

**Bountiful City  
Planning Commission Minutes  
August 14, 2018  
6:30 P.M.**

Present: Chair – Sean Monson; Vice Chair – Von Hill; Planning Commission Members – Jim Clark and Sharon Spratley; City Attorney – Clint Drake; City Planner – Chad Wilkinson; Asst City Planner – Curtis Poole; City Engineer – Paul Rowland; and Recording Secretary – Nikki Dandurand

Excused: City Council Representation – Richard Higginson; Planning Commission Members – Jesse Bell and Tom Smith

**1. Welcome and Introductions.**

Chair Monson opened the meeting at 6:40 pm and welcomed all those present.

**2. Approval of the minutes for July 17, 2018.**

Jim Clark made a motion to approve the minutes for July 17, 2018 as written.

Von Hill seconded the motion. Voting passed 4-0 with Commission members Clark, Hill, Monson, and Spratley voting aye.

**3. PUBLIC HEARING – Consider approval of a variance to section 14-4-105 J. 2. b. to allow for the building footprint of accessory structures to exceed 15 % of the lot or parcel area located at 146 W 100 South.**

Jan Rawlins was present. Curtis Poole presented the staff report.

The applicant, Jan Rawlins, has requested a variance to City Code 14-4-105 J. 2. b., which will allow for the building footprint of accessory structures existing and proposed to exceed 15% of the lot or parcel area. The purpose of the variance is to construct a detached garage. The property is in the R-4 zone.

The applicant has requested a variance to allow for a detached garage to be constructed that would exceed the 15% total lot size maximum footprint of all accessory structures. The home was built in the 1930's, and the two car garage is proposed by the applicant to meet her current needs. On August 14, 2017, the applicant received approval of a lot line adjustment that increased the lot size to .261 acres or 11,369 square feet. On the new parcel that was conveyed to the applicant was an old barn. Section 14-4-105 J. 2. b. states, "The total building footprint of any and all accessory structures shall not exceed fifteen percent (15%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision." Based on the new lot size, the total square footage of accessory structures that can be built on the property is 1,705. The existing barn, which the applicant would like to keep, is 1,322 square feet. The proposed detached garage is 728 square feet, which exceeds the maximum allowed by 345 square feet, or an 18% total footprint.

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:** State law states that a hardship cannot be self-imposed or an economic hardship. A variance will not be necessary if compliance is possible with an alteration to proposed plans. With modifications to the size of the proposed garage or existing barn footprints compliance is possible. Therefore, the need for the variance is self-imposed and does not constitute a hardship.

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

**Staff Response:** The lot does have an existing barn that was acquired through a lot line adjustment which is not common among similar properties in the R-4 zone. However, the applicant could choose to remove a portion of the barn or to construct a smaller garage without the need for a variance. The lot size and shape are similar to other lots in the zone and the variance is requested not because of a unique circumstance but rather in order to exceed the maximum lot coverage.

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

**Staff Response:** The ability to construct accessory buildings is always constrained by the available square footage of a lot. Other lots in the R-4 zone share this common constraint. Therefore, requiring the applicant to meet the standard footprint for accessory units as required by code does not deprive a property right that is available to other similar lots.

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

**Staff Response:** One of the purposes of limiting building square footage for accessory structures is to ensure that accessory structures do not become the primary use on a lot, and to preserve open space. The code requires that accessory structures should not exceed 15% of the total square footage of the property. Increasing the allowable building footprint and decreasing the amount of open space is contrary to the public interest.

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

**Staff Response:** The land use ordinance includes maximum accessory building standards in order to preserve open space and to make sure that accessory structures do not dominate a lot. Approving a variance to these standards is not consistent with the spirit of the land use ordinance.

Staff recommends denial of the requested variance, based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant.

Ms. Rawlins stated that she wants to keep her property as a Single Family home. She confirmed that issues with the property lines have existed for a while and have recently been taken care of.

Chair Monson opened the **Public Hearing** at 6:51 p.m.

Maria Bishop who resides at 138 W 100 South. Ms. Bishop is in favor of the additional garage space.

Jon Carrington, who is the contractor for Ms. Rawlins. Mr. Carrington sees Ms. Rawlins putting in money and time to keep her property looking nice and likes her proposed plan for the property.

Chair Monson closed the **Public Hearing** at 6:53 p.m.

Staff confirmed that a smaller two-car garage can be built on the property and meet the footprint standards.

Von Hill made a motion to deny the variance to section 14-4-105 J.2.b to allow for the building footprint of accessory structures to exceed 15% of the lot or parcel area located at 146 W 100 South.

Sharon Spratley seconded the motion. Voting passed 4-0 with Commission members Clark, Hill, Monson, and Spratley voting aye.

4. **PUBLIC HEARING - Consider approval for a Conditional Use Permit approval for a 12-unit multi-family development located at 105 South 100 West, Brian Knowlton, applicant.**
5. **Consider preliminary site plan approval for a 12-unit multi-family development located at 105 South 100 West, Brian Knowlton, applicant.**

Brian Knowlton was present. Chad Wilkinson presented the staff report.

Item 4 and 5 will be presented by staff together.

The applicant, Knowlton General, requests preliminary site plan approval for a 12 unit multifamily development located at 105 S 100 West. The property is zoned DN (Downtown) and is surrounded by multifamily residential to the east, single family residential to the west, the post office to the north, and vacant property to the south. The plan is to remove the existing single family residence on site and construct a new 3-story approximately 15,000 square foot building with 4 units per floor.

The proposed development is located on a .26 acre property but is part of the larger Hepworth mixed use development located to the east. No new driveways are proposed in conjunction with the development. The applicant will close the existing approach on 100 South and will use the approach to the Hepworth Apartments located on 100 West. The proposal meets the parking standards of the Code including required covered parking and guest spaces. The parking for the development is shared with the existing development to the east and utilizes excess parking developed with the previous apartments to meet the minimum standards.

The proposed building meets the required setback and height standards for the DN Zone. The applicant proposes building materials consisting of a mix of fiber cement siding and brick. The buildings are compatible with the existing apartments to the east. Color renderings of the buildings are attached to this report. The proposed structure meets the required articulation standards of the ordinance and complies with the maximum 2:1 height to width ratio requirements. Ground floor units

have entrances facing the public street and balconies or patios are shown for each unit.

The plan shows the minimum 10 percent of landscape area and the additional landscaping required by Code for multifamily development; however, a detailed landscape plan will need to be submitted demonstrating compliance with the minimum requirements of the landscape code.

Water and sewer will be provided via connections to existing lines in 100 South. Storm water drainage was designed in conjunction with the previous development and is sized to handle the minor change to the site anticipated with the current development.

Although it is not required to combine the properties in order for the building to meet setbacks, the development of the building requires the use of parking located on an adjacent parcel. Therefore, it is recommended that either the parcels be combined or that an easement or agreement for shared parking be recorded on the property to the south and east.

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 approve the Conditional Use Permit and forward a recommendation of approval to the City Council for preliminary site plan review for the proposed 12 unit multifamily building subject to the following three conditions:

1. Complete any and all redline corrections.
2. Prior to issuance of the building permit, either consolidate the parcels or provide a shared parking and access agreement or easement in favor of the new development.
3. Submit a landscape plan meeting the minimum requirements of Sections 14-16- 104 and 14-16-109.

Chair Monson opened the **Public Hearing** at 7:05 pm.

Jan Rawlins resides at 146 W 100 South. Ms. Rawlins is aware of the changes that have been in the Downtown zone but stated her dislike for the large height for this building in this area.

Maria Bishop resides at 138 W 100 South. Ms. Bishop agrees with Ms. Rawlins about the large high rise.

Carol Rawlins resides at 341 E 200 South. Ms. Rawlins would like to see the downtown area kept with the historic area.

A resident who is building a home near this area stated that he hopes that this project will have the same care as the other clean, well built, attractive apartments that are in the immediate area.

Chair Monson closed the **Public Hearing** at 7:09 p.m.

Mr. Wilkinson discussed that the direction that was given to staff for the downtown standard height was 35 feet. The Conditional Use Permit is an allowed use but will allow the Commission members to place mitigating conditions for that item.

Sharon Spratley made a motion that the Planning Commission approve the Conditional Use Permit for a 12-unit multi-family development located at 105 South 100 West with the 3 conditions outlined by staff.

Jim Clark seconded the motion. Voting passed 4-0 with Commission members Bell, Clark, Monson, Smith and Spratley voting aye.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a recommendation of approval for preliminary site plan for a 12-unit multi-family development located at 105 South 100 West with the 3 conditions outlined by staff.

Jim Clark seconded the motion. Voting passed 4-0 with Commission members Clark, Hill, Monson, and Spratley voting aye.

**6. Consider preliminary and final subdivision approval for Nathan's Subdivision located at 306 and 292 W 400 North, Nathan Polatis, applicant.**

Rafael Chavez Jr and Nathan Polatis were present. Paul Rowland presented the staff report.

Mr. Nathan Polatis is requesting preliminary and final approval of the Nathan's Subdivision. This three lot subdivision proposes to combine and then split the existing residential properties at 292 West and 306 West 400 North Street. The properties are currently occupied by a two single family homes with a couple of sheds and a detached garage. All of the structures are proposed to remain on their respective lots while the combined rear yards will be divided off to create the new third lot.

The two lots combine to form a 0.73 acre parcel which will be divided into three lots , each with enough area to meet the minimum lot size requirement for the R-4 zone, in which they are located. Lot 1, a corner lot, was the subject of a variance granted by the Planning Commission on July 17, 2018 to allow for a frontage along 400 No. St. less than the required 80 ft. The lot was turned into a corner lot and reduced in size when 325 West Street was extended to 400 North in the late '70s or early '80s. Lot 1 has the zone required frontage along 325 West and contains 8,806 s.f., which exceeds the minimum lot size of 8,800 s.f. for a corner lot. The other two lots both exceed the minimum required size and frontage requirements for the zone.

All utilities are already serving the two lots along 400 North Street but the new lot will require a full set of utilities. Since no sewer exists in 325 West, a sewer lateral will need to be extended under the Barton Creek culvert to meet the sewer main in the intersection of 600 N and 325 West.

There is a existing 10" culinary water line in 325 West which will be used to provide the culinary water service to a new house on lot 3, however there is no fire hydrant with in the code minimum distance from the property, so a new fire hydrant will be required across 325 West from the new lot. The Developer will be required to bond for and install the new sewer lateral and pay the City to have the hydrant installed before any building permit will be approved for this lot. The power, phone, and cable lines are all overhead in the area and already serve the existing lots. A new Public Utility Easement will be required on the final plat to cover the overhead power lines that cross the property near the new south boundary of lot 3.

Because the concrete channel containing Barton Creek occupies the north 15 ft. of this property, a new easement to cover the actual channel and additional ground along the channel for access is required. The final plat will need to show a 30 ft. wide easement along the north side of lot 3 to cover the needs of Barton Creek and the Davis County Flood Control.

Because all of lot 3 is in the currently mapped 100 year flood plain, a Flood Plain Development Permit will be required from Bountiful City, along with an elevation certificate showing that there are no openings into any home built on lot 3 which are below the 100 year flood elevation.

All of the necessary surface improvements (C&G, sidewalk, etc.) are already in place, and the improvements along 400 North have recently been replaced. Any damaged street improvements along the lot 3 frontage will be required to be repaired with the construction of the sewer lateral.

Staff recommends preliminary and final approval of the Nathan's Subdivision with the following conditions:

1. Provide a current title report.
2. Make all necessary red line corrections.
3. Post a bond for and install the sewer lateral in 325 West St. to serve lot 3.
4. Provide an elevation certificate for any home proposed on lot 3.
5. Pay all fees, including the new fire hydrant and the Storm Water Impact Fee.

Sharon Spratley made a motion that Planning Commission forward to the City Council a recommendation for preliminary and final subdivision approval for Nathan's Subdivision located at 306 and 292 W 400 North, Nathan Polatis, applicant with the addition of Condition 6 "Obtain approval from Davis County Flood Control for the creek easement".

Jim Clark seconded the motion. Voting passed 4-0 with Clark, Hill, Monson, and Spratley voting aye.

**7. Consider preliminary site plan approval for Alphagraphics located at 265 S Main and 295 S Main, Spencer Anderson, applicant.**

Spencer Anderson was present. Chad Wilkinson presented the staff report.

The applicant, Spencer Anderson, representing Alpha Graphics, requests preliminary site plan approval for an addition to the existing Alpha Graphics use and accompanying property improvements. The property is located within the DN (Downtown) zone and will incorporate the existing Alpha Graphics site and the former Bountiful RV site. The application includes the construction/ remodel of approximately 24,000 square feet which includes a ±3,000 square foot future tenant space. The property is zoned DN (Downtown) and is surrounded by commercial development on the north, south, east, and west. To the northeast is the existing soccer field property owned by Bountiful City.

The proposed development is located on a 1.02 acre property consisting of two parcels. Prior to construction of the proposed addition, the parcels will need to be consolidated. Access to the project will be via two driveways on 300 South. The applicant will close the two existing approaches on Main Street. Based on the square footages shown on the plan, the proposal meets the parking standards of the Code. However, once the specific use of the tenant space has been identified the submittal of

additional parking analysis may be required, in order to demonstrate compliance with the Code.

The proposed building meets the required setbacks and height standards for the DN Zone. The applicant proposes building materials consisting of a mix of fiber cement panels, metal panels and aluminum or metal trim. Color renderings of the buildings are attached to this report. The newly adopted standards of the Code require certain articulation of the building. While the Main Street frontage appears to meet the standard, the 300 South frontage does not appear to provide the required articulation at the 25 foot intervals required by Code. As a condition of approval, the applicant shall demonstrate how these standards have been met.

The plan shows the minimum 10 percent of landscape area; however, a detailed landscape plan will need to be submitted meeting the minimum requirements of the landscape code. One revision that will be required is to provide a minimum 5 foot wide landscape area along the north east portion of the property where the paved area abuts the property line.

Storm water will be collected on site in an underground detention facility with excess flows conveyed to the existing storm drain system to the north in Main Street via new storm drain lines installed in the existing soccer field property. Water and sewer will be provided from existing lines in 300 South and Main Street 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 site plan review for the proposed addition to the existing Alpha Graphics building subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to issuance of building permit, consolidate the two parcels.
3. Show a minimum 8 foot wide disabled person unloading aisle.
4. Submit a landscape plan prepared by a licensed landscape architect meeting the minimum requirements of Sections 14-16- 104 and 14-16-109. The plan shall also show a minimum 5 foot wide landscape area along the north east portion of the site where parking and drive areas are adjacent to the property line.
5. Demonstrate how the plan meets the standards of section 14-7-112 C. 7. related to required articulation along the building facades.
6. Enter into an agreement with Bountiful City to provide an easement in favor of the subject property owners for the use of the west 10 feet of the soccer field property for the proposed storm water outfall line.

Sharon Spratley made a motion that the Planning Commission forward to the City Council a recommendation of approval for a preliminary site plan for Alphagraphics located at 265 S Main and 295 S Main with the 6 conditions outlined by staff.

Von Hill seconded the motion. Voting passed 4-0 with Clark, Hill, Monson, and Spratley voting aye.

**8. Consider the approval of the Findings of Fact for an approved sideyard setback and lot width variance in conjunction with an application for subdivision located at 306 W 400 North, Rafael Chavez Jr, applicant.**

Von Hill made a motion to approve the Findings of Fact as written for an approved sideyard setback and lot width variance in conjunction with an application for subdivision.

Jim Clark seconded the motion. Voting passed 4-0 with Clark, Hill, Monson, and Spratley voting aye.

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

1. Next Planning Commission meeting – September 4, 2018.
2. Utah APA meeting will be held at Jordan Commons on October 4 and 5, 2018.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:49 p.m.



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Chad Wilkinson, Bountiful City Planner