

**Bountiful City**  
**Planning Commission Minutes**  
**March 21, 2017**  
**6:30 P.M.**

Present: Chair – Sean Monson, Planning Commission Members –Dave Badham, Jesse Bell, and, Sharon Spratley; City Attorney – Clinton Drake; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: City Council Representation – Richard Higginson; Vice Chair – Von Hill and Tom Smith

**1. Welcome and Introductions.**

Chair Monson opened the meeting at 6:33 pm and welcomed all those present.

**2. Approval of the minutes for March 7, 2017.**

Sharon Spratley made a motion to approve the minutes for March 7, 2017 as written. Dave Badham seconded the motion. Voting passed 3-0-1 with Commission members Badham, Bell, and Spratley voting aye and Commission member Monson abstaining.

**3. PUBLIC HEARING – Consider a zoning text amendment to Section 14-16-107 (c) to allow concrete in park strips along certain state maintained roads in Bountiful, Michael Willey, Nathan Plummer et al., applicants.**

Michael Willey and Nathan Plummer, representing the property owners listed on the application, were present. Chad Wilkinson presented staff report.

A group of residents and property owners along 400 North have asked that the City consider amending the Land Use Ordinance to allow for concrete in park strips under limited circumstances. Specifically, the residents would like to have the option of converting lawn areas in park strips to hardscape (concrete, pavers, etc.) on state maintained roadways within Bountiful City where certain conditions are present. A copy of the applicants' written narrative is attached to this report. In summary the proposed amendment would allow for "hardscape" including concrete or pavers to be installed in place of grass or other forms of landscaping when the following are applicable:

- The road is maintained by the State of Utah (UDOT)
- The road has no on-street parking

Examples given by the applicant of streets that meet these criteria in Bountiful include:

- 400 North between 200 West and 500 West (State Route 106)
- 500 South between 200 West and Main Street (State Route 68)

Although not specifically listed by the applicant, all the portions of Highway 89 (including 500 West) within City limits also fit within the definition. Additionally, although listed by the applicant, the portion of 2600 South within City limits is not state maintained and therefore would not fit the definition.

The applicant has submitted examples of ordinances from Salt Lake City, South Salt Lake City, West Valley City, Taylorsville, West Jordan, Roy, Denver and Sioux Falls South Dakota. Each of these

cities allows hardscape in park strips under certain circumstances. A copy of the submitted standards is attached.

The applicants have cited safety concerns related to maintaining park strips along busy roadways as their primary concern. A secondary concern revolves around the viability of park strips that are narrow and subject to salt application in the winter time.

Before eliminating the requirement for vegetation in park strips, it is important to consider why park strips have historically been a part of development in Bountiful. Park strips serve a number of purposes. Besides providing beautification through landscaping, park strips provide snow storage, separation from the street for pedestrians, and areas of installation of utilities. Park strips also provide additional pervious surface for storm water infiltration.

As stated by the applicant, maintenance of the park strips is the responsibility of the abutting property owner. This is a common requirement that applies in Cities throughout Davis County and Utah. If a property owner wishes to install something besides grass in their park strip, the Code currently allows for xeriscaping to be installed in park strips and in other required landscape areas.

One of the applicants' stated concerns is related to rocks entering the roadway when using xeriscaping in lieu of turf. Xeriscaping is an often misunderstood concept and is sometimes referred to incorrectly as "zero-scaping." Many associate xeriscaping with gravel or lava rock with no landscaping and no provision for irrigation. In reality, xeriscaping can consist of any low water using landscaping and almost always requires supplemental water to establish and maintain the vegetation. The current Code recognizes the need for vegetation in conjunction with xeriscaping and currently requires a minimum of 50 percent live vegetation in xeriscaping park strips. There are several examples of successful xeriscaping in park strips in Bountiful City. Properly maintained park strips prevent rocks and landscape bark from entering the public storm system.

Park strips that are filled with concrete or other impervious materials will increase the amount of storm water run-off in the City. As part of the new State Storm Water Discharge Permit, adoption of Low-Impact Development (LID) techniques is encouraged. One LID practice includes the use of vegetated park strips and other landscape areas to increase the surface area covered by pervious materials. Although implementation of these standards has been delayed, the newly adopted standards will strongly encourage more pervious surfaces. Reducing pervious surfaces would be contrary to the newly adopted State standards.

Concrete filled park strips also make utility installation and maintenance in these areas more difficult as concrete must be removed prior to utility work.

Safety is of paramount concern and any discussion related to areas near streets should take into account the safety of Bountiful residents. However, there are ways to maintain a park strip that do not require stepping into the street. Areas along 500 West, Bountiful City's busiest arterial street, have narrow park strips that are maintained by the adjacent property owner.

Individual property owners do have the option of requesting a variance to the standards based on hardship. However, these requests should be granted on a limited property by property basis and should be granted only to properties that have unique circumstances that constitute a hardship. If there is a desire to change the standards for an entire neighborhood or area of the City, the proper process is to change the Code.

While allowing concrete in park strips will reduce or eliminate the need for an abutting property owner to maintain park strip areas on busy streets, there are other impacts that should also be taken into consideration. Allowing for concrete in park strips will increase run-off from these areas and will decrease green space in the City. Concrete in park strips is inconsistent with Low Impact Development standards, which are encouraged by the recently adopted State Storm Water Discharge permit. The Code currently provides options for homeowners who wish to have other landscaping solutions besides grass that may require less maintenance.

Staff recommends that the Planning Commission forward a recommendation of denial for the proposed change to the park strip standards.

Mr. Willey discussed:

1. Safety is the number one concern for the property owners who live on 400 North as they are placed in unsafe situations as they care for the park strips.
2. Spoke about UDOT and OSHA safety and the Federal monies used on 400 N project.
3. The Post Office service has changed their delivery practices due to the volume of the cars on 400 North.
4. A possible variance to allow hardscape in the park strips.
5. Shared handouts with the Commission members and Staff.

Chair Monson opened the Public Hearing at 6:56 p.m.

Craig Smith owner of 366, 392, 420, 430, 440 and 444 W 400 North. Mr. Smith stated a concern of safety from the cars on 400 North to care for the park strips. He stated a desire to have hardscape in the park strips.

Nate Plummer resides at 306 W 400 North. Mr. Plummer stated a concern for safety from the cars and weeds in the park strip. Mr. Plummer discussed a want for hardscape, perhaps dyed/stamped hardscape.

Josh Adams resides at 350 W 400 North. Mr. Adams discussed that the park strips have gravel and salt from the snow removal that nothing grows in the park strips and also the safety of the property owner as they care for the park strip.

Teri Willey resides at 332 W 400 North. Ms. Willey discussed the safety working in the park strips around the additional signage and poles.

Joanna West resides at 240 W 400 North. Ms. West discussed the safety working in the park strips and the replacement of grass when cars have ended up in the yard or park strip.

Chair Monson closed the Public Hearing at 7:07 p.m.

Staff clarified with Commission members that UDOT had no extra funds to help with the park strips from the 400 North project. The curb and gutter is going back into the same location as it was and that there would be no widening of roads for the 400 North project. Mr. Rowland discussed the curb and gutter grades along 400 North.

Mr. Badham stated that stamped concrete will spall in the outside weather. He suggested that another

option would be pavers.

Mr. Bell stated that the park strips act as a buffer to the road and discussed possible other options of impervious surfaces.

Ms. Spratley mentioned that the safety is important to our citizens and lists the option of pavers.

Mr. Willey excused himself from the meeting.

Commission members discussed the home owners responsibility for caring, possible solution for maintenance and payment of possible park strips.

Dave Badham made a motion to send a favorable recommendation to City Council to consider to allow hardscape material in the park strips in a defined area of Bountiful with the consistency of material based on the safety to maintain park strips. No second was made. Motion failed.

Sharon Spratley made a motion to continue this item to allow for staff to bring forward additional options and other Commission members to be present. Jesse Bell seconded the motion. Voting passed 4-0 with Commission members Badham, Bell, Monson and Spratley voting aye.

**4. Consider preliminary and final site plan approval for a five unit townhome style multifamily development, located at 958 N 200 West, Robert Gibson, applicant.**

Robert Gibson was present. Chad Wilkinson presented the staff report.

The applicant, Robert Gibson, is requesting preliminary and final site plan approval for a 5 unit townhome style multi-family development.

The .73 acre property is located within the RM-13 zoning district. Because the parcel is less than an acre, densities are calculated at 7 units to the acre for the property. Based on the size of the property the five units proposed meet the density requirements of the Code. Surrounding uses include single family residential to the north, west, and south and multifamily residential use to the east.

The development parcel is mostly vacant with an existing single family home located on the south west corner of the property which is proposed to be removed as a part of the development.

Access to the project will be via a single driveway on 1000 North. Each of the units has a two car garage, with some of the units having a third car garage. In addition to garage spaces, the units each have driveway space available for off street parking. Minimum parking standards require a total of 2.5 spaces per unit for the development (based on 3 bedroom units). The proposed garage spaces and driveways will meet the requirement for parking. The proposed structures are a maximum of two stories and are less than the 35 foot maximum height for buildings in the RM-13 zone. The buildings meet minimum setback requirements for the zone.

The applicant proposes a mix of brick and siding materials. The proposed elevations do not appear to meet the 50 percent minimum requirement for brick as required by Code. Elevations will need to be modified to include no more than 50 percent of siding prior to review by the City Council.

The submitted landscape plan shows the minimum 40 percent landscaping required by Code. A final

landscape and irrigation plan meeting the requirements of Chapter 16 of the Land Use Ordinance and prepared by a licensed landscape architect will be required prior to building permit issuance. One of the key factors on this particular development will be maintaining the minimum front yard along 200 West and 1000 North as landscape area. This area will not be allowed to be fenced in with 6 foot fences and will need to be comprised of commonly maintained landscaped area. The applicant will need to show the required 50 square foot minimum of private fenced open space for each unit and how this fencing will comply with code requirements. This will need to be shown on the plans prior to submittal to the City Council for review.

Storm water will be handled via on-site storm pipes which will empty into two detention ponds on the north side of the property which will in turn connect to the existing catch basin in 1000 North. Water and sewer plans have been reviewed by the City Engineer with minor redlines required in order to meet City standards. Sewer and water service to the project will be via existing lines in 1000 North which will require resurfacing of the road after construction.

The applicant has submitted a condominium “PUD” plat in conjunction with the proposed development. Section 14-20-604 of the Bountiful Land Use Ordinance allows for any “legally existing multi-family development” that meets minimum requirements of the Ordinance to be platted as a PUD development. Therefore, it is necessary that the applicant obtain approval of the proposed development and construct the development prior to obtaining approval of a PUD plat. Once approvals have been issued for the multifamily development and the project has been constructed, the applicant may move forward with a PUD plat.

The proposed development is in an area that is zoned for multifamily use and with conditions meets the applicable standards of the Code. Current infrastructure is adequate to handle the additional units proposed.

Staff recommends that the Planning Commission recommend approval of the request for preliminary and final site plan review subject to the following conditions:

1. Complete any and all redline corrections including:
  - a. Concrete curb and gutter or edge shall be shown along all asphalt surfaces
  - b. Provide a 20 foot wide public utility easement (PUE) centered over the proposed 8 inch sewer line.
  - c. Provide a 7 foot wide PUE along the south and east property liens and a 10 foot wide PUE along the 200 W and 1000 North frontages.
  - d. Show the location and size of the existing irrigation service lateral.
2. Prior to the item being forwarded to City Council for review, complete the following:
  - a. Revise the elevations to show a maximum of 50 percent siding materials. The remaining materials shall be brick or natural stone.
  - b. Show the locations of private fenced open space required by Code.
  - c. Any modifications required by conditions of the Planning Commission.
3. Prior to building permit, submit a final landscape plan meeting the requirements of Chapter 16 of the Bountiful City Zoning Ordinance.
4. Replace all sidewalk along the 1000 North frontage.

5. Remove and replace any and all existing damaged curb and gutter along 1000 North.
6. Pay for slurry seal of 1000 N. Street after asphalt is patched and repaired.

The Commission also had questions related to the architecture of the buildings and the orientation of the buildings. Questions related to the timing of the plat were brought forward by staff and the Commission. Mr. Gibson discussed possible changes to the project and is interested in possible changes to the proposed plans with setbacks, fencing and to move the building to the east. Mr. Gibson made a decision to make the proposed changes and would like to continue this item to April 18, 2017 Planning Commission meeting.

Dave Badham made a motion that the Planning Commission continue the item to April 18, 2017 for preliminary and final site plan approval for a five unit townhome style multifamily development, located at 958 N 200 West. Sharon Spratley seconded the motion. Voting passed 4-0 with Commission members Badham, Bell, Monson and Spratley voting aye.

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

1. 2017 APA Utah Spring Conference in Brigham City.

Chair Monson ascertained there were no other items to discuss. The meeting was adjourned at 8:19 p.m.



Chad Wilkinson, Bountiful City Planner