

PLANNING COMMISSION MINUTES

July 15, 2003

7:00 P.M.

Present: Vice Chairman Mark Green, Larry Rigby, Michael Allen, Tom Smith, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Duane Gardner and Clark Jenkins.

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

Election for Chairman and Vice Chairman for July 1, 2003 to June 30, 2004

Michael Allen made a motion to elect Mark Green as Chairman and Larry Rigby as Vice Chairman for the coming year for July 1, 2003 to June 30, 2004. Barbara Holt seconded the motion and voting was unanimous.

Michael Allen made a motion to approve the minutes for June 17, 2003 as written. Larry Rigby seconded the motion and voting was unanimous.

Site Plans

1. Consider preliminary site plan approval for conversion of existing retail at 40 West 200 North to multiple family residential, Brian Knowlton, developer.

Brian Knowlton, developer, was present. Paul Rowland explained that Mr. Knowlton is purchasing the Ream's store site on 200 North between Main Street and 100 West and would like to change its use to multiple family residential. Under the C-R Zone, Mr. Knowlton would be allowed to have up to 21 units and he is proposing just that. Mr. Knowlton wants to convert the old store shell into 14 smaller 2-bedroom units and put 7 additional 3-bedroom units in a four-plex and tri-plex on each end of the property.

Parking for the site is calculated at 2 stalls per each 2-bedroom unit and 2.5 stalls per each 3-bedroom unit plus 1/4 stall per unit for visitor parking. This calculates out to 51 stalls required with one covered stall per unit. Mr. Knowlton has provided 51 stalls with 36 garages and 6 under carports. Landscaping for the site represents 42% of the site which exceeds the required 40%.

There are several issues associated with the site plan which needs to be resolved before final approval can be given. The first issue deals with the property's legal description versus what is actually on the ground. It has been determined that this block is known as a "short block" having 7 less feet east to west than is described. Mr. Knowlton is aware of this problem and has had a title company working on the issue. Until it is resolved, we are unsure of just what property we are actually dealing with and the setbacks, landscaping, fencing, parking etc., could change.

Brian Knowlton explained that if the property is short from the west, the building can be adjusted to fit. The east side can't be adjusted but the whole project will have to be pulled in to fit.

Second, Staff has reviewed the parking stalls and have found several to be short in terms of back-up spacing in the northeast corner of the site plan. These will have to be resolved. There are 2 stalls shown in front of each of the garages in the tri-plex. The problem is they split the garage which would mean if 2 cars were parked in the stall and one in the garage, both cars in the stalls would have to be moved for the car in the garage to exit. This is not “tandem” parking and needs to be resolved so that one car is parked behind the garage with no overlap.

The entire site drains down to the northwest corner of the property. There isn't any real storm drainage or detention provided on the existing site. There is a concrete culvert carrying Barton Creek through the northeast portion of the property. Mr. Knowlton is proposing to put parking stalls on top of this culvert, which is not a problem and drain his site into this storm drain culvert.

Mr. Rowland mentioned that the site plan is not to be reviewed tonight but discuss the use of the property, use of the building, elevations etc.

Mr. Knowlton explained that there will be a new facade on the front of the existing building and he will be creating private court yards. Nothing is being done with the side facing the street because it is too close to the street. The price range will be from \$125,000 to \$150,000. There will need to be some reconstruction of the existing building.

Mark Green has some concerns about losing commercial property for residential property. Over the years the City has added residential property but there has not been any commercial added. By changing this piece of property to residential it will impact the small commercial corner lot. It will become too small to develop into any type of profitable business.

Larry Rigby has the same concerns about losing the commercial use with this project. He feels that this is a piece of property that has good potential. It is a good size for a restaurant or a nice retail site. The zoning will allow for apartments but once built the use is gone.

Rusty Mahan explained that multiple family is a permitted use and Mr. Knowlton has the right to use the land which is consistent with the zone. This is not a conditional use but a permitted use. There is no basis for saying that the City prefers to do something else with the property.

Tom Smith has some concerns with the site plan showing that the middle units do not have windows in the living or kitchen areas. He sees this project becoming a non-desirable area without having any lighting in the living areas. It is more like a hotel room rather than a living room.

Mr. Mahan explained that 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. This has established the permitted uses ranging from single family to multiple family and to commercial stores. If the Planning Commission does not want to go back and forth on the issue of losing or keeping commercial the ordinance needs to be amended for future use.

There was a discussion on the intentions of the C-R Zone as a mixed use. It was agreed that residential on top of commercial was desirable but not changing commercial to residential. It was suggested to review and amend the current ordinance.

Tom Hardy mentioned that the intention of this mixed use (C-R) was to allow residential and commercial to coexist in the downtown area without making one or the other an illegitimate use. It was not discussed about converting commercial to residential or residential to commercial but to keep the commercial intact. Mr. Hardy feels that there was no intent by the Planning Commission or City Council to systematically eliminate commercial property. The City would like to preserve the commercial areas because the City has grown tremendously from a residential stand point. The C-R Zone was not intended to abandon the commercial use and change to residential.

Mr. Mahan advised the Planning Commission that the proposal Mr. Knowlton has presented is a permitted use. Mr. Knowlton is entitled to what the law is now.

There was a discussion about adding the corner lot with this property, having commercial on the main or bottom floor and residential on the upper half, having no windows in some of the units, too close to the street and too dense for this area.

Tom Hardy suggested tabling this project until Mr. Knowlton resolves the issues of property boundaries. It seems to be premature for approvals when the site plan can change with the property boundary issues.

Larry Rigby would like to study the spirit and letter of the law and agrees to table this proposal until issues are resolved.

Larry Rigby made a motion to table this proposal until Mr. Knowlton has resolved property issues. Barbara Holt seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider rezoning the property at 94 North 100 West from Multiple Family Residential (R-3-16) to Professional Office (P-O), Michael Crouch, applicant.

Michael and Kristan Crouch, applicants, were present. Blaine Gehring explained that the Professional Office Zone was created in 1998 to provide a zone which would act as a buffer between residential and commercial uses while providing for a wide range of general office uses. This request fits the original purpose of the P-O Zone very well. It would be applied to a property currently being used as a single family home but which is bordered directly on the east and across the street to the north by commercial zoning and uses. The uses along 100 North are more office than commercial and it will fit well with them.

Staff feels this is a good compromise between the full C-G rezone asked for earlier and recommends the Planning Commission send a favorable recommendation to the City Council for the rezone to Professional Office from R-3-16.

Michael Crouch presented pictures of the home he wishes to rezone for his professional home planning and designing firm. His firm is now located on 200 W. and 100 N. but wishes to relocate to this location. Because of the character and design of this home, Mr. Crouch feels that this could be a benefit for his business. Mr. Crouch plans on leaving the inside of the home as is but do some power spraying to the outside brick, paint the outside and do some changes to the landscaping. The

intention is to leave the residential home look. There will be a sign for the business but very subtle and it will be placed between the pillars on the front.

Larry Rigby agrees with the zone change. He feels that it will be a good use.

Michael Allen made a motion to recommend to the City Council approval for the rezone from R-3-16 to P-O at 94 North 100 West. Larry Rigby seconded the motion and voting was unanimous.

Each Planning Commission Member was given a memo in their packets for recommendation to return to two meeting a month. It was decided to return to the two meetings a month to serve the public better.

2. Consideration of changes to the Zoning Ordinance relating to development of the foothills.

Blaine Gehring explained that Staff has looked at the issue of further development in the foothills and can see the need for other changes in the zoning ordinance. The changes include the following: (1) the rewrite of the foothill ordinance as a separate zone rather than as the overlay zone it has been; (2) the paring down of the foothill zone area to lands east of Bountiful Boulevard with one exception on the northern city limits near the shooting range; (3) a rewrite of the Mountain Protection and Watershed Zone to make it more effective for use with any newly annexed properties in the foothills; and (4) the addition of an R-1-10 Zone to be applied to older subdivisions created prior to the original foothill overlay and which contain lots less than 12,000 square feet.

Staff has recognized for quite some time that there are areas which were included in the original foothill overlay zone which didn't belong in it. There were subdivisions which were developed prior to that zone which had several lots under the 12,000 square foot minimum lot size. This has created a large number of non-conforming lots. Much of the land west of Bountiful Boulevard is steep, but not steep enough to be a problem. There are pockets of slopes greater than 30% but they are few and the need to protect those slopes less than 30% no longer exists. The areas around them are developed and mostly built out. This brought Staff to the conclusion that there is a need to divide up the current foothill overlay into three separate zones.

The first zone would be a new zone to be known as the Residential Foothill Zone (R-F). It would incorporate all of those provisions presented in the previous draft of the overlay zone but would include all of the necessary provisions (i.e., lists of permitted and conditional uses, a breakout of the yard requirements separate from the foothill provisions, parking, signage and landscaping requirements, etc.) found in the other residential zones. This would be applied to properties east of Bountiful Boulevard and the area owned by the Forest Service west of the shooting range on the northern city limits.

The second zone would be areas west of Bountiful Boulevard currently in the overlay zone which have lots 12,000 square feet and larger. It would be known as the R-1-12 Zone with no (F) attached as it has been.

The third zone would be a new R-1-10 Zone applied to older subdivisions which have been identified as having lots less than 12,000 square feet and which have been in the overlay zone.

The last change deals with the need to have a zone in place which will provide greater protection for

land east of our current city limits and which may be annexed at a future date. These are areas in the extended foothills and into the mountain areas. Davis County has them zoned as F-1-Forestry. Staff has obtained a copy of that zone and found it very similar to the current Mountain Protection and Watershed (MWP) Zone we have in place on Bountiful City properties in those areas. There are several proposed amendments to that zone to make it more compatible with what the county currently has. It is proposed that this be the zone placed on any newly annexing areas in those extended foothill and mountain areas as they come into Bountiful. State law denotes two ways annexing areas are to be zoned: (1) they are combined with the zone with the most contiguous boundary to the annexing area, or (2) the Planning Commission makes a recommendation as to an appropriate zone for those areas.)

Rusty Mahan mentioned that the ultimate outcome for the changes is to provide every property owner with the ability to build and every lot to be developed. The City is trying to avoid a regulatory taking.

There was a lengthy discussion and some good feedback from the Planning Commission members on the changes to the zoning ordinances. Mark Green mentioned that the revised changes are good.

Meeting adjourned at 8:55 p.m.