PLANNING COMMISSION MINUTES
September 17, 2002
7:00 P.M.

Present: Chairman Dick Dresher, Vice-Chairman Mark Green, Clark Jenkins, Larry Rigby, Michael Allen, Duane Gardner, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Dick Dresher welcomed all those present and introduced all Planning Members.

Duane Gardner made a motion to approve the minutes for August 20, 2002 as amended. Larry Rigby seconded the motion and voting was unanimous.

Site Plans

1. Consider granting permission to build beyond 200 feet from the street at 4104 S. Hidden Ridge Circle, Tom Stuwart, owner.

Tom Stuwart, owner, was present. Paul Rowland explained that Mr. Stuwart would like to build a home on Lot 310 of the Summerwood Subdivision. The lot is a large lot at the end of Hidden Ridge Circle and slopes to the west. To take advantage of the view from further into the lot, Mr. Stuwart would like to build approximately 480 feet from the public street. This means that he will have to meet all of the provisions and requirements as set for in Section 14-13-105 E. of the Zoning Ordinance.

The lot is at the end of a cul-de-sac and was platted as this area being the building pad. An access road has been shown on the plans at 20 feet wide and a slope not exceeding 15% at any point on the road. A fire hydrant has been shown at the top of that driveway near the house which should be subject to final approval of the Fire Marshall with the required 26 feet of width near it. The required turn-around has also shown at the top of the driveway and meets the ordinance.

The remaining ordinance requirements are met at the time the plans are submitted and the house is actually built. The requirements include an in-house sprinkling system, signs posted at the entrance of the driveway indicating it is a fire land, and easements along the fire and water lines.

Staff recommends the Planning Commission send a favorable recommendation for approval to build beyond 200 feet of a public street with the following conditions:

1. Signs as required by Section 14-13-105 E.2.f. be installed and approved by the Fire Marshall.

2. An in-house fire sprinkling suppression system be installed as required by

ordinance.

3. The following easements be given to the City:

   a. An access easement along the full length and width of the driveway for access of City Emergency and utility vehicles.

   b. A 20 ft. wide utility easement extending the full length of the water line and to the fire hydrant.

4. A complete site plan as required by Section 14-13-108 be submitted at the time of building permit application.

Tom Stuwart mentioned that the road is graded and the slope of the driveway goes up and back down again. Mr. Stewart will try to have a continual grade rather than a hump.

Paul Rowland mentioned that the grade, as it now exists, does not exceed the 15% as per the ordinance. Mr. Rowland explained to Mr. Stuwart that if the driveway is to be dropped down to create a straight grade, with the hump in the middle of the driveway, he is faced with no cuts and fills in excess of 10 feet.

Mark Green made a motion to send to the City Council approval to build beyond 200 feet of a public street subject to the recommendations from Staff. Barbara Holt seconded the motion and voting unanimous.

Subdivisions

1. Consider preliminary and final subdivision approval of the Gateway Park Planned Unit Development amended.

Carvel Shaffer, legal counsel representing owners, was present. Blaine Gehring explained that when the Gateway Park office complex was developed, it was done under the primary authority of Bountiful City and the Bountiful City Redevelopment Agency. Even though part of the complex is in Woods Cross, Bountiful has continued to take the lead in approvals through the long standing agreement to do so.

In August, 2000, the City considered a condominium plat for the Gateway Park Planned Unit Development. The office development had been sold off in small parcels over the years and one such parcel, east of the large tower, was the subject of the plat. The owner was desirous of creating individual office condominium units. The plat is a further division of two of those buildings from the original plat -units 2 and 4. It will now be divided down into 6 units in the original Unit 2 and 4 units in the original Unit 4. These are existing buildings so no further construction will occur to the exteriors to change the existing site.

Woods Cross will be giving simultaneous approvals to this plat.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for preliminary and final subdivision approval of the Gateway Park Planned Unit Development Amended plat.

Carvel Shaffer explained a business wants to buy a smaller unit rather than a building. Units 1 and 3 have been sold and the owners would like to divide Units 2 and 4 into smaller units to sell. Clark Jenkins made a motion to send to City Council for preliminary and final subdivision approval of the Gateway Park Planned Unit Development Amended as recommended by Staff. Larry Rigby seconded the motion and voting was unanimous.

2. Consider preliminary subdivision approval of the Duerden Subdivision at 2475 S. Bountiful Blvd.

Keith Duerden, owner, and Jack Balling, engineer, were present. Paul Rowland explained that this proposed 5-lot subdivision is located on the east side of Bountiful Blvd. at 2475 South. The proposed subdivision is lot 1 of Maple Hills Subdivision no. 2, Plat A, and contains 3.90 acres. The lot is directly north of the practice green and driving nets at the Bountiful Ridge golf course, and currently has one single family house located on what would be one of lots in the proposed subdivision. The subdivision consists of five lots fronting onto a new cul-de-sac which is only a couple of hundred feet long with the single house currently occupying the property being located on the largest of the lots. All setbacks and side yard requirements are met for the house with the proposed lot line configuration.

The property slopes gently up from Bountiful Blvd. for about 275 feet and then starts a very steep climb up the mountain. The Foothill Ordinance uses the average slope of the usable ground in a development to determine the minimum lot size and frontage required with slopes between 0% and 15.1% requiring a 12,000 square foot lot with 80 feet of frontage at the setback line. The average slope for this proposed subdivision is just at 14.9% which will allow the 12,000 square foot lots as stated above. Several of the other lots in the original Maple Hills Subdivision are also about 12,000 square feet. Also, all of the lots have the required 5000 Square foot building pad with a slope less than 30%.

Currently there is a sewer main line and a storm drain line which service the Maple Hills area running along the southwest line of the subdivision. These utilities and the easements they occupy will need to be protected under any new lot configuration. The cul-de-sac will have a full compliment of buried utilities installed with the construction.

The new cul-de-sac road has a grade of about 8% with all cuts and fills under 5 feet.
Staff recommends that the Planning Commission send a favorable recommendation for preliminary subdivision approval of the Keith Duerden Subdivision with the following conditions:

1. Design of the public improvements to meet Bountiful City Standards.

Jack Balling mentioned that this subdivision meets all the requirements of the ordinance. In the last Planning Commission meeting there were some concerns about the depth of the lots. Mr. Duerden also would like to increase the depth of the lots. It is being proposed to decrease lot 5 by 5 feet and increase lot 1 by 5 feet. This will give both lots a 20-foot setback from Bountiful Boulevard and room to build. All lots will have over 12,000 sq. ft. and meet the codes and ordinances.

There was a discussion about the property line being close to the storm drain easement. Mr. Balling explained that there could be a 20-foot easement along the back of lots 4 and 5 which are about 15 feet from the storm drain. You can build up to the edge of an easement which will leave room for the rear yard. These two lots will be tight with smaller homes but they do meet the requirements. Mr. Duerden could sell these lots as they are or combine them depending upon buyers.

Mark Green explained that he opposes this project. Mr. Green feels that the general feel of the neighborhood, Maple Hills, Summerwood, and Sunset Hollow, is bigger and better than this. The homes are set back off of the street on large deep lots. This proposal is going to take 5 lots which 4 of the lots will have 20-ft setbacks and pinches too tight. Mr. Green has some concerns about the tightness of these lots.

Michael Allen made a motion for preliminary subdivision approval of the Duerden Subdivision at 2475 S. Bountiful Blvd. subject to Staffs recommendations and the following additions:

1. A 30-ft rear yard setback on lots 4 & 5.

2. A 10-ft setback on the storm drain.

Clark Jenkins seconded the motion and voting pasted by majority vote. Mark Green voted no.

3. Consider revised preliminary and final subdivision approval of Hidden Lake at Summerwood Phase 4.

Mark Green excused himself from this item having a conflict of interest.

Ronn Marshall, developer, was present. Paul Rowland explained that Mr. Ron Marshall is requesting a revised preliminary approval of Phase 4 of the Hidden Lakes Subdivisions which is located along the upper Summerwood loop road known as Hidden Lake Drive. The existing road in its current alignment was previously granted preliminary and final approval by both the Planning Commission and City Council. Phase Four was previously granted preliminary approval as a nine lot development primarily around a 575 foot long cul-de-sac. Mr. Marshall is requesting a revision because the easement for the high pressure gas line through the property was shown to be in a different location when surveyed on the ground as opposed to the recorded description. With this revision Mr. Marshall is also adding one of the lots along Hidden Lake Drive which was previously proposed to be in a different phase, but because it is on the same side of an already finished road, it makes sense to include it with this phase. That brings the

total number of lots in this subdivision to ten.

Phase Four proposes ten lots located around a now 600 ft. deep cul-de-sac. The new road runs along the edge of the 50 ft. wide Williams Pipeline easement for the 30" diameter high pressure Kern River gas pipeline. The buildable pad for five of the lots are located across the easement opposite the road, requiring driveways to cross the pipe.

The average slope of the development is 18.5% which allows a 100 foot frontage at the setback line according to the Foothill Ordinance. All of these lots can meet the minimum lot size criteria, the smallest being shown at 0.66 acres (28,750 sf.), and the largest being 30.12 acres (1,312,100 sf.). All of the lots meet the minimum frontage requirements.

The storm run off for all of this area was handled as part of the original Summerwood approval and is being detained in the Summerwood detention basins.

Since the previous preliminary was approved in July, Mr. Marshall has been moving ahead with final subdivision plans and construction drawings and is now requesting final subdivision approval along with this revised preliminary.

Exceptions Requested:

With the revision of the cul-de-sac alignment along the gas line, all of the grading exceptions associated with the road have been resolved. The maximum cut now is just under 10 feet and the max fill just is at the allowed 10 feet. There is one exception that needs to be granted:

1. With the final location of the pipe line, the proposed building pad for lot 401 has been placed on the opposite side of the line from the road. This will require a driveway of about 300-350 feet which will cross some ground which has a natural slope over 30%.

Exceptions needed: Allow the driveway into lot 401to exceed 200 feet and cross ground which has a natural slope greater than 30%.

After considerable review by staff and the Planning Commission in previous meetings, staff recommends *that* the Planning Commission send a favorable recommendation for Preliminary and Final Approval of Hidden Lake at Summerwood Phases 4 subject to the following conditions:

1. All areas that are cleared of natural vegetation shall be replanted with an appropriate vegetation to prevent erosion. These plans shall be compatible with the existing vegetation. Plans showing the landscape areas and necessary sprinkling systems must be submitted for review.
1. Final Permission and crossing rights must be obtained from Williams Pipeline (formerly Kern River) for the crossing of their easement in three locations.

2. No work on these phases begin until the work on Hidden Lakes Drive and the required drainage facilities is completed to provide runoff control and proper access.

3. All cut slopes along Hidden Lakes Drive be addressed with retention or landscaping.

5. This preliminary approval does not grant any type of approval for uses listed on the plat outside the actual proposed lots or roads.

6. Provide a current Title Report, make minor corrections to the plat and sign a development agreement with the City.

7. Post an acceptable bond and pay the fees as established in the bond letter.

Ron Marshall explained that this revision of the site plan makes the ground flatter. When Mr. Marshall started defining the road, he discovered that the gas pipe line was in a different location than what had been recorded. It was also discovered that in some areas the pipe was only 18" to 2' deep which should be 4' deep. Kern River was called to identify their pipe line and bury it to the required depth. Kern River will record the correct location. The road was shifted which caused some loss of footage on lots but also made a better subdivision.

Paul Rowland mentioned that the realignment reduced the need of some exceptions. The utilities adjacent to the pipe line are different from the rest. Kern River does not want utilities crossing the pipe line. Kern River has granted crossing over on three locations. On these locations there will be sewer lines bunched together along the common lot line. The water services will also be bunched together adjacent to the sewer lines. There will be 10 feet between the water and sewer lines.

Larry Rigby made a motion for re-preliminary approval and final approval of Hidden Lake of Summerwood Phase 4 subject to the recommendations from Staff. Duane Gardner seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider the rezoning of property at 620 S. 200 W. and 220 through 310 W. 650 S. C-G and R-3-13 to R-3-25, Richard Shipley, applicant.

Richard Shipley, applicant, John Lingard, realtor, Mark Kelly, designer, were present. Dick Dresher mentioned to the Planning members that when reviewing a rezone they are not to look at what the rezone may look like. The site plan is not being approved and should not sway opinions, only the rezoning. What the project will look like is not applicable at this time.

Blaine Gehring explained that Mr. Shipley has purchased the old Anderson Lumber site (4 acres), along with 9 four-plexes he owns adjacent to it. He would like to build a new apartment

complex of 1, 2 and 3 bedroom units. Mr. Shipley is asking for a downzone of the Anderson Lumber parcel from C-G and an increase in zoning from R-3-13 to an overall zoning R-3-25. The proposal would have 164 units approximately 7 acres for a density of 24 units per acre.

All of the Anderson Lumber property would be cleared, including buildings and asphalt. The 9 four-plexes would be demolished and the cul-de-sac known as 650 South would be vacated. The curve in the street from 650 South to 300 West would then be closed off and fenced. There would only be a tenant only access gate out to the street at this location. All traffic generated to and from the apartment development would be from 200 West.

The proposed units will be three stories in height with most having half of the first floor in the ground to meet the zoning requirements. Some would be placed in some sloping areas and actually having ground floor access to the first level to help meet the Americans with Disabilities Act requirements.

In addition to the units, the proposed site shows both a clubhouse/office building and a pool with a poolhouse. The site shows 41.2% in open space, but a large portion of that is in the large open courtyard area behind the main grouping of units. Along the frontage of 200 West, a six-foot high wall at 20 feet back from the street with landscaping in front and behind it buffering the parking next to it. Sufficient landscaping has been proposed around the entire perimeter of the project with only a couple of garage structures next to the existing single family residential lots on the south. All other carports are proposed inside the project with none adjacent to single family residences. All apartment buildings would be located at least 60 or more feet from any adjacent dwellings.

There are a couple of other incidental benefits to this proposal. First, there is a double fronting area at the east end of the existing cul-de-sac (650 South) which is a constant weed and overgrowth problem which would be eliminated. In addition, there is no crosswalk on 200 West between 500 South and 1050 South which students going to Millcreek Junior High school may use. The main entry drive is aligned with Fred Meyer's driveway and this would provide a logical point for such a crosswalk.
This rezone will solve a problem that the City has with the Anderson Lumber site. There is nothing realistically that can be done with this property. A strip mall could be built that cannot be seen from 200 West. Maybe an office park could be built, but there is not a demand for office space. An alternative solution is to go with a higher density to allow for this type of development. There are waiting lists for this type of development including the Davis County Housing.

Staff recommends that the Planning Commission send a favorable recommendation for the rezoning of these two sites from C-G and R-3-13 to R-3-25.

There was a discussion about the traffic impact onto 200 West and to the school. Residential traffic will not impact the roads any more than Commercial will and the City will require two accesses onto 200 West. The State's requirements may be different from the City. The access will be far enough away from 500 South not to cause any problems. There will not be a vehicle

access from the street to the school. There will be a kiddy walk provided for the children to walk to school, rather than being driven.

Barbara Holt explained that this rezone should be looked at as neutral as possible. The real issue here is, should this property be moved from commercial to residential? There is a lot of property in Bountiful that is zoned for residential and very few zoned for commercial. Mrs. Holt has a hard time justifying taking a large piece of commercial property away from that zone and putting it into residential at a time when the City is trying to get more commercial and helping businesses to get the tax base that the City needs. Mrs. Holt has a hard time thinking that this change is what should be done.

John Lingard asked the Planning members to consider the age of these four-plexes. There are 36 units in nine buildings that are forty years old. It is getting more and more expensive to repair and maintain these units. These buildings are platted separately. If this property cannot be redeveloped, they can be sold separately. In order to make this project feasible both properties are needed. There is a need for housing with 3 and 4 bedrooms not so much for 1 and 2 bedrooms.

Clark Jenkins feels that to revitalize the commercial area you have to revitalize the residential population. If you have a nice complex with a lot of people, it will help with the local businesses. This complex puts the people within walking distance to the commercial area. This could help revitalize the downtown area. The downtown area is not getting the business it needs. This project puts the population downtown with the businesses.

Mark Green mentioned that with the increase of population in Bountiful the commercial areas have not been increased only the residential. Dick's Market has been the only area that has been added to commercial. There has to be some balance and there is not a lot of property left in Bountiful. The long term responsibility needs to be looked at.

Blaine Gehring explained that if this property had the frontage that it does depth, this change would not be suggested. This property goes back down into the block to Jiffy Lube and Bischoff Car Wash. This property would be great for a large grocery store, Costco or Sam's Club. But these types of stores are across the street. Fifth South Plaza has exposure to the street which this property does not. Fred Meyer's has two additional pads behind Hollywood Video which remain empty because there is no visibility from the street. This is not a viable commercial site because of its depth, it is too far back into the block. An office complex maybe, but for a commercial development for any retail other than a big box type of business (Costco, Sam's Club etc.) it would generate traffic far beyond what the intersection on 500 South could handle. There is good commercial space available in Bountiful which need some redevelopment and refining.

Tom Hardy, City Manager, mentioned that the City will work with any organization, business, Realtors, etc. giving information on locations for commercial uses. The City has a network with Davis County Housing and several realtor companies for information. Over the years there have been several potential buyers for the J.C. Penney Building. Anderson Lumber has been vacated

since about April and there has not been any inquirer that would fit the profile for this property. Businesses are looking for a bigger space or better traffic access which this site does not have. This property is like putting a square peg into a round hole.

Larry Rigby, real estate appraiser, mentioned that he analyzes property everyday and if he were to analyze this property by itself as a commercial piece, its highest and best use would not be commercial because of its configuration. The only way that it would serve its purpose as commercial would be in assemblage with the surrounding property. This property does not have the frontage for a commercial use. Mr. Rigby feels that, as this property stands alone, no one will be willing to develop it unless it is in assemblage with the Shipley property. Maybe in ten to twenty years a total assemblage with the business complex on the corner for a super center.

Dick Dresher has some concerns about dropping commercial property. A decision does not have to be made tonight, but it could be tabled for further review.

Tom Hardy appreciated the discussion and what was said. Mr. Hardy's first reaction on this subject was to rezone the four-plexes to commercial and have a big enough piece of property for a viable commercial use. After reviewing, Mr. Hardy feels that the surrounding neighborhood would be in support of the residential use but not the impact of a large box type commercial. The configuration of the property does not lend itself for commercial use. If this property remains as commercial it could be sold and something besides retail, such as storage units or office space, which could legally be built. These types of businesses do not generate income to the City.

Rick Sessions, Commercial Real Estate Broker for Anderson Lumber, mentioned that Anderson Lumber could not make it at this location. Anderson Lumber grew out of the space. Mr. Sessions has been working with Anderson Lumber to sell the property. Mr. Sessions does not see this property as a viable retail site. The City needs good commercial property that will lend itself to retail uses. This site does not. Mr. Sessions is supportive of residential use.
Mark Green made a motion to recommend the rezone of property 620 S. 200 W. and 220 through 310 W. 650 S. from C-G and R-3-13 to R-3-25 as recommended by Staff. Mr. Green has been persuaded to the rezone because the City has some commercial property that needs to be cleaned up (Five Points Mall). There is property on about 700 S. and 500 W. in Woods Cross that is the same configuration of Anderson Lumber, the businesses facing the street thrive, those not facing the street do not. Mr. Green hates to loose commercial property. Listening to the discussion, Mr. Green feels that the best use for this property will be residential. Mr. Green is not opposed to tabling the motion but he feels that with the discussion tonight a decision should be made and move on. Larry Rigby seconded the motion and voting was three yes, and three no. Michael Allen declared a conflict of interest and abstained from voting.

Tom Hardy suggested taking some time to visit the site and review the issues. Dick Dresher made a motion to table the rezone and meet on site at 5:30 p.m. on Tuesday, October 1, 2002 and return to City Hall for review and/or voting at 6:00 p.m. Duane Gardner seconded the motion and voting was unanimous.

Miscellaneous

Rusty Mahan explained that the City Mayor has asked Mr. Mahan to draft a policy on dividing and vacating subdivisions. The City has had and will continue to have property owners wanting to sell and vacate their property. This does not have to be voted on, only reviewed.

The proposed draft reads as follows:

Bountiful City Council Resolution No. 2002-09

A Resolution establishing the policy of the Bountiful City Council on the subject of vacating lots from subdivisions for the purpose of further subdivision into smaller lots.

It is the finding of this City Council that the division of an existing individual subdivision lot into further subdivisions of lots is, as a general proposition, an undesirable form of development, for the following reasons:

1. The subdivision in which the original lot is located is generally a planned, coherent development as to lot layout, and to subdivide any one lot further generally runs counter to the original coherency.

2. Citizens who buy into a subdivision generally do so on the expectation that the original plan of lots will continue into the future, and expend large sums of money based on that expectation.

3. The placement of multiple homes where only one was previously permitted in a subdivision is generally unfair to neighboring lot owners who bought or built homes expecting there would be but one home on the adjacent lot.

4. The breakdown of larger lots into several smaller ones, and the resulting increased density of population and the disappearance of open space, is contrary to the general well being of the citizens of Bountiful.

5. The statewide Envision Utah planning research recently conducted by the State found that the residents of Bountiful value and want to continue into the future the existence of large residential lots.

6. Bountiful City well exceeds the quota of "affordable housing" established by Utah law. It is not necessary for more smaller lots to be created in order to meet this requirement.

7. In the hillside areas of town the square footage required per lots is determined by the average slope, with steeper ground requiring larger lots. After designing a subdivision, a later vacation of more a level lot into several lots will evade the

original lot size requirement. In other words, it would permit a developer to do in two steps what he cannot do in one step.

It is the finding of the City Council that the vacation of subdivision lots for the purpose of further subdivision generally does in fact materially injure the public at large and the individual persons who reside in the vicinity of that lot.

Nevertheless, each application for the vacation of a subdivision lot will be individually considered to determined whether individual circumstances demonstrate that such material injuries do not in fact exist.

Rusty Mahan explained that the policy will establish a presumption against the division of subdivisions but lets the Staff look at each individual proposal for approval or disapproval. In the past Staff has approved these because they meet the subdivision ordinance. Over the past few years it has become a trend for these proposals. The Mayor believes that it is undesirable to go in the direction of dividing lots. The City is not saying it can't be done. Each proposal will be looked at individually.

Barbara Holt mentioned that people invest a lot of money in their homes and the City should be mindful of the impact of dividing and adding lots to existing neighborhoods. Mrs. Holt feels that this policy will go along with the rights of existing home owners.

Rusty Mahan explained to the Planning Commission members that this same concept is the reason to no longer allow flag lots in Bountiful. It puts an impact on the existing property owners.
There was a brief discussion on the advantages of this policy and an explanation of material injury. The purpose for this policy is to establish a basis to discourage further vacating and dividing lots for being non desirable.

Meeting adjourned at 9:00 p.m.