

Bountiful City
Planning Commission Minutes
May 7, 2019
6:30 P.M.

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

Excused: Planning Commission Member – Tom Smith and City Attorney – Clint Drake

1. Welcome and Introductions.

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

2. Approval of the minutes for April 16, 2019.

Sharon Spratley made a motion to approve the minutes for April 16 as written. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson, and Spratley voting aye.

3. PUBLIC HEARING (CONTINUED) – Consider a proposal to change the zoning designation for approximately 15.5 acres from C-G/PUD and MXD-PO to MXD-R, located at 1520, 1650 and 1750 S Main St and 1512, 1551, 1560 and 1580 Renaissance Towne Center, Bruce Broadhead, applicant.

Bruce Broadhead, Ray Bryson and Steve McCutchan, with Renaissance Towne Center were present.

Chad Wilkinson presented staff report which was an overview of the last Planning Commission meeting.

Mr. Wilkinson spoke about the concerns from the last meeting which included pedestrian walk ways along the highway and along the Renaissance Towne Drive. The applicant has made changes to item 5, 6, 7 and 9 to the Structure Design and Materials section; the setback height at the roundabout and the traffic study. The staff feels that the traffic study was adequate.

Mr. Wilkinson stated that there are three things that the Commission members could do with this item.

1. Approve with the changes that were presented today.
2. Denial.
3. Send back to applicant with the need for more changes.

David Harris with EPG Design Group showed a presentation that would enhance the circulation of pedestrians which included pedestrian connections thru the Renaissance Towne Drive. Amenities would include outdoor restaurants, commercial store fronts, shade, trees, signage, seating, landscaping, brick paving, pool, upper deck with activities, bbq, vertical landscaping against the parking garage, bike racks and seating at the bus stations and alley space with landscaping.

Mr. Wilkinson discussed the conceptional plan to become part of the site plan approval. This plan would allow for flexibility but will have a site plan for landscaping that will be approved by staff. Mr. Monson would like to have this conceptional plan when the individual site plans come up for approval.

Commission members discussed that the crosswalks on Renaissance Towne Drive be painted, pavers or stamped. Mr. Bell expressed his excitement about this plan and thanked the developer for taking the time to make the improved changes. He is concerned about the safety of the pedestrians so close to the intersection on the south end and on the sidewalk on Highway 106 next to the proposed right in and right out intersection. Mr. Cheney stated that staff had a meeting with UDOT and that the change of the access off of the highway may not be an option.

Chair Monson opened the **PUBLIC HEARING** at 7:12 p.m.

David Klamm resides at 765 E Center St. Mr. Klamm had concern about the unmarked intersection.

Rus Gomez resides at 85 E 1400 S. Mr. Gomez was concerned about the tax increase for this new development and is concerned about class sizes at other schools due to the closure of Washington Elementary.

Mr. Wilkinson discussed that the Renaissance Center is the Redevelopment Area and gave Mr. Gomez the contact information for the district.

Rick Gelhart, Bountiful resident. Mr. Gelhart is against the high density of apartments and is concerned about the traffic. He wants the traffic study to be open to the residents. Mr. Gelhart feels that there is enough apartments in the area and promotes more transient people that could bring to the area more crime.

Dave Taylor, Bountiful resident. Mr. Taylor stated his concern for the height limit for this area and was concerned for the number of cars that could be in this area each day.

Benjamin Becker resides at 2030 Bluebell Dr. Mr. Becker liked the proposed plan with the tree lined streets and park-family friendly. He did ask about the financial feasibility for this project and if it is the best use for this site. He feels that anything above 5 stories is not feasibility and that this plan is something that the developer can handle.

Brian Knowlton resides at 630 E 500 S. Mr. Knowlton stated that the proposed building does work in this environment and doesn't feel that this would be a huge traffic impact in this area. He is excited to see this project and feels that this would be great for Bountiful.

Chair Monson closed the **PUBLIC HEARING** at 7:34 p.m.

Mr. Wilkinson discussed that the traffic study was very detailed and would be available to view at the City office.

Mr. Cheney discussed that the study used a base line and the level of service at the 4 intersections and access needs. The level of service would decrease around the site but is still at an acceptable level.

Mr. Wilkinson went over the proposed heights. The middle building was placed in the middle of the property to minimize the impacts of the height of the building. The original zoning ordinance had no limit on heights and setbacks. This proposed zone change would give a limit to the building heights and setbacks. This site is an attractive site for the bus transit stations. He clarified that a great deal of commercial development has been built.

Staff discussed the possible stepped height standard. Mr. Bryson explained the setback for Building 14 is 30 feet south of the parking garage. The height of the building on Main Street is 50 feet with 30 feet back with the additional parking garage. Mr. Broadhead explained the idea of the 8 story building. It is measured at 20 feet more than the existing medical building. He discussed that the commercial suites have been rented out and continues to be very successful and feels that this area doesn't have the housing to support just commercial and feels that this center will attract a better cliental. Mr. Bryson discussed the possible options for ownership opportunities for both commercial and residential.

Mr. Higginson asked what assurances the City has that this will go forward. Mr. Broadhead responded the demand is here for this project and hopes that the market will continue. He stated that the timeline for building 14 is immediate and the cost for the building is approximately the same as the current project. He stated the state has encouraged cities to increase multi-family near the bus transit area.

Ms. Spratley made a motion to recommend approval to the City Council with a change of adding a change of a maximum building height of 110 feet. RH seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

It was noted to the audience that there will be a **PUBLIC HEARING** for the City Council meeting sent to all residents within 500 feet of the property. The City Council meeting will be held on May 28, 2019.

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% located at 2452 Cave Hollow Way, Daniel and Carri Fergusson, applicant.

Daniel and Carri Fergusson were present. Curtis Poole presented the staff report.

The applicants, Daniel and Carri Fergusson, have requested a variance to allow for encroachments on slopes greater than 30 percent on the property and for cuts and fills and retaining walls greater than 10 feet in height for the property located at 2452 Cave Hollow Way in the R-F (Residential Foothill) zone. The proposed variance would allow for construction of a new addition to the home and for modifications to the existing driveway.

Section 14-2-111 authorizes the Administrative Committee 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. Section 14-2-104 authorizes the Chairman of the Administrative Committee to assign any item designated for Administrative Committee review to the Planning Commission, in which case the Planning Commission acts under the same authority granted to the Administrative Committee.

The existing home on the property was constructed in 1978 with a two car garage. On December 19, 2017, the applicants appeared before the Planning Commission to request a variance to the same ordinances. After hearing from the applicants, the public and staff a motion was made to deny the variance with the suggestion the applicants continue to work with staff on future revisions. The Planning Commission unanimously voted to deny the variance.

The original application proposed the addition of a three-car garage, a driveway hammerhead turnaround, a widened driveway and a stairway connecting the entrance of the home to the parking area. These proposals significantly encroached into the slopes exceeding 30 percent. In addition retaining walls and cuts into the hillside were proposed which would have resulted in a major disturbance into the 30 percent slopes. The applicants have submitted several revisions to staff with slight modifications to the original plans over the last year and a half.

The current proposal has a similar, but smaller three-car garage along with living space for the proposed addition. The width of the driveway has been decreased, the hammerhead turnaround at the top of the driveway has been removed and the tall retaining wall has also been removed from the revised plan. Despite these changes the impact on steep slope areas of the property is not considered minimal by staff, as there would be significant cuts, fills and retentions which would need to occur.

Staff has recommended to the applicants any expansion of their home should be into areas of their property where the steep slopes have previously been disturbed and not create new disturbances. The proposed plans do not fully comply with those recommendations.

Variance Findings

Utah Code 10-9a-702 establishes the criteria for review of a variance request and stipulates the applicant “shall bear the burden of proving that all of the conditions justifying a variance have been met.” In order to grant a variance **each** of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

Staff Response: State law defines a hardship as “associated with and peculiar to the property itself,” and further states the hardship “cannot be self-imposed or economic.” Furthermore, a “variance is not necessary if compliance is possible, even if the property owner has to alter desired plans.” While there may be an appropriate disturbance to allow for reasonable expansions to the driveway and home, allowing the construction of a large three-car garage and widening the driveway does not seem in harmony with maintaining minimal impact to the steep slopes in the R-F zone. Such a proposed expansion should be considered self-imposed as the applicants currently have reasonable use of the property.

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

Staff Response: Many of the properties in the R-F zone have similar constraints as the applicant’s property which limit the buildable area and require steep narrow driveways. While there may be an appropriate disturbance to the slope to enable construction of a less steep driveway, the current proposal would not be considered the minimum disturbance necessary to accomplish this objective.

- (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 original approval of the home on the property allowed for construction of a reasonably sized single-family dwelling while maintaining a minimal disturbance to the hillside. The proposed variance is not an essential necessity for the continued use and enjoyment of the property as

the applicants already have use of the property with the existing home.

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

Staff Response: The original approval was consistent with the development standards in the R-F zone, and allowed for use of the property. The applicant has not demonstrated other reasonable or feasible alternatives with less impact to the slope areas.

(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% and retaining walls less than 10 feet tall is to preserve the hillside and manage runoff and erosion on properties located in the foothills. The proposed variance disturbs the slopes beyond the minimal amount necessary. Any variance proposal requesting to disturb the steep slopes on a property should be minimized as much as possible.

Staff recommends the Planning Commission review the criteria required for approval as outlined in State Law to determine if the applicants have sufficiently met all of the requirements necessary for approval of the requested variance.

Mr. Monson asked if the applicants and staff had discussions about the proposed plan with staff. Mr. Cheney stated that the applicant had proposed plans that the staff could not approve without a variance.

Chair Monson opened the **PUBLIC HEARING** at 8:56 p.m.

Vic Schluter resides at 2482 S Cave Hollow Way. Mr. Schluter is concerned about the encroachment of his property for the building of the proposed plan.

Chair Monson closed the **PUBLIC HEARING** at 8:59 p.m.

Mr. Fergusson stated that hardship is the safety in driving down the driveway in the winter and the moving of the sanitation dumpsters to the curb. There is the upmost concern is the safety of people driving or walking along the sidewalk. He is concerned about the narrowness and steepness of the driveway and feels that the slope of the driveway needs to be lower. There is a failing railroad tie wall that will need to be repaired and they will have to disturb some of the area to get a back hoe back to replace the wall. He feels that the proposed plan is reasonable.

Staff and Commission Members discussed the slope of the driveway without adding onto the garage. Mrs. Ferguson read the received engineering letter to the applicant for the regrading of the driveway. Mr. Cheney stated that the slope of the driveway can be regraded and discussed the possible retaining issues of the left side of the driveway.

Mr. Higginson spoke about the lot and the issues that were created by the prior owner. He feels that the applicant has done a good job at trying to fix the safety issue with the driveway.

Staff discussed the height of the retaining wall without the garage would be 21 feet. Mr. and Mrs. Schluter stated their concern for repairing the rear wall.

Sharon Spratley made a motion to approve the variance to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% located at 2452 Cave Hollow Way due to safety concerns. Richard Higginson second the motion. Voting passed 5-1 with Commission members Bell, Clark, Higginson, Hill, and Spratley voting aye with Monson voting nay.

5. Consider preliminary site plan approval for an building construction material/office without outside storage for Jim Miller Plumbing and Heating located at 220 W Center St, Randy Lewis representing Jim Miller, applicant.

Randy Lewis representing Jim Miller was present. Curtis Poole presented the staff report.

The applicant, Jim Miller, requests preliminary site plan approval for an expansion of his existing business located along 200 west. The proposal will provide additional office and storage space for Jim Miller Plumbing near the existing business. The property is zoned C-G (General Commercial) and is bordered on the east and north by commercial development and on the south and west by multi-family residential. The proposed development is approximately 0.129 acres (5,619 square feet). Various businesses have tried to develop this property; however, the lot size and setback standards placed constraints difficult to meet.

The proposed building meets all the required setback, height and parking standards of the Commercial zone. In addition the proposal shows a landscape buffer of 10 feet against the residential property to the west. The overall landscape exceeds the 15 percent as required by code. A detention basin will be located on the south western portion of the lot and will be part of the overall landscaping.

The main floor of the proposed building will have a standard and larger overhead garage door to accommodate vehicle storage and loading in addition to an office space. There will be a stairwell entrance accessed on the west of the building leading to a storage area under the office and one of the garage bays. The main floor office will be accessed by a sidewalk on the west of the building leading to an exterior door or from the front exterior man door.

The existing drive approach will be removed and replaced with curb and gutter and a new 24 foot drive access will be added.

As the proposed use of this property requires a Conditional Use the applicant will need to file for approval of the Conditional Use with their final site plan approval.

This proposal has been reviewed by the Engineering, Power, and Planning Departments and by the Fire Marshall.

Staff recommends the Planning Commission forward to the City Council a recommendation of approval of the preliminary site plan for the proposed building/construction material and supplies without outside storage for Jim Miller Plumbing subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to final site plan approval applicant shall apply for approval of a Conditional Use Permit.

Mr. Poole discussed that Mr. Miller will need to get a Conditional Use Permit for approval for the inside storage use at the same time the final site plan will come before the Planning Commission.

Mr. Lewis stated that the 2 garage doors are for convenience for the storage area.

Jim Clark made a motion that the Planning Commission forward to the City Council a recommendation of approval for preliminary site plan approval for a building construction material/office without outside storage for Jim Miller Plumbing and Heating located at 220 W Center. Richard Higginson seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

Note: Items 6 and 7 were presented in combination.

- 6. PUBLIC HEARING – Consider approval for a Conditional Use Permit for a multi-family dwelling located at 33 W 400 South, Brian Knowlton, applicant.**
- 7. Consider preliminary site plan approval for a multi-family dwelling located at 33 W 400 South, Brian Knowlton, applicant.**

Brian Knowlton was present. Curtis Poole presented the staff report.

The applicant, Knowlton General, requests Conditional Use Permit and preliminary site plan approval for a 14 unit multifamily development located at 33 and 55 West 400 South. The property is located within the DN (Downtown) zone. The applicant submitted a prior proposal to develop 6 multifamily units on the property of 55 West; however, has since acquired additional property to the east. The current proposal consists of two lots, 33 and 55 West, one which has been vacant for many years and the other recently acquired by the applicant. Both properties are located in the DN (Downtown) zone. The site is surrounded by single family residential use on the west, mixed use and commercial to the north, and commercial property to the south and east.

The two properties are approximately .25 acres (approximately 10,933 square feet) each, although 33 West will need to have an additional .05 acres (approximately 2,178 square feet) conveyed to it from the property immediately to the east.

The proposed building meets the required setback and height standards for the DN Zone. Because the building is located at least 200 feet from the 100 west right of way the maximum building height is 55 feet. The proposed building is approximately 46 feet and four stories in height with one unit located on the ground floor and the remainder above. The applicant proposes building materials consisting of a mix of EIFS and brick. Color renderings of the buildings are attached to this report. It is recommended that some brick be added to the south façade as this area will be highly visible from 500 South. The proposed structure meets the required articulation standards of the ordinance and complies with the maximum 2:1 height to width ratio requirements. Ground floor units have entrances facing the public street and balconies or patios are shown for each unit.

The plan shows the minimum 10 percent of landscape area and the additional landscaping required by Code for multifamily development; however, a detailed landscape plan will need to be submitted demonstrating compliance with the minimum requirements of the landscape code. A sidewalk is shown on the west side of the property running along the proposed parking area. The Code allows for sidewalks to occupy a total of 30 percent of the required landscape area. Based on the required

landscape area the sidewalk will need to be reduced. It is recommended that the sidewalk be pulled back to the south edge of the building in order to comply with the applicable standard.

Access to the site will be via a single driveway on 400 South. Water and sewer will be provided via connections to existing lines in 400 South. Storm water drainage design will need to be further refined prior to submittal for final site plan approval. The proposed retention system may not adequately dispose of storm water and additional information is required to determine adequate permeability of soils to allow for retention on site.

The applicant will need to demonstrate how storm water impacts to the site will be handled. Sidewalks will have to be repaired as part of the project. Other infrastructure in the area is adequate for the impacts anticipated by the development.

Staff recommends the Planning Commission approve the Conditional Use Permit and forward a recommendation of approval to the City Council for preliminary site plan review for the proposed 14 unit multifamily building subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to submittal for final site plan approval, complete a survey of the property to determine total buildable area available on the property. Complete any revisions to the site necessary based on the size of the parcel.
3. Revise the elevations to show some brick elements on the south side of the building in order to provide architectural continuity on this visible side of the building.
4. Revise the site plan to show the sidewalk on the property ending at the south side of the building.
5. Submit a landscape plan meeting the minimum requirements of Sections 14-16- 104 and 14-16-109.
6. All damaged curb and gutter and sidewalk along 400 S. shall be replaced.

The buildings will be seen from 500 South and will have brick.

Chair Monson opened the **PUBLIC HEARING** at 10:02 p.m.

David Taylor, Bountiful resident. Mr. Taylor likes the project but is concerned about overflow parking.

Chair Monson closed the **PUBLIC HEARING** at 10:03 p.m.

Mr. Knowlton stated that the parking would include visitor parking on premise. The purchase of the adjoining property allows for extra parking, lower height and the addition of ADA parking.

Mr. Higginson made a motion to approve the Conditional Use Permit for a multi-family dwelling located at 33 W 400 South with the six conditions outlined by staff. Jim Clark seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

8. **Consider a final subdivision approval for Joe and Bette Eggett Subdivision Phase 6 located at 1401 East 1800 South, Terry Eggett and Connie Woolley, applicants.**

Construction plans and the plat for the Joe and Bette Eggett Subdivision, Phase 6 have been submitted and reviewed by the Engineering Department. The applicants, Terry Eggett and Connie Woolley, are now requesting final approval of the subdivision. This subdivision was granted preliminary approval by the City Council on January 8, 2019. By way of a brief review, this 6 lot subdivision is proposed in the R-3 zone near 1400 East on the north side 1800 South/Mueller Park Rd. This subdivision will leave a remainder parcel along the Mill Creek canyon, which will serve as the new pasture for the llamas. In order to locate the cul-de-sac intersection at the optimal location, it was necessary to modify the west end of Lot 1 of the East Peterson Subdivision by the Planning Commission's action which approved a variance to the frontage requirement for this corner lot. This parcel, along with the modification, has been included as Lot 606 in the new subdivision.

All lots meet the minimum requirements for size and frontage. As part of the preliminary approval, it was recommended by staff that access to Lot 601 be limited to the cul-de-sac frontage. On the 1800 South frontage, much of the existing curb and gutter is in poor condition, and needs to be replaced. This will also necessitate the replacement of the sidewalk where it has been constructed directly behind the curb. This issue was identified in the preliminary report to the Planning Commission and City Council, and is recommended to be included as a condition of final approval.

Planned improvements for curb, gutter and sidewalk have been reviewed by the Engineering Department. There are some minor grading issues to be resolved on the east side of cul-de-sac, but all other design elements are acceptable and meet the City's requirements.

Recommend final approval of the Joe and Bette Eggett Subdivision, Phase 6 with the following conditions:


1. Limit the primary access of Lot 601 to the cul-de-sac frontage.
2. Replace the existing curb, gutter and sidewalk along 1800 S from the west side of the subdivision to the end of the east curb radius of 1450 East.
3. Make all necessary red line corrections to the final plat and the construction drawings.
4. Provide a current title report.
5. Sign a Development Agreement.
6. Post an acceptable form of bond for the construction of the subdivision improvements.
7. Pay all required fees.

Richard Higginson made a motion to forward a recommendation to the City Council for final subdivision approval for Joe and Bette Eggett Subdivision Phase 6 located at 1401 East 1800 South. Jim Clark seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Monson and Spratley voting aye.

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

1. Next Planning Commission meeting will be May 21, 2019.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 10:10 p.m.



Clint Drake, Interim Bountiful City Planner