

PLANNING COMMISSION MINUTES
February 17, 2004
7:00 P.M.

Present: Chairman Mark Green, Vice-Chairman Larry Rigby, Tom Smith, Duane Gardner, Michael Allen, City Attorney Rusty Mahan, City Engineer Paul Rowland and Recording Secretary Connie Feil.

Absent: City Council Representative Barbara Holt and Clark Jenkins.

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

Michael Allen made a motion to approve the minutes for February 3, 2004 as written. Larry Rigby seconded the motion and voting was unanimous.

Conditional Use Permits

1. Conceptual approval of a neighborhood pool at 4531 S. Spring Meadow Drive and Conditional Use Permit Public Hearing, the Bountiful Meadows Community Pool Association applicant.

Maunette Bacon, President of the Bountiful Meadows Community Pool Association, was present. Paul Rowland explained that Mrs. Maunette Bacon of the Bountiful Meadows Community Pool Association has submitted a request along with conceptual drawings for a new small neighborhood pool to be located at 4531 S. Spring Meadow Drive. The pool is proposed to serve approximately 60 families from the Bountiful Meadows, Summerwood and Eaglewood areas. The facility includes a pool, small wading pool and a small dressing room. It is located on lot 214 of the Bountiful Meadows phase 2 subdivision which is a rectangular lot with 104 ft. of frontage and averages about 115 ft deep for a total of 12,011 s.f. The rear third of the lot is a very steep hill which rises about 12 feet at a 3:1 slope from the bottom of the hill to the rear property line, and then about that much again to the road elevation above. The lot was excavated at the time the subdivision was developed to provide for building pads between Spring Meadow Drive below and Oxford Way above.

Because these types of private pools have an impact on the surrounding homes, the Planning Commission and City Council added a section to the Zoning ordinance to allow for this type of use under certain guidelines. Mr. Rowland submitted a copy of section 14-14-117, which deals with this type of semi-private pools in each Planning Commission Members individual packet for their review.

The site plan shows the required front, rear and side yards along with the necessary landscaping. With the side yards and front and rear yard requirements being met, the min. 10% landscaping requirement is very easily satisfied. The fences along the two sides are proposed to be the required 6 ft. tall solid masonry fencing with the front and rear fencing being wrought iron with

tall landscaping material. The Association is requesting an exception from the required solid fencing in the rear because there is a 15 ft plus elevation difference between the lots directly behind and the pool. It is felt that privacy along the back is impossible to achieve with the homes behind being so much higher. The Association is requesting the open fencing in the front for aesthetic reasons.

One of the main issues with this type of facility is parking. When this section of the ordinance was crafted, no specific parking requirements were included, only that any parking which the Planning Commission may require would need to be located behind the required front yard setback. A review of requirements from surrounding cities by Aric Jensen of Centerville City (and soon to be of Bountiful City) showed parking requirements ranging from 1 space per 2 people in Layton, to 1 per 10 in West Valley City. Figuring that with the hills in this area and the distance needed to travel by people in the Summerwood, Bountiful Ridges and Eaglewood areas, requiring 1 space per 6 families is not extravagant. That would require a total of 10 spaces where only 4 are shown on the proposed drawing. Mr. Rowland feels that no street-side parking should be allowed to count toward the parking requirements. Where this proposed pool has about 3,500 s. f. of developed area, a similar pool underway in Centerville with 5,000 s. f. has 23 spaces available on site and in an adjacent city park. Furthermore, the parking as proposed on the conceptual site plan shows the angle parking provided requiring that all vehicles back out of the stalls onto the street, which is expressly forbidden for all uses except single family houses and duplexes.

The Association has reported to me that the other requirements spelled out in paragraphs A-J of the ordinance have been met. Since only one of the abutting lots have been sold, the Association has been able to obtain the required supporting statement from the 100% of abutting and 75% of property owners within 500 ft. Mr. Rowland has not seen a map showing the exact location of the proposed members to verify that the required 75% live in “ the neighborhood or section of the subdivision in which the recreational facility is located.”

Although the Zoning Ordinance was changed to specifically include this type of use, I feel that this proposal fails in one important area. 14-14-117 (B) states: “The area to be used for recreational purposes, together with off-street parking where required by the Planning Commission, is of sufficient size to accommodate all proposed facilities and satisfy the needs of the area and still maintain a landscaped front yard . . . ” Unfortunately this lot is too small and steep to provide for the proposed pool, deck and changing rooms while providing necessary off street parking. Many of the proposed members will be coming from far enough away that they will naturally drive a car. Experience at the North Canyon neighborhood pool (in Chelsea Cove) has shown that people park on the street in front of the neighbor’s houses causing the very problems that this section of the ordinance was written in an attempt to eliminate. Therefore, I recommend that the Planning Commission deny this Conditional Use Permit application.

Because this is a conditional use permit request, this meeting includes a public hearing. As required, notification has been mailed to all property owners within 500 ft. of the site.

Maunette Bacon explained that the neighborhood got together to talk about a neighborhood pool.

They got together with Ivory Homes to purchase this lot and get their permission. Mrs. Bacon presented a site plan to Mr. Rowland, which he shot down. Mr. Rowland has given a lot of time and comments to this project which Mrs. Bacon appreciates. Mrs. Bacon presented a very well prepared presentation with pictures, drawings, statistics on parking and a site plan. The association is asking for an exception to remove 10 feet of landscaping to provide for more parking. They are also asking for an exception to have a wrought iron fence along the sides and back of the property and open fencing in the front for aesthetic reasons.

As far as the parking the City does not have a number in the ordinances. Mrs. Bacon wants the Planning Commission to know that they are concerned about the parking and intend to address the issue. The association wants to minimize the traffic in the neighborhood and be considerate of the neighbors. There is a total of 88 homes within walking distance of the facility. There are 40 members who live within walking distant of the facility. At this time there would be 17 families that would drive. The association realizes that parking space is limited and that certain members cannot realistically walk to the facility. The association intends to reserve the parking spaces available for those members in an effort to avoid any parking conflict. Mrs. Bacon submitted a petition signed by over 2/3 of the association population acknowledging and agreeing that because the facility is within walking distance they are willing and will walk to the facility. Mrs. Bacon also submitted a signed petition of property owners within 500 ft. of the proposed facility who do not object or oppose the construction of such a facility.

If necessary the association will issue parking passes to members who need to drive. There will be a provision within the associations bylaws stating the parking will be on a “first come first serve basis” and in the event there are no parking spaces available, members will be required to visit the facility at a later time. This action demonstrates the intent to comply with all the city ordinances and the city’s concerns regarding this issue. Their purpose is to have as little impact on the community as possible.

A Public Hearing was opened for all those with questions or concerns.

David Hall, residing at 4417 S. Oxford, wants this project to be in the best interest for Bountiful City and the residents. Mr. Hall feels that the association has put together everything needed to bring the neighborhood together and provide a close net neighborhood.

Janelle Hartvigsen, residing at 4507 S. Summerwood Road, is for this project and has signed the petitions. Mrs. Hartvigsen feels that all those in the neighborhood are friends and want this project to work.

Richard Baldwin, residing at 4482 S. Spring Meadow Dr., lives directly across the street from this project. Mr. Baldwin will be impacted the most by this project with parking, noise, lights etc. Mr. Baldwin is for the project.

Diana Parrish, 4661 Summer View Drive, explained that this neighborhood is full of walkers and she feels that there will not be a problem parking because the neighbors do walk.

Dean Steckling, residing at 402 E. Hidden Lake Drive, is one that will have to drive to the facility. Mr. Steckling agrees that a wrought iron fence in front will be more pleasing to those that live in the neighborhood. It would be very displeasing to be boxed in with a cinder block wall around the facility. It would be more pleasing to have it opened up and not boxed in.

Robert Parrish, attorney writing the bylaws for the association, mentioned that all conditions required by the Planning Commission will be written and if people know that there are only four parking spaces available they will comply.

Frank Linthorst, representing Ivory Homes, explained that Ivory Homes is doing a similar subdivision in Draper City which they discouraged having onsite parking. Draper prefers to have street parking.

The Public Hearing was closed.

There was a lengthy discussion between the Planning Commission Members about the parking spaces available and the angle of the parking, concerns about no privacy to abutting properties with having a wrought iron fence, lighting for the facility and the days and hours the facility will be opened.

Paul Rowland has some concerns with the parking for this facility. Mr. Rowland feels that in the future there will be some members that are not going to walk and use the parking. The Planning Commission is here trying to protect the neighborhood.

Larry Rigby made a motion for conceptual approval and conditional use permit for a neighborhood swimming pool to be located at 4531 S. Spring Meadow Drive strictly subject to the following condition:

1. Under §14-14-117(D) of the Bountiful City Code, the use of this property is only for the private recreational use of the owners, their families and guests. Under no circumstances may fees be charged for public admission nor may any commercial use be made of the property.

2. The ownership and use of the property is limited to sixty families.

3. The swimming pool is to be used only from the Friday before Memorial Day through Labor Day, from 7:00 a.m. to 9:00 p.m.

4. At least four off-street parking stalls are to be provided on the property.

Ownership/membership bylaws are to limit parking only to the off-street parking and to the approximately three parking spaces in the street directly in the front of the lot, and to have a mechanism of enforcement. Proof of this is to be submitted to the Planning Commission by furnishing a copy of the bylaws.

5. A plat, or plats, depicting topography, proposed grading, lighting and a general site plan shall be submitted to the City for approval.

6. A solid masonry block wall must be constructed along the side boundaries from the front yard setback and extending as far to the rear of the lot as any structure. Rear and front fences may be wrought iron. Access is to be secured at all times by self-closing and self-locking gates.

7. All building codes, Bountiful ordinances, Davis County Health Department regulations concerning swimming pools, and other applicable laws must be followed.

Duane Gardner seconded the motion and voting was unanimous.

2. Conceptual approval of Lakeview Hospital Commercial PUD, and PUD Conditional Use Permit Public Hearing.

Ron Craven and Jake Boyer representing the Boyer Co., Steve Anderson, Lakeview Hospital administrator, were present.

Paul Rowland explained that Mr. Ronald Craven of the Boyer Company is requesting conceptual approval for a Commercial PUD located at Lakeview Hospital. The proposal is for a three-story 43,000 s.f. medical office building constructed just off of the north west corner of the existing hospital building and connected to the hospital's second floor via an elevated walkway. The building will be lease space for doctor's offices and support space and will act somewhat as an annex to the main hospital building.

The reason this project is in for a conditional use permit hearing as a Commercial PUD is because the Boyer Company intends to purchase only the ground under the building, retain ownership to the ground and building and then lease the space back to the hospital. In order to subdivide the property without creating a full lot with legal frontage, required parking, landscaping, etc., the entire site must be placed into a commercial PUD, similar to Renaissance Town Center with common parking and landscaping

This new MOB is situated in the landscape area and parking lot directly off the hospital's northwest corner with the main entrance located in what is now the lower terrace of the parking lot. This eliminates some of the most heavily used parking places on the site. The proposal is to replace the lost stalls and provide the required new stalls in several locations. A preliminary parking analysis of the site showing the existing and proposed new parking has been given to the Planning Commission members. (Because the site plan has changed since the analysis was done several months ago, more current numbers have been written in where appropriate). This proposal includes three new lots and one expanded lot, one of the new lots near the existing helipad, the other two lots on the north side of Medical Drive which are not near the hospital. The revised lot is the one west of the laundry facility. The new lot shown on drawing S-1.1 as "lot e" has 73 stalls, however about 20 of the stalls are situated on a portion of the lot which is outside of the Hospital Zone. This would require a rezone to include all of these spaces. The lot shown on S-1.1 as lot F is very far from the hospital and it is very unlikely that even employees would ever park in that lot. If those two parking lots were removed from consideration because of

distance and landscaping concerns, the overall site is 100 stalls short of the required. (641 total required, 541 provided.) That includes the stalls provided and required on the property owned by the MOB west of the hospital which was built about 10 years ago.

In order to help remedy this shortage of parking, the owners are willing to enter into a long term agreement with the city to provide the additional parking as demands increase in the future. A letter from the hospital's CEO, Steven Anderson, to the mayor commenting about the need for further parking and the hospital's desire to delay the construction has been given to the Planning Commission members. The attached parking needs analysis includes a section showing the hospital is currently operating at about a 32% occupancy rate. With that in mind and the fact that some time will be needed to fully lease the new building, they are not anxious to construct an expensive parking structure now when they perceive that the existing parking is way under utilized. Mr. Rowland has discussed this with Tom Hardy, the Mayor and Steve Anderson the possibility of crafting an agreement for the construction of additional parking based on the projected growth in occupancy of the hospital. Based on the hospital's projection of a 13% annual increase in occupancy, the hospital would be reaching a 50% occupancy rate about 2 years after the MOB is open. That would be the trigger for the construction of the new parking structure. If the growth rate is more robust than projected, the additional parking would be built sooner.

Another reason that this proposed development requires the formation of a PUD is the requirement to provide landscaping on each parcel in the Hospital Zone. With the creation of a lot only the size of the building footprint that would be impossible. An analysis by the project's architect, Dixon and Associates, shows that the entire site currently has about 35% landscaping. After the two parking lots are added, the landscaping ratio would be reduced to 28%. The Zoning Ordinance currently requires a minimum of 10% landscaping.

The site plan drawings submitted and the accompanying engineering drawings show how the individual construction sites (new MOB, east parking lot and south parking lot addition) are to be graded and drained. However they do not show what impact the additional drainage will have on existing facilities on the site, particularly the east parking lot. These items will be detailed with the submittal of preliminary and final drawings for site plan review.

The south parking lot presents some grade challenges. The existing lot has a cross slope of about 7.5% with a 20ft. landscape barrier before the hill drops about 6 ft. off of a small rock wall onto the south entrance road. The proposed configuration extends the lot over almost to the top of the rock wall with only a 6" curb to prevent a runaway car from dropping down onto the road below. If the steep grade is maintained in the parking lot, some type of barrier is needed. This will also need to be addressed with the final drawings.

This is a conditional use permit request, and this meeting includes a public hearing. As required, notification has been mailed to all property owners within 500 ft. of the site.

Since this proposal has been submitted for Conditional Use Permit and conceptual approval only, the engineering analysis is neither rigorous nor complete. Items that need to be discussed include the conditions to be placed on the conditional use permit, such as parking concessions,

landscape requirements etc. Mr. Rowland recommends the Planning Commission grant the conditional use permit and send a recommendation to the City Council for conceptual approval with the following conditions and others as the Planning Commission sees appropriate:

1. The Developer/Hospital enter into an agreement with the City that proper parking in the form of a parking structure be commenced within 24 months of the opening of the new MOB, based on an anticipated 13% growth rate in the hospitals occupancy.
2. A proper PUD plat be prepared and approved, ready for recording showing all necessary common areas, easements, etc. to accommodate the two ownerships and any and all relocated utilities.
3. Engineering plans for the full site be prepared showing required drainage, retention, utilities, etc. and that they receive preliminary and final review by the Planning Commission and site plan approval by the City Council.
4. All construction conform to the requirements of the current building codes.
5. Final approval by the City Council of a revision to Chapter 7 of the Zoning Ordinance allowing the inclusion of Commercial PUD's in the Hospital Zone.

Mr. Rowland presented a colored drawing of the new building and a new face lift to the existing hospital. Entering on the west side of the new building will not let you enter the first floor of the hospital. There is no direct access to the first floor of the hospital. You use an elevator or walk up two flights of stairs and onto the second floor. There is an entrance on the north side but will not be used very often because of available parking.

Duane Gardner asked what is the concerns that the Planning Commission are looking for? Mr. Mahan explained that the Planning Commission needs to determine if a conditional use permit should be issued and any conditions that need to be placed upon it. A Commercial PUD requires a conditional use permit. This project has to be a PUD because the building itself will not have enough independent parking or the frontage. The buildings will become individual units and the parking and landscaping will become common areas.

Duane Gardner asked why a parking garage is not built under the new building? Ron Craven mentioned that a parking garage is an expense to the building. If adding parking to the hospital campus it would be better on the east side of the campus rather than the west side because of the elevation. Because of the elevation, the first floor level of this building would be a parking garage.

Mr. Gardner wanted to clarify that Mr. Rowland said that the prime parking for the entire hospital was being eliminated. Jake Boyer said simply one row that is closest to the building

will be eliminated. Mr. Craven recognizes that this is the main entrance to the hospital and the architectural drawings and lines of the building draws the people to the front door. There will be very nice landscaping and walkways will naturally guide people to the front door.

Mark Green mentioned that he has been on the Planning Commission for 13½ years and there has not been a bigger issue that causes more trouble than parking. Parking is the number one thing that causes negative feedback. This is the most confusing proposal Mr. Green has seen. There is 73 stalls here, 71 stalls here and 641 over here, this is confusing. Mr. Green was told that it is confusing in its fundamental essence. As the occupancy level of the hospital rises than more parking will be needed. Mr. Green said that is like having Wendy's expand their parking when their business increases over the years. The Planning Commission has never made those kind of concessions to anyone. It is unfair and allows precedence.

Mr. Craven mentioned that there is nothing magical about two years. If a snapshot was taken of the hospital campus, at any given time, there is an excess of 100 parking stalls that can be used. The hospital, because of hospital capital, is saying rather than spending the money to build a parking garage now, because the site does not justify it, they will build the parking garage when occupancy justifies it. The hospital projects that there will be a percentage increase every year and based on those projections in two years the occupancy will increase to 50%.

Mr. Green mentioned that he has been by the hospital at all hours of the day and all times of the year and has not had trouble finding a parking stall. He has had trouble finding a premium stall. The argument is the ordinance and the ordinance is the ordinance. Someone has to convince Mr. Green that there is a way to facilitate this proposal.

Larry Rigby has some heartburn with this project also. What is being proposed is taking out prime parking and building a women and pediatric center. The space that is left is the down hill. Taking out the parking and not building a parking structure causes the pregnant women and women carry little babies walk a far distance to get to the facility so the developer can save money by not building the parking in opposition to the code. Mr. Rigby feels that if a 43,000 s. f. building, the parking should be built to meet the parking requirements. Mr. Rigby has never seen a project approved based on a percentage of the occupancy. The City is not in business with the hospital or the Boyer Company. Every large office builder would love to have this type of option. That is not the way the zoning code reads. Mr. Rigby opposes this exception in regards to the parking.

Mr. Craven mentioned that with this project, the developer, improves parking by adding 63 stalls. Mr. Rowland corrected Mr. Craven because 30 plus stalls are being lost from construction. The correct amount of additional stalls is only 23 stalls. Mr. Craven mentioned that it is not in the communities interest to see a project with a sea of asphalt with vacant parking.

Steve Anderson mentioned that there are 100 to 150 empty stalls everyday. It seems incredible to go to his company and ask for one million dollars to satisfy adding an additional 138 more parking stalls when there are 100 to 150 empty stalls today.

Larry Rigby mentioned that this is a matter of timing. The plans are to have the occupancy and if this big of a structure is going to be built the parking needs to be accommodated. Its going to get done and the hospital knows that, it is to be within the code. Otherwise the city is jumping outside the zoning codes and setting a precedence to others. The city has not offered this type of thing to any other business.

Steve Anderson mentioned that this is a unique situation. This hospital has a low occupancy rate compared to other hospitals. The formula that the city uses is not based on demand but on square footage. There is much square footage in the hospital that is not being used. For Mr. Anderson to go to his organization and ask them to give him one million dollars now because in three years the volume will grow 40%. He doesn't know of any organization that will listen to any CEO that says "Believe me I am going to grow the volume 40% in three years" and give the one million dollars now because they need to believe me. Verses as we grow and can show the percentage then the organization can say "Yes the hospital has grown 40% and you can have the one million dollars to put in a parking structure." Mr. Anderson does not know of any company that would reasonably write a check for one million dollars.

Larry Rigby mentioned that the money is a business decision.

The public hearing was opened for comments and concerns. (See the verbatim transcript of the hearing.)

Michael Allen made a proposal to table this proposal. Until the applicant identifies exactly where and what it is going to be. Some elevations, what the parking structure is going to look like, where it is going to be located and brought back to review.

Michael Allen made his proposal a motion to table this matter until the next scheduled Planning Commission meeting, which will be March 16, 2004. Invite the applicant, between now and then, to identify the exact location of the proposed parking structure and for light elevation. At the rescheduled meeting a decision can be made on delaying the building of the parking structure. Duane Gardner seconded the motion.

Larry Rigby asked Mr. Craven if he has ever built the parking structure first. Mr. Rigby knows that the parking structure can be built quicker than the building. Mr. Rigby also understands that building the parking structure first will not be making them any money.

Ron Craven explained that not only is it an economic issue but they have physicians that are out of state. These physicians want to be practicing by the end of the year. So the building needs to be started right away. There is a need for this hospital to serve the community. If the parking is to be built first the City has delayed the project for 8 or 9 months. Mr. Craven does not know what to show the City on elevations other than a drawing. The question is will the City let the hospital build the parking over time?

Mark Green asked Mr. Craven that now he knows of the concerns and the contentions that have

been brought to the table. Would Mr. Craven be inclined at all, if this gets tabled, to reconsider the size of the building and further study the parking issues or will you return with the same proposal? Ron Craven replied with they would come back with the same size of the building because the hospital has already done their due diligent's.

Mark Green explained that there has been a motion to table the issue and a second with recommendations attached. All those in favor of the motion say aye. Michael Allen and Duane Gardner voting aye. Larry Rigby, Tom Smith and Mark Green voted nay. The motion was denied by majority vote two to three.

Larry Rigby made a motion to accept this proposal with the exception that the parking structure to be built simultaneously with the building as per the codes. Tom Smith seconded the motion.

There was a discussion about the construction of the parking, the hospital being built and the same time ther.

Larry Rigby modified his motion to have the building be built first but upon completion of the building that the parking structure begin. Tom Smith seconded the motion.

Rusty Mahan wanted to clarify that the Bountiful City Planning Commission hereby grants this Conditional Use Permit for a commercial planned unit development to include Lakeview Hospital and a new medical office building, strictly subject to the following conditions:

1. The parking requirements of the Bountiful Zoning Ordinance must be complied with. The new medical office building may be constructed first, followed immediately afterward by the construction of the parking structure. Prior to the issuance of any Certificate of Occupancy for the new medical office building, the developer and/or Lakeview Hospital must submit plans, guarantee financing, obtain a building permit and have contracted with a licenced contractor to construct a parking structure capable of accommodating the required stalls for the site. Construction of the parking structure must begin as soon as, but not before, the parking adjacent to the new medical office building is reconstructed and fully free and available for parking.

2. Notwithstanding the issuance of this Conditional Use permit, the development must undergo the usual site plan approval process.

3. A proper planned unit development plat suitable for recording with the Davis County Recorder must be prepared by the developers and approved by the Bountiful Planning Commission and City Council, showing all private units, common areas, relocated utilities and easements.

4. This Conditional Use Permit shall not be effective until such time as the Bountiful City Council adopts an amendment to Chapter 7 of the Bountiful Zoning Ordinance allowing commercial planned unit developments in the Hospital Zone.

5. All building codes, Bountiful ordinances and other applicable laws must be followed.

Larry Rigby, Tom Smith, Michael Allen and Mark Green voted aye. Duane Gardner voted nay.
Voting passed by majority vote four to one.

Meeting adjourned at 9:40 p.m.