

BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, September 19, 2017
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Conference Room at City Hall, 790 South 100 East, Bountiful, Utah, 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.

1. Welcome and Introductions.
2. Approval of the minutes for September 5, 2017.
3. **PUBLIC HEARING** – 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.
4. Planning Director's report, review of pending applications and miscellaneous business.



Chad Wilkinson, City Planner

Bountiful City
Planning Commission Minutes
September 5, 2017
6:30 P.M.

Present: Chair – Sean Monson; Planning Commission Members – Jesse Bell, 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

Excused: Vice Chair – Von Hill

1. Welcome and Introductions.

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

2. Approval of the minutes for August 1, 2017.

Richard Higginson made a motion to approve the minutes for August 1, 2017 as written. Sharon Spratley seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

3. Consider preliminary subdivision approval for Stone Creek Estates Subdivision located at approximately 1500 E and 400 North, Brock Johnston representing Rainey Homes, applicant.

Brock Johnston was present. Paul Rowland presented the staff report.

Mr. Johnston, of Rainey Homes is requesting preliminary approval of the Keller Property Subdivision, a 50 lot subdivision of the long vacant Keller property located at the top of 400 North Street. The proposed subdivision would occur over four phases with preliminary approval being requested for the entire property and final approval being requested for each of the phases as construction progresses.

The property, which is located between 1500 East and approx. 1700 East on both sides of Bountiful Blvd. The proposed development includes 50 single family lots on 33.5 acres of ground and is located in the R-3 zone. Rainey Homes is proposing to develop the property in 4 phases and is requesting an overall preliminary approval for the entire property, with final approval coming for each of the phases as they are ready for construction and sale. Bountiful City ordinance allows for this type of phased development as long as the preliminary plat “illustrates the total subdivision intended...” Rainey Homes intends to develop the property in roughly the following four phases:

Phase 1	south and west part of the property, includes 18 lots
Phase 2	along the southwest side of Bountiful Blvd., includes 9 lots
Phase 3	along both sides of the Eagle Ridge Drive extension to Ward Canyon, 15 lots
Phase 4	single cul de sac between Bountiful Blvd. and the canyon, includes 8 lots

All of the lots, as proposed, exceed the minimum frontage requirements (80 ft.) and minimum lot size requirements (11,000 s.f.) for the zone. Also, all of the lots have the required 3,000 s.f. buildable pad as defined by ground under 30% in slope that is outside of required side yards and setbacks. The lots as proposed would match or be slightly larger than the lots in the surrounding subdivisions.

The farthest south E-W road will be quite steep, but preliminarily shows to have a grade of between

14.5% and 15%. Our code allows for streets with a grade to 12% without any type of special consideration, and up to 15% with review. This road provides a necessary connection between Bountiful Blvd. and Moss Hill Drive along the extension of Eagle Ridge Drive. There is no other place to provide this connection which will result in a flatter slope so the grade of this street can't be avoided.

With the need to break the large amount of work required for this project into more manageable parts, staff and the developer have discussed a phasing scheme that will also meet other needs.

Phase 1. When the utilities are installed in Bountiful Blvd. as part of Phase 2, a detour will be needed to direct traffic around the work site. The best available detour is 1300 East, but if drivers ignore that, Moss Hill Drive, which is a 60 ft. wide local collector street, will provide the last and best way to avoid a traffic bottle neck at the road closure. Phase 1 includes the completion of Moss Hill Drive with all of its utilities and sidewalk on both sides of the street and a water line extended to 75 So. Street.

Phase 2. Phase 2 will close Bountiful Blvd. for the installation of the utility lines and will result in a completely rebuilt road surface between the southeast end of the subdivision where the Blvd. meets the Granada Hills subdivision and Moss Hill Drive.

Phase 3. Because the extension of Eagle Ridge Drive is included on our Master Streets Plan as a 60 ft. wide local collector street and because our ordinances only allow for a maximum 600 foot long cul de sac, the construction of Eagle Ridge Drive as part of Phase 3 will require the extension of the paved travel surface all of the way to the end of the pavement on the north side of Ward Canyon under the "B". The City has agreed that we will install the paving, curb and walk over the Stone Creek debris basin and the developer will be required to construct a paved roadway, similar to the section of temporary road on Skyline Drive below, to the end of the Eagle Ridge Plat C improvements. That will provide an all-weather surfaced road connecting both sides of the canyon. Additionally, the developer will be required to construct a 10 ft. wide sidewalk along the EAST side of the new Eagle Ridge Drive extension and along the WEST side of Bountiful Blvd. from Eagle Ridge Drive to its current end at the Granada Hills Subdivision, to complete the existing walking trail along Bountiful Blvd.

Phase 4. Phase 4 includes the nine lots around the cul de sac on the north side of Bountiful Blvd., some of which back onto Ward Canyon. Road construction in this phase will be standard construction, however the layout of several lots are such that a restriction needs to be shown on the final plat restricting construction on the steep slope of the canyon.

As each phase is designed, approved and constructed, the developer will be required to provide development agreements and bonds to cover the improvements.

Bountiful City currently has a waterline which runs in Bountiful Blvd. from View Crest Drive to where the proposed intersection with Eagle Ridge Drive will be. From that point the line runs along the proposed Eagle Ridge Drive alignment to the north and serves the area north of Ward Canyon around the "B". That is the only existing utility in the entire area, including sewer, water, irrigation water and storm drain. All of the utilities will have to be installed as part of the subdivision development, including in Bountiful Blvd. When Bountiful Blvd. was constructed the property owner declined the opportunity to install all of the utilities with the road construction, resulting in the need to now close and completely dig up the street in order to install the needed lines. The first phase can be constructed with only slight impact on Bountiful Blvd. at the southeast end where it connects to the Granada Hills Subdivision. It will also include installing a water line along Moss Hill Drive south to 75 South St. in order to provide a proper looped system. The construction of Phase 2 will require the Blvd. to be closed and all of the utility lines be installed. The developer is aware of this situation and knows that they will

ultimately have to reconstruct the street surface when the lines and service laterals have been installed. Phases 3 and 4 can have the utilities install as a normal part of the street construction, without disruption to traffic on Moss Hill Drive or Bountiful Blvd.

After review it has been determined that the additional run off water created by the development of this property can be handled in the excess capacity of the Stone Creek channel improvements and therefore onsite storm water detention will not be required. The developer will be required to pay the regular Storm Water Impact Fee at \$2,100/ per acre. Modifications to the storm drain outlet into Stone Creek currently located at Moss Hill Drive and Bountiful Blvd. will need to be approved and permitted by Davis County Flood Control.

Computer modeling of our water system shows we currently have enough reservoir capacity to meet the needs of both this development and the future development of the Kingston property on the north side of Stone Creek. This area is served by the 1.5 million gallon reservoir located just east of the temple. The computer model has also shown that this development and the future Kingston property development will force a need to increase our ability to get water from the city's wells and other sources, all of which are located below Davis Blvd., to the Temple View reservoir. These improvements include a new pump house at the Hannah Holbrook Elementary school reservoir, new pump lines from that point to our existing trunk line running across Bountiful Blvd./Eaglewood Drive and eventually a new pump house located at a new 1.5 million gallon reservoir that the city will construct on the Kingston Property just west of where Moss Hill Drive meets Bountiful Blvd. In order to make the on-site water system work for all but Phase 3, an additional tie to our existing water system will be required on 75 So. Street. This will mean laying new line in Moss Hill Drive west of the LDS church, but will reduce the need for multiple pressure reducing valves in the new streets. While not all of the projects will be constructed with the first phase of this project, each will eventually need to be built as the phasing progresses.

As proposed, the property that is to be developed with this plan excludes a 5.7 acre parcel, much of which is north of Stone Creek and which is inaccessible from the south side. It also includes the very steep ground along the south side of the creek which contains the abandoned road that used to be the main access to the mountain before Skyline Drive was built. Bountiful City ordinance does not allow for remainder parcels to be left orphaned by the subdivision of a property so this property would need to be included as part of the surrounding lots. Rather than creating a number of large, odd-shaped and mostly unusable lots, Rainey Homes has proposed that the Parcel 3 property be dedicated to the city to be used as open space. The Bountiful Trails Committee is very excited about the prospect of improving the old road and constructing a trail which would connect from Bountiful Blvd. at Moss Hill Drive to Eagle Ridge Drive at the Stone Creek Detention Basin. Although a short section, it would be the first step in providing a trail which could eventually be built from Rocket Park along Stone Creek to the detention basin and tying into the trails which access the mountain through Ward Canyon.

Staff recommended preliminary approval of Stone Creek Estates Subdivision with the following ten conditions:

1. Pay the Storm Water Impact Fee as described.
2. Participate in the off-site water costs as described.
3. Dedicate the property designated as Parcel 3 to Bountiful City for trails and open space.
4. Receive approval from Davis County Flood Control for any modification to the storm water outfall.
5. Construct the 10 ft. wide walk along Eagle Ridge Drive and Bountiful Blvd. as described.
6. Construct the full width of Moss Hill Drive including all curb and gutter and walk on both east and west side.

7. Reconstruct the full width Bountiful Blvd. asphalt surface where the new utilities are installed.
8. Replace any damaged or settled curb and gutter and sidewalk along Moss Hill Drive and Bountiful Blvd. and install new where it doesn't currently exist.
9. Post the necessary bonds and pay the required fees with the respective phases.
10. Compliance with all Bountiful City zoning ordinances and subdivision construction requirements.

Mr. Rowland clarified that Bountiful City does not have a shortage of water storage in this area. FEMA has reviewed storm water detention for this area and found that the concrete channels have the ability to handle the excess water capacity. He also stated that Bountiful Blvd will be closed for about 3 months during the construction season and the costs will be paid for by the developer.

Commission Members expressed their excitement for the lot to be dedicated to the Trails Committee. The Commission asked questions related to timing of the various phases.

Sharon Spratley made a motion that the Planning Commission pass a recommendation for approval to the City Council for the preliminary subdivision approval for Stone Creek Estates Subdivision located at 1500 E and 400 North with the 10 conditions outlined by staff. Tom Smith seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

4. Consider final site plan approval for Bristol Village a 19 multi-family townhome unit development at 1910, 1940 and 1950 S 200 West, Taylor Spendlove representing Brighton Development Utah LLC, applicant.

Taylor Spendlove was present. Chad Wilkinson presented the staff report.

The applicant, Brighton Development Utah, is requesting final site plan approval for a 19 unit townhome style multifamily development. The submitted final site plan substantially conforms to the preliminary site plan which received approval from the Commission and City Council last month. The applicant has modified the site plan to address conditions related to access into the site, including sidewalk connections to the 200 West facing units and a sidewalk along one side of the access drive to provide pedestrian connection to the interior units. The applicant has also revised the onsite fire hydrant to the location requested by the City Engineer.

The previously submitted building elevations have not changed and the applicant will be required to follow the design approved by the City Council. The applicant has submitted a preliminary landscape plan which will require a few redline corrections in order to meet the Code, related to number of trees. A final landscape plan will be required in conjunction with the building permit submittal.

Staff recommends that the Planning Commission recommend approval of the request for final site plan approval subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to issuance of a building permit, complete the following:
 - a. Consolidate the parcels and complete any proposed parcel boundary adjustments.
 - b. Submit a final landscape plan meeting the requirements of Chapter 16 of the Bountiful City Zoning Ordinance. Include the following:

- i. Street trees shall be required along each street and any reverse frontage conditions. Each tree shall be a minimum two (2) inch caliper and shall be planted at a minimum spacing of one (1) tree for every thirty-five (35) lineal feet of street frontage or fraction thereof over twenty (20) feet.
- ii. In addition to required street trees, each lot or parcel shall include the following:
 - 1. At least one (1) ornamental tree of at least one (1) inch caliper, and/or one (1) screening tree of at least two (2) inch caliper, for each
 - 2. Five hundred (500) square feet of required landscaping in commercial developments that are two (2.0) acres or larger, or
 - 3. Seven hundred fifty (750) square feet of required landscaping in all multifamily developments and all commercial developments that are less than 2.0 acres in size; and
 - 4. At least one (1) shrub, minimum five (5) gallon, for each two hundred (200) square feet of required landscaping.
- c. Any modifications required by conditions of the Planning Commission and City Council.

The Commission discussed the concerns raised by the neighboring property owner. Mr. Spendlove stated that the retaining wall would be moved back and the fence built on the property line.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to the City council for the final site plan approval for Bristol Village a 19 multi-family townhome unit development at 1910, 1940 and 1950 S 200 West with the two conditions outlined by staff. Sharon Spratley seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

5. Consider preliminary and final site plan approval for Colonial Square Service Alley Improvements, 500 W 2600 South, Kevin Allcott, applicant.

Kevin Allcott was present. Chad Wilkinson presented the staff report.

The applicant, Kevin Alcott, representing the Colonial Square Property Owners Association, is requesting preliminary and final site plan review approval for improvements to the service drive and employee parking area. The proposed improvements include approval of a building pad for a new 1,260 square foot storage/equipment building for the development.

The applicant previously completed improvements to the parking area and driveways located at the front of the development which were approved by the City Council in 2008. The current proposal involves improvements to the parking and driveway areas to the rear of the buildings and will include repaving the existing access road restoring/establishing landscaping in this area and constructing a new service and equipment building to store snow removal and other maintenance equipment. The work will also include the construction of a new waterway that will provide better handling of stormwater runoff from the site.

The development was originally constructed around 1976 and therefore the landscaping does not meet current code standards. The applicant proposes to bring the site into greater compliance with current standards by installing landscaping throughout the rear of the site. Because of the site layout originally approved, it is not possible to construct landscaping areas along all property lines as required by Code. Dimensionally, requiring 5 feet of landscaping along the perimeter of the site and 10 feet along areas abutting residential zones would eliminate much of the parking located in the rear of the development.

Since this is a request to reconstruct existing parking areas and does not involve any new building, other than a small equipment shed, calling for the site to come into complete compliance is not required. The applicants' proposal to bring the site more into compliance with current standards is proportional with the request and is desirable to provide additional landscaping to the site while allowing for reconstruction of the paved areas.

Staff recommends that the Planning Commission recommend approval of the request for preliminary site plan approval subject to the following conditions:

1. Complete any modifications required by conditions of the Planning Commission and City Council.

Mr. Allcott stated that the foundation and landscaping would be done prior to the building construction. The building will be approx. 1200 sq ft and will be fiber board siding.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to the City Council for the preliminary and final site plan approval for Colonial Square Service Alley Improvements, 500 W 2600 South with the one condition outlined by staff. Sharon Spratley seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

6. Consider final site plan and final plat approval for a commercial office development at 1065 S 500 West, Jeff Beck representing Union Avenue LLC, applicant.

Jeff Beck was present. Paul Rowland presented the staff report.

Jeff Beck has completed the plat map and site plans and is now requesting final approval for the four lot 5th West Office Park Commercial Subdivision. He has prepared and submitted the plat map and site plan drawings for the proposed subdivision. Todd Christensen has checked and returned the plans and plat map to the engineer and redline corrections have now been resubmitted.

All of the items and conditions reviewed with the preliminary submittal have been revised to meet requirements for final approval. The property owners met with representatives of the UDOT and have shown an access easement on the final plat map which meets the requirements set by the UDOT in order to get an access permit. The plans and plat are now ready for final review by the Planning Commission.

The developers previously submitted building elevations and preliminary landscape plans. As the plans move forward to building permit, the elevations will need to match those approved by the Council. In addition, a final landscape plan will be required at the time of building permit.

Staff recommends the Planning Commission send a recommendation for final approval to the City Council.

1. Payment of all required fees.
2. Post an approved bond and sign a Bountiful City Development Agreement
3. Provide a current Title Report.

Mr. Wilkinson presented revised elevations showing the north side of the Flex Building. No other changes were proposed between preliminary and final.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to

the City Council for the final site plan and final plat approval for a commercial office development at 1065 S 500 West with the three conditions outlined by staff. Tom Smith seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

7. Consider a subdivision vacation for Shaw Subdivision, Justin and Lauri Shaw, applicant.

Paul Rowland presented the staff report.

The Shaw Subdivision is a two-lot subdivision located on 400 North. Justin and Lauri own both lots in the subdivision and wish to vacate the subdivision in order to combine the lots into one parcel. Subdivision vacations must be approved by the City Council by ordinance after a public hearing. The Land Use Ordinance requires that, prior to consideration by the City Council, the application be reviewed by the Planning Commission for their recommendation of approval with conditions or denial.

Mr. and Mrs. Shaw no longer have a need to sell off a portion of their property and now wish to build a detached garage across the existing property line between lots 1 and 2. The Code prohibits making improvements such as driveways or accessory structures to a lot that does not have a primary residential structure. Combining the lots through the subdivision vacation will make it possible to construct the desired improvements.

The purpose of the prohibition on constructing accessory structures and driveways on vacant lots is to prevent these structures from being sold separately from a primary residence. Without the proposed combination, Lot 2 could still be sold separately from Lot 1 which could result in an accessory structure on an individual lot without a primary structure. In the past, this situation has resulted in accessory structures being converted to non-permitted business and/or storage use which is incompatible with the standards of the single family zone.

The current subdivision plat provided a large easement to cover the Stone Creek channel running along the south and west side of the property. That will need to be replaced by a new public utility and drainage easement covering the same ground.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed vacation with the condition that the vacated Stone Creek easement be replaced with a new recorded easement.

Richard Higginson made a motion that the Planning Commission pass a recommendation for approval to the City Council for a subdivision vacation for Shaw Subdivision as outlined by staff. Sharon Spratley seconded the motion. Voting passed 5-0 with Commission members Bell, Higginson, Monson, Smith and Spratley voting aye.

8. Discussion of potential changes to zoning and development standards in Plat A Neighborhood.

The Historic Downtown area of Bountiful, contained within the boundaries of the original "Plat A", is the cultural and civic heart of the City. The neighborhood, bounded by 400 North, 500 South, 400 East, and 200 West, has seen tremendous changes over the past several years as redevelopment has occurred along Main Street and the surrounding neighborhood.

In 2006, a planning effort was undertaken that resulted in a document titled the "Bountiful Historic Fort Plan." This document included goals and policies and recommendations for the Plat A area. The document was never officially adopted, although several of the goals and policies were used to inform

subsequent zoning changes and the Downtown Master Plan component of the 2009 General Plan. One of the major recommendations related to preservation of the existing residential neighborhoods east of 100 East and west of 100 West. In 2007, the zoning map was amended to include the properties between 400 East and 100 East in the single family residential zone. The zoning of properties between 100 West and 200 West were not changed and remain in the multifamily zoning district. Residents of this portion of the neighborhood have expressed concern over whether this area should remain a multi-family residential zoning district, or whether zoning should be changed to preserve existing single family homes and encourage the development of single family residential.

Residents and business owners within the Plat A neighborhood have also voiced concerns over preserving the character of Bountiful's historic downtown and have expressed a desire to revisit the allowed uses and allowed density of development in the neighborhood. Specifically, residents of the neighborhood have expressed concern over the number of multi-family units being constructed in the area and the scale and density of development. Recent developments including the IHC expansion and mixed use development within the Downtown (DN) zoning district have brought up questions related to allowed height, setbacks, parking and other development standards.

In late March of this year, the City Council adopted a six month moratorium to allow time for the City to review these issues and make desired changes to zoning and development regulations prior to new development moving forward. As part of the review process, the City initiated a survey of residents and business owners in Plat A in order to give opportunities for additional public input on development in the area. The City received over 250 responses to the survey, which was sent out to all property owners in the Plat A area. Staff has taken this input and combined it with input from the following sources:

- The 2006-2008 Bountiful Historic Fort Planning Process and documents
- Recommendations from Envision Utah given during the original planning process
- Recent City Council Decisions
- The Recent Plat A Survey
- Concerns expressed during recent application review by the Planning Commission

After reviewing input from all of these sources, Staff is prepared present recommendations for proposed changes to the zoning and development standards.

- Change the zoning for the area located between 100 West and 200 West currently zoned RM-19 (Multifamily 19 units to the acre) to R-4 (Single Family Residential)
 - This will reduce the amount of property zoned for apartments by approximately 40 acres in size
 - Provide development standards that encourage the type of multifamily development envisioned in the 2006-08 planning process.
 - Include transitions from higher intensity development on Main Street to development consistent with single family residential on 100 west and 100 East including
 - Maximum height transitions 55 feet on Main to 35 feet on 100 West.
 - 1 foot for each 10 feet of additional setback to mid-block.
 - Add "whichever is less" language to current 35 foot and 2-story standard
 - Provide architectural standards for residential development in the DN zone along 100 West and 100 East that include elements compatible with single family residential, such as gable roof designs, smaller footprint sizes for buildings, primary building entrances facing the street.

- Consider a 2:1 building width to height ratio to keep building sizes at a smaller scale along 100 West. Potentially provide exemption for rowhouse/townhome style developments
- Decrease minimum lot size of Commercial and Mixed Use Development in Downtown from 20,000 sf to a size that better matches the minimum lot width standard (somewhere between 7,500 to 10,000 sf)
 - Minimum lot width is 50 feet- In order to meet the minimum lot size the lot would have to be 400 feet in depth
- Reduce or eliminate the 50-foot parking setback from Main Street. Replace with standards requiring parking to be located behind or to the side of buildings throughout the Zone.
- Horizontal vs. vertical mixed use -Clarify that Multi family is only allowed on Main Street when a commercial use is located on the ground floor.
- Provide clarifications on permissible height for roof mounted equipment
 - 1 foot of setback for every foot of height for mechanical equipment/ penthouses
 - No more than 20 percent of roof area.
 - Add new Single Family residential to list of allowed uses
- Correct errors and inconsistencies in code sections
 - RM-12
 - Setback inconsistencies

Next Steps

- Consider Text Amendment for DN Zone Standards- Public Hearing at Planning Commission September 19, City Council to follow
- Zone Change to SFR- Hold Public Hearing at Planning Commission October 3

Mr. Wilkinson showed zoning in 1954, 1961, 1963, 1993, and 2003. Current zoning is shown from 2008 to current.

Commission Members comments:

Mr. Smith:

1. Would like to see Main Street as a vital street with pedestrians and businesses
2. Would like to see the zone changes to Single Family on the east of 100 North
3. Discussed the possibility of parking spaces in the middle of the block and large trees
4. Would like to see 100 W more of a residential feel

Mr. Bell:

1. Liked what Mr. Smith had stated.
2. Would like to see parking more of an alley loaded
3. Outside dining
4. Sidewalk sales
5. Dining Downtown
6. Developers to use upgraded building materials
7. Appropriate trees for Landscaping
8. Provide owner flexibility – parking is important but not the only issue

Ms. Spratley:

1. Minimum lot size – bringing down the size of lot to accommodate smaller single family homes

Mr. Higginson:

1. Design standards are a necessity
2. Height restriction in the Downtown zone

Staff Comments:

Mr. Wilkinson:

1. Mixed use standards might be appropriate for the C-G zone area along 200 W
2. The current apartments would be in the proposed change of zone and would be considered legal non-conforming
3. Downtown zone does allow multi-family (Mixed Use)

Audience Comments:

1. Concerned about the addition of apartments in the Downtown zone
2. Consider instead of apartments – owner townhomes

Mr. Wilkinson stated that the City staff would like to go forward with standards for the zone and text amendments. The code text should be available for the next packet.

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

Planning Commission meeting:

- September 19, 2017 - Public Hearing for the text amendment for Downtown Zoning
- October 3, 2017 – Ordinance Amendment for Downtown Zoning

City Council meeting:

- September 12, 2017 – Working Meeting and City Council Meeting
- October 10, 2017 – Ordinance Amendment for Downtown Zoning

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 8:43 p.m.

Chad Wilkinson, Bountiful City Planner

Commission Staff Report

Item # 3

Subject: Public Hearing-Potential Changes to DN Zoning District Standards found in Chapter 7 of the Bountiful Land Use Ordinance

Applicant: Bountiful City

Author: Chad Wilkinson

Date: September 19, 2017



Background and Analysis

At the Planning Commission work session for the Plat A neighborhood held on September 5, 2017 staff recommended changes to the DN (Downtown) Zoning Standards found in Chapter 7 of the Bountiful Land Use Ordinance. In addition to these changes, staff recommended a zone change for the RM-19 zoning area located between 100 West and 200 West. The potential RM-19 Zone change will be considered at a future Planning Commission meeting. The purpose of this public hearing is to review potential changes to the DN zoning standards, receive public input and provide additional direction on the changes to staff. This direction will be used to further refine the proposed ordinance changes.

The proposed changes include the following:

- Changes to the building height requirements
- Changes to the minimum lot size
- Addition of standards regulating location of parking
- Revisions to the architectural design standards for multifamily developments located along 100 West and 100 East
- Other changes to correct inconsistencies and provide clarification

The attached draft ordinance contains the proposed revisions with changes to the 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.

Recommendation:

It is recommended that the Planning Commission review the proposed changes to the Downtown Ordinance and hold a public hearing. After receiving public input it is recommended that the Commission give staff direction on the proposed changes and schedule an additional public hearing for October 3, 2017.

Attachments

Proposed changes to the DN (Downtown) Zoning Standards

CHAPTER 7

DN – DOWNTOWN

- 14-7-101 PURPOSE AND OBJECTIVES
- 14-7-102 PERMITTED, CONDITIONAL, AND PROHIBITED USES
- 14-7-103 MINIMUM LOT STANDARDS
- 14-7-104 AREA OF ZONE
- 14-7-105 YARD REQUIREMENTS
- 14-7-106 PROJECTIONS INTO YARDS
- 14-7-107 BUILDING HEIGHT
- 14-7-108 DISTANCE BETWEEN BUILDINGS
- 14-7-109 PERMISSIBLE LOT COVERAGE
- 14-7-110 PARKING, LOADING, AND ACCESS
- 14-7-111 SITE PLAN APPROVAL
- 14-7-112 OTHER REQUIREMENTS
- 14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING

14-7-101 PURPOSE AND OBJECTIVES

The Downtown (DN) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area, consistent with the provisions of the adopted Bountiful Historic Downtown Plan.

14-7-102 AREA OF ZONE

Each area of Downtown zoning shall be at least four (4) acres in size.

14-7-103 PERMITTED, CONDITIONAL, AND PROHIBITED USES

The following principal uses and structures, and no others, are allowed either as a permitted use (P) or by Conditional Use Permit (C) in the Downtown zone. Some uses may be expressly prohibited (N) in this zone. Any use not listed herein is also expressly prohibited. Properties fronting on 100 West or 100 East shall be limited to the residential uses allowed in the (DN) zone.

Table 14-7-103

<u>Use</u>	<u>DN</u>
Assisted Living Center	C
Bail Bonds	N
Banks, Credit Unions	P
Bar, Tavern, Drinking Establishment	N
Bottling, Canning, Food Production	C
Building/Construction Materials and Supplies w/ outside storage	N
Building/Construction Materials and Supplies w/o outside storage	C

Use	DN
Check Cashing, Title Loans	N
Construction Services w/ outside storage	N
Construction Services w/o outside storage	C
Convenience Stores	C
Dry Cleaner, Laundry Service	P
Fast Food Restaurant w/ drive-thru window	N
Fast Food Restaurant w/ pick-up	C
Fast Food Restaurant w/o drive-thru	P
Feed Lots, Animal Rendering, Animal Raising	N
Fire Arm/Shooting Range – Indoor	N
Fire Arm/Shooting Range – Outdoor	N
Food Preparation, Bakery	C
Funeral Parlor, Cemeteries, and Crematory Services	C
Gasoline Sales	N
General retail w/ outside storage	N
General retail w/o outside storage	P
Grocery Store	P
Hotels (Interior rooms)	P
Industrial Manufacturing	N
Kennels, Animal Boarding	N
Laundromat (Self-operated)	P
Mail Order/Online Distribution office w/ onsite storage	C
Medical/Dental Laboratory	N
Medical/Dental Office	P
Millwork, Cabinetry	P
Motels (Drive-up/exterior rooms)	N
Motorized Recreation	N
Multi-Family Residential – Stand alone <u>with frontage on Main Street</u>	N
Multi-Family Residential – Stand alone; <u>lot or parcel fronting on 100 West or 100 East without frontage on Main Street</u>	C
Multi-Family Residential w/ Commercial Use <u>on ground floor</u>	C
Municipal Facility	P
Non-motorized Recreation, Pool, Gymnasium – Public or Private	P
Pawnshop, Secondhand Merchandise	N
Personal Services	P
Professional Services	P
Public/Private Assembly	C
Restaurant	P
Security Services	C
Self Storage Units or Warehouse w/o Office	N
Sexually Oriented Business, Escort Service	N
Single Family Dwelling -or Two Family Dwelling – Existing	P
Single -or Two Family Dwelling – New	NC
Small engine/appliance repair	C
Tailor, Seamstress, Shoe repair	P
Tattoo Parlor	N

Use	DN
Tutoring, Dance, Preschool, Daycare	P
Vehicle Part Sales	N
Vehicle Repair	N
Vehicle Sales	N
Vehicle Salvage/Wrecking	N
Vehicle Service and Wash	N
Vehicle Storage – Indoor	C
Warehouse w/ office	N
Welding, Autobody, Machine Shop, Fiberglass, Painting	N

Accessory uses and structures shall be permitted in the Downtown Zone provided that they are incidental to and do not substantially alter the character of the permitted principal use of a main structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- A. Accessory structures such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the (DN) Zone.
- B. Storage of materials used for the construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

14-7-104 MINIMUM LOT STANDARDS

The minimum area and street frontage for any lot or parcel in the Downtown Zone shall be as follows:

Table 14-7-104

Use	Min. Lot Size	Min. Frontage and Width
Commercial	20,000 8,500	50
Mixed-Use	20,000 8,500	50
Single Family (Existing only)	8,000	70
Two-Family and Multi-Family Two-Family (Existing only)	10,000 12,000	50 80
Multi-Family	20,000	80

- A. Lots with more than one (1) street frontage shall meet the minimum requirements along all frontages.
- B. An existing lot or parcel that does not meet the minimum requirements shall be considered a non-complying lot, and all proposed development on such lot or parcel requiring site plan review shall follow the process for non-complying sites and structures.

- C. A multi-family residential development that is not part of a vertical mixed use development shall meet the density requirements and development standards of the RM-13 subzone, except as set forth in this Chapter.

14-7-105 YARD REQUIREMENTS

A lot or parcel with a single family ~~or two family dwelling~~ shall conform to the minimum setbacks of the R-4 subzone. Two-family dwellings and mMulti-family dwellings shall meet the setback criteria of the RM-13 subzone. All other uses, including mixed uses, shall meet the following requirements:

~~A.~~ A. ~~Front and Street Setbacks.~~

~~1. Each lot or parcel Along 100 West and 100 East shall have any building shall have minimum a minimum building setback of 20 feet and a maximum setback of~~ of twenty-five (2025) feet from any front property line and/or any property line abutting a public street, ~~with the following exceptions:~~

~~1-2.~~ Along Main Street any building shall be located within ten (10) feet of the street property line. Plazas, outdoor eating areas, and other pedestrian oriented site amenities shall be considered part of the building for setback purposes.

~~2-3.~~ Along 500 South, 400 South, 300 South, 200 South, 100 South, 100 North, 200 North, or 300 North and 400 North any building shall be setback at least ten (10) feet and not more than twenty (20) feet from the street property line.

4. Along Center Street, any building shall be setback at least five (5) feet and not more than ten (10) feet from the street property line.

~~3. Each lot or parcel that fronts onto Main Street shall have a minimum on-site parking setback of fifty feet (50') from the Main Street right-of-way line, or be located completely behind the principal structure.~~

~~4.~~

- B. Side Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from an interior side property line. Any lot or parcel that fronts onto Main Street shall have no interior side yard setback except as required by the International Building Code.
- C. Rear Yard. Except as provided otherwise in this chapter, each lot or parcel shall have a minimum building setback of ten (10) feet from a rear property line.
- D. Yard Abutting Residential Lots. Where property abuts an existing single family residential dwelling zone, the minimum building setback shall be ten (10) feet on the abutting side.
- E. Accessory Structures. An accessory structure shall meet all of the setback requirements of a principal structure. An accessory structure that does not require a building permit, according to the International Building Code (IBC), may be located in a side or rear setback area only if all of the following conditions are met:

1. The accessory structure is not within a front or street yard setback and is located more than ten (10) feet from any main building on the same or adjacent property.
2. The accessory structure has no openings on the side which is contiguous with the property line, and the walls of said building which are adjacent to the property line have a fire retardant rating as specified by the IBC.
3. The accessory structure is designed such that all roof drainage is discharged onto the lot or parcel on which it is erected.

F. Residential Uses.

It is the requirement of Bountiful City that multiple family developments reflect a sense of proportion. Proportion requires that the development be designed in such a manner that each unit receives a reasonable and approximately proportionate share of the open space, landscaping, and other benefits of the site. Locating units in such a way that benefits of the site fall primarily to one unit or a few units, and not to others, is prohibited. Depending upon topography, property dimensions and site configuration, it is possible that this requirement may affect the number of units that can be physically located on a lot or parcel. The Planning Commission and City Council are granted reasonable discretion in administering the proportionality requirement, and may modify yard setback requirements by up to twenty (20) percent subject to a finding that such modification will benefit all units more equally than would be possible if the standard requirement was applied.

14-7-106 PROJECTIONS INTO YARDS

- A. The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway or pedestrian access:
1. A fence or wall in conformance with this Ordinance.
 2. Landscape elements, including: trees, shrubs, and other plants.
 3. Necessary appurtenances for utility service as long as they are attached to a permitted structure and do not protrude more than two (2) feet into a required setback.
- B. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required driveway or pedestrian access:
1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 2. Stairways, balconies, door stoops, fire escapes, awnings
 3. Planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 4. A covered entry or porch used for the protection of pedestrians entering or leaving a building, provided said structure is not more than one story in height and is entirely open on at least three (3) sides.

- C. Buildings that front onto Main Street and that are built within ten (10) feet of the front property line may have canopies with business identification sign area if the following criteria is met:
1. The canopy may protrude a maximum of six feet (6') into the Main Street right-of-way, over areas of sidewalk.
 2. The canopy shall not come within seven feet (7') of any parking stall, drive lane, or other portion of the right-of-way used for vehicle access.
 3. The total combined length of the canopy or canopies shall not exceed two thirds (2/3) of the building width.
 4. The maximum height of the canopy shall not exceed five feet (5').
 5. Off-premise signs are expressly prohibited.
 6. Canopy sign copy area shall be a maximum of thirty-two (32) sq ft per property.

14-7-107 STRUCTURE HEIGHT

Any lot or parcel with a single family or two family dwellings shall conform to the maximum height requirements of the R-4 subzone. ~~Multi-family dwellings shall conform to the maximum height criteria of the RM-12 subzone. All other uses, including mixed-uses, shall not exceed three (3) stories or forty-five (45) feet in height, whichever is shorter, as measured at the average grade shall comply with the following height standards:-~~

- A. A. — For buildings located within 100 feet of the street property line on 100 West and 100 East: Building height shall not exceed 35 feet or 2 stories in height, whichever is less, measured at the average grade. Buildings A mixed commercial and residential building may be constructed one (1) additional story foot in height as long as the additional story is set back an additional one (1) foot for each additional one ten (10) feet foot of height setback from 100 East and 100 West as measured from the street property line.
- B. Buildings located at least 100 feet from the street property line of 100 West and 100 East shall not exceed three (3) stories or 45 feet in height, whichever is less, measured at the average grade . Buildings may be constructed one (1) additional foot in height for each additional ten (10) feet- of setback from 100 East and 100 West as measured from the right of way.
- C. Buildings located at least 200 feet from 100 West and 100 East shall not exceed 55 feet or 4 stories in height, whichever is less, measured at the average grade. , up to a maximum building height of four stories or fifty-five (55) feet, whichever is shorter, as measured at the average grade. — The additional horizontal setback does not apply to interior side yard setbacks.
- D. Maximum height for public and quasi-public buildings shall be approved through the site plan approval process by the land use authority.

- B. Chimneys, flagpoles, ~~church towers,~~ steeples, and similar accessory elements not used for human occupancy are excluded in determining height, however, the City may limit the height of any protrusion that is found by the City Council to be a public nuisance. . In no case shall the area covered by roof mounted equipment exceed 20twenty percent (20%) of the roof area. Roof mounted equipment shall be setback from the edge of the roof a minimum of 1 foot for every foot of height.

14-7-108 DISTANCE BETWEEN STRUCTURES

A lot or parcel with a single family ~~or two family~~ dwelling shall conform to the minimum building separation requirements of the R-4 subzone. A two-family dwelling or multi-family dwelling shall meet the minimum building separation criteria of the RM-13 subzone. For all other uses, the minimum separation between structures shall be ~~ten (10) feet or~~ as required by the International Building Code, ~~whichever is greater. This separation may be reduced through the site plan approval process if the reduced setback is consistent with the adopted Historic Downtown Plan, except that it shall never be less than the distance required by the International Building Code.~~

14-7-109 LANDSCAPING AND PERMISSIBLE LOT COVERAGE

- A. A lot or parcel with a single family ~~or two family~~ dwelling shall follow the lot coverage requirements of the R-4 subzone. A lot or parcel with a two-family or multi-family dwelling shall conform to the lot coverage criteria of the RM-~~12-13~~ subzone. All others, including mixed-use developments, shall conform to the following criteria, in addition to any other requirements of this Title:
1. All landscaping shall be sprinkled and planted with substantial live plant material for the purpose of buffering, screening, and beautifying the site. At plant maturity, the landscaping should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
 2. With the exception of properties fronting on Main Street aA minimum ten (10) feet wide landscape buffer shall be required along all frontage areas not occupied by drive accesses.
 3. A minimum ten (10) feet wide landscape buffer shall be established adjacent to a residential property.
 4. Parking, loading, and drive areas shall have a minimum five (5) feet wide landscape buffer when located adjacent to a side or rear property line, except for landscape buffering required between residential uses.
 5. Parking areas shall be landscaped as set forth in this Ordinance.
 6. Approved landscaping must cover a minimum of ten (10) percent of the development site exclusive of any parkstrips in a public right-of-way.
 7. Landscaping shall also be installed in all parkstrips to the same standards as other on-site landscaping. Asphalt, concrete, bricks, pavers, railroad ties, rocks, gravel, and other non-vegetative material is not allowed in the parkstrip area between the curb and sidewalk.
- B. During the site plan approval process, the City may require more or less landscaping consistent with the provisions of the adopted Historic Downtown Plan.

14-7-110 PARKING, LOADING, AND ACCESS

- A. Each lot or parcel in the (DN) Zone shall have vehicle parking, loading, and access designed to meet the requirements of this Ordinance. In addition to the standards of

Chapter 18 of the Land Use Ordinance, the following shall apply to properties in the DN Zoning district.

a. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building.

5.b. Parking for buildings fronting on Main Street shall be ~~or be~~ located completely behind the principal structure.

14-7-111 SITE PLAN APPROVAL

Except for single family ~~and two family~~ dwellings, site plan approval shall be required for any development in the (DN) Zone as set forth in this Title.

14-7-112 OTHER REQUIREMENTS

- A. Signs. Any sign erected in the (DN) Zone shall conform to the sign provisions of this Title. Single family and two family dwellings shall conform to the criteria for the R-4 subzone, and multi-family uses shall conform to the criteria for the RM-~~12-13~~ subzone. All others shall conform to the criteria for the ~~C-GDN~~ subzone, ~~except that~~ Pole signs shall not be permitted.
- B. Uses Within Buildings. Any commercial use permitted in the (DN) Zone shall be conducted entirely within a fully enclosed building, except as provided in subsections 1 and 2 below.
1. Outdoor Display of merchandise for sale in the downtown area. Businesses located in buildings in the (DN) Zone that have setbacks less than three (3) feet from the public right-of-way may display in the public right-of-way, subject to the following terms and conditions:
 - a. Any display of merchandise on the sidewalk may not exceed three (3) feet into the public right-of-way from the property line of the business, except during the annual "Sidewalk Days" celebration. There may be no display of merchandise in the planter boxes in the public right-of-way.
 - b. During the winter months, a display may not impede snow removal from the sidewalk.
 - c. The display shall not exceed twenty-five percent (25%) of the width of the lot, parcel, or business. However, businesses with less than forty (40) feet of width may have a display not to exceed ten (10) feet in width.
 - d. Only merchandise sold inside the business may be displayed outside.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.

- g. Each display shall not create a hazard, sight distance, or other problem to pedestrians on the sidewalk or to drivers on the street.
 - h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign, or device.
2. Any business not listed in subsection 1 may include the outdoor display of merchandise for sale only if all of the following conditions are met:
- a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway, or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.
 - c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. No hazardous and/or flammable materials (such as antifreeze, kerosene, poisons, pesticides and other similar items) may be displayed outdoors.
 - d. The aggregate outdoor display area shall not exceed twenty-five (25) percent of the linear frontage of the store front or 10 linear feet, whichever is greater. A business located on a corner shall be considered as having two (2) store fronts.
 - e. No outdoor display shall exceed six (6) feet in height.
 - f. A maximum of fifty (50) percent of the aggregate outdoor display area may be located in any required landscaping.
 - g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
 - h. Additional signs, beyond those allowed by this Title, shall not be allowed as part of the outdoor display and sales area.
 - i. Outdoor displays for special sales or for one of a kind items which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed fourteen (14) days provided such special displays do not create parking, access, or traffic hazards.

C. Structure Design and Materials.

Any structure, except for single and two family dwellings, shall meet the minimum design criteria as set forth in this Title. In addition, the following shall apply.

1. Exteriors shall be maintenance free wall material such as high quality brick, natural stone, weather resistance stucco or masonite type material, or non-wood siding. Stucco, masonite or siding may not exceed fifty (50) percent of the exterior.
2. Each residential units shall have some private outdoor space in the form of a balcony or patio.
3. The primary entrance of a building must be oriented to face a street, plaza or approved pedestrian-way. Ground floor residential units shall have the primary entrance oriented toward the street.
4. Multifamily residential buildings shall not exceed a 2:1 building width/depth to building height ratio.
5. Multifamily residential buildings located along 100 East and 100 West shall incorporate architectural features consistent with single family residential design such as pitched roofs, gable roofs, dormers, overhanging eaves, etc., into the design of the structures.

D. Neighborhood Compatibility.

Each structure, except for existing single and two family dwellings, shall shall be designed consistent with the adopted Historic Downtown Bountiful Master Plan, particularly with regard to building height, architecture, landscaping, and building mass.

- E. Trash Storage. No trash, used materials, wrecked or abandoned vehicles, or equipment shall be stored in an open area. With the exception of single family and two family dwellings, each development in the (DN) Zone shall be required to have adequate, on-site, screened refuse containers maintained in a location approved as part of the site plan.

F. Walls and Fences.

Any wall or fence erected around a commercial development or mixed use development shall comply with the requirements of the (C-G) zone. Any multi-family development shall comply with the requirements for the RM-13 subzone. Any single family and two family developments shall comply with the provisions of the R-4 subzone.

14-7-120 PERMITTED ADJUSTMENTS TO REQUIRED PARKING

- A. Downtown Parking District Defined. The Downtown Parking District consists of those properties located within the (DN) Zone.
- B. Proximity of Parking to Use. Required parking spaces for residential uses must be located on site. Required parking spaces for nonresidential uses must be located on site or in parking areas within five hundred feet (500') of the development site property boundary. Off-site nonresidential parking is allowed if the following documentation is

submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

C. Joint Use Parking. Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the land use authority as part of a building or zoning permit application or land use review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

D. No parking calculation which includes the parking areas owned by the Bountiful Redevelopment Agency gives any right of possession, any real estate interest, or contract right or right of way on any Redevelopment Agency property.