

PLANNING COMMISSION MINUTES
January 15, 2002

Present: Newly Elected City Council Member Tom Tolman, Chairman Paul Summers, Vice-Chairman Dick Dresher, Lois Williams, Rodney Nordfors, Mark Green, City Council Representative Barbara Holt, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Al Hess.

Paul Summers welcomed all those present. Mark Green made a motion to approve the minutes for December 11, 2001 as written. Lois Williams seconded the motion and voting was unanimous.

Election of Chairman and Vice-Chairman for 2002

Dick Dresher made a motion to reelect Paul Summers for Chairman. Mark Green seconded the motion and voting was unanimous.

Mark Green made a motion to elect Rodney Nordfors for Vice-Chairman. Lois Williams seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary and final site plan approval for eight apartments located at 680 Orchard Drive, Kim Dunn, developer.

This item was cancelled.

Subdivisions

1. Consider preliminary subdivision approval of Hidden Lake of Summerwood Phases 3-6

Mark Green excused himself from this item. Ron Marshall, developer, was present. Paul Rowland explained that Mr. Ron Marshall is requesting preliminary approval of the final sections of property along the upper Summerwood loop road known as Hidden Lakes Drive. The actual road, in its current alignment, was previously granted preliminary and final approval by both the Planning Commission and City Council. The application now under review is for the situation of the lots along Hidden Lake Dr. and the construction of several roads and cul-de-sacs branching off of the drive.

Mr. Marshall is proposing 34 single family lots split up between four phases, with the phases being numbered 3, 4, 6 and 7, because phases 1 and 2 have already been approved. The number 5 is not being used for a phase number because the lots in phase 1 were numbered 501, 502. etc.,

using the Summerwood phasing scheme.

Phase Three consists of six lots primarily situated around a 250 ft. deep cul-de-sac.

Phase Four consists of ten lots located around a 575 ft. deep cul-de-sac. The new road runs along the edge of the 50 ft. wide Williams Pipeline easement for the 30" dia. High pressure Kern River gas pipeline. The buildable pads for three or four of the lots are located across the easement opposite the road, requiring driveways to cross the pipe. Two of the lots are double fronting, with the rear of the lots fronting on Hidden Lake Drive.

Phase Six consists of 14 lots situated on either side of a road looping from Hidden Lake Drive back onto it's self near the connection point to Summerwood Phase 3, and short cul-de-sac coming off of the new loop. A large portion of this road is planned to be constructed over ground with a natural slope steeper than 30%. Because the road is located on a side hill cut, the cuts and fills along a portion will be greater than 10' and the grade will exceed the allowable 12% for a short distance. The grade will not exceed 15%. Five of the lots are double fronting with the rear of the lots fronting on Hidden Lake Drive.

Phase Seven has only four lots all fronting on the previously approved and started Hidden Lake Drive. Three of the lots are double fronting, with the rear of the lots fronting on Hidden Lake Drive.

The average slope of the development is such that the Foothill Ordinance requires that all lots be a minimum 20,000 square feet in area with a 120 ft. frontage at the set back line. All of these lots can meet those criteria, the smallest being shown at 0.49 acres (21,344 sf.), and the largest being 33.09 acres (1,441,100 sf.), some lot line adjustments may need to be done in the Phase 6 cul-de-sac to meet the frontage requirements.

Storm Drainage and Detention: The storm run-off for all of this area was handled as part of the original master plan of the Summerwood approval and is being detained in the Summerwood detention basins.

Ronn Marshall explained that the sewer laterals will run under the Kern River gas pipeline but all other utilities will be above the pipeline. The main road on Hidden Lake Drive is about 97% completed.

Rusty Mahan advised the Planning Commission that approval of this subdivision required extreme exceptions. The Hillside Ordinance consists of a number of requirements with the authority to grant some exceptions, and the whole Summerwood project has had many exceptions. Mr. Mahan's opinion is if the Planning Commission grants the exceptions for the loop road (Road B) and the cul-de-sac (Road C) there would be no telling no to any other project. The exceptions are so significant that there is no point in having any rules if they are granted. Mr. Mahan made a recommendation that if granting these exceptions is the direction that the City Council and Planning Commission are going, then the City should repeal the Foothill Ordinance.

Paul Rowland mentioned that these exceptions include:

1. There are 2,900 feet of roadway centerline in this development, 200 feet of which exceeds 12% slope. No grades exceed 15%.

Exception: Allow 200 feet of roadway with a grade between 12% and 15%.

2. Because the natural ground is quite steep, several areas have cuts and fills that exceed 10 feet. Of the approximately 5,800 ft of street frontage, about 1,300 feet have cuts and fills in excess of 10 ft., or about 24% of the total frontage. The vast majority (1,230 ft.) is in Phase 6 on the loop road designated Road B.

Exception: Allow cuts and fills exceeding 10 feet as explained.

3. Because of the tight curve of the roads and the steepness of the slopes, several of the lots work best as a double fronting lot. Of the proposed 34 lots, 10 are requested to be double fronting.

Exception: Allow the 10 to be a double fronting lots with the walk along the back of the lots in certain areas to be moved to the back of curb and widened to 6 ft.

4. A portion of Road B in Phase 6 crosses ground which is considerably steeper than 30%. At the north end of the road, near where it connects to Hidden Lakes Drive Road B drops into a steep canyon, the side of which has a grade of about 78%, or approaching 1:1. The road would be cut across the hill producing large cuts and fills which would need to be retained by mechanical stabilization (retaining walls, reinforced earth, etc.).

Exception: Allow Road B to cross the areas described with the condition that the cuts and fills be retained by properly engineered slopes, and that all exposed cut slopes be seeded and landscaped.

Paul Summers asked what was the reasoning for the Foothill Ordinance? Mr. Rowland explained that in the early 1970's there was a moratorium on building above the Bonneville Level(Bountiful Blvd). This issue was taken to court and the judge said that you cannot arbitrarily fix a point on a map and say you can't build above there. You can establish a set of guide lines which regulate the building. From this came a set of requirements which was established for the Cave Hollow area. The restrictions were not to develop on ground over 30%. This is a figure that is being used by the cities and towns along the Wasatch Front area. Also added was not to develop roads more than 12%. This helps to maintain the roads and get utility and emergency vehicles to their location. And no cuts and fills more than 10 feet. This helps reduce and minimize the amount of impact on the natural environment.

Ronn Marshall mentioned that he could cut the cuts and fills down and the slopes could be minimized with retaining walls. When a hillside has been cut back, if planted properly, it can be quit beautiful. Mr. Marshall can tweak the road to reduce the slope if necessary. The City has

taken away the option of developing a flag lot, which in Mr. Marshall's opinion, in some cases is out of line. No matter where a road is placed, it will cause an impact to the hillside. The exceptions should be granted because the road is the best attempt to meet the criteria. This does not become a rule, this gives the Planning Commission an opportunity to make a decision on what the developer is willing to do and what making the exception does for the project. Without the exceptions this section can not be done and the Planning Commission should have told Mr. Marshall this before the final plans were presented.

Paul Rowland explained that when the Foothill Ordinance (1977) was put together the objectives were placed at the front of the ordinance. Mr. Rowland read the objectives which can be found in the Foothill Overlay Zone (F) 14-13-101.

There was a lengthy discussion on the length of the road being 12% to 15% grade, the amount of cuts and fills on considerable ground that is over 30%, the City's Ordinance against double fronting lots, and the road crossing ground steeper than 30%.

Dick Drescher suggested that this item be tabled for redesign on cuts and fills and the slopes.

Paul Rowland suggested that a field trip be done after the snow melts for suggestions on developing this one section of ground. There are areas that cutting will be difficult and create an impact on the ground. This is a very difficult road and some of the ground is in excess of 70% and is very steep. Mr. Rowland did not make any recommendations other than to review carefully. Mr. Rowland mentioned that Mr. Mahan has made a valid point on these exceptions. There are reasons where exceptions should not be granted if there is an impact on neighboring developments. Where is the balance for granting exceptions? This is an area where it is a long way from the Street Department, Police Department and Fire Department. The impact of being able to take care of the roads, provide emergency services, etc., is beyond the ability of the City to extend services to this area.

Blaine Gehring read the ordinance which can be found in the Foothill Overlay Zone (F) 14-13-106 section H. Exceptions. Mr. Gehring explained that when you talk about the cuts and fills, the Planning Commission needs to go back to the objective that they should be minimal. The Planning Commission needs to consider what is injurious to the property or general well being of the neighborhood. The further away from emergency services, utility services and safety services up very steep roads, it comes to the point it needs to be asked "This is beyond the point of being reasonable and injurious to the well being of the neighborhood."

Dick Drescher made a motion to table this item for further study and design to minimize exceptions and bring back to the Planning Commission. Barbara Holt seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider the rezone of property at 2832 S. 625 W. from R-2 to C-G, Redevelopment Agency of Bountiful City, applicant.

Blaine Gehring explained that a couple of years ago a proposal was submitted by the Utah Auto Collection to combine the Ford, Mazda and Lincoln/Mercury dealerships (along with a new Jaguar portion) as a mega-dealership on the property where the former Mazda dealership was (soon to be Les Schwab Tires) and the current Lincoln/Mercury dealership now stands. In discussions with the City at that time, they indicated they would need some additional ground to develop such a large dealership. The City Council, acting as the Redevelopment Agency, authorised the purchase of two pieces of property in anticipation of that development. These properties are the old Classic Skating Rink and the residential lot directly south of it where an old home used to stand.

The Auto Collection never came to be and only the Ford dealership took on the name and even has now been done away with. Mr. Mike McDonald, who owned the Mazda dealership and the land where the Lincoln/Mercury dealership stands, decided to sell the ground where the Mazda dealership was following the decision not to build the mega-dealership. That land was sold to Albertsons in anticipation of developing a new SavOn Drug store. With the restructuring of Albertsons, the proposal also dies and the land was sold to Les Schwab Tires out of Oregon who is now developing their new store.

Mr. McDonald would now like to reopen the Mazda dealership and needs to keep it in Bountiful. He would like to lease with an option to acquire the RDA properties. He would then split the land where the Lincoln/Mercury dealership is and build a new Mazda dealership in addition to a new Lincoln/Mercury building. The RDA properties would be excavated down from their 625 West level to better match the land fronting out to Main Street (Highway 89). Thus, any future access to the properties from 625 West would be eliminated thus reducing any direct impacts from the commercial developments on the adjacent residential streets.

The single lot south of Classic Skating Rink is currently zoned R-2 and needs to be rezoned to C-G to accommodate this development. The City Council, acting as the Redevelopment Agency, approved the lease of these properties and is desirous of this moving ahead.

Staff recommends the Planning Commission send a favorable recommendation to the City Council for this rezone inasmuch as this has been the intent since the property was purchased.

There was a brief discussion before Dick Dresher made a motion to send to the City Council approval for the zone change at 2832 S. 625 W. from R-2 to C-G. Mark Green seconded the motion and voting was unanimous.

2. Reconsider an amendment to the Zoning Ordinance to allow outdoor display in Commercial Zones.

Blaine Gehring explained that following the review of the proposed amendment to the zoning ordinance providing for the outdoor display of merchandise, the City Council held a public hearing and received public input. Part of that input came from a couple of business owners along Main Street who wanted to be able to use the public right-of-way in front of their buildings

because they have no front setback from the sidewalk and no parking to the side or in front of their businesses. The City Council then tabled action on the proposal and asked staff to look into a way for these businesses to be able to display their merchandise.

Staff went back to the internet and found a couple of cities' ordinances where this was allowed. An amendment to help the businesses along Main Street from 500 S. to 400 N. was presented to the City Council which has now been sent back to the Planning Commission for further consideration.

The new proposal includes your first recommendation and the recommended amendment shown shaded:

PROPOSAL FOR ALLOWING OUTDOOR DISPLAY OF MERCHANDISE

1. Add the following to definitions chapter:

OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.

2. Amend Sections 14-8-116 (C-G), 14-9-116 (C-R) and 14-10-116 (C-H) as follows:

A. Signs. All signs erected in the C-G Zone shall be in conformance with the sign provisions of Chapter 19 of this Ordinance.

B. Uses Within Buildings. All permitted and conditional uses established in the C-G Zone shall be conducted entirely within a fully enclosed building except for the outdoor display of merchandise for sale subject to the following conditions:

1. Outdoor Display of merchandise for sale. The outdoor display of merchandise for sale shall be allowed as an accessory use for all permitted and approved conditional uses in the (C-G, C-R, or C-H) Zone where the display of such items does not impede the flow of pedestrian or vehicular traffic, or create an unsafe condition. The display of goods shall meet all of the following conditions:
 - a. The outdoor display of merchandise shall not be located upon any sidewalk, walkway, driveway, or within any public right-of-way nor shall it interfere with pedestrian or vehicular movement or with safe and proper ingress and egress of pedestrian traffic except as provided in Subsection 2 below.
 - b. The outdoor display of merchandise shall not reduce the amount of off-street parking below that which is required for the associated commercial uses on the premises.

- c. No item shall be displayed outdoors except for those lawfully displayed and sold inside the business or businesses located on the property. This shall not include hazardous and flammable materials, such as antifreeze, kerosene, poisons, pesticides and other similar items.
- d. The aggregate outdoor display area shall not exceed 25 percent of the linear frontage of the store front or 10 linear feet, whichever is greater. Businesses located on a corner shall be considered as having two store fronts.
- e. No outdoor display shall exceed six feet in height.
- f. A maximum of 50% of the aggregate outdoor display area may be located in any required landscaping.
- g. Items shall be displayed outdoors only during the hours that the business conducting the display is open to the public. Live plant material shall be exempt from this requirement.
- h. Additional signs, beyond those normally allowed for the subject business, shall not be allowed as part of the outdoor display and sales area.
- i. Outdoor displays for special sales or for one of a kind item which would exceed any of these requirements may be granted a special permit by the Planning Director for a period not to exceed 14 days provided such special displays do not create parking, access or traffic hazards.

2. Outdoor Display of merchandise for sale in the downtown area. Businesses along Main Street from 400 North to 500 South that have building setbacks less than three (3) feet from the public right-of-way may apply for an outdoor display permit to display in the public right- of-way, subject to the following terms and conditions:

- a. The display shall not block the sidewalk, except during the annual sidewalk days celebration.
- b. The display shall not be allowed from November 1 to April 1, except for events approved by the City Council.
- c. The display shall not exceed twenty-five percent (25%) of the frontage of the business.
- d. Only merchandise sold inside the business may be displayed outside.
- e. No outdoor display shall exceed six (6) feet in height.

f. Each display shall be taken down at the end of each business day. The merchant shall be solely responsible for items displayed.

g. The permit shall be issued by the Planning Director, and may be revoked at any time if it is determined that the display represents a hazard, sight distance, or other problem.

h. Displayed merchandise shall not obscure or interfere with any official notice, public safety sign, or device.

(Note: This subsection 2 would only be added to the C-R Zone)

Rusty Mahan discussed some wording and changes he felt needs to be done. There was a discussion about the changes. Dick Dresher disagrees with this ordinance. He feels that the central downtown area should be different from any other shopping area in Bountiful and should be left as is. Downtown is not 500 South or Gateway Shopping Center. It is a downtown business area. You go to any other city and you will not find outdoor display in their downtowns. Mr. Dresher opposes this change in the ordinance.

Lois Williams made a motion to approve the amendment to the Zoning Ordinance to Allow Outdoor Display in Commercial Zones with four changes discussed with Mr. Mahan. Rodney Nordfors seconded the motion and voting passed by majority vote. Dick Dresher voted against Outdoor Display.

3. Consider a new Telecommunications Ordinance.

Rusty Mahan explained that the telecommunication provision (14-14-118) that was adopted several years ago is pretty well outdated by the changes in technology and the law. Mr. Mahan is proposing a new ordinance, based on an ordinance that Paul Morris has put together for West Valley City, where they have a great many more telecom sites than Bountiful City has. The most important part of this ordinance is in Section 14-21-209 - Uses. Mr. Mahan is proposing to put this section as a new chapter in the Zoning Ordinance. Mr. Mahan had some questions about the section concerning Conditional Uses. There was a brief discussion on this issue when Mr. Mahan mentioned that the time was getting late and suggested to table this item for the next meeting.

Barbara Holt made a motion to table this item for another date. Rodney Nordfors seconded the motion and voting was unanimous.

Meeting adjourned at 9:00 p.m.