

**Bountiful City**  
**Planning Commission Minutes**  
**October 3, 2017**  
**6:30 P.M.**

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

Excused: City Engineer – Paul Rowland

**1. Welcome and Introductions.**

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

**2. Approval of the minutes for September 19, 2017.**

Sharon Spratley made a motion to approve the minutes for September 19, 2017 as written. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Higginson, Hill, Monson, Smith and Spratley voting aye.

**3. PUBLIC HEARING – Consider changing the zoning designation of approx. 44.3 acres, from RM-19 (Multi-Family Residential-19 units to the acre) to R-4 (Single Family Residential-4 units per acre). The properties are located roughly between 400 North and 500 South and between 100 West and 200 West.**

Chad Wilkinson presented the staff report.

The proposal is to amend the zoning designation of 155 parcels totaling approximately 44.3 acres from RM-19 (Multi Family Residential 19 units per acre) to R-4 (Single Family Residential 4 units per acre). The proposed zone change involves the western portion of the Plat A/Bountiful Historic Fort Neighborhood from approximately 100 West to 200 West and running from 400 North to 500 South. The proposed change does not include any properties currently zoned commercial or professional office located within that boundary. The area is surrounded by commercial zoning on the south and west and Downtown Zoning on the east. The Bountiful City Park adjoins the site to the north.

This zone change proposal represents the next portion of the recommendations presented to the Planning Commission at their September 5, 2017 meeting. Several factors have influenced the recommendation to rezone the area to a single family zoning designation. First, the Historic Fort Planning process and documents identified this area as a residential neighborhood along with the area east of 100 East. While the area east of 100 East was changed to Single Family zoning, the area on the west side has maintained a multifamily designation. Second, the development pattern of the area has remained predominantly single family in nature with single family homes currently existing on 113 of the 155 properties currently zoned RM-19. While there have been a few multi-family developments in the past several years, the neighborhood has remained, for the most part, a single family residential neighborhood. Third, recent decisions by the Planning Commission and City Council have indicated a desire to preserve the single family character of the neighborhood, even on the edges of the neighborhood where commercial development has encroached over the years.

Fourth, the development characteristics of the neighborhood and existing codes have not facilitated the

redevelopment of the area as a multifamily neighborhood, in spite of being zoned for multifamily housing for more than 60 years. One of the challenges with the current multifamily designation relates to the size of the lots. Current zoning standards restrict densities for properties that are less than an acre to 7 units to the acre. The current zoning further restricts the development of properties that are less than .25 acre in area to a single family residence. In order for a lot to have adequate square footage for a duplex, a minimum of .29 acres is required. However, the Code restricts converting an existing single family home to a duplex. This means that in order to construct a duplex on a lot, an existing home must be removed and replaced with a new duplex. Many of the lots that are currently developed as single family homes are less than the minimum size required for a duplex meaning that in order for multifamily development to occur, multiple parcels must be obtained, consolidated, structures removed, and new development approved. Because of the high costs of obtaining multiple properties, this has pushed development in the area to large scale multifamily structures that are not compatible with a single family neighborhood, rather than smaller scale multifamily development that may have originally been envisioned.

Based on these factors, staff is recommending that the area be rezoned to single family residential. With that recommendation comes the recognition that many of the properties in the area, especially along the edges of the neighborhood on 500 South and 200 West, have developed as commercial or multifamily residential over the years. These areas deserve additional consideration. The area along 200 West was specifically identified in the Historic Fort Planning process as an area that should “become more walkable” over time. Recommended policies focused on making the commercial area a pedestrian oriented commercial district. This area should be considered in the future for adoption of mixed use standards that would accomplish the goals and policies of the Historic Fort plan. In the area immediately adjacent to 200 West, single family zoning should be viewed as a temporary zoning designation that would regulate the area while adequate standards for development are considered and adopted.

As a matter of procedure, whenever the Planning Commission considers a request for a rezone (zone map amendment), it shall review it in accordance with the provisions of 14-2-205 AMENDMENTS TO ORDINANCE AND MAP, which are as follows:

- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to the Bountiful City Land Use Ordinance or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

It is recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendment for approximately 155 parcels totaling ± 44.3 acres (see the attached legal description) from RM-19 (Multi Family Residential 19 units per acre) to R-4 (Single Family Residential 4 units per acre).

Commission Member Comments:

Sharon Spratley

1. Asked for clarification about the legal rental of duplexes for the proposed new zone.

Chad Wilkinson

1. Stated that the current code and the proposed code would prevent legal rental of properties less than .29 acre size and properties cannot add a unit to an existing single family home to make a duplex.

Von Hill

1. Asked for the number of parcels that are less than the 8,000 sq ft required in the R-4 zone and what the impact would be for these parcels.

Chad Wilkinson

1. Stated that there are about 55 parcels roughly 1/3 of the parcels. Several of these parcels are small slivers. The code does address parcels that were legally created before the current size requirement for lots were adopted.

Jesse Bell

1. Asked for planning process in 2006 and 2008. He asked for clarification for the zone change time frame.

Chad Wilkinson

1. Stated that the RM-19 is a fairly new designation. He showed the zone changes from 1954 to current. The zoning has been similar for many years.

Chairman Monson opened the **PUBLIC HEARING** at 6:50 p.m.

Morse Smith resides at 195 E 550 North. Mr. Smith spoke about the many homes in this area that are disrepair. He doesn't see any gain for this zone change and would like to see the properties on 400 North be off this zoning.

Bryan Potts resides at 181 W 100 North. Mr. Potts commented that he would like to see the neighborhood preserved as single-family instead of multi-family.

Greg Call has rental properties in this area. Mr. Call stated that he would like to see multifamily in this area but perhaps require a building style/design.

Mark Parkin owns apartments at 100 N 200 West and 190 N 200 West. Mr. Parkin wanted clarification on current multi-family buildings.

Mr. Monson confirmed that the current multi-family buildings would be legal non-conforming.

Mr. Wilkinson stated that the zone would not allow a multi-family building if the owner demoed the building. It would allow the building to be rebuilt due to fire.

Brian Knowlton is a developer in Bountiful City. Mr. Knowlton stated that the current RM-19 zone has not served this area well. He commented that the proposed R-4 zone is better but would like to see maybe an in-between zone to encourage existing homes and new affordable housing. Redeveloping this area is nice but we need a tool that allows for smaller scale for single family and multi-family to allow for redevelopment.

Sharm Smoot is a developer in Bountiful City. Mr. Smoot feels that Bountiful needs multi-family and requested that there be a consideration for future multi-family development.

Larry DuPaix resides at 145 W 300 South. Mr. DuPaix stated that he is in favor of the R-4 zone change. There have been a number of improvements in this area and spoke of getting variances to get approvals.

Mr. Hill clarified that variances don't always work for every project.

Jill Potts resides at 181 W 100 North. Ms. Potts is in favor of the rezone. She is concerned about the inadequate parking and would like to request other options for parking.

Nick Gilson resides at 305 N 100 East. Mr. Gilson feels that there are two concerned groups, developers and home owners. Recommends that the members of the Planning Commission decide which group is the best to listen to.

Joyce Benard resides at 92 W Center St. Ms. Bernard is on the Historic board and spoke about the historic designation for this area. She stated that the City must have a certain amount of historic homes in this area in order to keep the historic designation.

Mike Allred – does not have property in this area. He spoke about the projects that add architecture in the area and would like to see more flexibility and keep it at RM-19.

James Kenison resides at 320 N 200 West. Mr. Kenison wanted clarification about the existing multi-family homes with the proposed zone change.

Mr. Monson stated that his existing property would be legal non-conforming

Beth Oliphant resides at 108 W 300 North. Ms. Oliphant spoke about the increase of population and traffic in the RM-19 zone. She stated that she was in favor of the proposed rezone.

Ryan Downer resides at 125 W 400 South. Mr. Downer is in favor of the proposed rezone. He reviewed comments/presentation from the last City meetings.

Robert Mc Arthur is a developer in Bountiful City. Mr. Mc Arthur wondered if the current zoning is appropriate. He spoke of his concern of the scale of proposed buildings.

Chairman Monson closed the **PUBLIC HEARING** at 7:43.

Commission Member Comments:

Sharon Spratley thanked everyone who spoke.

1. She doesn't think that the rezone is the answer; we need to find ways to work with the things that are in the area. This may not be the solution to the problem, we shouldn't downzone.
2. Can the moratorium be extended?

Chad Wilkinson

1. He stated that differences in between RM-7, RM-13, RM-19, and RM-25 is a density designation but the development standards are the same. We could modify or create a new zone. Zoning changes are not forever.
2. The moratorium cannot be extended. The maximum length of a moratorium is 6 months. The City Council would need to adopt a new moratorium by ordinance.

Richard Higginson spoke about Mr. Mc Arthur's comment about scale. He stated that as long as the zone stays as RM-19 then multi-family can be built, a rezone may be a transition and protection to this area. He agreed that this may not be the best in the end, but may be the best for the time being. During the 2006-2008 project, most property owners wanted protection. Maybe we use the R-4 zone for now and continue with a new rezone.

Sean Monson

1. Asked for clarification about the historic district. He also asked if there was a zone available for this area.

2. Discussed modifying or changes to a new zone.
3. He is concerned for redevelopment is a struggle for proposed with only change for single family. He doesn't think that this change is for the best.
4. Asked if we have a standard that would satisfy this area?
5. Asked how long would it take to create a new zone?

Chad Wilkinson

1. He stated that the Historic District is a designation from the federal government. The historic society has the ability to document the historic structures. Bountiful City does not have standards that are set up.
2. He discussed different design for multi-family to look more like large single family property from the front. Standards for multi-family zone would include many areas and could have a number of impacts.
3. We can't change the RM standard without changing the zone for the whole city, but thinks it should be a new zone or overlay zone.
4. Staff has taken time and looked for neighborhood standards.
5. Unsure of the timeframe for the creation of a new zone. Current and unknown projects could push the timeframe out.

Jesse Bell

1. He doesn't believe the R-4 zone change is the answer and would be a significant change for a downzone. He feels that the primary problem is the design standards.

Von Hill

1. Does not believe that the R-4 zone is the correct zone and believes that we should do this right to begin with.

Tom Smith

1. Overlay district – would it allow for a Conditional Use
2. He is thinking about stopping the RM area to keep the older/historic homes.

Chad Wilkinson

1. Conditional Use – Permitted Use that would be an administrative tool.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to the City Council to change the zoning designation of approx. 44.3 acres, from RM-19 (Multi-Family Residential-19 units to the acre) to R-4 (Single Family Residential-4 units per acre). The properties are located roughly between 400 North and 500 South and between 100 West and 200 West. Tom Smith seconded the motion. The vote was 3-3 with Commission members Higginson, Monson, and Smith voting aye. Commission Members Bell, Hill, and Spratley voting nay. Therefore the motion failed.

**4. PUBLIC HEARING - CONTINUED from September 19, 2017 – Consider approval of Zoning Text Amendment to the standards of the Downtown Zone (DN) found in Chapter 7 of the Bountiful City Land Use Ordinance.**

Chad Wilkinson presented the staff report.

This item is a continuation of the hearing held on September 19, 2017. After receiving feedback from the Planning Commission at the initial public hearing, staff has made the following changes to the proposed Downtown zoning ordinance amendment.

The major components of the proposed changes include the following:

- Changed minimum lot size to 8,000 sf. for mixed use and commercial lots
- Added regulatory language related to guest parking spaces
- Eliminated “whichever is less” language from building height calculations
- Provided additional text related to mechanical equipment.
- Provided additional clarification in table of permitted uses

Again, the attached draft ordinance contains the proposed revisions to the existing DN zoning standards, with changes to the existing ordinance indicated with strikethrough text (showing deletions) and underline text indicating new text. At the public hearing, staff will provide a detailed discussion of each of the changes along with the reasoning behind the proposed change.

It is recommended that the Planning Commission review the proposed changes to the Downtown Ordinance and hold a public hearing to allow for additional public comment. After receiving public input the Commission may take one of the following actions:

1. Request additional revisions and continue the item to a future meeting for further discussion
2. Forward the item to the City Council with a recommendation to approve the changes to the DN Zoning standards.
3. Forward the item to City Council with a recommendation of denial for the proposed changes.

Chairman Monson continued the **PUBLIC HEARING** at 8:13 p.m.

Todd Willey resides at 66 E 1200 South and owner at 195 S 100 West. Mr. Willey wants to see the downtown area developed responsible. He presented a map and picture to the Commission members showing the dynamics of the area and possible options for transition for the different zones.

Eric Egnoff is an Architect for Process Studio in Salt Lake City Utah. Mr. Egnoff is currently working on a project on 100 West and spoke about the concerns for 2:1 height to length relationship and asked for planning consideration in this area. He would like to have options for the look of the front, perhaps step back.

Loranne McGarry resides at 232 E 200 South. Ms. McGarry spoke of the downtown area and the activities that bring families to this area.

Kenny Knighton owner of several downtown properties. Mr. Knighton plans to tear down existing buildings and replace with new structures and doesn't feel that the proposed density is correct for this area. He would like to build a development for residents that need an elevator. He is concerned about the 2:1 and doesn't think that it will work in this area.

Larry Dupaix resides at 145 W 300 South. Mr. Dupaix spoke about purchase of property and making the projects work with the current code or the proposed code changes.

Robert Mc Arthur is a developer in Bountiful City. Mr. Mc Arthur spoke of the need to evaluate our community and compare with other communities. The two neighborhoods on the agenda today dove tail together.

Mike Allred is a resident of Bountiful City. Mr. Allred wanted to share solutions that he thought of. The city needs to give developers an area to build high density development; they serve a purpose and energy to the neighborhood. This downtown zone deserves the same consideration as the proposed rezone agenda item. Maybe the height restrictions should be in the R-4 zone. The downtown area should have the density and need people to support it. He spoke of the parking and landscaping improvements to Colonial Square that increased energy for the area and feels that this would work for 100 West.

Bryce Molton resides at 3206 Sunset Hollow and a business owner in Bountiful City. He feels that the single family is a hard sell in the downtown zone and the traffic/pollution is always a concern for this zone. He liked the suggestion of a buffer on 100 West from Mr. Allred

Ryan Downer resides at 125 W 400 South. Mr. Downer is concerned that the survey could have been swayed. He wants Commission members to be careful with this situation and hear what the citizens want.

Jay Goff is an investment company on Main St. Mr. Goff has a mutual concern about the customers/foot traffic and where they are. He is also concerned about the height restrictions for the downtown area.

Chair Monson closed the **PUBLIC HEARING** at 9:02 p.m.

#### Von Hill

1. Has looked at what was done 8 years ago. The zoning was presented in a good and honorable way and wants to leave it alone.

#### Jesse Bell

1. Length and height comments were helpful
2. Would like to be a part of a larger planning study like the one from 10 years ago.

#### Chad Wilkinson

1. The language was put in to accommodate smaller footprint building. These are recommendations that came out of the process from the 2008 meeting. He clarified that the survey asked about the building height on Main Street.

#### Richard Higginson

1. Stated the goal is not to implement a plan but to implement a voice from a number of people from the 2008 meeting and is important to listen and implement what the people wanted us to do.

#### Sharon Spratley

1. Intrigued about the height of the fire station of 45 ft and the visual buffer of the 100 West. She feels that it is a visual break and not a separation.

#### Chad Wilkinson

1. Looking to create a transition not a buffer.
2. Feels that both kinds of density are needed to make things work. He wants to clarify that the removal of the language "whichever is less" will allow a 3-story building on 100 West (35 feet or 2 stories).
3. Setback or parking is not set in stone; there could be a better way to do this.

Sean Monson

1. He stated that Main Street businesses have a real risk involved. He is concerned about the negative attitudes toward the developers. He agrees with Mr. Allred's comment about needing a high density area for developers.

Mr. Wilkinson clarified the options for this agenda item.

1. More discussion – continue this agenda item, with more direction to staff.
2. Forward a recommendation to City Council.
3. Deny this agenda item – keep the code as is.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to the City Council the Zoning Text Amendment to the standards of the Downtown Zone (DN) found in Chapter 7 of the Bountiful City Land Use Ordinance. Sharon Spratley seconded the motion.

Voting passed 4-2 with Commission members Bell, Higginson, Smith and Spratley voting aye. Monson and Hill voting nay.

Thanks to the public for all their comments.

Mr. Drake and Mr. Wilkinson confirmed that this meeting was noticed on the City website, social media Public Notice Website, and mailed notices went out.

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

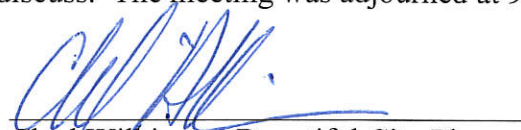
APA Conference – Oct 5 & 6 in Park City.

*Upcoming Meetings:*

Planning Commission meeting:  
October 17, 2017

City Council meeting:  
October 10, 2017 – Ordinance Amendment for Downtown Zoning and Public Hearing for the text amendment for Downtown Zoning

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 9:21 p.m.

  
Chad Wilkinson, Bountiful City Planner