

**Bountiful City  
Planning Commission Minutes  
February 6, 2018  
6:30 P.M.**

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

**1. Welcome and Introductions.**

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

**2. Approval of the minutes for January 16, 2018.**

Richard Higginson made a motion to approve the minutes for January 16, 2018 as written. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

**3. Consider plat approval for Lewis Park Subdivision Phase 6 Amended located at 2905 and 2933 Lewis Park Cove, Rudy Larsen, applicant.**

Paul Rowland presented staff report. Rudy Larsen was present.

Mr. Rudy Larsen has purchased two adjacent lots in the Lewis Park Subdivision Phase 6 and wishes to utilize them as one single lot. He is requesting that the two lots be combined by amending the subdivision plat. Lot 614 is currently occupied by a single family home while lot 615 is vacant. Mr. Larsen wants to construct a pool with some retaining walls and a pool shelter on the now vacant lot 615. The two lots need to be combined to comply with the zoning ordinance requirement that accessory uses such as this pool can only be built on a lot with a primary structure (home). North Canyon Creek runs between the two properties in a thirty foot wide easement. With the creek on the property, there is a small area of FEMA regulated Special Flood Hazard Area, primarily just the creek channel. No construction will be allowed in the SFHA. A new easement has been provided on the amended plat to cover the creek and flood control access.

We recommend that the Planning Commission pass a recommendation for Preliminary and Final Approval of the Lewis Park Subdivision Phase 6 Amended to the full City Council with the conditions listed below.

1. Payment of all required fees.
2. Provide a current Title Report.
3. No building will be allowed in the mapped Special Flood Hazard Area.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a recommendation of plat approval for Lewis Park Subdivision Phase 6 Amended located at 2905 and 2933 Lewis Park Cove with the 3 conditions outlined by staff. Richard Higginson seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye and Hill abstained.

**4. Consider plat approval for Quail Brook Subdivision Plat A Amended located at 1332 and 1324 E 500 North, Jackie Kingston, applicant.**

Paul Rowland presented the staff report. Jackie Kingston was present.

The owners of the undeveloped lots in the Quailbrook Subdivision Plat A are proposing to build houses on a couple of lots in the 500 No. cul de sac. A desire to build homes which don't quite fit the current configuration of the lots and modifications to the subdivision caused by the construction of the 400 No. Street extension requires that an amendment to the plat be made to cover all of the changes.

The Quailbrook Subdivision, north and east of the intersection of 400 North and 1300 East, was originally subdivided and improved in 1978. Soon thereafter most of the lots were built upon with the exception of a couple of lots fronting 1300 East, and the lots surrounding the 500 North cul de sac. When 400 North St. was extended to Bountiful Blvd. in 1994, the city purchased all of Lot 1 and portions of three other lots for the construction of the new road. Lot 1 was totally eliminated and three other lots were reduced in size to accommodate the new road. As a result of the 400 North/Bountiful Blvd. construction, the previous lot 2 was reduced in size to the point it was a less than desirable lot. This amendment combines lot 2 with lot 3 to create a single lot which is bounded on three sides by 400 North, 1300 East, and 500 North. Lot 4 and lot 5 also lost ground to the road construction and were turned into double fronting lots with 400 North in their rear yard. That configuration was approved in '94 when the ground was purchased. The new Lot 104 and Lot 105 will need to be granted an exception to allow for double fronting lots. The proposed lots all exceed the minimums required by the current R-3 Zone for frontage and total lot area. All of the lots still have the utilities that were installed in '78 and the road and improvements are still in fairly good shape.

We recommend that the Planning Commission pass a recommendation for Preliminary and Final Approval of the Quailbrook Subdivision Plat A Amended to the full City Council with the conditions and exception listed below.

Conditions:

1. Payment of all required fees.
2. Provide a current Title Report.

Exception:

1. Lots 103, 104 and 105 be granted the exception allowing them to continue to exist as double fronting lots.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of plat approval for Quail Brook Subdivision Plat A Amended located at 1332 and 1324 E 500 North with the 2 conditions outlined by staff with the addition of a third condition, "3. No access to any lots from 400 North/Bountiful Blvd". Sharon Spratley seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye and Hill abstained.

**5. Consider preliminary and final site plan approval for the construction of a Culver's restaurant located at 620 N 500 W, Young Advantage, applicant.**

Chad Wilkinson presented the staff report. Jered Plouzek and Mark Young were present.

The applicant, Matt Young representing Young Advantage, is requesting amended preliminary and final site plan approval for a new Culver's Restaurant and accompanying property improvements. The

property is located within the C-H (Heavy Commercial) zone on the former J and L Garden Center site. The application includes the construction of a 4,300 square foot restaurant. The property received preliminary approval from the Planning Commission on December 5, 2017. Subsequently, the plan has been modified to reflect the requirements of the Utah Department of Transportation. Most notably, the driveway has been relocated and is now shared with the property to the north. In conjunction with the driveway, UDOT has also required a deceleration lane on 500 West. These two changes have required modifications to the site plan that are discussed below.

Access to project is now from a 37-foot wide shared driveway on the north of the property. The applicant has applied to the Utah Department of Transportation (UDOT) for the proposed access and received approval of a variance for the location of the driveway. A copy of the access permit from UDOT will be required as a condition of final approval. The proposed plan still shows adequate parking based on the square footage shown and has adequate stacking spaces for the drive-through. The plan has been revised to show additional parking on the south side of the building not previously shown. Because of the potential for conflicts between the drive through aisle and these parking spaces it is recommended that the spaces along the south of the property be designated for employees only.

The proposed building is substantially the same design and materials as the previous submittal. The landscape plan has been changed and no longer meets the minimum required number of trees based on the size of the property. The Code requires street trees at an interval of 35 feet and internal trees based on the amount of required landscaping. The plan will need to be revised prior to building permit to show the minimum number of trees required by Code.

Storm water will be collected on site and conveyed to the creek north of the property through a proposed storm drain system that will cross the intervening property outside of the street. The applicant has obtained an easement from the neighboring property for conveyance of storm water to the creek. Water and sewer will be provided from existing lines in 500 West and will include the extension of an 8-inch water line and onsite fire hydrant. Plans have been reviewed by the City Engineer with redline changes required in order to meet City standards and obtain final approval.

The development is occurring in an area with urban levels of infrastructure already in place. Impacts from the development of this property have been anticipated in the design of the existing storm water, sewer, and water and transportation system.

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval for preliminary and final site plan review for the proposed fast food restaurant subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to final site plan approval by the City Council, obtain proper permits from the Utah Department of Transportation for the shared access proposed on 500 West. A copy of permits shall be filed with the City.
3. Obtain permits from Davis County Flood Control for all storm water discharges into Barton Creek. Prior to Building permit provide copies of permits to the City.
4. Prior to issuance of a building permit, revise the final landscape plan to show the minimum required number of trees. Based on frontage and area the Code requires a total of 24 trees seven of which must be evenly spaced along the frontage of the property.
5. All damaged curb and gutter and sidewalk along 500 W. shall be replaced.
6. Provide a 20 foot wide Public Utility Easement for the proposed 8 inch fire hydrant line.

Von Hill made a motion that the Planning Commission forward to the City Council a recommendation of preliminary and final site plan approval for the construction of a Culver's restaurant located at 620 N 500 West with the 6 conditions outlined by staff. Richard Higginson seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

**6. Consider preliminary and final site plan approval for a medical office located at 65 and 55 W 400 North, 400 North Partners, LLC, applicant.**

Chad Wilkinson presented the staff report. Phil Winston representing 400 North Partners, LLC was present.

The applicant, 400 North Partners, LLC, is requesting preliminary and final site plan approval for a new medical office building. The property is located within the DN (Downtown) zone on two properties currently occupied by single family residences. The application includes the construction of an approximately 8,200 square foot medical office building. The property is zoned DN (Downtown) and is surrounded by commercial development on the east (Fizz), multifamily residential to the south and office and residential to the west. The property is located across 400 North from Bountiful Junior High School.

The proposed development is the first to be reviewed under the new DN standards adopted in October. The proposed development is located on two parcels totaling approximately half an acre. Access to the project will be via a single driveway on 400 North. This section of 400 North is a State Highway and the applicant has received an access permit from UDOT and provided a copy of the permit to the City. The applicant will close three existing driveway approaches and replace them with a single access on the west side of the property. The proposed plan shows adequate parking based on the square footage shown. The parking has been placed to the side and rear of the building consistent with the DN standards. The proposed building meets the required setbacks and height standards for the DN Zone. Finish materials for the proposed building will consist of brick with a significant percentage of fenestration on the street facing facades. Color renderings of the buildings are attached to this report. The submitted landscape plan meets the requirements of the Code including the minimum number of street trees, ornamental trees and shrubs.

Storm water will be collected on site and conveyed to an onsite detention system which will then flow to existing storm drain facilities in 400 North. Water and sewer will be provided from existing lines in 400 North. Plans have been reviewed by the City Engineer.

The development is occurring in an area with urban levels of infrastructure already in place. Impacts from the development of this property have been anticipated in the design of the existing storm water, sewer, and water and transportation system.

Staff recommends that the Planning Commission forward to the City Council a recommendation of approval for preliminary and final site plan review for the proposed medical office subject to the following conditions:

1. Complete any and all redline corrections.
2. All damaged curb and gutter and sidewalk along 400 North shall be replaced.
3. Provide Public Utility Easements as required by Bountiful Power.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a

recommendation of preliminary and final site plan approval for a medical office located at 65 and 55 W 400 North. Richard Higginson seconded the motion. Voting passed 6-0-1 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye with Hill abstained.

**7. PUBLIC HEARING - Zoning Map Amendment from R-3 (Single Family Residential 3 units to the acre) and R-F (Residential Foothill) and MWP (Mountain Development and Watershed Protection) to O-S (Open Space) for seven properties totaling ±679.8 acres at approximately Bountiful Boulevard and Holbrook Canyon, roughly between 800 South and 1000 South and between the eastern Bountiful City limits and Brentwood Lane, Bountiful City, applicant.**

Browne Sebright presented the staff report.

The proposal is to amend the zoning designation of seven (7) parcels owned by Bountiful City with varying zoning designations that total approximately 679.56 acres. The proposed zoning change will be from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development and Watershed Protection) to O-S (Open Space). In late 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 area in this proposal is surrounded with properties zoned R-F to the east, and R-3 to the west. Bountiful Boulevard is the border between the two zone designations. There is one parcel that is zoned MWP that is located bordering the eastern Bountiful City limits, bisected by Holbrook Canyon.

Bountiful is blessed with beautiful open space areas in the mountains and foothills to the east. These areas in and around the City provide opportunities for hiking, biking and other forms of recreation. In addition, Bountiful City maintains a network of parks and recreation areas including the Bountiful Ridge Golf Course that provide facilities for sports, recreation, relaxation, and venues for public gatherings and events. The 2009 Bountiful City General Plan calls for the identification and preservation of open space areas throughout and surrounding the City.

The adopted Open Space Zoning standards restrict development on open space properties to public facilities and recreation facilities. Examples of public facilities which could be allowed would include trail head parking lots and restrooms, utility buildings and facilities, and utility lines and appurtenances. The zoning standards are restrictive in nature and do not allow for residential or commercial development. Because some of the properties along the foothills of Bountiful are ideal for placement of wireless telecommunications facilities (cell towers) these facilities have also been included as permitted and conditional uses.

The current proposal for a zoning map amendment includes seven (7) Bountiful City properties in the vicinity of Holbrook Canyon and Bountiful Boulevard. As the Planning Commission has discussed the potential Open Space zone, a desire has been expressed to extend the designation not only to undeveloped open space surrounding the City, but also to public parks and public recreation facilities. Therefore, the proposed zone map amendment includes the Eggett Park property.

The subject properties included in the current proposal include areas with steep slopes and/or public works infrastructure located on the parcels. These parcels provide an excellent gateway to connecting with the natural areas of Eastern Bountiful City and a great connection with the Holbrook Trailhead. The location and characteristics of the properties make them excellent candidates for inclusion in the Open Space zone.

As mentioned in a previous Planning Commission meeting, it is anticipated that additional future zone map amendments will be brought forward which will rezone all public park areas and other publicly owned properties (including the golf course), as open space through a series of public hearings rather than one all-encompassing amendment. This will provide focused discussions of individual properties and allow for effective management of public noticing. The current amendment is limited to only the properties in the Holbrook Canyon vicinity. The proposed adoption of the Open Space Zoning District and zone map amendment will have a positive impact on residents of Bountiful by identifying and preserving open space areas for use and enjoyment by the public.

It is recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendment of seven (7) parcels totaling 679.56 acres from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development and Watershed Protection) to O-S (Open Space) zoning.

Mr. Wilkinson stated that the Mountain Development and Watershed Protection zone is already somewhat a protection zone but the Open Space zoning seems to be more restrictive.

Chair Monson opened the Public Hearing at 7:04 p.m.

Alan Hill resides at 1581 E 1000 South. Mr. Hill asked for clarification about the use of the 6 parcels and the ownership of the parcel to the north of parcel number 04-059-0001. Mr. Wilkinson stated that all 6 parcels will be rezoned to Open Space and no development will be allowed on the properties. The parcels to the north of #04-059-0001 are owned by the Forest Service and private owners.

Chair Monson closed the Public Hearing at 7:06 p.m.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of approval for Zone Map Amendment from R-3 (Single-Family Residential 3 units per acre), R-F (Residential Foothill), and MWP (Mountain Development And Watershed Protection) to O-S (Open Space). Sharon Spratley seconded the motion. Voting passed 7-0 with Commission members Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

8. **ITEM POSTPONED - PUBLIC HEARING – Consider a zoning text amendment of the Single Family Residential Zoning District (R) found in Chapter 4 of the Bountiful Land Use Ordinance related to updating subzone names.**
9. **PUBLIC HEARING – Consider amending the standards of the Downtown (DN) Zoning District found in Chapter 7 of the Bountiful Land Use Ordinance. Remanded to Planning Commission from City Council.**

Chad Wilkinson presented the staff report.

The Planning Commission reviewed the proposed amendments to the Downtown zone at their January 16, 2018 meeting. After holding a public hearing and receiving input, two separate motions were made to send a recommendation of approval to the City Council. The first motion included leaving the height along 100 West and 100 East at 35 feet with additional height allowed consistent with the setback provisions in the current Code. This motion failed with a vote of 2-2. A second motion to adopt changes with a 40 foot maximum height along 100 West was also made and failed with a vote of 2-2. A third motion was made to forward the item onto the City Council with the minutes of the public hearing but without a formal recommendation. This motion passed with a vote of 4-0.

Section 14-2-205 (F) stipulates that failure on the part of the Planning Commission to make recommendation to the City Council within thirty (30) days after hearing the petition shall be deemed to constitute approval of such proposed amendment or change which shall then be passed on to the City Council for appropriate action. The City Council, after holding a public hearing and discussion determined that a recommendation from the Planning Commission was critical in order for the Council to make a decision on the potential changes to the Downtown standards. Since the Code gives the Planning Commission 30 days to make a recommendation, the City Council has remanded the item to the Commission and has requested that the Commission make a recommendation to the Council on the proposed changes. The Council also specifically asked that a public hearing be held at the Planning Commission. A copy of the proposed changes is attached to this report.

As was stated in the original report, the proposed changes deal primarily with building height and architectural standards. The major components of the proposed changes include the following:

- The maximum building height standards for properties along 100 West and 100 East have been increased to 45 feet. Maximum numbers of stories have been removed.
- Minimum landscape standards for multifamily developments have been reduced from 40 percent to 10 percent consistent with the remainder of the zone. The proposed revisions include additional landscaping on a per unit basis for multi-family residential and mixed use developments.
- Architectural standards have been revised. Instead of requiring “architectural feature consistent with single family residential” the proposed standards include required articulation at certain intervals and give minimum standards for depth and height of architectural features. The standards include articulation requirements for all buildings in the zone, as well as specific standards for multi-family development. As directed by the Council and Commission, the standards have been drafted with flexibility in mind. Standards provide a framework without prescribing a specific style or architectural theme.

An additional issue which has surfaced during discussion of the DN standards is the issue of what constitutes a mixed use development. Under the ordinance adopted in October, mixed use developments are subject to different standards than standalone multifamily developments. Notably, the 2:1 building height to width ratio does not apply to mixed use development and mixed use developments are exempted from the maximum density standard of the RM-13 zone, which under current code applies to stand alone multifamily development.

The subject of mixed use development was discussed during the adoption of the current standards in October 2017. As a part of the previous amendment, Section 14-7-104 was changed to specify that the density requirements of the RM-13 ordinance would apply unless a multifamily project was part of a “vertical mixed use” project. Since a different standard exists for mixed use it is important to carefully define what the City considers to be vertical mixed use development. One of the reasons that the code was changed to specify vertical mixed use was the concern related to the development of horizontal mixed use developments which benefited from the higher densities allowed for mixed use projects without providing the integration of uses originally envisioned.

One option for defining mixed use was presented at the last City Council meeting. This option would define a certain percentage of the ground floor of a vertical mixed use development that must be developed as commercial square footage and not used for other uses such as parking or accessory uses for the multifamily residential portion of the development. The following is one possible way to define mixed use:

In order to be considered vertical mixed use at least 75 percent of ground floor square footage shall be developed as commercial use. Areas within the building footprint used for parking, or accessory uses commonly associated with multi-family residential uses such as sales and management offices, storage space, laundry facilities, or interior recreational or meeting space intended for use by the residents of the development shall not be counted toward meeting the 75 percent requirement.

Other options include simply removing the density maximums for standalone multifamily development and applying the development standards to all buildings regardless of use.

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.

Commission members asked for clarification on building height and vertical mixed use. Mr. Wilkinson stated that one way to define mixed use was to define that to be considered for vertical mixed use the 75% of the ground floor to be developed as commercial use.

Commission members and staff discussed the possible definitions code language for density, height and 2:1 ratio.

Chair Monson opened **Public Hearing** at 7:33 p.m.

Eric Egenolf with Process Studio PLLC in SLC is working on a project in Bountiful. Mr. Egenolf spoke about the vertical mixed use with a parking concern with number of units needed for residential and commercial.

Todd Willey reside at 66 E 1200 South. Mr. Willey spoke about the possible common ground with the proposed residents and developers. He does not agree with the 75% commercial businesses.

Brian Knowlton is a developer in Bountiful. Mr. Knowlton also was comfortable with the proposed revisions but would like to see a change in the 75% commercial on the bottom floor. He spoke about the availability of commercial loans on Main Street.

Kenny Knighton is a business owner on Main Street. Mr. Knighton is concerned with 75% of the commercial on the bottom floor of the mixed use projects.

Larry DuPaix resides at 145 W 300 S. Mr. DuPaix spoke about the height of the apartment buildings and the possible foot traffic with the possible increase in height.

Ryan Downer resides at 125 W 400 South. Mr. Downer does agree with the possible apartments and the



35 foot height and expressed his concern for the possible 45 ft height in this area.

Chair Monson closed the Public Hearing at 7:54 p.m.

Mr. Drake stated that the Planning Commission's responsibility depends on the type of application. With many applications their role is mostly administrative in nature making. For Public Hearings on zoning amendments they are acting in a legislative role and they consider the standards and listen to and take comment from the public. This item about the Downtown standards is considered a legislative decision and the Commission will take comments from the public into account when making decisions for the entire city.

Mr. Wilkinson clarifies that this is a policy decision.

Mr. Bell stated he had found that this meeting was very informative. He asked for clarification on the size of building that was created in Mr. Sebright's rendering. Would like to have a commercial option for the mixed use buildings.

Mr. Smith would like to see commercial on Main St and would like to eliminate the commercial requirement.

Mr. Higginson proposed that the frontage on 100 W and 100 E be 35 ft façade and get more aggressive with the setting up of the height and allow the owners/developers to determine the 2:1 ratio of the building based on the tallest height allowed in the footprint and to still be in compliance with the 2:1 ratio.

Von Hill made a motion to table this item and propose that staff change language for:

1. The building height on 100 W and 100 E be 35 ft ht stepping up at 50 ft to 45 ft.
2. With the maximum of 25 foot interval for articulation instead of 20 foot.
3. Standards the same for Mixed Use and residential.
4. Landscaping as proposed.

Sharon Spratley seconded the motion. Voting passed 7-0 with Bell, Clark, Higginson, Hill, Monson, Smith and Spratley voting aye.

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

1. February 20, 2018 agenda items.
2. Wasatch Front Regional Council at 6:00 on February 7, 2018 at the Centerville City Hall.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 8:39 p.m.

  
Chad Wilkinson, Bountiful City Planner