

1 projects.

2
3 Staff recommends the Planning Commission forward a positive recommendation of approval to the
4 City Council for final architectural and site plan review for the mixed-use residential and commercial
5 development subject to the following conditions:

- 6
7 1. Complete any and all redline corrections.
8 2. Prior to issuance of the building permit, resolve any concerns with Bountiful City Light and Power
9 regarding connections to the property.
10 3. Receive any submit to the City necessary approvals from Davis County and FEMA regarding the
11 easements of the creek and development of the property.
12 4. Prior to the issuance of the building permit parcels shall be consolidated and any proposed
13 property boundary adjustments be completed.
14 5. Receive conditional use approval by the Planning Commission for the multi-use residential
15 component of the development.

16
17 Commissioner Bawden asked for a correction to condition 3 to read “Receive ~~any~~ and submit...”

18
19 Commissioner Spratley made a motion to forward a positive recommendation to City Council with
20 the five (5) conditions outlined by staff. Commissioner Bawden seconded the motion. Voting passed
21 7-0.

22
23 **5. PUBLIC HEARING – Consider approval of a Conditional Use Permit for a mixed-use**
24 **development, The Brooks, located at 220 North Main St, Justin Atwater, applicant.**

25
26 Justin Atwater and Phil Holland were present. City Planner Curtis Poole presented the item.

27
28 City code requires any multi-family development in the downtown zone to receive a Conditional Use
29 Permit approval.

30
31 Staff recommends approval of the Conditional Use Permit for the proposed multi-family residential
32 use in the Downtown (DN) zone subject to the two conditions.

- 33
34 1. Complete any and all redline corrections.
35 2. Receive final architectural and site plan approval from City Council.

36
37 Chair Monson opened and closed the public hearing at 6:55 p.m. without any comment.

38
39 Mr. Holland thanked the Planning Commission members for the positive feedback from the previous
40 meetings and feels that the comments have made for a great project. He clarified that the elimination
41 of several parking stalls will allow for more landscaped area. The wall between the two Main Street
42 buildings will have an opening for pedestrian access. The wall will have three separate garden walls
43 with vegetation growing on it. Commissioner Bell thanked the applicants.

44
45 City Planner Poole stated that the driveway entrance will come off 200 North and will not be off Main
46 St. Commissioner Bawden spoke about the concern of the size of the ADA parking space.

47

1 Commissioner Jacobs made a motion to approve the Conditional Use Permit with the two (2)
2 conditions outlined by staff. Commissioner Bell seconded the motion. Voting passed 7-0.
3

4 **6. PUBLIC HEARING – Consider forwarding a recommendation to the City Council amending**
5 **the Bountiful City Land Use Code regarding Temporary Sales Offices in the residential zones.**
6

7 Shawn Poor, representing Brighton Homes was present. City Planner Curtis Poole presented the
8 item.
9

10 City Planner Poole indicated that this item was initiated by Brighton Homes and they have requested
11 a text amendment to allow a temporary sales office in the residential zones. Staff has done research
12 with ten (10) cities in Utah. Out of the ten (10) cities only two (2), Farmington and Bountiful,
13 mentioned anything about sales trailers and it was to expressly prohibit them. Bountiful City does
14 allow model homes but not temporary sales offices. Approval of this text amendment would make
15 changes across all the residential zones. Placing a temporary sales office on site would likely be in a
16 potentially landscaped area which would not allow the completion of the landscaping. The applicant
17 is proposing that the text amendment should read:
18

19 *Temporary sales office in trailers. Temporary sales offices incidental to a specific residential*
20 *project may be located on the site of such a project. The trailer may remain for the duration*
21 *of the project and shall be removed within thirty (30) days after substantial completion of the*
22 *project.*
23

24 The current code states the following:
25

26 *3. Temporary sales offices in trailers. Temporary sales offices located in a trailer or other*
27 *portable structure for the sale or lease of property in a subdivision, an apartment complex or*
28 *planned unit development is prohibited.*
29

30 City Planner Poole indicated that Staff recommends the Planning Commission reviews and consider
31 forwarding a negative recommendation for an amendment to the Land Use Code to allow temporary
32 sales offices in trailers within residential zones.
33

34 Chair Monson opened and closed the public hearing at 7:19 p.m. as no one made any comment.
35

36 Mr. Poor advocated for the need for the temporary sales trailer on site. The sales office trailer is made
37 to look like a tiny home and is typically placed on the site of the last building to be built. This allows
38 the model home to be built before the sales trailer is removed which would not replace a construction
39 trailer and is used for sales traffic.
40

41 Planning Director Astorga discussed that in Bountiful tiny homes are allowed as long as they have a
42 permanent foundation and that they are hooked up to typical utilities. Tiny homes are allowed as
43 typical single-family dwellings and not as temporary residential structures. home and not a temporary
44 home. City Engineer Cheney stated the difference between real property and personal property. Real
45 property which is attached to the earth and personal property is more like a tough shed and can be
46 moved around.
47

1 Planning Director Astorga stated the code was changed in 1993 to expressly forbid temporary sales
2 (offices) trailers. He noted that a Conditional Use Permit is an allowed use and could be used to
3 accommodate and regulate the approval of a temporary sales trailer. Staff did not find any
4 compelling evidence to go in this direction and felt that the negative recommendation is the best.
5

6 Commissioner Spratley was surprised to see a negative recommendation from staff because the sales
7 trailers could be beneficial and helpful and does not see a negative impact. City Planner Poole noted
8 that he did not find any negative impacts with the cities that were researched.
9

10 City Engineer Cheney stated that in looking at past projects Staff does see potential negative impacts
11 during construction on small lots with construction parking and then adding a temporary sales trailer.
12 This could be a problem as it impedes the traffic and could impact neighbors.
13

14 Chair Monson feels that temporary trailers make sense on large sites but would prefer a time limit.
15

16 Commissioner Clark indicated that he agrees with staff members and the negative recommendation.
17

18 Commissioner Bawden stated that he believes the text change is for a business strategy. He feels that
19 the current code is working and wonders how this text amendment will benefit Bountiful and not just
20 the developer as he did not find compelling evidence to make the change.
21

22 Commissioner Clark made a motion to forward a negative recommendation to the City Council for
23 the proposed Land Use Text Amendment allowing Temporary Sales Offices in Trailers in Residential
24 Zones. Commissioner Bawden seconded the motion. Voting passed 4-3 with Commission members
25 Bawden, Clark, Jacobs, and Monson voting aye; and Bell, Harris, and Spratley voting nay.
26

27 **7. Planning Director's report, review of pending applications and miscellaneous business.**
28

- 29 1. Next Planning Commission meeting is January 5, 2021.
- 30 2. Possible omnibus amendments will take place in January.
- 31 3. City Hall Report by City Engineer Cheney: Final inspection will be before end of year with no
32 date set for the employees to move in.
- 33 4. Commissioners would like to have a work session for a possible vision for the Downtown zone
34 and update Downtown Master Plan.
- 35 5. The Planning Department applied for a grant with WFRC/TLC Program to receive funding for a
36 City-Wide General Plan Update
- 37 6. The State Legislature is considering changing the State Code which would require Planning
38 Commission members to receive training during the year.
39

40 Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 7:53
41 p.m.
42

43
44
45 
46 Sean Monson
Planning Commission Chair