

BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, March 19, 2019
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 March 5, 2019.
3. Consider preliminary and final approval for an amended plat for High Pointe Phase 1 PUD located at 1995 S Bountiful Blvd for South Davis Fire Department, Chief Jeff Bassett, applicant.
4. **PUBLIC HEARING** – Consider approval of a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% and to allow for cuts and fills and retaining walls in excess of 10 feet in height located at 1581 Stone Hollow Dr, William Low, applicant.
5. Consider approval of the Findings of Fact approving a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments. The property is located at 2720 Orchard Dr, Becki Scymczak, applicant.
6. Consider approval of the Findings of Fact approving a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% for property located at 1269 Canyon Creek Dr, Chad and Jen Nielsen, applicant.
7. Planning Director's report, review of pending applications and miscellaneous business.


Chad Wilkinson, City Planner

Bountiful City
Planning Commission Minutes
March 5, 2019
6:30 P.M.

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

Excused: City Engineer – Lloyd Cheney, Planning Commission Members – Jim Clark and Tom Smith

1. Welcome and Introductions.

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

2. Approval of the minutes for February 19, 2018.

Richard Higginson made a motion to approve the minutes for February 19 as written. Von Hill seconded the motion. Voting passed 4-0 with Commission members Higginson, Hill, Monson, and Spratley voting aye.

3. CONTINUED – PUBLIC HEARING - Consider a request for a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments. The property is located at 2720 Orchard Dr, Becki Scymczak, applicant.

Becki Scymczak and Tim Bothell were present.

Mr. Bothell had a presentation for the Commission members discussing their questions from the January 15, 2019 meeting. He showed possible changes of the roads and landscaping of the parking areas which would not have fire truck access. He discussed a possible entrance further away from the existing driveway and stated that Utah Transit Authority (UTA) would like to purchase the extra property in front of the property to install a second bus stop serving people with Disabilities. He stated that there is a possibility of having bird spikes on the back of the carport to alleviate the potential bird problems and would also prevent children from climbing on the carport. Mr. Bothell verified that the carports would measure an additional 3 feet above the 4 foot landscape wall, from the south to north.

Chair Monson opened and closed the **PUBLIC HEARING** at 6:43 p.m. without comments.

Mr. Wilkinson confirmed that this meeting date was made public at the previous meeting for the interested individuals who were in attendance.

Sharon Spratley made a motion to approve a variance to the front yard setback standards of Section 14-5-105 to allow installation of carports for Orchard Gardens Apartments at 2720 Orchard Dr. Von Hill seconded the motion. Voting passed 3-1 with Commission members Hill, Monson and Spratley voting aye and Higginson voting nay.

4. PUBLIC HEARING – Consider a request for a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% located at 1269 Canyon Creek Dr, Chad and Jen Nielsen, applicant.

Chad and Jen Nielsen were present. Chad Wilkinson and Todd Christensen presented the staff report. The applicants, Chad and Jen Nielsen, have requested a variance to allow for encroachments on slopes greater than 30 percent for the property located at 1269 E. Canyon Creek Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site.

The application for variance is submitted in conjunction with a proposal for a new single family residence. The lot is 1.36 acres in size and the proposed development is located predominantly on slopes that are less than 30 percent. The applicant has modified development plans in order to minimize the encroachments on 30 percent slopes. Some of these modifications include sliding the home to the front of the lot as much as possible and obtaining access from an easement across the adjacent property in order to reduce driveway slopes.

Variance Findings

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: The “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30 percent areas have been kept to a minimum. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height.

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

Staff Response: The property is similar to other lots in the R-F Zone with areas of slope greater than 30 percent. However, the applicant has made a special effort to preserve the vegetation and slopes along the roadway by obtaining an easement for access across the property to the east. The applicant has kept the encroachments on 30 percent slopes on other parts of the property to the minimum necessary to provide for reasonable development.

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

Staff Response: Almost all lots in the R-F zone require some type of variance in order to develop. In recognition of this, the standards of the R-F zone include guidance for granting exceptions. The Code indicates that disturbances should be the minimum required to allow for reasonable development of the property. In this case, the applicant has designed their home to minimize encroachments into 30 percent. The requested variance will allow the owners to build a reasonably sized home on the site.

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

Staff Response: The public interest is preserved by retaining as much vegetation as possible on the front of the lot and minimizing the disturbance on the upper portions of the lot.

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

Staff Response: Again, the standards of the ordinance recognize that many lots in the R-F zone will require a variance in order to construct a home. The applicant has made an effort to place the home in a location that will minimize disturbance to slope areas and vegetation and has obtained an easement from an adjacent property owner for access to avoid a driveway that exceeds 15 percent slope. These items are in keeping with the spirit of the land use ordinance.

Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance with the following condition:

1. The disturbance of the property shall be limited to areas noted on the approved site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

Mr. Christensen discussed the steepness of the transition of the new driveway. He discussed a possible changes may include the new driveway being graded back approximately 30 feet in order to meet up with the existing driveway. This would reduce the 30% steepness to 23%. The existing driveway would be abandoned and would be required to have the curb and gutter replaced.

Mr. Nielsen discussed the possibilities of different driveway options and suggested that the new driveway could be flattened out before the tight turn.

Chair Monson opened and closed the **PUBLIC HEARING** at 7:03 p.m. without comments.

Mr. Wilkinson stated the standard of the code for the slopes is to avoid areas over 30%.

Richard Higginson made a motion to approve with the conditions listed and a request for owners to work with staff on driveway issues. Sharon Spratley seconded the motion. Voting passed 4-0 with Commission members Higginson, Hill, Monson and Spratley voting aye.

5. PUBLIC HEARING – Consider a proposal to change the zoning designation of approximately 19.66 acres of Bountiful City owned property which is currently zoned R-3 and R-4 Single Family Residential to Open Space. The properties in the proposed amendment are the Tolman Memorial and Hannah Holbrook Parks, Bountiful City, applicant.

Curtis Poole presented the staff report.

The proposal is to amend the zoning map designation of two parcels owned by Bountiful City with current residential zoning designations which total approximately 19.66 acres combined. The proposed zoning map amendment will be from R-3 and R-4 Single-Family Residential to OS Open Space. On November 17, 2015, City Council directed staff to begin the process of creating a new Open Space zoning designation as a result of a proposed land swap between the U.S. Forest Service and a private land owner. This proposal is a continuation of the process to amend the zoning of identified open

space areas in the City. The two parcels in this proposal are surrounded by R-3 and R-4 Single-Family Residential zoned neighborhoods.

Designated open spaces provide opportunities for hiking, biking and other forms of recreation. In addition, Bountiful City maintains a network of parks, trails and recreation areas, such as Bountiful Ridge Golf Course, which provide facilities for sports, recreation, relaxation, and venues for public gatherings and events. The 2009 Bountiful City General Plan explains the City's commitment to improving the quality of life for its residents by providing diverse recreational opportunities throughout the City. Identification and preservation of these open spaces will allow the City to achieve this goal.

The adopted Open Space Zoning standards restrict development on open space properties to public and recreational facilities. Public facilities would include items such as trail head parking lots and restrooms, utility buildings and utility lines. The zoning standards are written to be restrictive in nature and do not allow for residential or commercial development. As locations along the foothills of Bountiful are ideal for placement of wireless telecommunication facilities, it should be noted these uses have been included as permitted and conditional uses.

The current proposal for amendments to the zoning map includes two properties owned by Bountiful City. The first is 1300 East Center Street, or Tolman Memorial Park (Rocket Park), which is approximately 15.13 acres. The second is 950 East 750 North, or Hannah Holbrook Park; which is to the west of Holbrook Elementary and is the site of a buried water tank maintained by the City, and is approximately 3.21 acres. As the Planning Commission has discussed the potential for the Open Space zone, a desire was expressed to extend the designation not only to undeveloped parcels, but also public parks and public recreational facilities. Therefore, the proposed zoning map amendment includes these properties. The location and characteristics of these properties are ideal for inclusion into the Open Space zone.

Based upon the above analysis, Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the properties located at 1300 East Center Street (Tolman Memorial Park) and 950 East 750 North (Hannah Holbrook Park) to be rezoned from R-3 and R-4 Single-Family Residential to the OS Open Space zone.

Chair Monson opened the **PUBLIC HEARING** at 7:11 p.m.

Gordon Johnson resides at 1229 E Center. Mr. Johnson is concerned not for the rezone but for the housekeeping of the Tolman park. He discussed the needed care of overgrown shrubs and maintenance of the lower park near the baseball field. He showed pictures of the problems of the area.

Domick Decaria resides at 836 E 250 North. Mr. Decaria expressed his appreciation of the preservation of these Open Spaces.

Margaret Richter resides at 18 S 1300 E. Ms. Richter supports the preservation of the Open Spaces and doesn't want development.

Bill Richter resides at 365 W 325 South. Mr. Richter appreciates that the staff is looking toward the future for the City.

Chair Monson closed the **PUBLIC HEARING** at 7:16 p.m.

Von Hill made a motion to approve a zoning designation of approximately 19.66 acres of Bountiful City owned property which is currently zoned R-3 and R-4 Single Family Residential to Open Space. Richard Higginson seconded the motion. Voting passed 4-0 with Commission members Higginson, Hill, Monson, and Spratley voting aye.

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

1. The Planning Commission addressed Legislative issues.
2. Next Planning Commission meeting will be March 19, 2019.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:16 p.m.

Chad Wilkinson, Bountiful City Planner

Commission Staff Report

Item 3

Subject: Preliminary and Final Plat Approval for the Amended High Pointe Phase 1 PUD plat
Address: Approx. 1995 South Bountiful Blvd
Author: City Engineer, City Planner
Department: Engineering, Planning
Date: March 19, 2019



Background and Analysis

Mr. Jeff Bassett, Fire Chief for the South Davis Metro Fire District (SDMF) is requesting an amendment to the High Pointe P.U.D. Phase 1 boundary. SDMF has negotiated with the High Pointe PUD to acquire the existing tennis court which is located behind the current fire station located on Bountiful Boulevard so that the property can be incorporated into a planned upgrade to the existing fire station. This request is essentially a lot line adjustment, but because it affects the common area of the High Pointe P.U.D. it is necessary to amend the boundary of Phase 1.

The existing fire station structure was originally constructed as a Bountiful City facility, and was not occupied full time until sometime in the 1990's. The building has been remodeled to include accommodations for a full time staff and to address other functional needs over the years. In addition to functional issues, the current access and parking configuration have proven troublesome, and are particularly difficult in the wintertime when snow storage and the grades in the parking lot complicate vehicle access and maneuvering. In addition, drainage from the tennis court located above the fire station is directed to the building. The concrete retaining wall which supports the west portion of the tennis court is failing, and access to the space between the building and the retaining wall is limited, and complicates the SDMF ability to maintain the building, and manage the site drainage issues. By acquiring the tennis court, and adjusting the boundary to coincide with the south side of the access road for the High Pointe development, SDMF will be able to provide adequate parking for the SDMF staff, manage the site drainage, and maintain the landscaped area on the north side of the fire station (this area was previously part of the P.U.D.).

The tennis court is part of the private open space area for the development and was approved as part of the recreational amenities for the P.U.D. However, the area has fallen into disrepair over the years and has not been used by the residents of the development as originally envisioned. The P.U.D. will retain an addition open space area in the center of the development along with the landscape areas surrounding the residences.

The final decision on the P.U.D. amendment will be made by the City Council. Bountiful Code Section 14-20-501 (C) requires that the Planning Commission review the proposed amendment and make a recommendation to approve, approve with conditions or deny the application. The

City Council will then hold a public hearing to consider the item after proper public notice has been provided.

Department Review

The proposed plat has been reviewed by the Engineering Department and Planning Department.

Recommendation

Recommend preliminary and final plat approval of the Amended High Pointe Phase 1 with the following conditions:

1. Provide a current title report.
2. Make all necessary red line corrections.
3. Pay all required fees.
4. Obtain all necessary signatures for Release of Easement for the Common Area which will be removed from the P.U.D.

Significant Impacts

None

Attachments

1. Aerial photo showing the proposed location
2. A copy of the preliminary plat.

Aerial Photo



Commission Staff Report

Item # 4

Item: PUBLIC HEARING – Request for a variance to allow for encroachments on slopes exceeding 30 percent and to allow for cuts and fills and retaining walls greater than 10 feet in height.

Address: 1581 Stone Hollow Drive

Author: Chad Wilkinson, Planning Director

Date: March 19, 2019



Description of Request

The applicant, William Low, has requested a variance for a revised plan to allow for encroachments on slopes greater than 30 percent and for cuts and fills and retaining walls greater than 10 feet in height for the property located at 1581 Stone Hollow Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site.

Authority

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests within the R-F zone related to disturbance of slopes exceeding 30 percent and retaining walls and cuts and fills exceeding 10 feet in height.

Background and Analysis:

The applicant previously received approval of a variance from the Planning Commission in September of last year and now wishes to submit a revised plan. Because variances on lots in the R-F zone are approved specific to a delineated area of disturbance, any substantially new design must receive additional review from the Planning Commission. The proposed revised design moves the home further to the west on the property and further downhill. This change requires significant modifications to the grading plan and to the design of the driveway. The driveway now comes closer to the southwest property line, but the revision has also allowed for less of an encroachment in the 30 percent slope areas. It should be noted that the driveway approach to the adjacent roadway is in the same location. As previously discussed, the lot is over 19 acres in size and the proposed development is located predominantly on slopes that are less than 30 percent. The application does include some encroachments on slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height in order to accommodate the driveway accessing the new home. These areas are limited to isolated patches of 30 percent slope crossed by the driveway and to some areas of cut and fill associated with the new location of the home exceed 10 feet in height. A small revision to one of the retaining wall locations will be required in order to meet required setbacks to the home. That small change has been noted on an attached annotated site plan.

Variance Findings

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: The “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30 percent areas have been kept to a minimum and even reduced from the original submittal. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height.

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

Staff Response: Unlike many undeveloped properties in the R-F Zone, the lot has a large portion (which is several acres in size) that is less than 30 percent slope. The challenge comes in accessing in the buildable areas without encroachments into 30 percent slope areas. The lot has a few small pockets of 30 percent slope that the development plan has tried to avoid to the extent possible and has limited heights of retaining walls and cuts and fills in order to make use of the buildable areas.

- (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 variance will allow for reasonable development of the lot. The applicant has made an effort to minimize impacts to 30 percent slopes and has limited areas of cut and fill that exceed ten feet.

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

Staff Response: For the most part the design has avoided encroachments into 30 percent slopes. The variance is consistent with the general plan and the Code which limits disturbances in steep slope areas to the minimum necessary to provide for reasonable development of the property.

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

Staff Response: The purpose of the land use ordinance that requires improvements be located on slopes less than 30 percent is to preserve the hills and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots with special circumstances and that the variance process provides a way for those lots to be developed. However, Section 14-4-101 of the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. The proposed design is consistent with the land use ordinance with one small revision to meet setback requirements as shown on the annotated site plan.

Department Review

City Planner, City Engineer

Recommended Action

Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance with the following condition:

1. The disturbance of the property shall be limited to areas within the "Limit of Disturbance" noted on the annotated site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

Attachments

1. Aerial Photo
2. Applicant's Narrative
3. Proposed Plan
4. Annotated Site Plan

Aerial Photo-1581 Stone Hollow Drive



August 28, 2018

Re: Low Residence

To whom it may concern:

The owners of the lot are requesting a variance from Bountiful City Ordinance 14-4-117 dealing with the cuts and fills from existing ground over ten feet.

There are some areas in which the ordinance could not be followed completely. We are using the driveway slopes which are necessary to get to the area for the house. The driveway needs to be long enough to get to the required elevation for the house. This causes the driveway to have some fills over ten feet in one area. The upper driveway has cuts over ten feet because the Fire Marshall requires a turnaround large enough for his emergency vehicles which pushed the driveway into the hill to the East. We have done our best to mitigate and minimize the areas that do not comply and hope that you find what we have done to be acceptable.



181 N. 200 West,
Suite 4
Bountiful, UT
84010

Tel: 801.298.2236
Fax: 801.298.5983
Web: www.entellus.com

Sincerely,
Scott T. Argyle, P.E.

Darlene Baetz

From: Josh Arrington <josh@upwalldesign.com>
Sent: Tuesday, September 04, 2018 10:25 AM
To: Darlene Baetz
Subject: Re: Low Variance Application
Attachments: low variance.pdf

Here is the narrative from the engineer, I believe he touched on all the points but I will lay them out here.

- i) Due to the fire marshall's requirement that we have a fire truck turn around at the end of the driveway and the requirement to stay out of 30% grades, this makes it impossible to build the driveway with less that 10' Cut or fill.
- ii) This lot is steeper than most and the buildable area is further up on site requiring a longer driveway to reach.
- iii) Granting this variance is essential to being able to develop a home on this lot as it is currently not possible to get the driveway where it needs to go without the variance.
- iv) The impact will be minimal since the main area that that will be affected is behind the home and not visible to the public.
- v) the spirit of the land use ordinance is observed as the these areas are strictly for the drive access and not for landscape grading.

Let me know if you need anything else.

On Tue, Sep 4, 2018 at 8:30 AM Darlene Baetz <dbaetz@bountifulutah.gov> wrote:

Hey Josh – We still need the responses for the 5 state criteria today.

Thanks,

Darlene

From: Darlene Baetz
Sent: Wednesday, August 29, 2018 11:25 AM
To: 'Josh Arrington'
Subject: RE: Low Variance Application

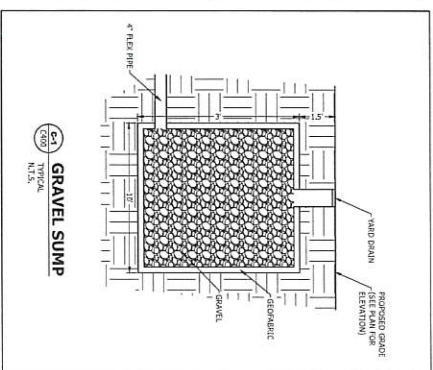
Thanks – Lloyd has them.

From: Josh Arrington [mailto:josh@upwalldesign.com]

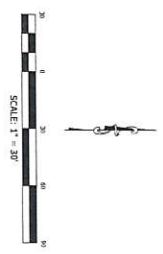
Sent: Wednesday, August 29, 2018 11:09 AM
To: Darlene Baetz
Subject: Re: Low Variance Application



NOTE: HOUSE TO BE FIRE SPRINKLERED



3/5/2019

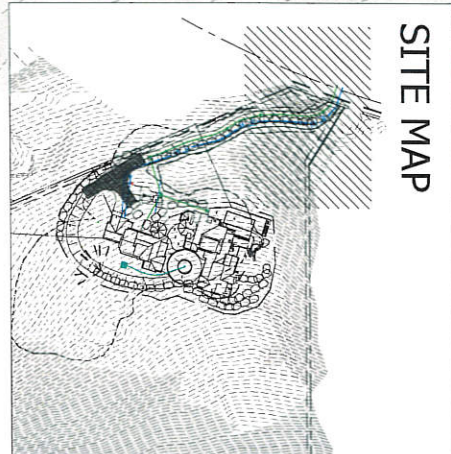
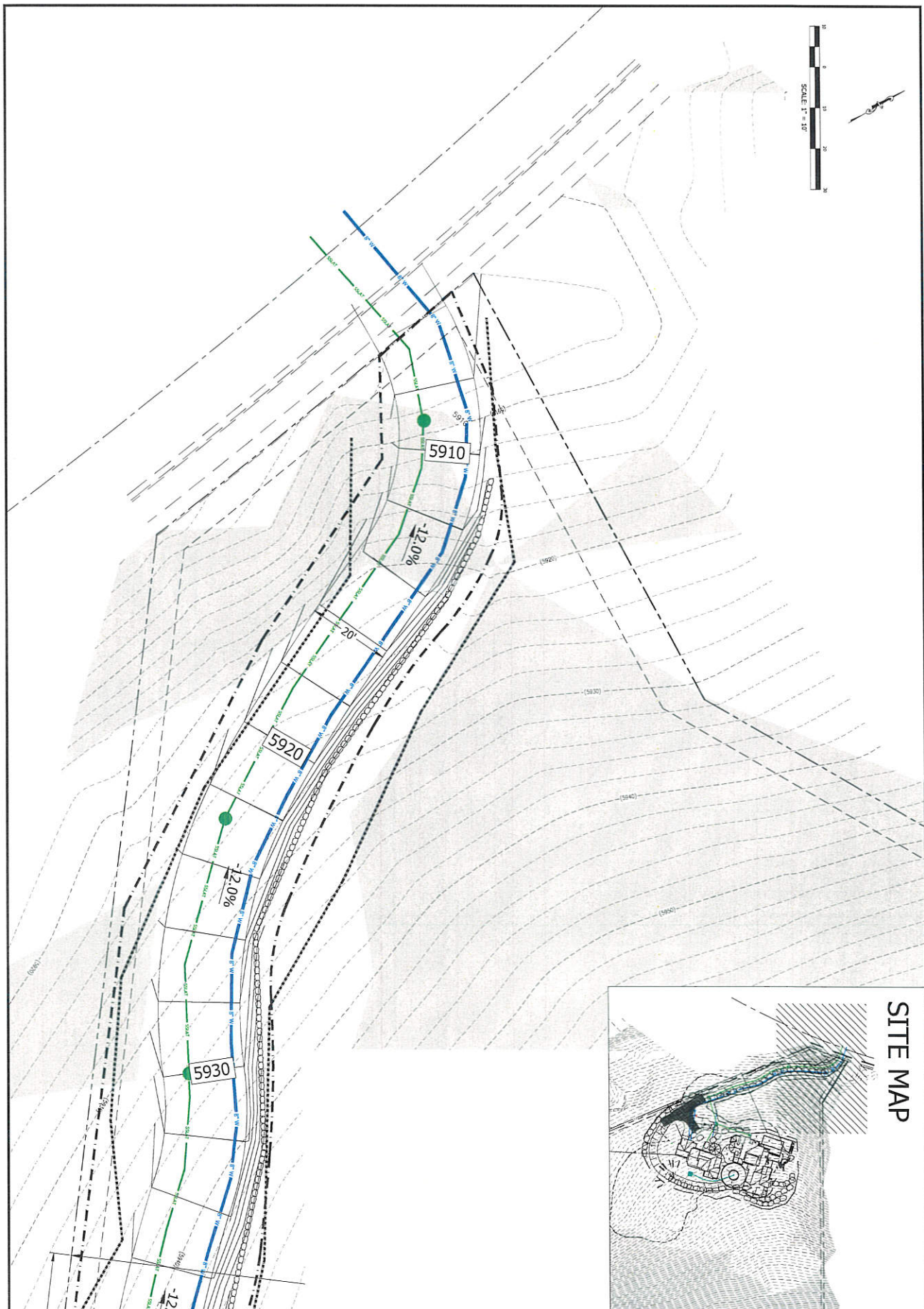


DATE	04/18/14
DESIGNER	DAVID
PROJECT	RESIDENTIAL
CLIENT	THOMAS BERTSCHEN
PROJECT NO.	C400
DRAWN BY	CHRISTOPHER

LOW RESIDENCE
 1581 STONE HOLLOW DRIVE
 LOT #603
 BOUNTIFUL, DAVIS COUNTY, UTAH



181 North 200 West, Suite #4
 Bountiful, UT 84010
 Phone: 801.298.2236
 www.Entellus.com



DATE	BY
APPROVED	DATE
TITLE	PROJECT
DESIGNER	CLIENT
SCALE	SHEET
C401	
5/27/25	

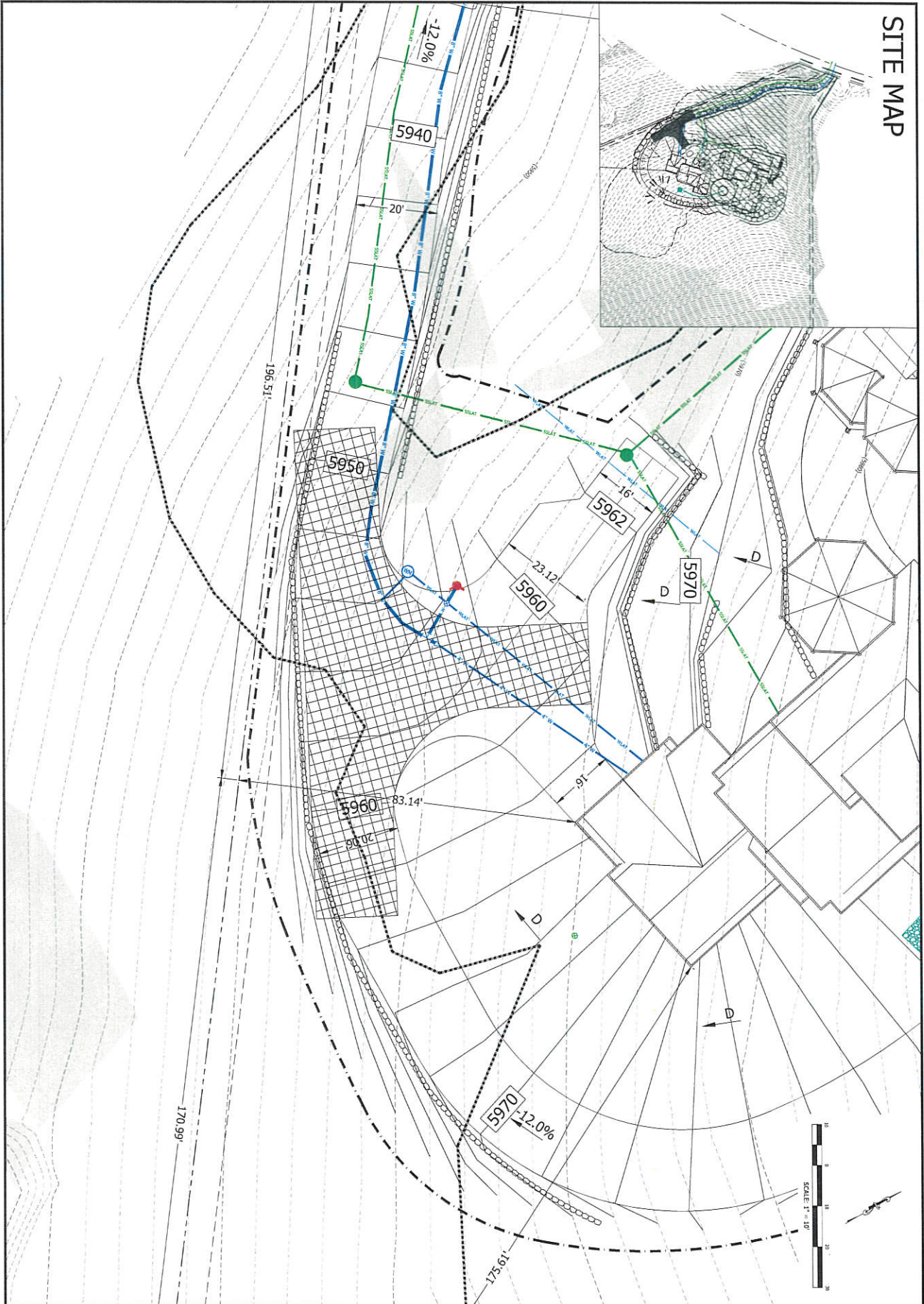
LOW RESIDENCE

181 STONE HOLLOW DRIVE
LOT #683
BOUNTIFUL, DAVIS COUNTY, UTAH



Entellus
181 North 210 West, Suite #4
Bountiful, UT 84010
Phone: 801.298.2236
www.Entellus.com

SITE MAP

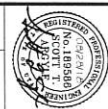


DATE: 08/18/14
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 PROJECT: [REDACTED]
 TITLE: [REDACTED]
 SIZE: 11x17

NO. 1	NO. 2	NO. 3	NO. 4

LOW RESIDENCE

181 STONE HOLLOW DRIVE
 LOT 6603
 BOUNTIFUL, DAVIS COUNTY, UTAH



181 North 200 West, Suite #4
 Bountiful, UT 84010
 Phone: 801.298.2236
 www.Entellus.com



SITE MAP



LOW RESIDENCE

1581 STONE HOLLOW DRIVE
 LOT #608
 BOUNTIFUL, DAVIS COUNTY, UTAH



181 North 200 West, Suite #4
 Bountiful, UT 84010
 Phone 801 298 2236
 www.Entellus.com

DATE:	08/13/14
BY:	MM/LL/YY
PROJECT:	RESIDENTIAL
CLIENT:	THOMAS DESIGN, 3475 N.E.
SCALE:	1" = 10'
NO.:	C403
TITLE:	SITE PLAN



SITE MAP

PROJECT NO. 0404
 SHEET NO. 1
 DATE: 08/14/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

LOW RESIDENCE

181 STONE HOLLOW DRIVE
 LOT #683
 BOUNTIFUL, DAVIS COUNTY, UTAH

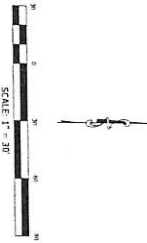


181 North 200 West, Suite #4
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ANNOTATED SITE PLAN

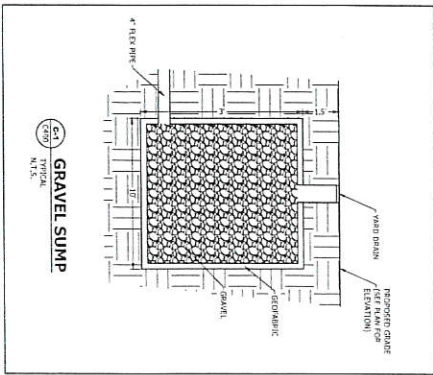


ANNOTATED SITE PLAN



3/5/2019

NOTE: HOUSE TO BE FIRE SPRINKLERED



NO.	DATE	REVISIONS
1	3/5/2019	INITIAL DESIGN

LOW RESIDENCE
 1581 STONE HOLLOW DRIVE
 LOT 665
 BEAUTIFUL, DAVIS COUNTY, UTAH



181 North 200 West, Suite #4
 Beautiful, UT 84011
 Phone 801.298.2236
 www.Entellus.com

BOUNTIFUL CITY PLANNING COMMISSION

FINDINGS OF FACT AND CONCLUSIONS

APPLICANT: Orchard Drive Associates, LLC

APPLICATION TYPE: Request for a variance to the front yard setbacks of the RM Zone

I. DESCRIPTION OF REQUEST:

The applicant, Orchard Drive Associates LLC, has requested a variance to Section 14-5-105 related to minimum setbacks from public streets for proposed carports to be constructed at Orchard Gardens Apartments. The applicant proposes to reduce the required setback from 25 feet to 5 feet. The property for which the variance is requested is located at approximately 2720 Orchard Drive.

II. LAND USE ORDINANCE AUTHORITY:

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to setbacks.

III. APPEAL PROCEDURE:

Bountiful City Land Use Ordinance Section 14-2-108 states that an applicant, board or officer of the City, or any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.

The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public hearing held by the Planning Commission on **Tuesday, January 15, 2019**, which are attached as **Exhibit B**, summarize the oral testimony presented and are hereby incorporated herein.
- C. The minutes of the public hearing held by the Planning Commission on **Tuesday, March 5, 2019**, which are attached as **Exhibit C**, summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given at the public hearing the Planning Commission made the following findings:

- A. **The literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;**

The development was constructed around 1975 and as a requirement of development a portion of Orchard Drive was widened. It is unclear if the purpose was to provide for on-street parking or for future widening of the street. But in any case, the resulting parking lot setback is less than the current code standard of 25 feet. At the time of the development of the property, no covered parking was provided for any of the units. The applicant will be providing other covered parking throughout the site but there is no good opportunity for providing convenient covered parking for the units along Orchard Drive without the approval of a variance. The parking location and configuration has not been changed since the original approval by the County and changing the configuration to meet the Code would require a total redesign of an existing site. Since the application involves covering existing legal nonconforming parking spaces, a variance in this case is appropriate and would avoid an unreasonable hardship of not being able to provide covered parking for the development.

- B. **There are special circumstances attached to the property that do not generally apply to other properties in the district;**

Besides the unique conditions related to the widening of Orchard Drive, the proposed carports cover parking spaces that are several feet below the grade of the adjacent street, especially on the north east side of the parking lot. The grade difference varies from approximately four feet to almost six

feet. This will create a situation where the structures will be partially obscured by the retaining wall and vegetation along Orchard Drive. There may be a need to include some additional vegetation to provide for better screening of the parking structures, but this difference in grade and the ability to screen the parking with additional vegetation constitutes a unique circumstance.

- C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district;

The proposed variance will allow for the residents of the development to have conveniently located covered parking which is a property right provided by current code standards.

- D. The variance will not substantially affect the general plan and will not be contrary to the public interest;

Because the development was legally constructed in the County, the nonconformity is not a self-imposed violation of the current ordinance. Providing the carports will support the public interest of providing covered parking for individuals residing in multifamily developments.

- E. The spirit of the land use ordinance is observed and substantial justice is done

While a structural setback is an important component of the land use ordinance, the need for conveniently located covered parking and other amenities is also a concern and is outlined in several places in the multifamily ordinance, and is a requirement of current Code. Allowing construction of carports within the front yard to cover existing parking spaces will allow for the spirit of the ordinance to be observed for the residents of this development.

VI. DECISION AND SUMMARY

The Planning Commission approved the requested variance by a vote of 3-1. The approval is subject to the following conditions:

1. Any dead and dying trees and/or shrubs along the frontage on Orchard Drive shall be replaced in order to provide screening for the proposed carports.
2. Constructed carports near the drive approach onto Orchard Drive shall meet the clear-view standards of the Code.

FINDINGS OF FACT APPROVED BY THE Bountiful City Planning Commission
this _____ day of March, 2019

Sean Monson, Chair
Bountiful City Planning Commission

BOUNTIFUL CITY PLANNING COMMISSION

FINDINGS OF FACT AND CONCLUSIONS

APPLICANT: Chad and Jen Nielsen

APPLICATION TYPE: Request for a variance to allow for encroachments on slopes exceeding 30 percent

I. DESCRIPTION OF REQUEST:

The applicants, Chad and Jen Nielsen, have requested a variance to allow for encroachments on slopes greater than 30 percent for the property located at 1269 E. Canyon Creek Drive in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new home on the site.

II. LAND USE ORDINANCE AUTHORITY:

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests within the R-F zone related to disturbance of slopes exceeding 30 percent and retaining walls and cuts and fills exceeding 10 feet in height.

III. APPEAL PROCEDURE:

Bountiful City Land Use Ordinance Section 14-2-108 states that an applicant, board or officer of the City, or any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.

The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public hearing held by the Planning Commission on **Tuesday, March 5, 2019**, which are attached as **Exhibit B**, summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given at the public hearing the Planning Commission made the following findings:

- A. The literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;

The “Purposes and Objectives” section of the Residential Foothill standards recognizes the need for some flexibility in administering the hillside protection standards of the Code. The Code also states that the encroachments should be the minimum necessary to allow for reasonable development of the property. The proposed design does a good job of keeping the home and improvements out of the steepest areas of the lot in favor of areas of less than 30 percent slope. The small encroachments in 30 percent areas have been kept to a minimum. The design has also made every effort to limit cuts and fills and retaining walls to less than 10 feet in height.

- B. There are special circumstances attached to the property that do not generally apply to other properties in the district;

The property is similar to other lots in the R-F Zone with areas of slope greater than 30 percent. However, the applicant has made a special effort to preserve the vegetation and slopes along the roadway by obtaining an easement for access across the property to the east. The applicant has kept the encroachments on 30 percent slopes on other parts of the property to the minimum necessary to provide for reasonable development.

- C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district;

Almost all lots in the R-F zone require some type of variance in order to develop. In recognition of this, the standards of the R-F zone include guidance for granting exceptions. The Code indicates that disturbances should be the minimum required to allow for reasonable development of the property. In this case, the applicant has designed their home to minimize encroachments into 30 percent slopes. The requested variance will allow the owners to build a reasonably sized home on the site.

- D. The variance will not substantially affect the general plan and will not be contrary to the public interest;

The public interest is preserved by retaining as much vegetation as possible on the front of the lot and minimizing the disturbance on the upper portions of the lot.

- E. The spirit of the land use ordinance is observed and substantial justice is done

Again, the standards of the ordinance recognize that many lots in the R-F zone will require a variance in order to construct a home. The applicant has made an effort to place the home in a location that will minimize disturbance to slope areas and vegetation and has obtained an easement from an adjacent property owner for access to avoid a driveway that exceeds 15 percent slope. These items are in keeping with the spirit of the land use ordinance.

VI. DECISION AND SUMMARY

The Planning Commission approved the requested variance by a vote of 4-0. The approval is subject to the following conditions:

1. The disturbance of the property shall be limited to areas noted on the approved site plan in order to retain as much native vegetation as possible and to minimize impacts on slope areas.

FINDINGS OF FACT APPROVED BY THE Bountiful City Planning Commission this _____ day of March, 2019

Sean Monson, Chair
Bountiful City Planning Commission