

**PLANNING COMMISSION MINUTES**  
**August 19, 2003**  
**7:00 P.M.**

Present: Chairman Mark Green, Clark Jenkins, Tom Smith, Duane Gardner, City Council Representative Barbara Holt, City Attorney Rusty Mahan, Staff Engineer Lloyd Cheney, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Vice-Chairman Larry Rigby and Michael Allen.

Mark Green welcomed all those present and introduced the Planning Commission Members.

Mark Green welcomed the Boy Scouts and explained the purpose and function of the Planning Commission.

Barbara Holt made a motion to approve the minutes for August 5, 2003 as written. Tom Smith seconded the motion and voting was unanimous.

**Site Plans**

1. Consider preliminary site plan approval for an office/retail building at 300 West and 500 South, Security Investment, owner.

Fred Cox, Architect representing Security Investment, was present. Blaine Gehring explained that Security Investment has submitted a site plan for their office/retail/restaurant building on the north side of 500 South between 285 West and 350 West streets. The plan is similar to the original proposal submitted at the time of the rezoning of the two homes involved. There will be a two-story building facing 500 South with all parking behind it. Access to the parking would be from the side streets with no vehicle access from 500 South.

The proposed building would contain 15,966 square feet total. However, taking out the public areas, utility chases, etc., the net usable area counted for parking purposes is 12,600 square feet. At one parking stall per 200 square feet of net area, 63 total stalls would be required and that is the number provided. This presented a problem with staff initially because the building is being proposed for possible restaurant use and this parking would not be adequate for that kind of use. Staff has been told that the building is at or near being fully pre-leased and none of those uses would be a restaurant. However, there could be a small deli which parking is adequate. Staff would still like a condition placed on the site plan approval that a restaurant use would need to be reviewed by Staff but not reviewed again by the Planning Commission.

The other parking issue deals with the center handicapped stall shown on the site plan. It shows only 8 feet of width adjacent to a 5-foot aisle. While this meets the ADA standards, it does not meet Bountiful's ordinance. It should be at least 9 feet wide. A quick calculation of the width of the property would indicate there is an additional foot that can be used without affecting the

other stalls of landscaping areas.

One of the concerns expressed by the neighbors of this proposal at the rezoning hearing was the parking noise and visibility from the immediately adjacent residences. The proposal calls for a 6-foot high masonry wall to be placed along the entire north property line and extending south along both street frontages as required by ordinance. However, that does not fully cover the impact on the residential uses across the streets from the parking lot. Staff is recommending that this wall be extended an additional 15 feet along each street to better buffer those homes from the impacts of the parking lot. This would place the wall about 25 feet from each drive entrance which would provide visibility of traffic for exiting vehicles while also providing the privacy for the residences.

The landscaping plan provides for additional screening for the residences through street and screening trees as required by ordinance. The plan meets the ordinance requirements. Staff has specifically requested that trees not be planted directly next to the drive entrances to avoid sight distance problems.

The preliminary plans show the parking lot being used as a shallow detention basin, with the out flow going into 350 West Street. Since all of this water drains to 500 West Street, the UDOT has set strict outflow restrictions, allowing one half of the out flow that we normally permit. This will require a little larger basin, however, the parking lot is plenty big to handle the storage.

Utilities are all available on the site, and will be shown on the final site plan.

Staff recommends the Planning Commission send a favorable recommendation for preliminary site plan approval to the City Council with the following conditions:

1. All drainage detention be designed to meet the allowable 0.1 cfs per acre requirement.
2. Revise the building elevation (grade) to prevent potential flooding problems in the southeast corner.
3. Extend the 6-foot high masonry wall an additional 15 feet along both 285 West and 350 West.
4. Increase all handicapped parking stalls to 9 feet wide.
5. Complete all plans to prior to Final Site Plan approval.

There was a discussion about the placement of a dumpster, the aesthetics of the building and the drainage.

It has been proposed to use a mini type dumpster that can be placed in the building under the stairs. When full, these cans are placed outside for pick-up. There will be two cans, one on each side of the building. Mr. Gehring will talk with the Fire Marshal for approval. Staff likes the

idea of cans being out of sight and not taking space from parking.

Tom Smith does not like the aesthetic feel of a long straight wall along the street. It is more like a railroad train affect having a building this long along 500 South. Mr. Smith prefers some type of jog or breakup on the building.

Mr. Gehring mentioned that there are some landscaped berms and screening trees out front that will soften the look. Mr. Smith did agree that the picture of the building with the landscaping does look great. He suggested bringing the middle units forward 2 feet to help break up the straight look. Mr. Cox responded noting that this would not allow people to move from one section to the other.

Lloyd Cheney mentioned that the drainage issues on the southeast corner could be modified to incorporate into the overall drainage or regrade the property.

It was suggested to reword item #2 and add #6 to the conditions as follows:

2. Work with Engineering Department to resolve potential flood problems on the southeast corner.
6. Review the dumpster plan with the Fire Department.

Clark Jenkins made a motion to recommend to the City Council preliminary site plan approval for an office/retail building at 300 West and 500 South subject to the conditions outlined by Staff including the rewording of item #2 and the addition of item #6. Tom Smith seconded the motion and voting was unanimous.

### **Subdivisions**

1. Consider a boundary line adjustment for Excel Fitness at 250 W. 1500 S.

Rusty Mahan explained that the 2003 Legislature made changes to vacating or changing a subdivision plat. Each member was given a copy of 10-9-808 Vacating or changing a subdivision plat. This is found in the Utah Municipal Code in the Planning Commission section. Mr. Mahan read the following:

(7) (a) The owners of record of adjacent parcels that are describes by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the planning commission, or such other person or board as the municipal legislative body may designate, in accordance with Subsection (7) (b).

(b) The planning commission, or such other person or board as the municipal legislative body may designate, shall approve an exchange of title under Subsection (7) (a) if:

- (i) no new dwelling lot or housing unit will result from the exchange of title; and

(ii) the exchange of title will not result in a violation of applicable zoning requirements.

(c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall be recorded by the planning commission, or such other person or board as the municipal legislative body may designate, in the office of the county recorder which:

The situation the City now has is the location of the Excel Fitness building. The building has been built over the boundary line. The Bountiful Fitness Center is going to exchange a piece of property with Bountiful Partners. This will not create a new lot or eliminate a lot. The lots are still legal and they meet the requirements of this statute.

A "Notice of Approval" has been drafted by a bond counsel which reads as follows:

The BOUNTIFUL CITY PLANNING COMMISSION (the "commission") is the appropriate municipal body authorised under 10-9-808(7), *Utah Code ann.* (2003) of The Municipal Land Use Development and Management Act (the "Act") to approve an exchange of title between owners of record of adjacent parcels.

RENAISSANCE TOWN PROPERTIES, LLC, a Utah limited liability company ("Renaissance") owns that certain parcel of real property in Bountiful City, Utah more particularly described in the attached Exhibit "A" ("Lot 5"). BOUNTIFUL FITNESS PARTNERS, LC, a Utah limited liability company ("Bountiful Fitness") owns that certain parcel of real property in Bountiful City, Utah immediately adjacent to Lot 5 more particularly described in the attached Exhibit "B" ("Lot 4"). Pursuant to the provisions of 10-9-808(7) of the Act, Renaissance and Bountiful Fitness desire to exchange title to a portion of Lot 5 immediately adjacent to Lot 4 (the "Exchange") to remedy an encroachment on Lot 5 created by the improvements constructed by Bountiful Fitness on Lot 4. In accordance with the terms of 10-9-808(7)(b) of the Act, the Exchange will not result in a new dwelling lot or housing unit and the Exchange is not in violation of applicable Bountiful City zoning requirements. Following the Exchange Lot 5 will consist of the property more particularly described in the attached Exhibit "C" and Lot 4 will consist of the property more particularly described in the attached Exhibit "D". The four Exhibits attached hereto are incorporated herein by this reference.

NOTICE IS HEREBY GIVEN that pursuant to the provisions of 10-9-808(7) of the Act, and at a meeting of the Commission held on Tuesday, August 19, 2003, the Commission hereby approves the Exchange between Renaissance and Bountiful Partners. This notice of approval does not act as a conveyance of the title to real property and Renaissance and Bountiful Partners must execute appropriate conveyance documents and an amendment to the governing plat in order to complete the Exchange.

Mr. Mahan explained that this change and approval process has been set up by the Legislature and is new. The City is giving its approval for this "Exchange" between Bountiful Fitness and Bountiful Partners.

Barbara Holt made a motion to approve the boundary line adjustment for Excel Fitness at 250 W.

1500 S. and to give authorization for Blaine Gehring to sign the approval. Clark Jenkins seconded the motion and voting passed by majority vote. Mark Green abstained from voting.

**Zoning Ordinance Amendments**

1. Consider amendments to the C-R Zone.

Blaine Gehring explained that after receiving a request to change a commercial site to residential in the C-R Zone, Staff took another look at the purposes of the C-R Zone and how those purposes would be met. The C-R Zone was created with the intention to allow residential and commercial uses to exist together, not necessarily create new residential uses, especially at the expense of existing commercial uses. The City does not want to lose commercial uses especially in the downtown area.

Staff is recommending that the following amendments to the C-R Zone be made as follows:

1. Add a sentence in the Purpose and Objectives section specifically indicating that the intent of the zone is not to reduce the commercial, retail and office uses in the downtown area.

**14-9-101 PURPOSE AND OBJECTIVES**

The Commercial/Residential (C-R) Mixed Use Zone is established to provide a district primarily for the preservation of the mixed use character of the commercial and residential uses in and adjacent to the Main Street downtown area. **However, this zone is not intended to reduce the amount of existing commercial, retail and office uses in the downtown area by allowing the conversion of such uses to residential uses.**

2. Under Permitted Uses, make all residential uses permitted only if they currently exist.

**14-9-102 PERMITTED USES**

<u>Use No.</u>	<u>USE CLASSIFICATION</u>
1111	Single Family Dwelling-Detached <b>(existing only)</b>
1121	Two Family Dwelling (Duplex) <b>(existing only)</b>
1131	Multiple Family Dwelling <b>(existing only)</b>
1141	Apartments (low-rise) <b>(existing only)</b>
1241	Residential facility for elderly person, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance. <b>(existing only)</b>

- 1290 Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of section 14-14-121 of the Bountiful Zoning Ordinance. (existing only)
3. Put any new residential uses in the Conditional Uses list. This allows for new construction and development of new mixed use projects but only after review by the Planning Commission.

**14-9-103 CONDITIONAL USES**

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
<u>1111</u>	<u>Single Family Dwelling-Detached (new developments)</u>
<u>1121</u>	<u>Two Family Dwelling (Duplex) (new developments)</u>
<u>1131</u>	<u>Multiple Family Dwelling (new developments)</u>
<u>1141</u>	<u>Apartments (low-rise) (new developments)</u>
1160	Apartments for the Elderly (under the provisions of Section 14-9-117 of this Chapter)
<u>1241</u>	<u>Residential facility for elderly persons, subject to the requirements of Sections 10-9-501 et seq of the Utah Code and Section 14-14-120 of the Bountiful Zoning Ordinance. (new developments)</u>
1290	<u>Residential facility for persons with a disability as defined in Section 10-9-605 of the Utah Code, subject to the requirements of Section 14-14-121 of the Bountiful Zoning Ordinance. (new developments)</u>

Mr. Gehring explained that these changes will allow for a new mixed use or a conversion of the use to be considered as a conditional use permit. This will allow for the commercial and residential uses to go together but not change the commercial use.

The board members like the idea of having a conditional use and the flexibility it gives the board and the property owner.

Duane Gardner made a motion to recommend to the City Council approval of the amendments to the C-R Commercial Residential Mixed Use Zone. Tom Smith seconded the motion and voting was unanimous.

2. Consider amendments to the zoning ordinance relating to development of the foothills and related changes to the zoning map.

Rusty Mahan mentioned that he has made the changes suggested by the board members from the last Planning Commission/City Council study meeting. A revised map has also been given. Staff recommends the Planning Commission send approval to the City Council on these amendments as discussed and presented.

Mark Green feels that the Staff has done a great job with the amendments and everyone had great input on the changes. Duane Gardner also feels that the changes are good and no one had their hands tied, there is flexibility.

Tom Smith made a motion to recommend to the City Council approval of the Foothill Ordinance and Zoning Map amendments concerning development in the foothills. Duane Gardner seconded the motion and voting was unanimous.

Mark Green asked the Scouts if they had any further questions. After the questions were answered, Mr. Green thanked the Scouts for their great comments and their attendance. The Board members were impressed with the questions asked and their conduct.

Meeting adjourned at 8:03 p.m.