



BOUNTIFUL CITY
PLANNING COMMISSION AGENDA
Tuesday, February 1, 2022
6:30 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Planning Commission will hold a meeting in the Council Chambers, Bountiful City Hall, 795 South Main, Bountiful, Utah, 84010, 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
2. Approval of the minutes for January 18, 2022
3. 1350 South Davis Blvd - Creekside View Subdivision Plat, Dan Crane, applicant – *City Engineer Lloyd Cheney*
 - a. Review
 - b. Action
4. 143 East 1400 South – Conditional Use Permit for a detached garage greater than 10% buildable, Kevin Kellersberger, applicant – *Planning Director Francisco Astorga and Assistant Planner Nicholas Lopez*
 - a. Review
 - b. Public Hearing
 - c. Action
5. 374 East Center Street – Conditional Use Permit for a detached garage greater than 10% buildable, GT Knight, applicant - *Planning Director Francisco Astorga and Assistant Planner Nicholas Lopez*
 - a. Review
 - b. Public Hearing
 - c. Action
6. Annual Planning Commission Training – *City Attorney Clint Drake*
7. Adjourn

Draft Minutes of the
BOUNTIFUL CITY PLANNING COMMISSION
January 18, 2022

Present: Commission Members Lynn Jacobs (Chair), Alan Bott (vice-chair), Jim Clark,
Sharon Spratley
and Councilwoman Cecilee Price-Huish
City Attorney Clinton Drake
Planning Director Francisco Astorga
Asst City Planner Nicholas Lopez
Recording Secretary Darlene Baetz

Excused: Commission Member Sean Monson
City Engineer Lloyd Cheney

1. Welcome.

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

2. Approval of minutes for January 18, 2022.

MOTION: Commissioner Clark made a motion to approve the minutes for January 18, 2022, as written. Commissioner Bott seconded the motion.

VOTE: The motion passed unanimously (4-0).

Meeting was moved to Council Conference Room at 6:32 p.m.

3. Short Term Rental Work Session Discussion

This item is a work session discussion for code changes for short-term rentals. The Planning Commission will provide a policy to the City Council by April 1, 2022. Planning Director Francisco Astorga and Assistant Planner Nicholas Lopez discussed the definitions for Accessory Dwelling Units and Short-term Rentals.

Accessory Dwelling Units (ADU) are defined as long-term rental with owner occupied.
Short-term Rentals are defined as housing rentals less than 30 days.

Sharon Spratley arrived at 6:53 p.m.

Staff discussed the code for ADU and Short-term Rentals in the surrounding cities which included the cities of Centerville, NSL, West Bountiful, Woods Cross, Layton and Millcreek

Planning Director Astorga also discussed possible issues or concerns for short-term rentals, long-term rentals and landlord.

Short-term rentals
Short term
Priced nightly

1 Business purposes
2 Transient
3
4 Long term rentals
5 Long term
6 Fixed monthly income
7 Residential Purposes
8 Possible more affordable
9

10 Landlord
11 Home Ownership
12 Cash flow - rent
13

14 Commission members had several concerns about short-term rentals which include:

- 15
16 1. Would there be responsiveness for maintenance or after-hours issues?
17 2. Ghost street – Has the entire street changed to Short-term rentals and is left without a feeling of
18 a neighborhood?
19 3. Would there be a decrease in long term housing?
20 4. Code Enforcement issues
21 5. Off-street Parking
22 6. Building safety for renters
23 7. Strike System for rentals/owners
24 8. Is a business license needed?
25 9. Is this a rental of entire home? Whole house vs. ADU vs. single room
26 10. ADU more restrictive than Short-term rental
27 11. City is providing a service of Short-term rentals.
28 12. Would the City have any liability?
29 13. Would the City receive any sales tax for short-term rental and how would it be enforced?
30

31 Chair Jacobs adjourned the meeting at 8:04 p.m.

Commission Staff Report

Subject: Final Approval for Creek Side Views Subdivision

Address: 1350 S Davis Blvd

Author: Lloyd Cheney, City Engineer

Date: February 1, 2022



Background

Dan and Amber Crane (765 E 1500 S), owners of the 5.58 acre parcel located on the west side of Davis Blvd at approximately 1350 South have applied for, and are requesting Final Approval of the Creek Side Views Subdivision. The development was previously reviewed by the Planning Commission on September 7, 2021 and was granted Preliminary Approval by the City Council on September 14, 2021.

Analysis

Overview: This 6 lot development is located on the west side of Davis Blvd between the Weber Basin irrigation reservoir and the Mill Creek canyon. The property is adjacent to the Valley View Elementary and (City-owned) Mill Creek Reservoir site. Access to the development will be provided by a 300 ft cul-de-sac from Davis Blvd. The site is located in the Single-Family Residential (R-3) Zone. The proposed development, as presented, meets the maximum density and minimum lot standards found in the Land Use Code.

Adjustments from Preliminary Design: Final design of utilities has resulted in minor modifications to the construction plans. The most significant change in the storm water collection system has resulted in a single detention basin located the northwest corner of Lot 3. This storm water facility will provide the necessary retention and detention components required by the City's Storm Water Ordinance. This facility will be maintained by the owner of Lot 3. Installation of the culinary water system for the development will provide an alternate path for water to be routed from the Mill Creek Booster Station. This new connection to Davis Blvd will increase the efficiency of the water system and provide operational redundancy. Since the development does not require the same size pipe to serve the development that is required to accommodate the pumping capacity of the Mill Creek Booster Station, the additional cost of upsizing the water main from 8" to the desired 12" diameter will be paid by the Water Department.

Trail and Stream Maintenance Easements: Staff has worked with the Cranes to identify potential trail routes on the property that would provide connectivity from Creekside Park. The Cranes have been supportive of the desire to provide a trail along Mill Creek. They have requested that trail use be limited to pedestrian traffic only, and this a recommendation which staff supports. Staff also recommends the trail easement be co-located within the 25 ft wide stream maintenance easement required by Davis County

Public Works. This minimizes the impact on the development and provides an opportunity to combine the trail with the larger impact of creating access and conducting stream maintenance operations in the future.

Department Review

This item has been reviewed by the City Planner and City Attorney.

Significant Impacts

No significant impacts have been identified.

Recommendation:

Staff recommends that the Planning Commission forward a recommendation of Final Approval to the City Council for the Creek Side Views Subdivision, subject to the following conditions:

1. Provide a 25 ft wide stream maintenance easement along the south bank of Mill Creek, as required by Davis County Public Works.
2. Dedicate real property to the City or provide a trail easement along Mill Creek, coincident with the stream maintenance easement.
3. Provide a description for a utility easement for the sanitary sewer main which crosses the City-owned property between Valley View Elementary and the Mill Creek Reservoir.
4. Replace any damaged curb, gutter and sidewalk along the Davis Blvd. frontage.
5. Complete any minor corrections to the plat.
6. Provide a current Title Report.
7. Sign a Development Agreement.
8. Pay all required Fees.
9. Post a Bond in an acceptable form for construction of public improvements.

Attachments

1. Creek Side Views Subdivision plat
Note: At the time this memo was completed, revisions to the plat were being completed. Staff will provide the final document at the meeting

Aerial Photo



Planning Commission Staff Report



Subject: Conditional Use Permit Review for Accessory Structures Greater than 10% of Lot Size
Author: Nicholas Lopez, Assistant Planner
Francisco Astorga, AICP, Planning Director
Address: 143 East 1400 South
Date: February 1, 2022

Background

The Applicant, Kevin Kellersberger, submitted a Conditional Use Permit (CUP) application to build an accessory structure consisting of a detached garage. The proposed detached garage has a building footprint greater than ten percent (10%) of the area of the lot located 143 East 1400 South. The property is located within the R-4 (Single-Family Residential) subzone. The property is surrounded by single-family dwellings. The proposed detached garage is 1,800 square feet and is proposed to be constructed behind the existing single-family dwelling.

Analysis

The Land Use Code allows the footprint of all accessory structures up to ten percent (10%) of the lot size as a permitted use and allows the footprint of all accessory structures larger than ten percent (10%) and not exceeding fifteen percent (15%) as a conditional use. County records indicate the property is 13,080 square feet (.30 acres). The proposed 50' by 36' structure occupies 13.8% of the lot area; therefore, requires a Conditional Use Permit.

The Land Use Code requires at least forty percent (40%) of a lot to be landscaped and further indicates there should be at least fifty percent (50%) landscaping in each of the yards (front, side and rear). The proposal indicates fifty-seven percent (57%) of landscaping and each yard will meet the required landscaping.

The proposed structure has a sidewall height of fifteen feet (15') and the height to the ridge of the roof (building height) is proposed at twenty feet (20'). The Land Use Code has specific height parameters for accessory structures allowing a maximum sidewall height of 15 feet and a maximum building height of 20 feet (measured to the average roof line). The proposed structure is eighteen feet three inches (18'3").

Conditional uses are to be evaluated on the location of the use in relationship to other uses in the general vicinity, the effects of the proposed use or accompanying improvements, and the appropriate buffering of uses and buildings, parking, building material and landscaping "which are in harmony with the area."

In addition, the Planning Commission is to consider the following with accessory structures requiring a conditional use:

1. extent that sunlight, air and view sheds are obstructed
2. proximity of other structures
3. contour of the land
4. features peculiar to the site and adjoining properties

5. location of windows, doors, balconies and other openings that may intrude on adjoining properties
6. the proposed potential uses. The purpose of the review is to ensure that any potential negative impacts from the allowed use may be mitigated.

The Applicant has indicated that the proposed structure will be used for garage space and additional storage. A single-family dwelling requires a total of four (4) parking spaces, two (2) of which need to be in car garage. Existing accessory structures, detached garages, in this street have varying building materials, size, and locations on the respective properties, making it challenging to accurately gauge what is considered harmonious, with the exception that the majority of the structures have street facing façades that somewhat match the primary dwelling material and are adjacent to the principal dwelling, within 5 to 10 feet. The proposed accessory structure is setback approximately 106 feet from the front property line and 38 feet from the back of the existing single-family dwelling onsite.

The proposed structure consists of steel to be painted gray. The proposed plans indicate that the walls would show a vertical reveal while the roof would have the typical vertical configuration. The proposal includes two (2) garage doors along the front of the proposed building. There is one (1) window and a man door facing the interior of the property. The height of the proposed structure complies with the Land Use Code height parameters and is consistent in height with existing detached accessory buildings in the vicinity (20ft maximum, 15 foot maximum sidewall height).

Based upon the proposed distance of the accessory structure from the front property line and the rear of the existing single-family dwelling which limits the exposure from the street, Staff does not find that the proposed structure material would need to match what is on the single-family dwelling.

Department Review

This proposal has been reviewed by the Engineering and Planning Departments and City Attorney.

Significant Impacts

As this proposed detached garage requires a conditional use the Planning Commission should evaluate the specified criteria for review to ensure potential negative impacts are mitigated.

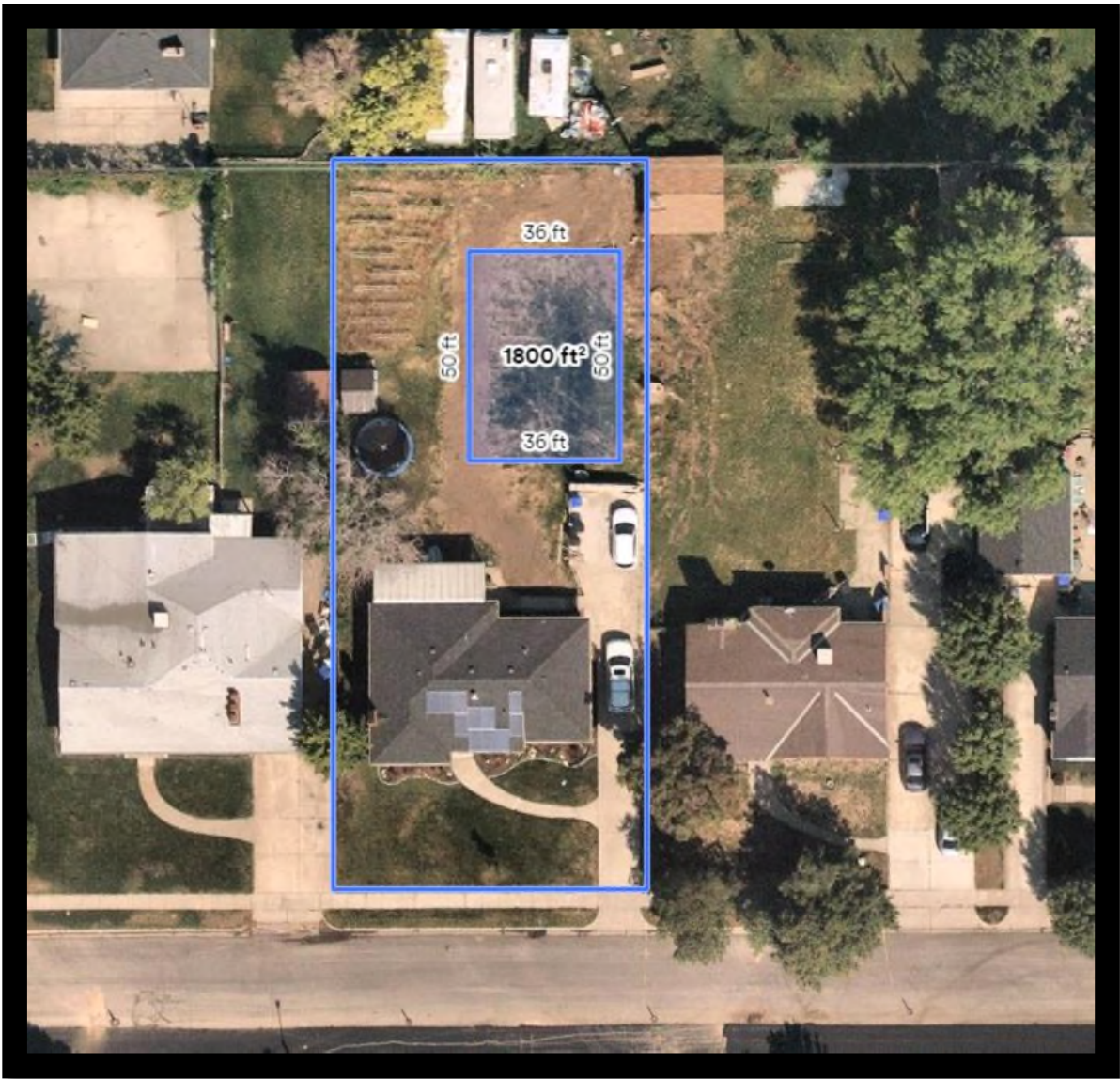
Recommendation

Staff recommends that the Planning Commission approve the Conditional Use Permit for accessory structure at 143 East 1400 South with a building footprint greater than ten percent (10%) of the lot size with the following conditions:

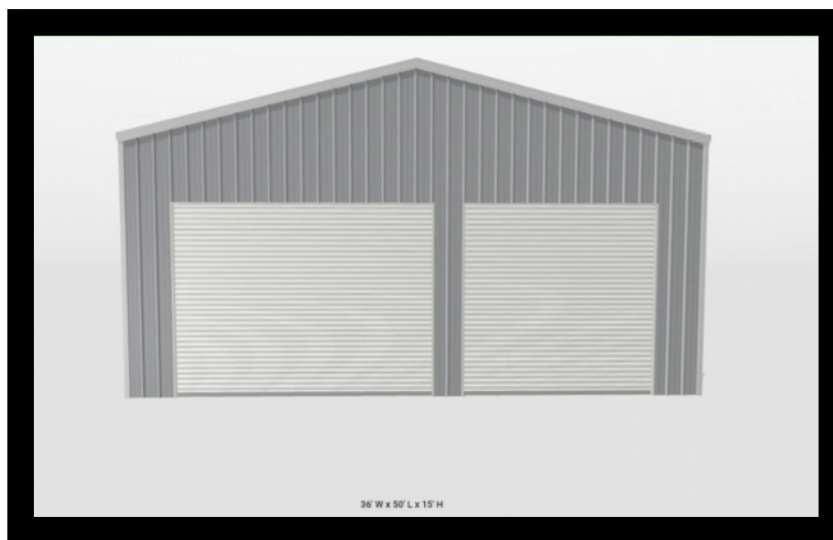
1. Complete all redline corrections.

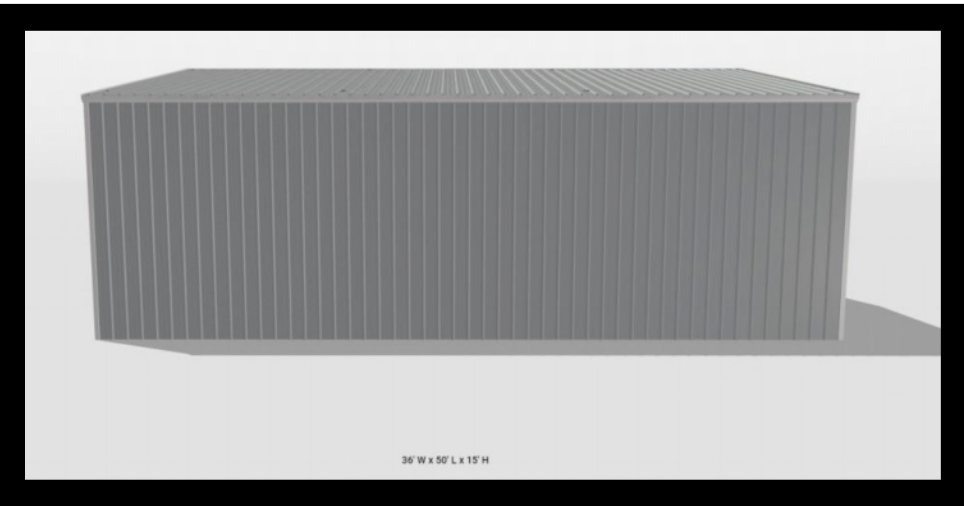
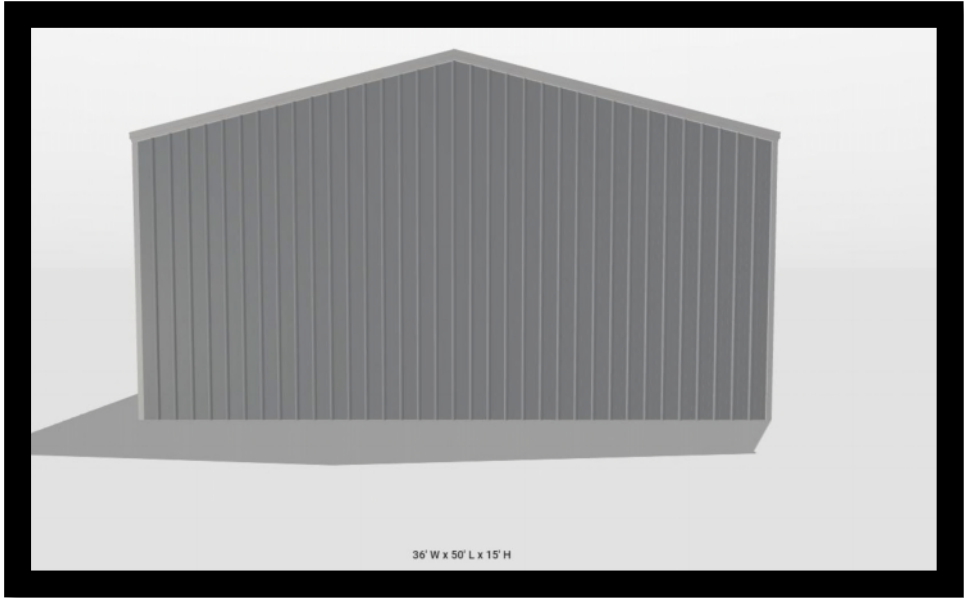
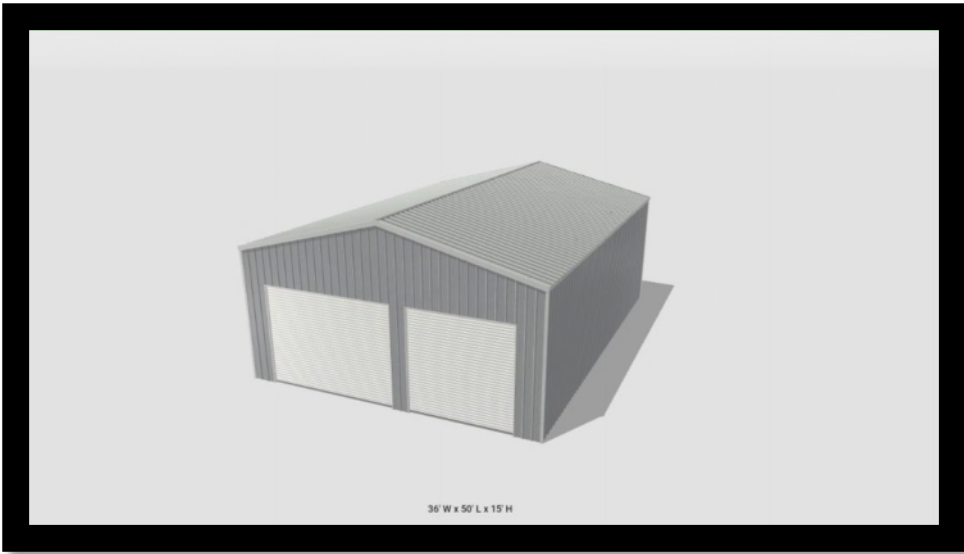
Attachments

1. Aerial photo
2. Potential street view photo
3. Site Plan
4. Building Renderings and Elevations



Renderings





Planning Commission Staff Report



Subject: Conditional Use Permit Review for an Accessory Structure Greater than 10% of the Lot Size
Author: Nicholas Lopez, Assistant Planner
Francisco Astorga, AICP, Planning Director
Address: 374 East Center Street
Date: February 1, 2022

Background

The Applicant, GT Knight, submitted a Conditional Use Permit (CUP) application to build an accessory structure consisting of a detached garage. The proposed detached garage has a building footprint greater than ten percent (10%) of the area of the lot located at 374 East Center Street. The property is located within the R-4 (Single Family Residential) subzone and is surrounded by single-family dwellings. The proposed detached garage is 1,200 square feet and is proposed to be constructed behind the existing single-family dwelling.

Analysis

The Land Use Code allows the footprint of all accessory structures up to ten percent (10%) of the lot size as a permitted use and allows the footprint of all accessory structures larger than ten percent (10%) and not exceeding fifteen percent (15%) as a conditional use. County records indicate the property is 10,712 square feet (.25 acres). The proposed 30' x 40' structure occupies 11.2% of the lot area; therefore, requires a Conditional Use Permit.

The Land Use Code requires at least forty percent (40%) of a lot to be landscaped and further indicates there should be at least fifty percent (50%) landscaping in each of the yards (front, side and rear). The proposal indicates fifty-four percent (54%) of landscaping and each yard will meet the required landscaping.

The proposed structure has a sidewall height of fifteen feet (15') and the height to the ridge of the roof (building height) is proposed at 19'-2". The Land Use Code has specific height parameters for accessory structures allowing a maximum sidewall height of 15 feet and a maximum building height of 20 feet (measured to the average roof line). The proposed structure complies with these height parameters.

Conditional uses are to be evaluated on the location of the use in relationship to other uses in the general vicinity, the effects of the proposed use or accompanying improvements, and the appropriate buffering of uses and buildings, parking, building material and landscaping "which are in harmony with the area."

In addition, the Planning Commission is to consider the following with accessory structures requiring a conditional use:

1. extent that sunlight, air and view sheds are obstructed

2. proximity of other structures
3. contour of the land
4. features peculiar to the site and adjoining properties
5. location of windows, doors, balconies and other openings that may intrude on adjoining properties
6. the proposed potential uses. The purpose of the review is to ensure that any potential negative impacts from the allowed use may be mitigated.

The Applicant has indicated that the proposed structure will be used for garage space and additional storage. A single-family dwelling requires a total of four (4) parking spaces, two (2) of which need to be in a two (2) car garage. Existing accessory structures, detached garages, in this street have varying building materials, size, and locations on the property making it challenging to accurately gauge what is considered harmonious, with the exception that the majority of the structures have street facing façades that somewhat match the primary dwelling material and are adjacent to the principal dwelling, within 5 to 10 feet. The proposed accessory structure is setback approximately 120 feet from the front property line and 67 feet from the back of the existing single-family dwelling onsite.

The proposed structure consists of metal, specifically corrugated galvanized steel, to match the existing house in color (Tuscany beige, an earth tone). The proposed plans indicate that the walls would show a horizontal reveal while the roof would have the typical vertical configuration. The proposal includes the main garage door along the front of the proposed building with an adjacent man door next to it. There are two (2) windows facing the interior of the property next to a smaller garage door. The height of the proposed structure complies with the Land Use Code height parameters, and is consistent in height with existing detached accessory buildings in the vicinity.

Based upon the proposed distance of the accessory structure from the front property line and the rear of the existing single-family dwelling which limits the exposure from the street, Staff does not find that the proposed structure material would need to match what is on the single-family dwelling. Due to the existing overhead power line the Bountiful City Power Department request that the proposed structure is set back nine feet (9') from the rear property line instead of the minimum of three feet (3'), see condition of approval no.2.

Department Review

This staff report was prepared by the Planning Department, and was reviewed by the City Engineer, City Attorney, and Planning Director.

Significant Impacts

As this proposed detached garage (accessory structure) requires a Conditional Use Permit the Planning Commission should evaluate the specified criteria for review to ensure potential negative impacts are mitigated.

Recommendation

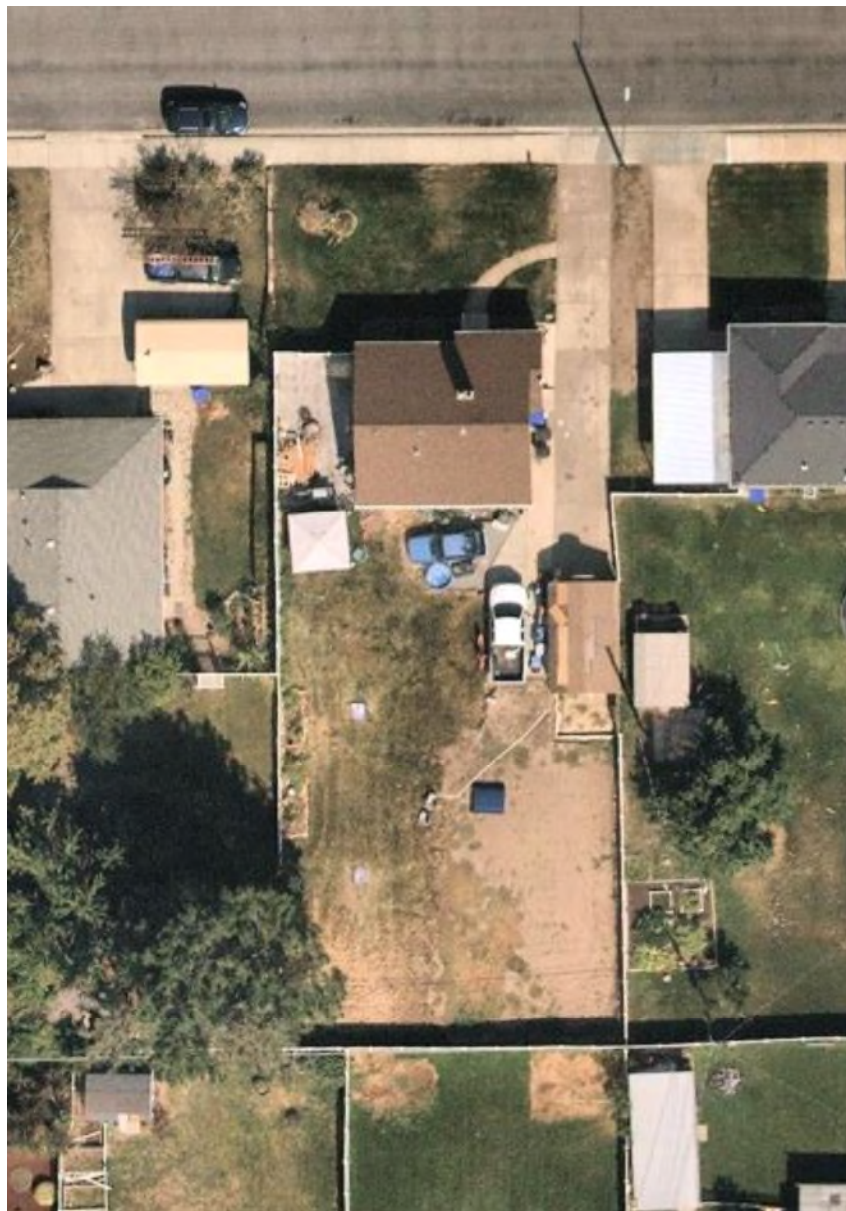
Staff recommends that the Planning Commission approve the Conditional Use Permit for accessory structure at 374 East Center with a building footprint greater than ten percent (10%) of the lot size with the following conditions:

1. Complete all redline corrections.
2. The rear setback shall be nine feet (9').

Attachments

1. Aerial photo
2. Potential street view photo
3. Site Plan
4. Building Renderings and Elevations

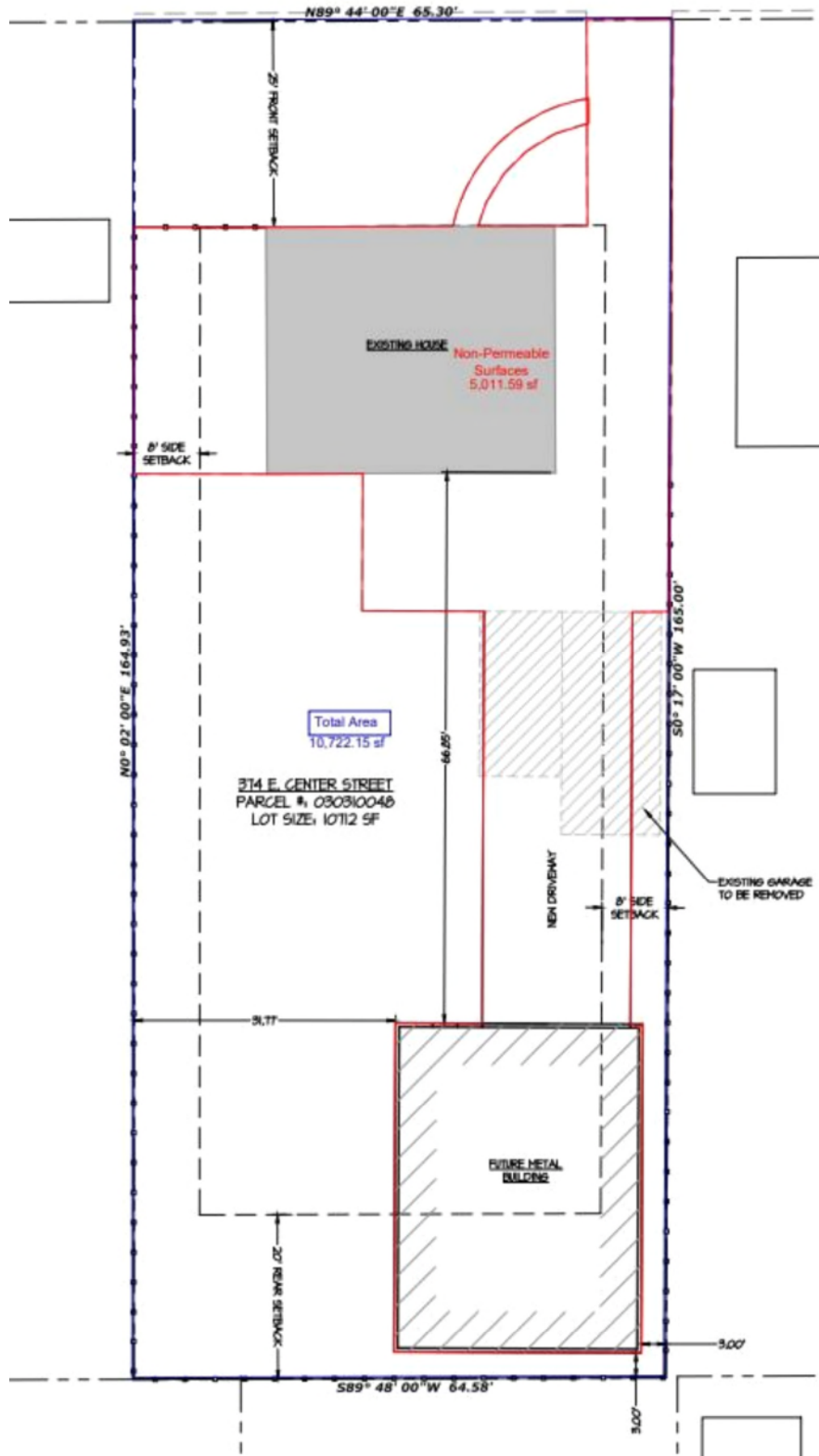
Aerial Photo



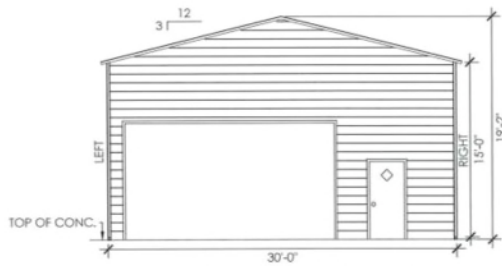
Potential Street View



Site Plan

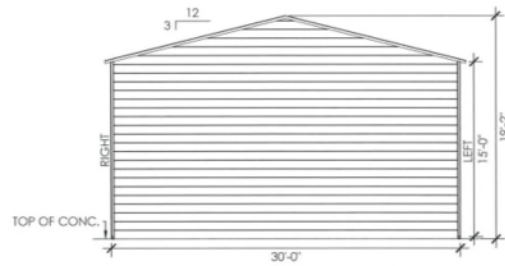


Elevations



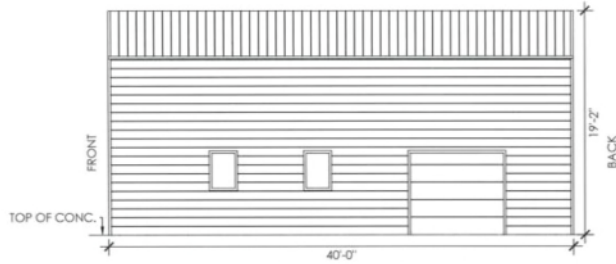
FRONT END WALL ELEVATION

SCALE: 1/8" = 1'



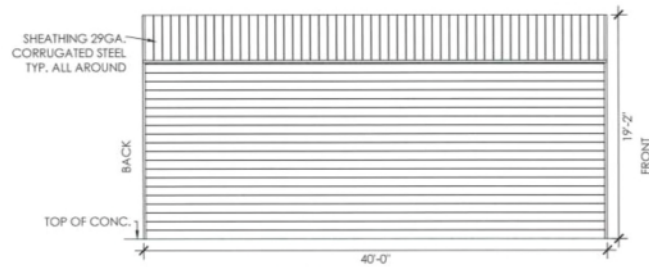
BACK END WALL ELEVATION

SCALE: 1/8" = 1'



RIGHT SIDE WALL ELEVATION

SCALE: 1/8" = 1'



LEFT SIDE WALL ELEVATION

SCALE: 1/8" = 1'