

**Bountiful City
Planning Commission Minutes
March 3, 2020**

Present: Chair – Sean Monson; Vice Chair – Jesse Bell; Planning Commission Members – Sam Bawden, Jim Clark, Lynn Jacobs and Sharon Spratley; City Council Representation – Kendalyn Harris; City Attorney – Clint Drake; City Engineer – Lloyd Cheney; City Planner – Francisco Astorga; Assistant City Planner – Curtis Poole and Recording Secretary – Darlene Baetz

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 18, 2020.

Jesse Bell made a motion to approve the minutes for February 18, 2020 with the following correction to Page 4 Paragraph 5. **“Chair Monson explained that his vote from the previous agenda item dated September 17, 2019, was based on his belief that the hardship resulting from the parcel size was self-imposed when purchased.”** Lynn Jacobs seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, and Spratley voting aye.

3. PUBLIC HEARING - Consider approval of a preliminary and final subdivision for Evans Subdivision located at 3995 S Bountiful Blvd, Nathan Evans, applicant.

Nathan Evans was present. Lloyd Cheney presented the staff report.

Nate Evans and Michael Nielson are requesting Preliminary and Final approval of the Evans Subdivision, a 2 lot subdivision located on the east side of Bountiful Blvd., at approximately 4000 South. The proposed subdivision includes the vacant ground between Huntington Circle and Summerwood Drive, bounded by Bountiful Boulevard on the west and the steep foothill escarpment on the east. Both properties are owned by Mr. Nielson. As part of the subdivision, Mr. Nielson intends to adjust the south boundary line of Newport Heights Lot 37 (his personal residence) to include improvements he has made on the vacant parcel. All parcels are currently located in the R-3 zone and total approximately 5.19 acres. Staff has verified that both lots will exceed the minimum requirements for lot size (11,000 sq ft minimum) and lot width (80 ft. minimum).

All necessary utilities are available to serve Lot 2, although there are special circumstances related to the extension of the sewer system to serve the subdivision and the existing home located at 4001 S Bountiful Blvd. As the design of the subdivision progressed, it was noted that the existing Lot 37 was connected to the sanitary sewer by a long lateral which connects to a manhole near the intersection of 400 E and Bountiful Blvd. This lateral is not adequate (in its current condition) to serve the proposed development and a future connection to the residence at 4001 S Bountiful Blvd (which is believed to be one of the last homes serviced by a septic tank). After consulting with the South Davis Sewer District, the proposed sewer installation was approved, and will be owned, operated and maintained by the Sewer District. This is noteworthy, since the standard pipe size for the sewer system is an 8” diameter pipe and this has been designed as a 6” pipe.

The remaining issue to be resolved is the connection of 4001 S to the sewer system. Although this is a secondary issue to the proposed subdivision, State Code allows the City Council to require connection to the sewer if the property boundary is within 300 feet of the sewer system (UCA 10-8-38 2(a)(i)). Because of the minimal depth of the sewer at the proposed manhole, and the slope of Bountiful Blvd, this connection can only be accomplished if the lateral for the existing home is installed in the front yard setback of Lot 2 (for a gravity system). The applicants should provide an easement for the installation of the sewer lateral across the south west corner of the lot frontage to serve 4001 S Bountiful Blvd. The nearest storm drain is located approximately 280 ft south of Lot 2. It is recommended that the developers pay the \$2,100 (per ac) impact fee

and take advantage of the existing storm drain capacity in Bountiful Blvd and the creek crossing at Glade Hollow in lieu of installing storm drain pipe and inlet box(es).

The Bountiful Land Use Code includes the following definition: 308. UNBUILDABLE LAND (UNUSABLE LAND): Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.

The analysis of these properties would be incomplete if consideration of the geologic and topographic attributes of this location were not considered. The most prominent feature of this site is the steep slope which rises approximately 170 feet above the elevation of Bountiful Blvd. This feature is an indicator of 2 significant conditions:

1. The boundary of the Lake Bonneville shoreline. Above Bountiful Blvd, the exposed soils have a higher clay content, and represent the mountain geology. Below the shoreline, the soils are granular – with a predominance of sands and gravels associated with the interface of a water body to a shoreline.
2. The triangular shaped foothills indicate the site’s proximity to fault lines, commonly associated in the Basin and Range province of Utah and Nevada.

Any future owner of Lot 2 should expect to encounter differing soil conditions on the site and the potential for adverse effects from a seismic event, based on the site’s proximity to the Weber section of the Wasatch fault.

Since this development is affected by the conditions identified in the definition of Unbuildable Land, it is recommended that the plat identify the areas which are not suitable for development. Entellus Engineering has taken a step forward in this direction by indicating the location of the existing slopes which exceed 30%, but the boundary is not complete. These areas should be identified on the remainder of Lot 2 and the boundary marked on the plat as “Unbuildable Land”.

For many years this vacant lot has been accessed without an approved drive approach. Any damaged curb, gutter and sidewalk must be replaced as part of the construction of a new residence on Lot 2.

The survey data included on the preliminary plat identifies two existing accessory buildings which cross the property line on the west side of the lot. Two additional accessory buildings currently exist on the interior of the lot. The land use code prohibits accessory structures on lots that lack a primary structure. Mr. Evans intends to remove these buildings, and has indicated that it is likely that he will apply for a building permit with a few weeks. As has been done in the past, staff would recommend a 120 day grace period for Mr. Evans to apply for the building permit for the new single family home before requiring the removal of the structures from the property.

Staff recommends approval subject to the following conditions:

1. Identify the extent of the slopes which exceed 30% on the plat and identify these areas as “Unbuildable Land”.
2. Provide a Private Utility Easement across the front of Lot 2 for a sewer lateral installation to serve the existing house located at 4001 S Bountiful Blvd.
3. Replace the existing curb, gutter and sidewalk across the frontage of Lot 2. This may be completed with the construction of new home on Lot 2.
4. Make all necessary red line corrections to the final plat and the construction drawings.
5. Provide a current title report.
6. Sign a Development Agreement.
7. Post an acceptable form of bond for the construction of the subdivision improvements.
8. Pay all required fees.

Mr. Cheney stated the Sewer District has a program to work with the homeowner who would like to go from a

septic tank to attaching to a sewer lateral and confirmed the owner at 4001 S Bountiful Blvd is aware of this program. The fault line should be a consideration with the structural engineer as he designs the house.

Mr. Cheney stated the development agreement it is more of a formal contract to address any of the conditions that are identified in the staff report.

Nathan Evans stated that he is working with the owner at 4001 S Bountiful Blvd for an easement and he is comfortable with the storm drain. Mr. Evans would like to apply for the building permit as soon as the variance approval is over.

Chair Monson opened the **PUBLIC HEARING** at 6:58 p.m.

Darrell Colter, attorney for Greg Steffen who has a parcel south of Mr. Evans property, spoke on behalf of Mr. Steffen. Mr. Steffen is not opposed at the construction of the home but would like to make sure that the easement is still made available to him so that he may still access the rear of his property with a vehicle. Mr. Colter stated he has been unable to find a recorded easement with a legal description. Mr. Colter gave the Commission Members a copy of the minutes from a Bountiful City Planning Commission meeting dated April 19, 2011 that discussed the subdivision plat.

Chair Monson closed the **PUBLIC HEARING** at 7:00 p.m.

Mr. Evans is aware of the easement however, is not sure that the easement would allow vehicular traffic. This easement does run across several properties. He stated that the proposed home will not be built in the easement area. Mr. Cheney stated that there was no indication of an easement on the plat that was received prior to this meeting and the City has not received a title report for this property.

Staff and Commission Members discussed the easement of record that may potentially impact the property lines and building area. Mr. Drake stated that the City does not usually get involved in private civil matters.

Ms. Spratley make a motion to forward a recommendation to City Council for preliminary and final subdivision for Evans Subdivision located at 3995 S Bountiful Blvd with the eight (8) conditions outlined by staff. Jesse Bell seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, 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% located at 3865 Highland Court, Justin Merkley, applicant.

Justin Merkley was present. Lloyd Cheney presented the staff report.

The Applicant, Justin Merkley, has requested a Variance to allow for encroachments on slopes greater than 30 percent. The property is located at 3865 Highland Court, which is in the R-F (Residential Foothill) Zone. The proposed Variance would allow for construction of a new residential Single-Family dwelling.

The Domain at Highland Oaks Planned Unit Development (PUD) Plat was approved in 1997 as an 11 unit (building footprint) plat. Part of the approval process for the PUD included an engineering geotechnical and topographic study. Since the original approval, 10 of the platted units have been completed. The Applicant's platted building footprint (Unit 7) is the last to be built in the PUD. At its February 18, 2020 meeting, the Planning Commission reviewed and forwarded a positive recommendation of approval to the City Council of a Plat Amendment for the Applicant and the Domain of Highland Oaks Homeowner's Association (HOA) regarding platted Unit 7. The City Council reviewed the recommendation and approved the Plat Amendment at its February 25, 2020 meeting.

The Plat Amendment approved by the City Council shifted the building footprint of the platted unit ten (10) feet to the east. The purpose of the amendment was to increase the distance between the future structure on platted Unit 7 and the existing structures on platted Units 6 and 8. Any future structure built within the building footprint will encroach upon slopes greater than 30 percent which would require a Variance from City Code. To avoid constructing one tall retaining wall the Applicant proposes constructing two-tiered retaining walls less than four (4) feet tall. Prior to the Applicant applying for a building permit a Variance needs to be granted by the Planning Commission.

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: The purpose of the building standards in the R-F Zone is to preserve the hillside and manage erosion. Literal enforcement of the Code would prohibit the construction of most structures because of the steepness of the slopes in Bountiful City. The Applicant’s unit was previously platted prior to the Applicant acquiring the property. The City Council approved a Plat Amendment allowing the Applicant and HOA to shift the platted unit ten (10) feet to the east. Regardless of the Plat Amendment, the lot would have required a Variance to construct on the platted footprint. The hardship was not created by the Applicant and therefore should not be considered self-imposed.

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

Staff Response: Many properties in the R-F Zone have similar constraints as the Applicant’s property which limit the buildable area and require a variance from the Code to build on slopes greater than 30 percent. The Applicant’s property is unique as the building footprint is a platted unit. This circumstance requires the Applicant to build in that footprint; whereas in other properties in the R-F Zone the property owner has the ability to move the footprint of a structure to a location on the property that would have the least impact to the steep slopes.

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

Staff Response: Other properties in the R-F Zone with buildable lots have been allowed some reasonable disturbances of the slopes greater than 30 percent, and the need to create steep driveways and tall retaining walls. Granting the Variance will allow the Applicant to enjoy similar property rights possessed by others in the R-F Zone. Denying the Variance will allow other properties a right not extended to the Applicant’s property.

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

Staff Response: Granting the Variance for the Applicant will not have a substantial effect to the General Plan as other properties in the R-F Zone are treated similarly regarding steep slopes and retaining walls. It is an interest to the City to have all buildable lots developed as opposed to remaining vacant.

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

Staff Response: The purpose of the Land Use Code which requires improvements be located on slopes less than 30 percent is to preserve the hillside and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots with special circumstances and 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 Applicant's platted building footprint does not substantially disturb the hillside at this location as there is not a natural stand of native oak trees.

Based on analysis of the required criteria from State law included in the findings above and the materials submitted by the Applicant, Staff recommends the Planning Commission grant the requested Variance related to encroachments on slopes greater than 30 percent with the following conditions:

1. The Applicant will continue to work with Staff to ensure the final plans submitted will meet the standards for building in the R-F Zone, in particular the impact of retaining walls on slopes greater than 30 percent.
2. The Applicant shall apply for a building permit to be reviewed and approved by Staff.

Mr. Merkley stated that there will be three small retaining walls on the south side of the property. Mr. Merkley stated the 2 neighbors on either side of this property and the HOA is supportive of this current layout of the home.

Chairman Monson opened and closed the **PUBLIC HEARING** at 7:22 p.m. without comment.

Mr. Astorga stated that the City platted this lot as a single-family lot and is not self-imposed.

Sharon Spratley made a motion to grant approval of the variance for development to the standards of the Bountiful City Land Use Ordinance to allow for encroachments on slopes greater than 30% with the two (2) conditions outlined by staff. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, and Spratley voting aye.

5. PUBLIC HEARING – Consider approval of a preliminary subdivision for Towns @ Orchard & 500 located at 554 S Orchard Dr, Taylor Spendlove representing Brighton Homes, applicant.

Taylor Spendlove representing Brighton Homes was present. Lloyd Cheney presented the staff report.

Brighton Homes is requesting Preliminary Approval for a twenty eight (28) unit townhome style development on the southwest corner of 500 S and Orchard Drive. This project would combine 6 parcels into a single development of 2.17 acres. The site is located in the RM-13 zone and is surrounded by a mix of apartments and multi-family developments, small commercial offices and the West Bountiful culinary water reservoir.

Brighton Homes is proposing twenty eight (28) three (3) bedroom units. Plans indicate the new units will be configured in three (3) six-unit and two (2) five-unit townhome style structures. The 2.17 acre site can accommodate a maximum of twenty eight (28) units at the allowed density of 13 units per acre. Three bedroom units are required by Ordinance to have 2.75 parking stalls per unit (this amount includes a visitor component of 0.25 stalls per unit). Fifty-six (56) of the seventy-seven (77) required stalls are furnished by 2 car garages and the remaining twenty-one (21) stalls are located in the parking area on the south side of the project site. Each unit is also required to have a minimum of 50 sq. ft. of private outdoor space which is indicated as limited common area on the Preliminary plan. Because this project will be a private development, all of the common areas will be dedicated as a public utility easement. The landscaping component of the project meets the required minimum of 40% as indicated on the plans.

The existing site generally slopes from southeast to northwest, with approximately 20 feet of elevation change. While this may not seem like difficult site conditions for Bountiful, there is sufficient grade change to make the final layout of these large buildings a challenge. The three (3) five-unit townhomes which front onto Orchard Dr. are shown with a 45 foot setback from the property line to accommodate the step down from the sidewalk elevation to the finish floor elevation of the units, and to provide an aesthetically pleasing appearance

to the street. The grade differential between the main floor elevation and the sidewalk varies from approximately six (6) at the southern unit to two (2) feet at the northernmost unit.

The applicant has proposed constructing a new 5 ft wide sidewalk with 3.5 foot parkstrip along the south side of 500 South and the west side of Orchard Drive. This configuration will be a significant improvement to the character of the development, will also provide much needed separation for pedestrians from traffic, and provide a place for snow storage. Because the sidewalk will be located outside the street right of way, an easement (at minimum) or additional dedication of right of way to the City is necessary. Access to the site will be provided at a new 20 foot wide drive approach on 500 South and on Orchard Dr. The center of the closest access (on 500 S) is located 150 feet from the center of the intersection at Orchard Drive. Because of the minimum distance to the intersection and the current east bound lane configuration, this access should be restricted to right-in right-out only movements. In addition to this requirement, a median barrier should be installed on the north side of the left-hand turn lane for eastbound traffic. This median should extend approximately 180 feet west from the stop bar to accommodate the left turn storage space. In addition, the width of the drive approaches should be increased to a minimum of 24 ft (pavement width) to better accommodate garbage service and emergency vehicle access from these very busy streets. The applicant will need to accommodate garbage service (including a dumpster enclosure), mail delivery and snow storage on the interior of the site. Access roadways are shown with a 20 foot wide pavement width. This is similar to other developments (by Brighton Homes) which have approved, but both Pages Hollow and Bristol Village are smaller developments of 14 and 19 units, respectively. Staff highly recommends the width of the north-south roadway be increased the standard twenty-four (24) foot (pavement) width, as is required in parking areas with perpendicular parking.

The site can be served by utilities in Orchard Drive and 500 South. The proposed 8" sewer main will connect to the sewer system in 500 S. The current sewer design shows long mains extending to the west to serve the three (3) six (6) unit townhomes, which have been shown with the length of the building oriented in an east-west direction. These mains are designed with the minimum allowable slope and minimal depth at their western ends to accommodate the site. The culinary water mains will be installed to create a looped system, and will connect to the existing culinary system in 500 S and Orchard Drive. A new fire hydrant is proposed on the interior of the development, meeting the requirements of the Fire District.

The existing buildings are currently served by overhead power, and the Power Dept. has prepared a preliminary plan to service the site. Modifications will include facilities to connect to the overhead system which serves the existing homes and offices to the west of the project.

Related to the proposed utility work and access construction is the termination of existing service laterals. It will be necessary to disconnect the existing culinary water and irrigation laterals which serve the existing buildings. Because of the number and location of the required excavations in 500 South, a 1" mill and asphalt overlay is required along the 500 S frontage. Orchard Drive is a concrete pavement, and the removal and replacement of full concrete panels will be required for all utility connections.

The most difficult utility condition to resolve is related to drainage and retention of storm water. As currently proposed, the applicant will install two separate buried retention structures which are sized to accommodate the 100 year design storm. These types of facilities are intended to infiltrate the accumulated storm water into the ground, without the need to discharge to the storm drain system....which does not exist in close (enough) proximity to this site to be used. It is also important to note that the next renewal of the City's storm water permit will require the use of "Low Impact Development" principals (such as retention), so this type of installation will give the City a head start to the implementation of these practices. Particular attention will need to be given to the final design of the site to direct overflows to the street right of way, and not to the adjacent properties on the west side of the project.

Staff recommends approval subject to the following conditions:

1. Identify the private spaces associated with each unit on the Plat.
2. Provide an easement for the new sidewalk location or dedicate the ground to the City as an extension of the right of way for Orchard Drive and 500 S.
3. Restrict the site access from 500 S to only permit right-in right out movements.
4. Install a concrete median barrier in 500 S to prevent left turns (to go west on 500 S) from the 500 S access. Recommended length is 180 feet from the stop bar at the intersection with Orchard Drive.
5. Revise the drive approach and roadway widths at the access locations to 24 ft pavement width.
6. Revise the width of the north-south access road way to 24 ft pavement width.
7. Furnish a 1” deep mill and overlay of the south lane of 500 S to mitigate required utility work excavation.
8. Provide adequate grading to direct site runoff overflow to 500 S, and not to adjoining properties.
9. Identify the location of mailboxes, trash enclosures and snow storage areas on the interior of the site.
10. Complete red line corrections to the plat and constriction drawings.

Mr. Cheney noted a correction to the sidewalk size of 5 ft. The driveway off of 500 South could cause some problems with cars crossing the street to enter the property. He has recommended a median be installed on 500 South from the stop bar 180 ft going west measuring approximately 1 1/2 foot wide and 8” tall. Mr. Cheney noted that traffic from Bountiful High does not warrant a light as of yet.

Mr. Bell asked about if there would be a conflict with the retention basis and the trees planted about it. Mr. Cheney noted that there would be coordination with this issue.

Chairman Monson opened and closed the **PUBLIC HEARING** at 8:05 p.m. without comment.

Mr. Spendlove stated that each unit will have a trash can and will be picked up thru City sanitation. He noted the majority of the overflow will be retained in the underground basin. Unit 19 will have a front door and porch leading to 500 South. The buildings will include a sidewalk thru the buildings onto Orchard. The applicant is working with Mr. Cheney to adjust the water meter locations.

Before voting on this item, Ms. Harris disclosed that she has a close friend that is a current home owner in the existing property and has been completely uninvolved in this development.

Lynn Jacobs made a motion to forward a recommendation of approval to the City Council for the approval of a preliminary subdivision for Towns @ Orchard & 500 located at 554 S Orchard Dr with the ten (10) conditions outlined by staff. Jim Clark seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, and Spratley voting aye.

6. Consider approval of a preliminary site plan for Towns @ Orchard & 500 located at 554 S. Orchard Dr.

Taylor Spendlove representing Brighton Homes was present. Curtis Poole presented the staff report.

The Applicant is proposing to consolidate six (6) separate properties into one (1) property consisting of 2.19 acres. This property is currently located in the RM-13 (Multiple Family) Zone. Single-Family dwellings and a water tank owned by West Bountiful City are located to the west. There is an existing Multi-Family development to the south and Multi-Family dwellings to the east across Orchard Drive. The Hospital Zone is located to the north of the property across 500 South.

The Applicant is proposing 28, three (3) bedroom units. The Site Plan submitted by the Applicant shows five (5) separate buildings with three (3) buildings consisting of six (6) units each and two (2) buildings consisting of five (5) units each. The units fronting Orchard Drive and 500 South will have their entrances facing the streets with back loaded garages. There will be two (2) drive approaches into the development, one on the south of the property from Orchard Drive and the other on the north of the property from 500 South.

The Applicant submitted building elevations and renderings showing a mix of stone, wood panels, stucco and vertical lap siding. The front of each building shows an appropriate mix of vertical and horizontal articulations with porches, balconies and other architectural elements which provide aesthetically pleasing views. The Planning Commission may want to determine whether the unit which runs parallel to 500 South (Unit 19) or the unit which is more visible from Orchard Drive (Unit 28) should have architectural articulations similar to the front of the buildings or adequate landscaping to avoid the large expanse of flat walls.

The Landscape Plan shows an appropriate mix of street and interior trees. The submitted plan shows forty (40) percent landscape coverage which would meet the standards of the Code; however, the Applicant also indicated on a Project Information sheet the landscape coverage is under twenty-nine (29) percent. This discrepancy will need to be resolved prior to Final Architectural and Site Plan review. The proposal shows a three (3) foot tall vinyl picket-style fence matching the color of the structures which will divide the private and common spaces of the development. The Applicant will also need to submit a perimeter fencing plan meeting the standards of the Landscape and Fencing Code, particularly § 14-16-111.

Interior vehicle circulation is provided by twenty-four (24) foot drive aisles connecting the two (2) drive approaches. The Site Plan also shows twenty-one (21) parking stalls in addition to the two (2) car garages for each unit. Based upon the per unit bedroom count the Applicant meets the parking calculation standard of the Code consisting of 77 parking spaces.

There is approximately a six (6) foot grade difference on the south end of the property from Orchard Drive and the edge of Unit 28. This will require the Applicant to construct stairs to connect the unit entrances along Orchard Drive to the sidewalk. Moving north along Orchard Drive the grade difference becomes less significant. The Applicant is also proposing to construct a parkstrip along 500 South and Orchard Drive to provide additional separation for pedestrian and vehicular traffic.

The Applicant should reconsider the location of water meters to eliminate long runs through the property. The Applicant will provide Staff with geological testing, in particular a percolation test, to determine if the proposed on-site storm water retention system will be sufficient. Bountiful Light and Power will continue to work with the Applicant on necessary easements to provide service to this property. The Applicant will need to provide the location of a dumpster and sight obscuring fencing meeting the standards of the Code.

Staff recommends approval subject to the following conditions:

1. Complete any and all redline corrections.
2. Prior to applying for a building permit the six parcels shall be consolidated and recorded, including any easements, with Davis County by the Applicant.
3. Submit a fencing plan and provide landscaping calculations meeting the standards of the Code.
4. Provide the location of a dumpster and required sight obscuring fencing.
5. Prior to submittal for Final Architectural and Site Plan approval provide Staff with geotechnical study and resolve any concerns with storm water retention to the satisfaction of the City Engineer.
6. Revise the elevations on Units 19 and 28 to show similar articulation as the building elevations fronting Orchard Drive to provide architectural continuity on these visible sides of the building or demonstrate sufficient landscape buffering.
7. All damaged curb, gutter and sidewalk along 500 South and Orchard Drive shall be replaced.
8. Pay fees and post an acceptable bond in the amount determined by the City Engineer.
9. Sign a Public Improvement Development Agreement.

Sharon Spratley made a motion to forward a recommendation of approval to the City Council for preliminary site plan for Towns @ Orchard & 500 located at 554 S Orchard Dr. with the nine (9) conditions outlined by staff with a change to condition 6 which would read: "Revise the elevations on Units 19 and 28 to keep the articulation the same as the building elevations fronting Orchard Drive to provide architectural continuity on these visible sides of the building or demonstrate sufficient landscape buffering and address snow removal

from the property and amend condition 3 to read: “Submit a fencing plan ~~and provide landscaping calculations~~ meeting the standards of the Code.” Sam Bawden seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson, and Spratley voting aye.

7. Consider approval of the Findings of Fact for an amended variance for development standards to the Val Verda Well for South Davis Water District located at 33 E 3300 South, Dimond Zollinger representing South Davis Water District, applicant.

Jim Clark made a motion to approve the Findings of Fact for an amended variance for development standards to the Val Verda Well for South Davis Water District located at 33 E 3300 South. Kendalyn Harris seconded the motion. Voting passed 5-0-2 with Bell, Clark, Harris, Jacobs, and Monson voting aye and Bawden and Spratley abstained.

8. Planning Commission Rules of Order and Procedures update.

Curtis Poole discussed the Rules of Order and Procedures.

Mr. Astorga stated that Chair Monson conducts a very smooth meeting without any controversy. Bountiful City is unique having a City Council member as a voting member. Staff verified that Bountiful City code specifies that the Planning Commission must have a 4-0 vote not a majority vote. A 3-1 vote is a motion that would die.

Sharon Spratley made a motion to approve the Rules of Order with a request that 4 should be researched by staff. Jesse Bell seconded the motion. Voting passed 7-0 with Commission members Bawden, Bell, Clark, Harris, Jacobs, Monson and Spratley voting aye.

9. Open and Public Meetings Act Presentation.

Clint Drake presented information for Open and Public Meetings Act and noted that the training is required for all Planning Commission members.

10. Director’s report, review of pending applications and miscellaneous business.

Chairman Monson ascertained there were no other items to discuss. The meeting was adjourned at 9:06 p.m.



Francisco Astorga, Planning Director