

Bountiful City
Planning Commission Minutes
March 19, 2019
6:30 P.M.

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

Excused: Planning Commission Members – 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 March 5, 2019.

Sharon Spratley made a motion to approve the minutes for March 5 with one change under item 3. “*After determining no other viable options existed, Sharon Spratley made a motion to approve a variance to the front...*” Richard Higginson seconded the motion. Voting passed 4-0-2 with Commission members Higginson, Monson, Smith and Spratley voting aye and Jesse Bell and Jim Clark abstaining.

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.

Chief Jeff Bassett and Bill Gould were present. Lloyd Cheney presented staff report.

Chief 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.

Staff recommends preliminary and final plat approval of the Amended High Pointe Phase 1 with four 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.

Chief Bassett discussed the history of the building. He explained that the tennis courts will become a flat parking lot and the parking stalls will increase from 8 to 13. The station will remain in operation during the construction phase due to the high volume of calls for this area. The Condo Association has approved this purchase with the fire department. Mr. Gould stated that the entrance will stay on Cave Hollow.

There was discussion of the open space and original requirements for the common space. Mr. Wilkinson stated that the Association property owners have been notified for a Public Hearing to the City Council. Any change to any PUD's common space requires an approval from the Planning Commission and City Council. The removal of the tennis courts from the common area will still meet the requirements for the PUD.

Jesse Bell made a motion to forward a recommendation to the City Council for preliminary and final plat approval for the Amended High Pointe Phase 1 PUD plat. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye

- 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.**

Scott Argyle with Entellis, and Brandon Quinton were present. Chad Wilkinson presented the staff report.

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.

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.

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

(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.

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.

Jesse Bell asked about the setback of the wall. Mr. Wilkinson stated that the setback is still within the code. Scott Argyle stated that the fill of the wall next to the neighbor is 4 -6 feet and the disturbance will be less and more compact.

Chairman Monson opened and closed the **PUBLIC HEARING** at 6:55 p.m. without comments.

Richard Higginson made a motion to 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 with the one condition outlined by staff and requested that the owners work with staff on any driveway issues. Sharon Spratley seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Monson, Smith, and Spratley voting aye.

- 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.**

Sharon Spratley made a motion to approve the Findings of Fact to allow installation of carports for Orchard Gardens Apartments as written. Jim Clark seconded the motion. Voting passed 5-1 with

Commission members Bell, Clark, Monson, Smith and Spratley voting aye and Higginson voting nay.

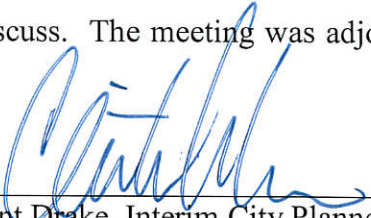
6. Consider approval of the Findings of Fact approving a variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% for property located at 1269 Canyon Creek Dr, Chad and Jen Nielsen, applicant.

Sharon Spratley made a motion to approve the Findings of Fact approving the encroachments on slopes greater than 30% for property located at 1269 Canyon Creek Dr as written. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Monson, Smith and Spratley voting aye.

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

1. Work session to talk about the Renaissance Towne Center's vacant land and zone change.
2. Next Planning Commission meeting will be April 2, 2019.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:02 p.m.



Clint Drake, Interim City Planner