISTING DRIVEWAY TO REMAIN
23	EXISTING WATER METER TO REMAIN
24	EXISTING SIGN AND PLANTER TO REMAIN
25	EXISTING STALL PAINT LINE TO BE REMOVED

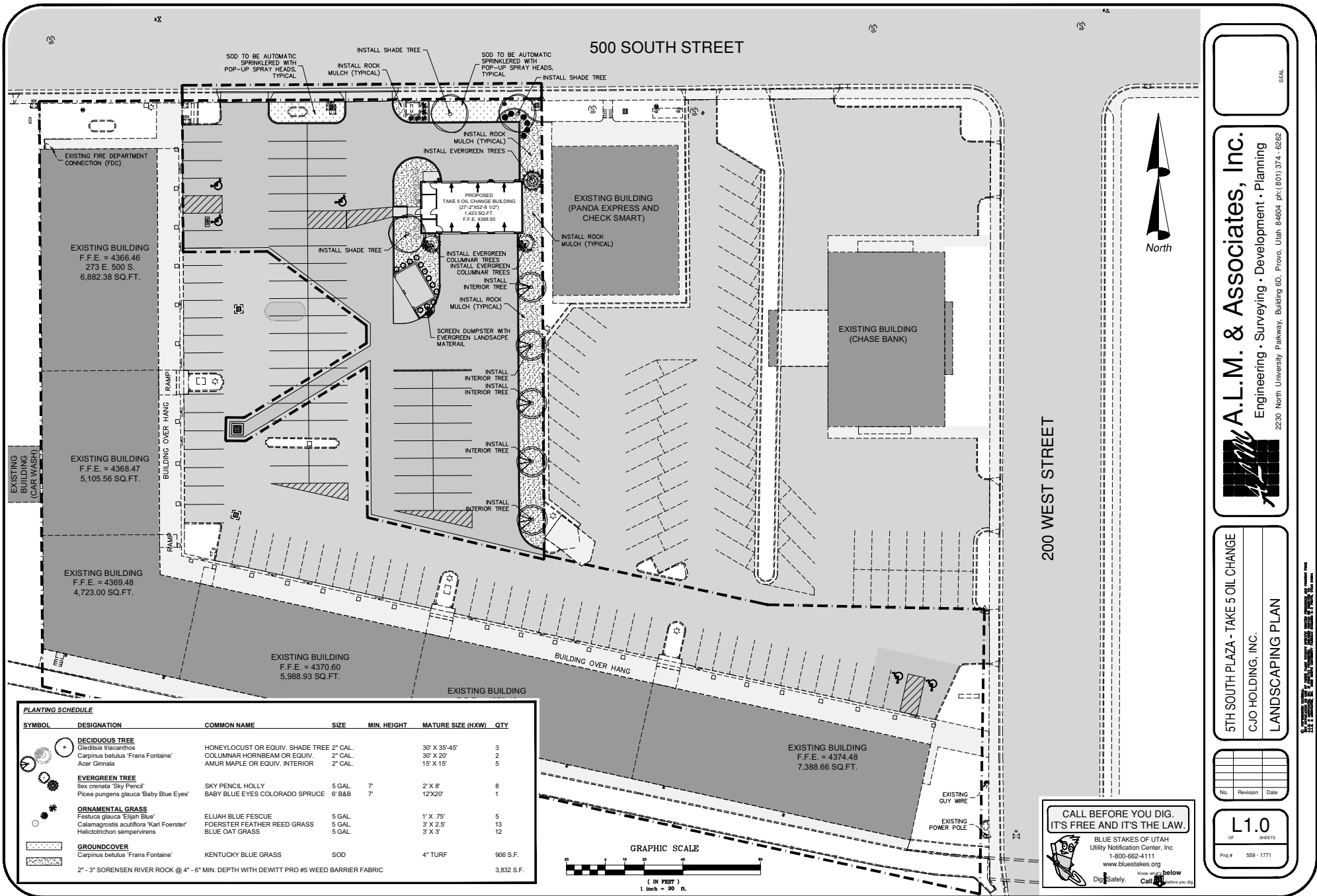
BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS TO BE USED IN CONJUNCTION WITH APWA MANUAL OF STANDARD SPECIFICATIONS AND PLANS. BOUNTIFUL CITY STANDARD SPECIFICATIONS AND PLANS SUPERSEDE APWA STANDARD SPECIFICATIONS AND PLANS.

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BLUE STAKES OF UTAH  
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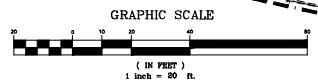


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 P:\5559-1616.dwg\1616-1616-05-18 Site Plan 12.dwg 18 Jun 2021 3:50pm



**PLANTING SCHEDULE**

SYMBOL	DESIGNATION	COMMON NAME	SIZE	MIN. HEIGHT	MATURE SIZE (HxW)	QTY
○	<b>DECIDUOUS TREE</b>					
	<i>Olefinia tomentosa</i>	HONEYLOCUST OR EQUIV. SHADE TREE	2" CAL.		30' X 35'-45'	3
	<i>Carpinus betulus 'Frans Fontaine'</i>	COLUMNAR HORNBEAM OR EQUIV.	2" CAL.		30' X 20'	2
○	<b>EVERGREEN TREE</b>					
	<i>Acer Ginnala</i>	AMUR MAPLE OR EQUIV. INTERIOR	2" CAL.		15' X 15'	5
○	<b>ORNAMENTAL TREE</b>					
	<i>Ilex crenata 'Sky Pencil'</i>	SKY PENCIL HOLLY	5 GAL.	7'	2' X 8'	8
○	<b>GROUNDCOVER</b>					
	<i>Festuca glauca 'Elijah Blue'</i>	ELIJAH BLUE FESCUE	5 GAL.		1' X .75'	5
	<i>Calamagrostis acutiflora 'Karl Foerster'</i>	FOERSTER FEATHER REED GRASS	5 GAL.		3' X 2.5'	13
	<i>Helictotrichon sempervirens</i>	BLUE OAT GRASS	5 GAL.		3' X 3'	12
○	<i>Carpinus betulus 'Frans Fontaine'</i>	KENTUCKY BLUE GRASS	SOD	4" TURF		906 S.F.
		2" - 3" SORENSON RIVER ROCK @ 4" - 6" MIN. DEPTH WITH DEWITT PRO #5 WEED BARRIER FABRIC				3,832 S.F.



SEAL

**North**

**200 WEST STREET**

**500 SOUTH PLAZA - TAKE 5 OIL CHANGE**  
C/O HOLDING, INC.  
**LANDSCAPING PLAN**

**L1.0**  
OF SHEETS  
Proj # 559 - 1771

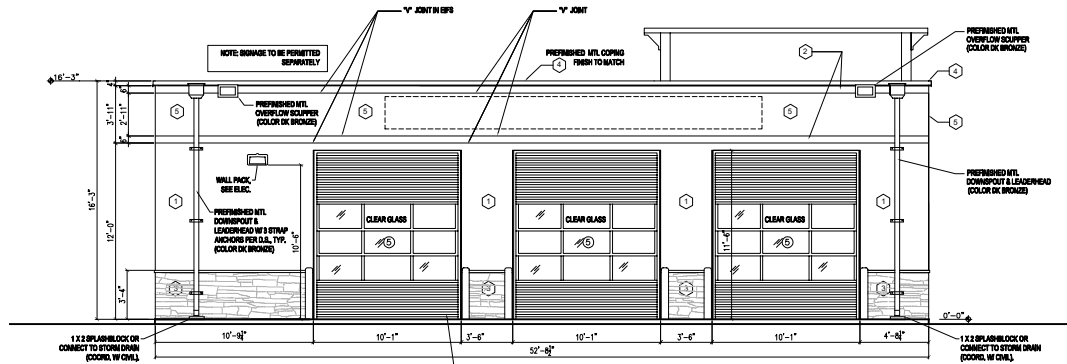
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**A.L.M. & Associates, Inc.**  
Engineering • Surveying • Development • Planning  
2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374-6682

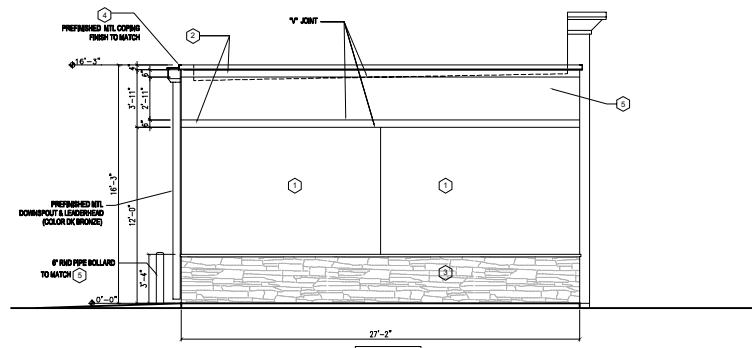
P:\559-1616.dwg\1616-Table 5 Site Plan.rvt 25 Jun 2021 11:09am

REV.	DESCRIPTION



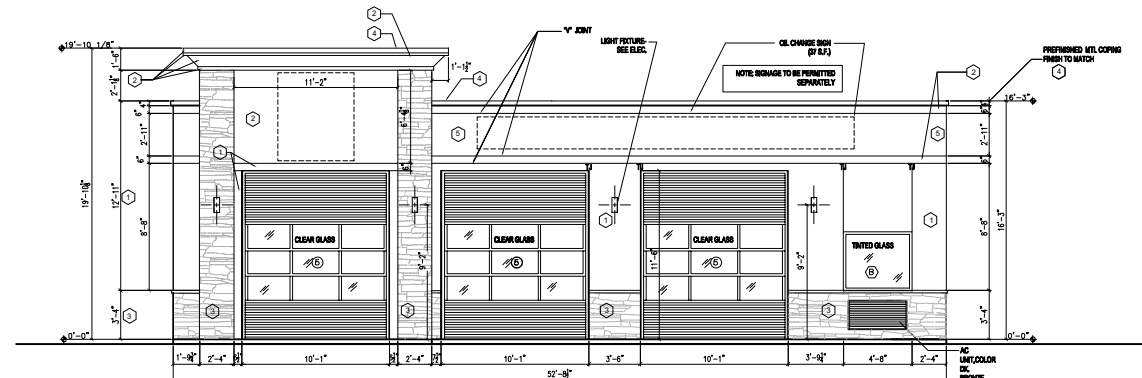
1 NORTH ELEVATION  
 1/4"=1'-0"

CATEGORY	AREA	PERCENTAGE OF WALL AREA
OVERALL	(SQ) 491	100 %
WINDOWS AND DOORS	346	SUBTRACTED FROM OVERALL
STONE	77	17 %
STUCCO	419	85 %
CORNICE	0	0 %



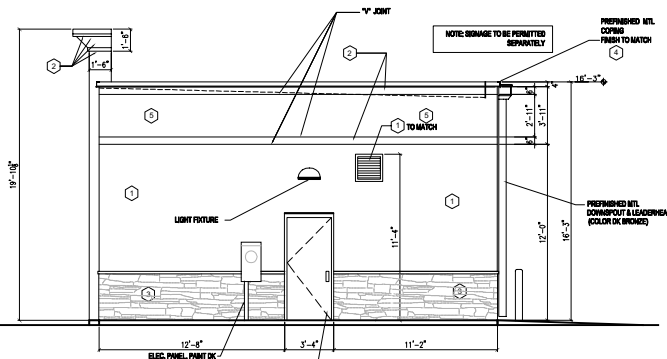
3 WEST ELEVATION  
 1/4"=1'-0"

CATEGORY	AREA	PERCENTAGE OF WALL AREA
OVERALL	(SQ) 432	100 %
WINDOWS AND DOORS	0	SUBTRACTED FROM OVERALL
STONE	91	21 %
STUCCO	342	79 %
CORNICE	0	0 %



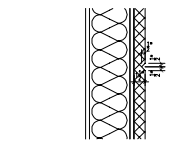
2 SOUTH ELEVATION  
 1/4"=1'-0"

CATEGORY	AREA	PERCENTAGE OF WALL AREA
OVERALL	(SQ) 530	100 %
WINDOWS AND DOORS	387	SUBTRACTED FROM OVERALL
STONE	182	39 %
STUCCO	349	65 %
CORNICE	0	0 %



4 EAST ELEVATION  
 1/4"=1'-0"

CATEGORY	AREA	PERCENTAGE OF WALL AREA
OVERALL	(SQ) 408	100 %
WINDOWS AND DOORS	24	SUBTRACTED FROM OVERALL
STONE	78	19 %
STUCCO	330	81 %
CORNICE	0	0 %



5 V-JOINT DETAIL  
 1/2"=1'-0"

EXTERIOR FINISH SCHEDULE

NO.	AREA	COATS	COLOR	FINISH
1	STUCCO MAIN COLOR	SEE SPECIFICATION AND MANUFACTURER'S REQUIREMENTS	MATCH SW COLOR #789A, STONEBRAR	FINISH TO MATCH STO "MEDIUM SAND" OR DRYWIT "SANDPERLE FINE"
2	STUCCO ACCENT BAND AND FACE STUCCO CORNICE	SEE SPECIFICATION AND MANUFACTURER'S REQUIREMENTS	MATCH SW COLOR #787B, COTTAGE CREAM	FINISH TO MATCH STO "FINE SAND" OR DRYWIT "SANDBLAST"
3	STONE VENEER WANSLOT	-----	ELDORADO STONE CLIFFSTONE "MANZANTIA"	WANSLOT SKILL TO BE "SHAPED EDGE ACCENT" PER MANUFACTURER
4	COPING	SEE SPECIFICATION AND MANUFACTURER'S REQUIREMENTS	MATCH SW COLOR #6871, POSITIVE RED	FINISH TO BE KYNAR 500 PREFINISHED
5	STUCCO SECONDARY COLOR	SEE SPECIFICATION AND MANUFACTURER'S REQUIREMENTS	MATCH SW COLOR #6871, POSITIVE RED	FINISH TO MATCH STO "MEDIUM SAND" OR DRYWIT "SANDPERLE FINE"
6				
7	BOLLARDS	SEE SPECIFICATION AND MANUFACTURER'S REQUIREMENTS	MATCH SW COLOR #6871, POSITIVE RED	-----

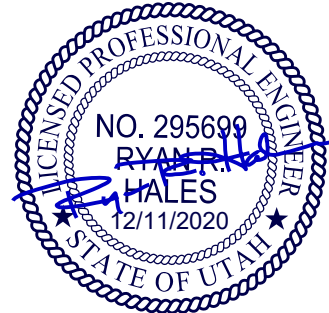


## MEMORANDUM

Date: December 11, 2020

To: Charlie Openshaw

From: Hales Engineering



**Subject: Bountiful 5<sup>th</sup> South Plaza Parking Study Update**

UT20-1798

### EXECUTIVE SUMMARY

The following are the key findings and recommendations from this parking study update:

- With the proposed changes to the parking, the 5<sup>th</sup> South Plaza will still have 112 stalls
  - Adjacent businesses an additional 89 stalls
- Bountiful City would require 210 parking stalls for the 5<sup>th</sup> South Plaza businesses
- A peak simultaneous parking demand of 91 vehicles was observed at 5<sup>th</sup> South Plaza with 130 vehicles total between 5<sup>th</sup> South Plaza, Panda Express, and Chase Bank:
  - The City would require 47 stalls for the new and vacant businesses, which when added to the observed demand would equal 138 parking stalls for 5<sup>th</sup> South Plaza and 177 parking stalls for all businesses
  - 177 parked vehicles in the area with all suites and businesses operational would still leave 24 parking stalls available total assuming crossover between areas
- While the intent of this study is not to state that the adjacent parking should be counted toward the 5<sup>th</sup> South Plaza, the adjacent parking areas are, in reality, used by patrons of the 5<sup>th</sup> South Plaza, and vice versa; patrons are not aware of the property lines or parking agreements
- The time of day analysis indicates that there is excess parking at the 5<sup>th</sup> South Plaza and surrounding businesses throughout the day
- It is recommended that a reduction in parking requirements be granted to the 5<sup>th</sup> South Plaza based on the low actual parking demand and the excess parking supply in the area

### Introduction

This memorandum discusses the parking study completed for the 5<sup>th</sup> South Plaza located in Bountiful, Utah. The 5<sup>th</sup> South Plaza is located on the southwest corner of the 200 West / 500 South intersection. The study identifies actual parking demand data and City parking supply rates to identify a recommended number of parking stalls for the area. This study serves as an update to the parking study completed for the same site in December 2016.

**Project Description**

The proposed redevelopment of the 5<sup>th</sup> South Plaza site includes removing the previous Barbacoa restaurant building and replacing it with a Take 5 Oil Change business. A site plan for the proposed redevelopment is provided in Appendix A. The Take 5 Oil Change will include a building with 1,423 square feet of floor area and three service bays. The proposed site plan calls for a restripe of the angle parking stalls in the vicinity. After completion, it is anticipated that the 5<sup>th</sup> South Plaza area will have a total of 112 stalls plus 50 stalls at the Panda Express / Check Smart building and 39 stalls at the Chase Bank, for a grand total of 201 parking stalls. This is equal to the existing parking supply at the study site.

The following business changes have occurred since the completion of the previous parking study:

- Suite 7: Kid to Kid is now CosmoProf
- Suite 12: Fifth Avenue Tuxedos is now vacant
- Suite 13: Light RX Spa will soon be Queens of Ink
- Suite 17: Formerly vacant space is now The Aloha Spa
- Suites 22 & 23: Red Rock Financial and Mo' Bettahs office will soon be a Thai Restaurant

The other suites not mentioned here have kept the same businesses / tenants from when the parking study was completed in 2016.

**Bountiful City Parking Code**

The Bountiful City parking ordinance (Chapter 18 of the City code) specifies parking rates for various land use types. The City parking rates related to 5<sup>th</sup> South Plaza are provided in Table 1. Hales Engineering calculated the required parking for each suite and the total 5<sup>th</sup> South Plaza, as shown in Table 2. As shown, 207 parking stalls are required by City code. However, this does not account for actual local demand or shared parking use based on time-of-day. The required parking for the new Take 5 Oil Change and the currently-vacant suites (Suites 1, 12, 13, 18, 22, & 23) is equal to 47 stalls. It was assumed that Take 5 Oil Change would need an additional three (3) stalls for cars in repair.

**Table 1: Bountiful Parking Requirements**

Land Use	Parking Rate
Shopping Center / General Business	1 stall per 200 square feet
Professional Office	1 stall per 300 square feet
Restaurant	1 stall per 2.5 seats
Automobile Service and Repair Center	3 stalls per service bay plus parking for cars in repair



**Table 2: Required Parking – Bountiful City**

Suite(s)	Land Use	Type	Size (SF)	Other	Stalls
1	New: Take 5 Oil Change	Auto Service Center	1,423	3 Service Bays	12
2	Cold Stone Creamery	Restaurant	1,200	4 Seats	2
3 & 4	Mo' Bettahs	Restaurant	2,700	70 Seats	28
5 & 6	GameHaven	Shopping Center	3,300	-	17
7	CosmoProf	Shopping Center	2,400	-	12
8 & 9	Crazy Beautiful Salon	Shopping Center	2,640	-	14
10	Plato's Closet	Shopping Center	4,570	-	23
11	Vapor Dreams	Shopping Center	1,000	-	5
12	VACANT	Shopping Center	1,000	-	5
13	Queens of Ink (NOT IN YET)	Shopping Center	1,500	-	8
14	Smokeys	Shopping Center	1,600	-	8
15	H&R Block	Professional Office	1,000	-	5
16	TruMotion Martial Arts	Shopping Center	1,000	-	5
17	The Aloha Spa	Shopping Center	1,000	-	5
18	VACANT	Shopping Center	1,000	-	5
19	#1 Nails	Shopping Center	1,000	-	5
20	Infusion Yoga & Pilates	Shopping Center	3,134	-	16
21	Bountiful Lash	Shopping Center	1,211	-	7
22 & 23	Thai Restaurant (NOT IN YET)	Restaurant	3,500	50 Seats	20
24	Spectrum Credit Union	Professional Office	1,500	-	8
<b>TOTAL</b>			<b>37,678</b>		<b>210</b>

**Parking Demand Data Collection**

*5<sup>th</sup> South Plaza Businesses*

Hales Engineering collected parking counts for the previous parking study on November 14, 2016 from 8:00 a.m. to 9:00 p.m. These parking counts were broken down by business, to provide a detailed snapshot of the parking needs for each business during a typical weekday. Additional parking counts were collected for this study update at the new businesses on November 19, 2020 to get an updated parking demand count. Knowing that the counts in November 2020 were taken during the COVID-19 pandemic, the counts were multiplied by a factor of two (2) in order to estimate normal parking conditions. Detailed parking counts are provided in Appendix B.

A summary of the peak parking demand data by business from both days is shown in Table 3. As shown, the sum of the peak demand of each business is equal to 155 parked vehicles. However, the total simultaneous parking demand was observed to be only 91 parked vehicles. Therefore, there were still 21 stalls available in the 5<sup>th</sup> South Plaza area even at the peak.

**Table 3: Peak Parking Demand Summary – 5<sup>th</sup> South Plaza**

Suite(s)	Business	Peak Demand	Peak Time
2	Cold Stone Creamery	11	4:30 PM
3 & 4	Mo' Bettahs	33	6:15 PM
5 & 6	GameHaven	14	5:45 PM
7	CosmoProf	8	10:00 AM
8 & 9	Crazy Beautiful Salon	10	12:30 PM
10	Plato's Closet	4	3:00 PM
11	Vapor Dreams	4	7:00 PM
12	VACANT	-	-
13	Queens of Ink (NOT IN YET)	-	-
14	Smokeys	3	6:30 PM
15	H&R Block	2	SEVERAL
16	TruMotion Martial Arts	15	7:30 PM
17	The Aloha Spa	4	6:30 PM
18	VACANT	-	-
19	#1 Nails	10	3:30 PM
20	Infusion Yoga & Pilates	25	9:30 AM
21	Bountiful Lash	4	1:00 PM
22 & 23	Thai Restaurant (NOT IN YET)	-	-
24	Spectrum Credit Union	8	9:30 AM
<b>SUM TOTAL</b>		<b>155</b>	
<b>SIMULTANEOUS TOTAL</b>		<b>91</b>	<b>6:15 PM</b>

A comparison of the City required stalls and the peak parking demand of each business is shown in Table 4.

*Adjacent Businesses*

The 5<sup>th</sup> South Plaza does not have any parking agreements with the adjacent businesses on the corner of 500 South and 200 West. The intent of this discussion is not to state that they should be counted as parking for the 5<sup>th</sup> South Plaza, or that the adjacent areas were used to tabulate a reduction for the 5<sup>th</sup> South Plaza. However, the adjacent parking areas in reality are used by patrons of the 5<sup>th</sup> South Plaza, and vice versa. Patrons are not aware of the property lines or parking agreements. Therefore, it makes sense to include the adjacent areas in a parking analysis to ensure that there will not be overflow from one area to another. If one area experiences a parking problem, the adjacent areas will be impacted.

**Table 4: Parking Comparison – 5<sup>th</sup> South Plaza**

Suite(s)	Land Use	City Required Stalls	Parking Demand
1	New: Take 5 Oil Change	12	-
2	Cold Stone Creamery	2	11
3 & 4	Mo' Bettahs	28	33
5 & 6	GameHaven	17	14
7	CosmoProf	12	8
8 & 9	Crazy Beautiful Salon	14	10
10	Plato's Closet	23	4
11	Vapor Dreams	5	4
12	VACANT	5	-
13	Queens of Ink (NOT IN YET)	8	-
14	Smokeys	8	3
15	H&R Block	5	2
16	TruMotion Martial Arts	5	15
17	The Aloha Spa	5	4
18	VACANT	5	-
19	#1 Nails	5	10
20	Infusion Yoga & Pilates	16	25
21	Bountiful Lash	7	4
22 & 23	Thai Restaurant (NOT IN YET)	20	-
24	Spectrum Credit Union	8	8
<b>TOTAL</b>		<b>210</b>	<b>155</b>
<b>SIMULTANEOUS TOTAL</b>			<b>91</b>

Hales Engineering had previously collected hourly parking counts on September 15, 2016 from 8:00 a.m. to 9:00 p.m. at the adjacent Panda Express and Chase Bank properties. Since the adjacent businesses' parking interconnects with the 5<sup>th</sup> South Plaza, there is some parking overlap that occurs. A summary of the parking counts throughout the day at the adjacent businesses is shown in Table 5 alongside the 5<sup>th</sup> South Plaza counts shown previously. As shown, at peak demand during the day, Panda Express had at least 18 stalls available and Chase Bank had at least 19 stalls available.

**Table 5: Parking Demand with Adjacent Businesses**

Time	5th South Plaza	Panda Express	Chase Bank	Total
8:00 AM	21	0	1	22
9:00 AM	63	19	7	89
10:00 AM	61	31	10	102
11:00 AM	50	22	20	92
12:00 PM	63	28	14	105
1:00 PM	72	21	10	103
2:00 PM	64	20	11	95
3:00 PM	62	19	11	92
4:00 PM	55	23	13	91
5:00 PM	82	14	9	105
6:00 PM	91	31	8	130
7:00 PM	66	32	1	99
8:00 PM	38	20	3	61
<b>MAX</b>	<b>91</b>	<b>32</b>	<b>20</b>	<b>130</b>
<b>SUPPLY</b>	<b>112</b>	<b>50</b>	<b>39</b>	<b>201</b>

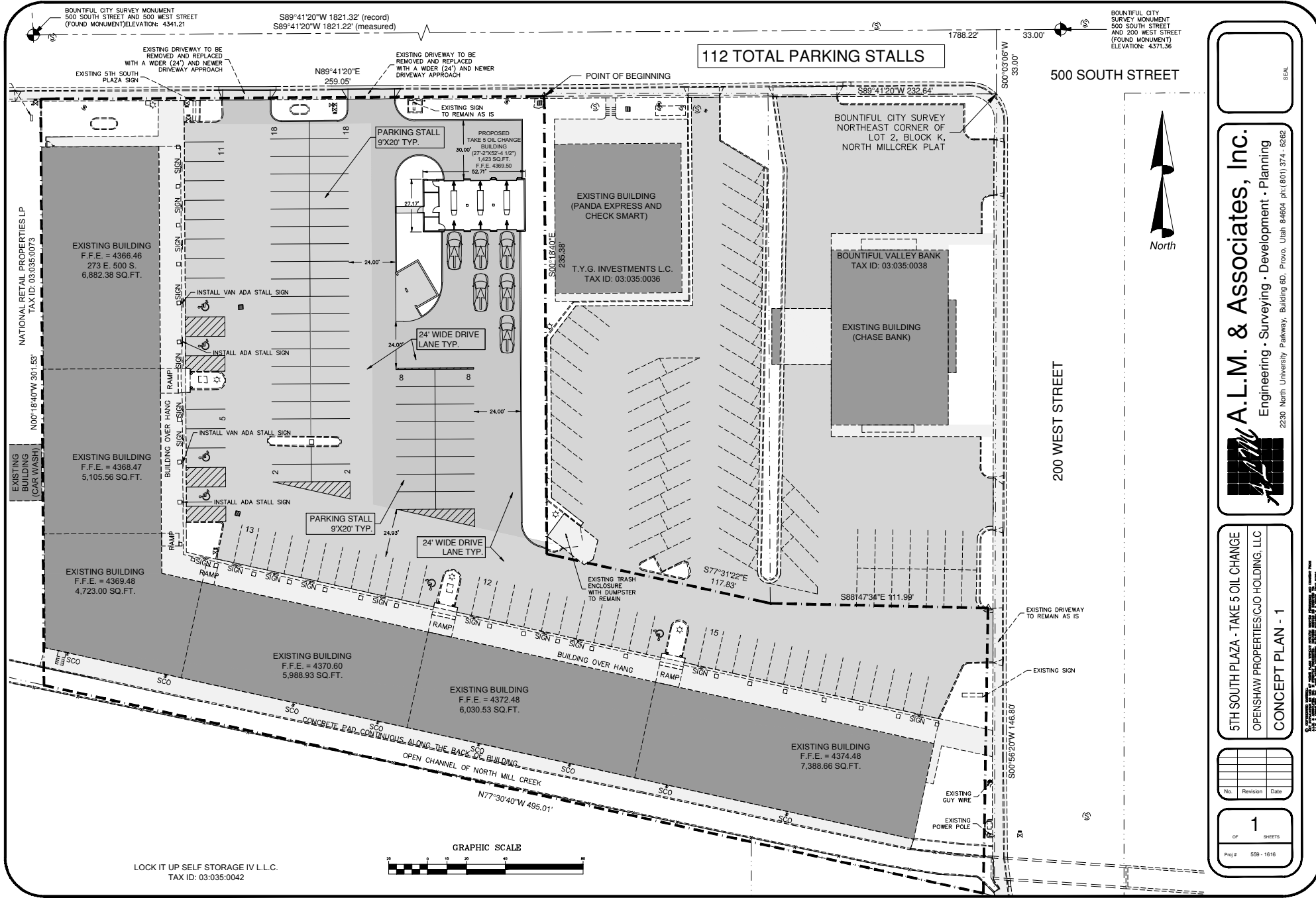
**Conclusions**

Though the 5<sup>th</sup> South Plaza with 112 stalls does not meet the minimum Bountiful City requirement of 210 stalls, it is recommended that a reduction in parking requirements be granted for the 5<sup>th</sup> South Plaza based on the following:

- A peak simultaneous parking demand of 91 vehicles was observed at 5<sup>th</sup> South Plaza with 130 vehicles total between 5<sup>th</sup> South Plaza, Panda Express, and Chase Bank:
  - The City would require 47 stalls for the new and vacant businesses, which when added to the observed demand would equal 138 parking stalls for 5<sup>th</sup> South Plaza and 177 parking stalls for all businesses
  - 177 parked vehicles in the area with all suites and businesses operational would still leave 24 parking stalls available total assuming crossover between areas
- While the intent of this study is not to state that the adjacent parking should be counted toward the 5<sup>th</sup> South Plaza, the adjacent parking areas are, in reality, used by patrons of the 5<sup>th</sup> South Plaza, and vice versa
- The time of day analysis indicates that there is excess parking at the 5<sup>th</sup> South Plaza and surrounding businesses throughout the day

# APPENDIX A

## Site Plan



SEAL

**A.L.M. & Associates, Inc.**  
 Engineering • Surveying • Development • Planning  
 2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374-6622

5TH SOUTH PLAZA - TAKE 5 OIL CHANGE  
 OPENSHAW PROPERTIES C/O HOLDING, LLC  
 CONCEPT PLAN - 1

No.	Revision	Date

1  
 OF SHEETS  
 Proj # 559-1616

# APPENDIX B

## Parking Counts

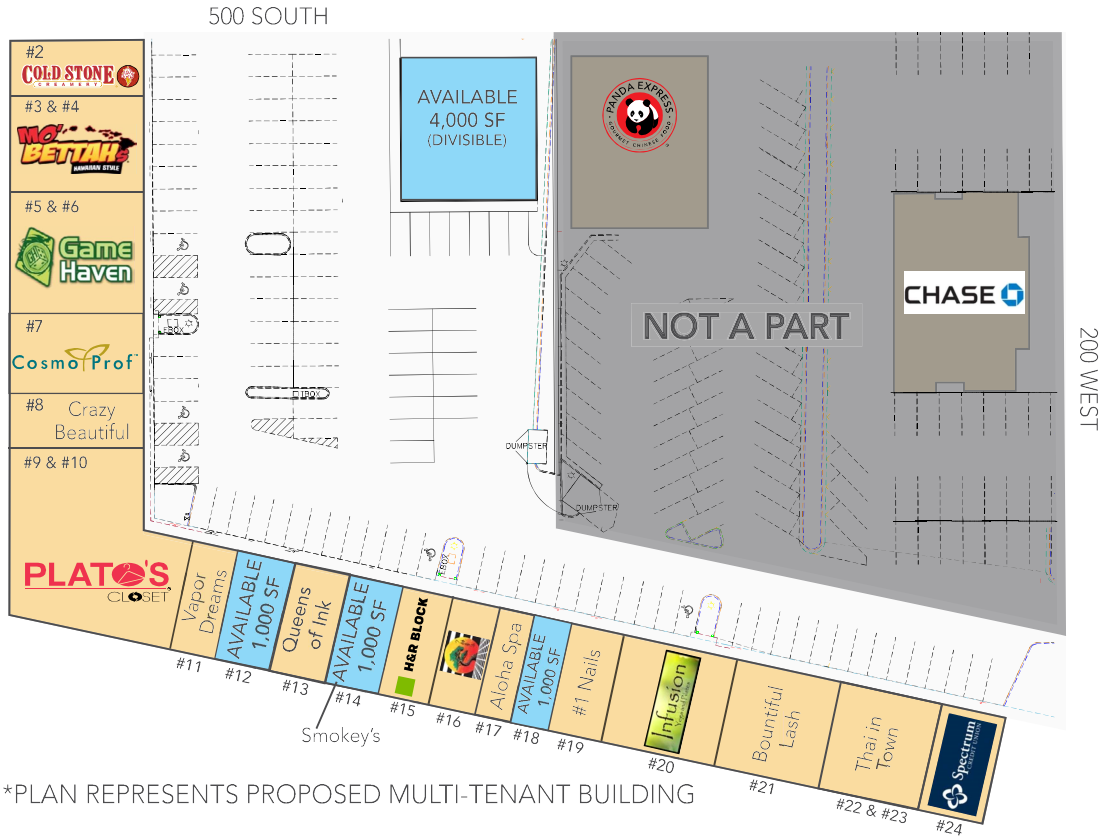
Time	Parking Demand by Suite																		Total Demand	
	2	3/4	5/6	7	8/9	10	11	12	13	14	15	16	17	18	19	20	21	22/23		24
8:00 AM	0	1	0	0	0	0	0	-	-	0	0	0	0	-	0	0	0	-	0	1
8:15 AM	0	1	2	0	0	0	0	-	-	0	0	0	0	-	0	0	0	-	0	3
8:30 AM	0	1	2	0	0	0	0	-	-	0	0	0	0	-	0	3	0	-	0	6
8:45 AM	0	1	3	0	4	0	1	-	-	1	0	0	0	-	0	5	0	-	6	21
9:00 AM	0	5	4	0	4	0	1	-	-	1	0	0	0	-	0	22	0	-	7	44
9:15 AM	0	7	4	4	5	0	2	-	-	1	0	0	0	-	0	24	0	-	8	55
9:30 AM	0	5	0	2	5	0	2	-	-	1	0	0	0	-	5	25	0	-	8	53
9:45 AM	1	5	0	8	7	1	2	-	-	1	0	0	0	-	5	25	0	-	8	63
10:00 AM	1	5	2	8	7	2	1	-	-	1	0	0	0	-	5	22	0	-	7	61
10:15 AM	2	6	0	6	9	2	1	-	-	1	0	0	0	-	6	19	0	-	5	57
10:30 AM	2	6	0	2	9	1	1	-	-	1	0	1	0	-	6	11	0	-	5	45
10:45 AM	2	6	0	2	7	1	1	-	-	1	0	1	0	-	5	11	0	-	4	41
11:00 AM	2	7	0	2	8	1	1	-	-	1	0	1	0	-	5	10	0	-	3	41
11:15 AM	3	9	1	0	7	1	1	-	-	2	0	1	0	-	5	10	0	-	1	41
11:30 AM	2	11	1	6	8	1	1	-	-	2	0	1	0	-	4	10	2	-	1	50
11:45 AM	3	11	2	2	9	1	2	-	-	1	1	1	0	-	4	10	2	-	1	50
12:00 PM	2	13	3	2	9	2	3	-	-	1	1	1	0	-	4	7	2	-	1	51
12:15 PM	1	14	1	0	9	2	2	-	-	1	2	1	0	-	4	7	2	-	1	47
12:30 PM	3	16	3	0	10	1	3	-	-	2	2	2	0	-	4	7	2	-	2	57
12:45 PM	4	15	2	2	10	2	3	-	-	2	2	3	0	-	4	7	4	-	3	63
1:00 PM	3	20	2	2	8	2	4	-	-	1	2	3	0	-	7	7	4	-	4	69
1:15 PM	4	24	1	0	8	3	3	-	-	1	2	3	0	-	7	7	4	-	4	71
1:30 PM	5	25	3	2	8	3	2	-	-	1	2	3	0	-	3	7	3	-	4	71
1:45 PM	5	29	4	0	8	1	1	-	-	3	2	3	0	-	2	7	3	-	4	72
2:00 PM	5	25	3	2	8	1	1	-	-	1	2	2	0	-	3	7	1	-	3	64
2:15 PM	6	13	3	2	10	2	1	-	-	1	2	2	0	-	3	7	2	-	2	56
2:30 PM	6	9	3	0	8	3	1	-	-	1	2	2	0	-	2	9	2	-	2	50
2:45 PM	8	9	3	0	8	4	1	-	-	2	2	2	0	-	2	6	2	-	2	51
3:00 PM	6	10	4	0	8	4	1	-	-	1	2	2	0	-	7	2	2	-	2	51
3:15 PM	7	12	4	4	8	1	0	-	-	1	2	1	0	-	9	2	2	-	2	55
3:30 PM	9	12	5	6	8	1	1	-	-	1	2	1	0	-	10	2	2	-	2	62
3:45 PM	8	10	6	4	8	1	1	-	-	1	2	2	0	-	9	2	2	-	2	58
4:00 PM	9	11	8	4	8	1	1	-	-	1	1	2	0	-	5	0	2	-	2	55
4:15 PM	8	16	6	2	8	1	1	-	-	1	1	2	0	-	3	0	2	-	2	53
4:30 PM	11	17	5	0	7	2	1	-	-	2	1	2	0	-	3	0	2	-	1	54
4:45 PM	7	10	8	2	7	2	2	-	-	1	1	2	0	-	2	0	2	-	0	46
5:00 PM	7	5	8	4	6	2	2	-	-	2	1	1	0	-	5	0	2	-	0	45
5:15 PM	8	16	10	0	6	2	2	-	-	2	2	2	0	-	4	0	2	-	0	56
5:30 PM	7	14	11	2	6	1	3	-	-	2	2	4	0	-	2	8	3	-	0	65
5:45 PM	6	22	14	0	6	2	3	-	-	2	2	9	0	-	2	11	3	-	0	82
6:00 PM	6	25	8	0	6	2	2	-	-	2	1	11	2	-	2	14	3	-	0	84
6:15 PM	6	33	8	0	6	1	3	-	-	2	1	10	2	-	2	14	3	-	0	91
6:30 PM	3	31	9	0	6	1	3	-	-	3	0	10	4	-	3	15	2	-	0	90
6:45 PM	2	23	7	0	6	1	3	-	-	2	0	11	4	-	3	15	2	-	0	79
7:00 PM	3	18	6	0	4	1	4	-	-	1	0	8	2	-	0	16	3	-	0	66
7:15 PM	2	18	5	0	0	2	4	-	-	0	0	14	2	-	0	6	3	-	0	56
7:30 PM	7	17	4	0	0	2	4	-	-	0	0	15	2	-	0	1	3	-	0	55
7:45 PM	4	17	3	0	0	3	2	-	-	0	0	15	2	-	0	0	2	-	0	48
8:00 PM	4	13	3	0	0	0	1	-	-	0	0	13	2	-	0	0	2	-	0	38
8:15 PM	2	11	6	0	0	1	0	-	-	0	0	13	2	-	0	0	2	-	0	37
8:30 PM	1	6	5	0	0	1	0	-	-	0	0	13	2	-	0	0	2	-	0	30
8:45 PM	3	3	3	0	0	0	0	-	-	0	0	2	2	-	0	0	2	-	0	15
MAX	11	33	14	8	10	4	4	-	-	3	2	15	4	-	10	25	4	-	8	91

Note: Counts for suites 7 and 17 were multiplied by a factor of 2 to account for decreased COVID-19 volumes.



# 5TH SOUTH PLAZA

## OPTION 1\*



## OPTION 2





## Conditional Use Permit

A public hearing was held on February 16, 2021, at Bountiful City Hall to consider a Conditional Use Permit for a vehicle service business located at the following location:

**Parcel: 03-035-0092**  
**273 West 500 South, Bountiful City, Davis County, Utah**

The Bountiful City Planning Commission heard the matter and considered the statements of the Applicant, the City Staff and the public. As a result, the Planning Commission makes the following findings:

1. This matter is properly heard before the Planning Commission.
2. Appropriate public notice has been provided and a Public Hearing held.

The Bountiful City Planning Commission hereby grants this Conditional Use Permit approval on April 6, 2021 at 273 West 500 South, Bountiful, Davis County, Utah, with the following conditions:

1. Prior to applying for a building permit the Applicant shall:
  - a. Show plans to add one (1) street tree between the two (2) proposed drive accesses on 500 South.
  - b. Add shrubs or additional plant material to the landscape buffer between 5<sup>th</sup> South Plaza and the Panda Express property.

The Conditional Use Permit was approved on April 6, 2021, and this written form was approved this 6<sup>th</sup> day of April, 2021.

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Sean Monson, Planning Commission Chairman

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ATTEST: Darlene Baetz, Recording Secretary



# Planning Commission Staff Report

**Item:** PUBLIC HEARING – Request for a variance to allow for encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height.

**Address:** 873 East Highland Oaks Drive

**Author:** Curtis Poole, City Planner

**Date:** April 6, 2021



## Description of Request

The Applicant, Allen Clemons, has requested a variance to allow for encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height. The property is located at 873 East Highland Oaks Drive, which is in the R-F (Residential Foothill) Subzone. The requested variance would allow for construction of a new residence.

## Authority

Section 14-2-111 authorizes the Administrative Committee to be the review body for variance requests within the R-F Subzone related to encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height. Section 14-2-104 authorizes the Chairman of the Administrative Committee to assign any item designated for Administrative Committee review to the Planning Commission, in which case the Planning Commission acts under the same authority granted to the Administrative Committee.

## Analysis

In 1994 the Highland Oaks Subdivision Plat A was approved. The Applicant's property at 873 East Highland Oaks Drive, or Lot 107, was part of the approved subdivision. The plat shows a twenty foot (20') wide utility easement which cuts through Lots 105, 106, and 107 of Plat A and Lot 211 of the Highland Oaks Subdivision Plat B. The land use code which defined parameters for building in the R-F Subzone was updated in 2006. Approvals for building in the foothills prior to 2006 were done through site plan review, not a variance to the Code. Although both residences on Lots 105 and 211 were under construction in 2005, only site plan approval for Lot 105 could be found by Staff. Lot 106 was granted a variance by the Planning Commission to build a new residence in September 2019 on a 6-0 vote.

The Applicant has submitted a site plan for a new residence to be built on the lot. The site plan indicates the footprint of the home would be built within twenty-three feet (23') of the front property line. The land use code requires a twenty-five foot (25') front yard setback; however, section 14-4-105 (A), permits a home to be built up to twenty feet (20') from the property line if there is a ten foot (10') minimum difference in elevation between the curb

and the ground when measured at a point fifty feet (50') behind the property line, at the center of the lot, which applies to this property.

Although the new home would disturb slopes greater than thirty (30%) the long, narrow design of the footprint seeks to contain the disturbance as much as possible. The site plan also indicates there would be at least one retaining wall on the southwest corner of the garage that would be greater than ten feet (10'). Additional retaining along the proposed driveway which accesses the lower garage is not shown but should be expected due to the steep slope immediately adjacent to the street level. In addition, the Applicant will need to modify this approach to meet requirements of 14-4-115 (C).

The Applicant has indicated the property owner was unable to have their signature notarized on the application, because they live outside the United States; however, the Applicant has provided a real estate purchase contract for the property. Granting of the variance would be contingent on the Applicant completing the purchase of the property.

### **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:** The purpose of the building standards in the R-F Subzone is to preserve the hillsides and manage erosion. Standards for building on steep slopes require any development to be minimal and reasonable. Staff determines the disturbance to be reasonable within the constraints of the property.

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

**Staff Response:** Many of the properties in the R-F Subzone have steep slopes similar to the Applicant's property which limit the buildable area and require steep driveways, tall retaining walls and disturbances of slopes greater than thirty percent (30%). The Applicant's property is unique to most other properties in the R-F Subzone because of the utility easement which further constrains the buildable area. The variance has been the process for which these properties can develop.

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

**Staff Response:** Other properties in the R-F Subzone with approved buildable lots have

been allowed some reasonable disturbances of the slopes greater than thirty percent (30%) and construction of retaining walls greater than ten feet (10'). Granting the variance will allow the Applicant to enjoy similar property rights which have been given to other properties in the R-F Subzone through the variance process. Denying the variance will allow other properties a right not extended to the Applicant's property.

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

**Staff Response:** Granting the variance for the Applicant will not have a substantial effect to the General Plan as other properties in the R-F Subzone have been treated similarly regarding development on steep slopes. It is an interest to the City to have all buildable lots developed as opposed to remaining vacant.

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

**Staff Response:** The purpose of the Code that requires development to be located on slopes less than thirty percent (30%) is to preserve the hillside and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots within approved subdivisions in the R-F Subzone with special circumstances and the variance process provides a way for those lots to be developed. However, Section 14-4-101 of the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. The proposal submitted by the Applicant, demonstrates there has been an effort to reasonably reduce the impact development will have on the steep slopes of the property.

## **Department Review**

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

## **Recommended Action**

Based on analysis of the required criteria from State law included in the findings above and the materials submitted by the Applicant, Staff recommends the Planning Commission grant the requested variance related to encroachments on slopes greater than thirty percent (30%) and for the construction of retaining walls greater than ten feet (10') with the following conditions:

1. The Applicant will continue to work with City Staff to ensure the final plans submitted for the residence and retaining walls will have a reasonable impact on slopes greater than thirty percent (30%).
2. The Applicant shall obtain a separate permit for retaining walls taller than four feet (4') in addition to a obtaining a building permit.
3. Revise the driveway to the lower garage to meet the standards of 14-4-115 (C).
4. Subject to the Applicant finalizing the purchase of the property.

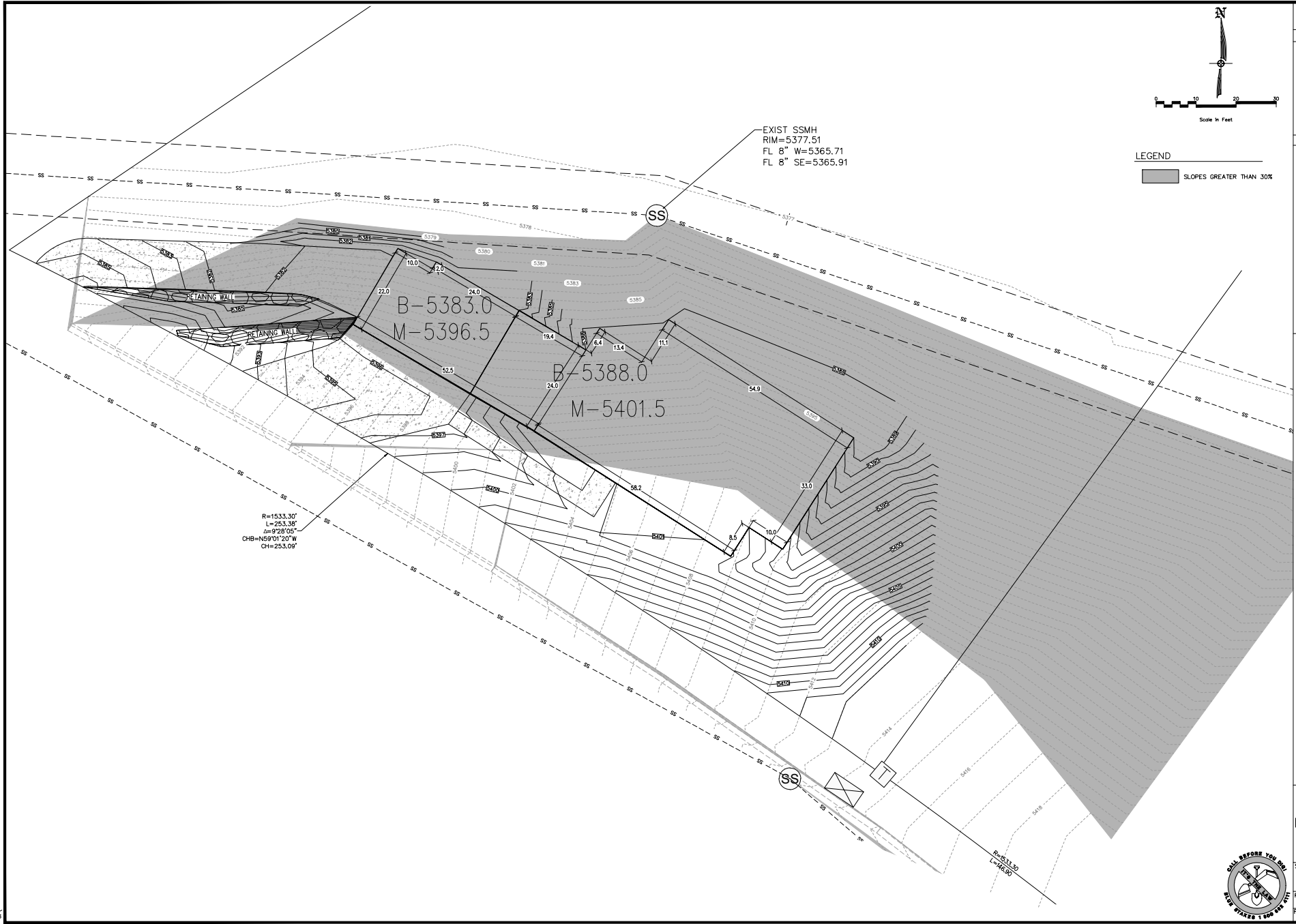
## Attachments

1. Aerial Photo
2. Proposed Site Plan
3. Proposed Rendering
4. Applicant's Narrative

### Aerial Photo







NO.	REVISIONS	BY	DATE

**CIR**  
**ENGINEERING, L.L.C.**  
3025 SOUTH D WALKER BLVD, SUITE 202  
SALT LAKE CITY, UT 84119  
S.U.C. LIC. #4119    U.B.C. #4882216  
DESIGNER: SDT    PROJECT ENGINEER: SDT

**ALLEN'S BAD BOY YARDIE LOT**  
LOT 107, HIGHLAND OAKS, BOUNTIFUL, UTAH  
**SITE PLAN**



SHEET NO.  
**C1**

PROJECT ID: DATE:  
PROJECT ID: DATE:  
FILE NAME: SCALE:  
FILE NAME: SCALE:



TYPED RESPONSES. - 873 East Highland Oaks Drive Lot #107

City Ordinance:

Requesting a variance to construct and excavate in the +30% downslope of the lot and construct a retaining wall over 10' at the ~~SE~~ corner of the main level garage in addition to building a two story home on a 12' basement on lot #107.

The proposed variant meets all of the criteria:

- Not receiving the variance will prevent a hardship of not being able to construct a residence in the given allowable area not in 30%.
- The PUE and the grade combined are special circumstances to this lot.
- Without the variance the property can not be enjoyed by the building of a home in a subdivision of homes.
- The proposed approximate home elevation and site plan attached do not change the general plan and is not contrary to the adjacent homes in the subdivision.
- The spirit of the land use ordinance will still be observed and substantial justice done by allowing the proposed home construction and approximate grading as shown.



**BOUNTIFUL CITY PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS**

**APPLICANT:** Allen Clemons

**APPLICATION TYPE:** Request for a variance to allow for encroachments on slopes greater than 30 percent (30%) and to build retaining walls taller than ten feet (10') in height.

**I. DESCRIPTION OF REQUEST:**

The Applicant, Allen Clemons, has requested a variance to allow for encroachments on slopes greater than thirty percent (30%) and retaining walls greater than ten feet (10') in height. The property is located at 873 East Highland Oaks Drive, which is in the R-F (Residential Foothill) Subzone. The requested variance would allow for construction of a new residence.

**II. LAND USE ORDINANCE AUTHORITY:**

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to encroachments on slopes greater than 30 percent height of retaining walls.

**III. APPEAL PROCEDURE:**

Bountiful City Land Use Ordinance section 14-2-108 states that an applicant, board or officer of the City, or any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.

The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.

**IV. SUMMARY OF EVIDENCE:**

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** The minutes of the public hearing held by the Planning Commission on **Tuesday, April 6, 2021** which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

**V. FINDINGS OF FACT:**

Based upon the information presented and oral testimony given at the public hearing the Planning Commission made the following findings:

- A. The literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;**

**The purpose of the building standards in the R-F Subzone is to preserve the hillsides and manage erosion. Standards for building on steep slopes require any development to be minimal and reasonable. The Planning Commission determines the disturbance to be reasonable within the constraints of the property.**

- B. There are special circumstances attached to the property that do not generally apply to other properties in the district;**

**Many of the properties in the R-F Subzone have steep slopes similar to the Applicant's property which limit the buildable area and require steep driveways, tall retaining walls and disturbances of slopes greater than thirty percent (30%). The Applicant's property is unique to most other properties in the R-F Subzone because of the utility easement which further constrains the buildable area. The variance has been the process for which these properties can develop.**

- C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district;**

**Other properties in the R-F Subzone with approved buildable lots have been allowed some reasonable disturbances of the slopes greater than thirty percent (30%) and construction of retaining walls greater than ten feet (10'). Granting the variance will allow the Applicant to enjoy similar property rights which have been given to other properties in the R-F Subzone through the variance process. Denying the variance will allow other properties a right not extended to the Applicant's property.**

- D. The variance will not substantially affect the general plan and will not be contrary to the public interest;**

**Granting the variance for the Applicant will not have a substantial effect to the General Plan as other properties in the R-F Subzone have been treated similarly regarding development on steep slopes. It is an interest to the City to have all buildable lots developed as opposed to remaining vacant.**

- E. The spirit of the land use ordinance is observed and substantial justice is done

The purpose of the Code that requires development to be located on slopes less than thirty percent (30%) is to preserve the hillside and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots within approved subdivisions in the R-F Subzone with special circumstances and the variance process provides a way for those lots to be developed. However, Section 14-4-101 of the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. The proposal submitted by the Applicant, demonstrates there has been an effort to reasonably reduce the impact development will have on the steep slopes of the property.

## VI. DECISION AND SUMMARY

The Planning Commission granted the requested variance by a vote of 6-0 with the conditions as follows:

1. The Applicant will continue to work with City Staff to ensure the final plans submitted for the residence and retaining walls will have a reasonable impact on slopes greater than thirty percent (30%).
2. The Applicant shall obtain a separate permit for retaining walls taller than four feet (4') in addition to a obtaining a building permit.
3. Revise the driveway to the lower garage to meet the standards of 14-4-115 (C).
4. Subject to the Applicant finalizing the purchase of the property.

**FINDINGS OF FACT APPROVED BY THE Bountiful City Planning Commission this 6<sup>th</sup> day of April 2021.**

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Sean Monson, Chairman  
Bountiful City Planning Commission