

Approved Minutes of the
BOUNTIFUL CITY PLANNING COMMISSION
April 6, 2021

Present:	Commission Chair	Sean Monson
	Commission Members	Sam Bawden, Jesse Bell, Jim Clark, Lynn Jacobs (vice-chair), Sharon Spratley, and Councilwoman Kendalyn Harris
	City Attorney	Clinton Drake
	City Engineer	Lloyd Cheney
	Planning Director	Francisco Astorga
	City Planner	Curtis Poole
	Recording Secretary	Darlene Baetz

1. Welcome.

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

2. Minutes for March 16, 2021 to be approved at next meeting.

MOTION: Commissioner Spratley made a motion to approve the minutes for March 2, 2021 as written. Commissioner Bell seconded the motion.

VOTE: The motion passed unanimously (7-0).

3. Conditional Use Permit for a vehicle service business for Take 5 located at 293 West 500 South, Charles Openshaw, owner - City Planner Curtis Poole

Item 3 was presented along with item 4.

4. Amended site plan review for Take 5 located at 293 West 500 South, Charles Openshaw, owner - City Planner Curtis Poole

Charles Openshaw was not present. City Planner Curtis Poole presented the items 3 and 4 together.

City Planner Poole indicated that the applicant requests a conditional use permit for a vehicle service business, the proposed project includes the Barbacoa building to be demolished, and the new building is to be located within the 5th South Plaza. City Planner Poole stated the Commission reviewed this item and noted there was problems with the landscaping during the February 16, 2021 meeting and voted to continue the item and directed staff to review the code to ensure that it would provide flexibility for non-conforming projects. City Planner Poole reported that the City Council on March 23, 2021 approved an ordinance which amended the regulations of an existing noncompliant structures/sites and nonconforming uses.

City Planner Poole identified four (4) different non-conformities currently on the property: landscaping, drive aisle, ADA parking stalls, and number of parking stalls. City Planner Poole discussed the following components:

1. Setbacks – there are no current setback nonconformities on the site and the proposed structure complies with the Code.

2. Height restrictions – there are no current height nonconformities on the site and the proposed structure complies the Code.
3. Aesthetics – the proposed application improves the aesthetics of the site by demolishing an old, dilapidated building and providing a new structure that uses building materials that are consistent with the adjacent properties and neighborhood.
4. Landscaping – the proposal does not meet the requirement of fifteen percent (15%); however, the Applicant proposes a 1.5% increase in landscaping and an addition of trees on the site.
5. Parking – the proposal decreases the nonconformity in both parking (adding 5 stalls) and provides ADA compliant stalls. The proposal also includes a change in the parking layout from angled parking to 90-degree parking which would improve circulation. Although the Applicant does not meet the current 215 parking stall requirement under the Code, it does propose 114 stalls, which is an increase of five (5) stalls for the site. Additionally, section 14-18-104, E of the Code authorizes the Land Use Authority to reduce the parking requirement based upon mixed-use or staggered parking intensities. The Applicant provided a parking study that states the proposed number of 114 stalls exceeds the necessary amount of parking stalls for the site as the study found a peak parking demand of ninety-one (91) vehicles.
6. Traffic and pedestrian circulation – the proposed traffic circulation would be a substantial improvement because it removes one of the small inefficient drive approaches, eliminates the current one-way traffic flow, eliminates a nonconforming drive aisle, and provides better ingress/egress to 500 South. Additionally, the Applicant has suggested a willingness to provide an easement to the City to the south of the existing building that would provide pedestrian access from 200 West to a park that will be built at the old Washington Elementary School site.

City Planner Poole indicated that the proposed plans for this site will eliminate 2 of the 4 non-conformities, the ADA parking and the drive aisle east of Barbacoa. The parking does not meet City requirements; however, the applicant has submitted a parking study showing they will meet the peak parking demand as permitted by code. The landscaping will be non-conforming but will be improved.

City Attorney Clint Drake stated Mr. Openshaw had read the staff report and agreed to all conditions imposed but had a concern for the easement and possible liability to him. City Attorney Drake discussed the City's opportunity for a pedestrian walkway to access the new park at Washington Elementary School property and that the City has not yet committed to the walkway and if this would move forward an agreement would be drafted for the easement.

The Commission discussed the current parking issues, future new business parking needs and requirements for a new parking study. City Planner Poole stated that a parking analysis will be required which may require an additional parking study when new businesses arrive to this property.

City Planner Poole recommended the Planning Commission approve the conditional use permit request for a vehicle services use with the following conditions outlined:

1. Prior to applying for a building permit the Applicant shall:
 - a. Show plans to add one (1) street tree between the two (2) proposed drive accesses on 500 South.
 - b. Add shrubs or additional plant material to the landscape buffer between 5th South Plaza and the Panda Express property.

MOTION: Commissioner Jacobs made a motion to approve the Conditional Use Permit with the

1 conditions outlined by staff. Commissioner Bawden seconded the motion.

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3 VOTE: The motion passed unanimously (7-0).

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5 MOTION: Commissioner Spratley made a motion to approve the Conditional Use Permit in written
6 form. Commissioner Jacobs seconded the motion.

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8 VOTE: The motion passed unanimously (7-0).

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10 City Planner Poole recommended the Planning Commission forward a positive recommendation to
11 the City Council for the amended site plan, including the parking reduction, with the following
12 conditions outlined:

- 13
14 1. Complete all redline correction.
15 2. Coordinate final easement location with Bountiful Light and Power.
16 3. Dumpster enclosure shall match the building material of the proposed Take 5 Oil Change
17 building.
18 4. Receive construction permits and approvals from UDOT prior to applying for a building permit.
19 5. Pay fees and post an acceptable bond in the amount determined by the City Engineer.
20 6. Provide an easement along the south of the existing building for public access to/from the future
21 park to be built at the Washington Elementary School site.
22 7. Sign a Public Improvement Development Agreement.
23 8. A new parking analysis shall be conducted, which may include an updated parking study, when
24 uses change within the development before a business license is issued.

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26 MOTION: Commissioner Jacobs made a motion to forward a positive recommendation to City
27 Council with the seven (7) conditions outlined by staff and the addition of condition 8 recommended
28 by Commissioners. Commissioner Bawden seconded the motion.

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30 VOTE: The motion passed unanimously (7-0).

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32 **5. Variance for 30% slope and retaining walls greater than 10' for 873 E Highland Oaks, Allen**
33 **Clemons, applicant - *City Planner Curtis Poole***

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35 Allen Clemons was present and is purchasing the property and represents the current property owner
36 who is out of the country. City Planner Curtis Poole presented the item.

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38 In 1994, the Highland Oaks Subdivision was approved with three lots 105, 106, and 107 and Lot 211
39 in Plat B. Some of the lots had homes built on them with all lots being affected by an easement that
40 runs thru them. In 2019, the property to the east was granted a variance and Mr. Clemmons is asking
41 for a similar variance for 30% slopes and retaining walls greater than 10 feet. The home will fit
42 between the easement and Highland Oaks Drive and plans have pushed the home closer to the street
43 which is permitted by code. Instead of 25 feet back they are a little over 20 feet from the property
44 line which allows them to build in the only portion of the property that is less than 30% slopes. The
45 property owner is out of the country and Mr. Clemmons is under purchase contract, but the sale has
46 not gone thru yet. Condition 4 stated that this would be contingent on the purchase going thru and if
47 the purchase doesn't go thru then the future owner would need to go thru a new approval process.
48 There is also a condition that the applicant revise the driveway of the lower garage to meet the

1 standards of the code. The applicant had submitted plans prior to the meeting but the condition was
2 to remain until staff can approve the plans.
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4 City Planner Poole recommended the Planning Commission approve the variance for 30% slope and
5 retaining walls greater than 10' with the conditions outlined:
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- 7 1. The Applicant will continue to work with City Staff to ensure the final plans submitted for the
8 residence and retaining walls will have a reasonable impact on slopes greater than thirty percent
9 (30%).
- 10 2. The Applicant shall obtain a separate permit for retaining walls taller than four feet (4') in
11 addition to a obtaining a building permit.
- 12 3. Revise the driveway to the lower garage to meet the standards of 14-4-115 (C).
- 13 4. Subject to the Applicant finalizing the purchase of the property.
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15 He noted that the Planning office received an email from a neighbor who was opposed to the building
16 of this project. He stated a concern for the retaining wall that the views would be obscured and did
17 not fit within the CC&Rs for the subdivision. There is no longer an HOA for this area. As far as the
18 City is concerned, the applicant is building the home to the required standards and does not enforce
19 any CC&R.
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21 Chair Monson opened the public hearing at 7:13 p.m.
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23 Dave Bennion, 940 Highland Oaks Drive, stated that he was not opposed to the construction but is
24 concerned about the look of the retaining walls and asked for clarification about the project being
25 built to code but a variance approval is needed. Chair Monson stated a variance is needed in this area
26 for retaining wall heights and slopes exceeding 30%.
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28 Allen Clemons stated that he reached out to homeowners on an old HOA and CC&R list and did not
29 receive any response and believes that the HOA has not been functioning since 2002. He discussed
30 the height of the house will step down and the first floor will be below street level. The large retaining
31 wall will need to be engineered and the smaller retaining walls will not but will use boulders for the
32 wall.
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34 MOTION: Commissioner Spratley made a motion to grant the variance with the four (4) conditions
35 outlined by staff. Commissioner Harris seconded the motion.
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37 VOTE: The motion passed unanimously (7-0).
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39 MOTION: Commissioner Jacobs made a motion to approve the Findings of Fact with one correction
40 to the number of members who voted. Commissioner Bawden seconded the motion.
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42 VOTE: The motion passed unanimously (7-0).
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44 Planning Director Francisco Astorga mentioned that there will be required Planning Commission
45 training to be announced. He also stated general parking updates had not been scheduled for any of
46 the 2021 Planning Commission meeting and only preliminary work has been started for residential.
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Councilwoman Harris recognized the hard work the Bountiful City Planning Commission does. She spoke about how qualified this Planning Commission is and how their thoroughness with agenda items helps the City Council to make their final decision.

The meeting was adjourned at 7:33 p.m.



Sean Monson
Planning Commission Chair