

**Bountiful City  
Planning Commission Minutes  
March 5, 2019  
6:30 P.M.**

Present: Chair – Sean Monson; Planning Commission Members – Jesse Bell, Von Hill, and Sharon Spratley; City Council Representation – Richard Higginson; City Planner – Chad Wilkinson; Asst. City Engineer – Todd Christensen; City Attorney – Clint Drake; and Recording Secretary – Darlene Baetz

Excused: City Engineer – Lloyd Cheney, Planning Commission Members – Jim Clark and Tom Smith

**1. Welcome and Introductions.**

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

**2. Approval of the minutes for February 19, 2019.**

Sharon Spratley made a motion to approve the minutes for February 5 with one correction on page 2 of a duplicate sentence. Von Hill seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Spratley and Smith voting aye.

**3. CONTINUED – PUBLIC HEARING - Consider a request for a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments. The property is located at 2720 Orchard Dr, Becki Scymczak, applicant.**

Becki Scymczak and Tim Bothell were present.

Mr. Bothell had a presentation for the Commission members discussing their questions from the January 15, 2019 meeting. He showed possible changes of the roads and landscaping of the parking areas which would not have fire truck access. He discussed a possible entrance further away from the existing driveway and stated that Utah Transit Authority (UTA) would like to purchase the extra property in front of the property to install a second bus stop serving people with Disabilities. He stated that there is a possibility of having bird spikes on the back of the carport to alleviate the potential bird problems and would also prevent children from climbing on the carport. Mr. Bothell verified that the carports would measure an additional 3 feet above the 4 foot landscape wall, from the south to north.

Chair Monson opened and closed the **PUBLIC HEARING** at 6:43 p.m. without comments.

Mr. Wilkinson confirmed that this meeting date was made public at the previous meeting for the interested individuals who were in attendance.

After determining no other viable options existed, Sharon Spratley made a motion to approve a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments at 2720 Orchard Dr. Von Hill seconded the motion. Voting passed 3-1 with Commission members Hill, Monson and Spratley voting aye and Higginson voting nay.

**4. PUBLIC HEARING – Consider a request for a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% located at 1269 Canyon Creek Dr, Chad and Jen Nielsen, applicant.**

Chad and Jen Nielsen were present. Chad Wilkinson and Todd Christensen presented the staff report.

The applicants Chad and Jen Nielsen, have requested a variance to allow for encroachments on slopes greater than 30 percent for the property located at 1269 E. Canyon Creek Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site. The application for variance is submitted in conjunction with a proposal for a new single family residence. The lot is 1.36 acres in size and the proposed development is located predominantly on slopes that are less than 30 percent. The applicant has modified development plans in order to minimize the encroachments on 30 percent slopes. Some of these modifications include sliding the home to the front of the lot as much as possible and obtaining access from an easement across the adjacent property in order to reduce driveway slopes.

### **Variance Findings**

Utah Code 10-9a-702 establishes the criteria for review of a variance request. 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 “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30 percent areas have been kept to a minimum. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height.

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

**Staff Response:** The property is similar to other lots in the R-F Zone with areas of slope greater than 30 percent. However, the applicant has made a special effort to preserve the vegetation and slopes along the roadway by obtaining an easement for access across the property to the east. The applicant has kept the encroachments on 30 percent slopes on other parts of the property to the minimum necessary to provide for reasonable development.

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

**Staff Response:** Almost all lots in the R-F zone require some type of variance in order to develop. In recognition of this, the standards of the R-F zone include guidance for granting exceptions. The Code indicates that disturbances should be the minimum required to allow for reasonable development of the property. In this case, the applicant has designed their home to minimize encroachments into 30 percent. The requested variance will allow the owners to build a reasonably sized home on the site.

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

**Staff Response:** The public interest is preserved by retaining as much vegetation as possible on the front of the lot and minimizing the disturbance on the upper portions of the lot.

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

**Staff Response:** Again, the standards of the ordinance recognize that many lots in the R-F zone will require a variance in order to construct a home. The applicant has made an effort to place the home in a location that will minimize disturbance to slope areas and vegetation and has obtained an easement from an adjacent property owner for access to avoid a driveway that exceeds 15 percent slope. These items are in keeping with the spirit of the land use ordinance.

Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance with the following condition:

1. The disturbance of the property shall be limited to areas noted on the approved site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

Mr. Christensen discussed the steepness of the transition of the new driveway. He discussed a possible changes may include the new driveway being graded back approximately 30 feet in order to meet up with the existing driveway. This would reduce the 30% steepness to 23%. The existing driveway would be abandoned and would be required to have the curb and gutter replaced.

Mr. Nielsen discussed the possibilities of different driveway options and suggested that the new driveway could be flattened out before the tight turn.

Chair Monson opened and closed the PUBLIC HEARING at 7:03 p.m. without comments.

Mr. Wilkinson stated the standard of the code for the slopes is to avoid areas over 30%.

Richard Higginson made a motion to approve with the conditions listed and a request for owners to work with staff on driveway issues. Sharon Spratley seconded the motion. Voting passed 4-0 with Commission members Higginson, Hill, Monson and Spratley voting aye.

- 5. PUBLIC HEARING – Consider a proposal to change the zoning designation of approximately 19.66 acres of Bountiful City owned property which is currently zoned R-3 and R-4 Single Family Residential to Open Space. The properties in the proposed amendment are the Tolman Memorial and Hannah Holbrook Parks, Bountiful City, applicant.**

Curtis Poole presented the staff report.

The proposal is to amend the zoning map designation of two parcels owned by Bountiful City with current residential zoning designations which total approximately 19.66 acres combined. The proposed zoning map amendment will be from R-3 and R-4 Single-Family Residential to OS Open Space. On November 17, 2015, City Council directed staff to begin the process of creating a new Open Space zoning designation as a result of a proposed land swap between the U.S. Forest Service and a private land owner. This proposal is a continuation of the process to amend the zoning of identified open space areas in the City. The two parcels in this proposal are surrounded by R-3 and R-4 Single-Family

Residential zoned neighborhoods.

Designated open spaces provide opportunities for hiking, biking and other forms of recreation. In addition, Bountiful City maintains a network of parks, trails and recreation areas, such as Bountiful Ridge Golf Course, which provide facilities for sports, recreation, relaxation, and venues for public gatherings and events. The 2009 Bountiful City General Plan explains the City's commitment to improving the quality of life for its residents by providing diverse recreational opportunities throughout the City. Identification and preservation of these open spaces will allow the City to achieve this goal.

The adopted Open Space Zoning standards restrict development on open space properties to public and recreational facilities. Public facilities would include items such as trail head parking lots and restrooms, utility buildings and utility lines. The zoning standards are written to be restrictive in nature and do not allow for residential or commercial development. As locations along the foothills of Bountiful are ideal for placement of wireless telecommunication facilities, it should be noted these uses have been included as permitted and conditional uses.

The current proposal for amendments to the zoning map includes two properties owned by Bountiful City. The first is 1300 East Center Street, or Tolman Memorial Park (Rocket Park), which is approximately 15.13 acres. The second is 950 East 750 North, or Hannah Holbrook Park; which is to the west of Holbrook Elementary and is the site of a buried water tank maintained by the City, and is approximately 3.21 acres. As the Planning Commission has discussed the potential for the Open Space zone, a desire was expressed to extend the designation not only to undeveloped parcels, but also public parks and public recreational facilities. Therefore, the proposed zoning map amendment includes these properties. The location and characteristics of these properties are ideal for inclusion into the Open Space zone.

Based upon the above analysis, Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the properties located at 1300 East Center Street (Tolman Memorial Park) and 950 East 750 North (Hannah Holbrook Park) to be rezoned from R-3 and R-4 Single-Family Residential to the OS Open Space zone.

Chair Monson opened the **PUBLIC HEARING** at 7:11 p.m.

Gordon Johnson resides at 1229 E Center. Mr. Johnson is concerned not for the rezone but for the housekeeping of Tolman park. He discussed the needed care of overgrown shrubs and maintenance of the lower park near the baseball field. He showed pictures to the Commission members of the problems of the area.

Domick Decaria resides at 836 E 250 North. Mr. Decaria expressed his appreciation of the preservation of these Open Spaces.

Margaret Richter resides at 18 S 1300E. Ms. Richter supports the preservation of the Open Spaces and doesn't want development.

Bill Richter resides at 365 W 325 South. Mr. Richter appreciates that the staff is looking toward the future for the City.

Chair Monson closed the **PUBLIC HEARING** at 7:16 p.m.

Von Hill made a motion to approve a zoning designation of approximately 19.66 acres of Bountiful City owned property which is currently zoned R-3 and R-4 Single Family Residential to Open Space. Richard Higginson seconded the motion. Voting passed 4-0 with Commission members Higginson, Hill, Monson, and Spratley voting aye.

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

1. The Planning Commission addressed Legislative issues.
2. Next Planning Commission meeting will be March 19, 2019.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:16 p.m.



Chad Wilkinson, Bountiful City Planner