

PLANNING COMMISSION MINUTES

January 6, 2004

7:00 P.M.

Present: Chairman Mark Green, Duane Gardner, Clark Jenkins, Tom Smith, Michael Allen, City Council Representative Barbara Holt, City Attorney Rusty Mahan, City Engineer Paul Rowland, Recording Secretary Connie Feil. Also, present City Council Members Fred Moss, John Pitt and Richard Higginson.

Absent: Vice-Chairman Larry Rigby.

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

Duane Gardner made a motion to approve the minutes for December 2, 2003 as written. Barbara Holt seconded the motion and voting was unanimous.

Site Plans/Lot Line Adjustment

1. Consider lot line adjustment at 522 E. 900 N., Kim Bleak, applicant

Jason Bleak, applicant, was present. Paul Rowland explained that the Bleaks own and live in the home at 522 East 900 North. They have purchased the rear portion of the lot at 512 East and are desirous of removing the existing house and building a new one at the rear of the lot. State Law now provides that the Planning Commission can approve this type of lot line adjustment without going through a formal subdivision process, provided it meets certain requirements.

These properties are located in a R-1-6.5 zone and even though the home at 512 East has sold off more than half of it's own lot, the remaining portion at 9,380 square feet is still well in excess of the 6,500 s.f. minimum size of lot required. The property exchange does not affect the frontage of either lot and while the new configuration looks like a flag lot, it technically is not because it has the required 70 ft. of required frontage. No easements exist along the affected lot line.

Staff recommends the Planning Commission approve the requested lot line adjustment.

Rusty Mahan mentioned that if this is approved he will prepare a notice of approval to be recorded by the applicant.

Mark Green made a motion for approval of a lot line adjustment at 522 East 900 North. Clark Jenkins seconded the motion and voting was unanimous.

2. Presentation by West Bountiful City, Redevelopment Project, 300 S.- 400 N. on 500 West, West Bountiful City Manager Wendell Wilde

West Bountiful Attorney Craig Smith, West Bountiful City Engineer Bill Flanders, Project Architect Russ Naylor, Property Owners Armmon Johansen and John Thackery were present. Craig Smith explained that this project is mostly in West Bountiful but 13% of the property is in Bountiful. There is a provision under Redevelopment Law that allows two cities to work together on a project area with one agency being the lead agency. West Bountiful will be the lead agency and there is an agreement in place on how revenues will be divided from any development on the project.

There is another provision in the Redevelopment Law that states it is important for the lead agency to take input from the Planning Commissions that are involved with the project. The purpose for West Bountiful is to review what their Planning Commission has recommended to the Redevelopment Board. This is not a final recommendation nor final site plan, just a review. West Bountiful wishes for Bountiful to give their input and any recommendations.

West Bountiful hopes to have the Redevelopment Plan put together by the middle of January and present at a Public Hearing with the Planning Commission of West Bountiful on February 14, 2003. They will use any recommendations that Bountiful City will give.

Mr. Smith handed out the following information:

EXHIBIT “G”
Planning Commission’s recommendation to the Redevelopment Board

Pursuant to Utah Code 17B-4-402(1)(b), the West Bountiful City Planning Commission has reviewed and concurs with West Bountiful Commons Redevelopment Project Area Plan, which includes a determination that a need exists for redevelopment within the West Bountiful Commons Survey area as described by legal description and drawings attached to the plan, and recommends the inclusion of the following development guidelines.

Guidelines

The Planning Commission has developed the following guidelines for development standards within the West Bountiful Commons Redevelopment area. The Planning Commission may recommend to the Redevelopment agency Board specific variations to the adopted zoning requirements within the General Commercial zone as part of the specific site plan approval process.

Development guidelines include, but are not limited to the following:

- Architectural - The site development will consist of architecturally pleasing design, which may include varying roof lines and accented vertical facade creating visual interest. The architectural design of the structures will create a consistent theme throughout the project area. The developer is encouraged to upgrade, modify the blend existing structures to reflect the development theme.

- On-site access - Allowance for convenient delivery access to existing businesses and buildings provided within the project. Cross-easements for access and parking shall be provided for the project area and neighboring areas to provide safe and efficient traffic flow.
- Parking - Parking within the project area will be adequate in quantity and design to meet the types of development and daily use patterns within the site. Parking to the side and rear of buildings, where practicable, is encouraged.
- Pedestrian access - Walkway access and thoroughfares are encouraged within the site to accomplish comfortable pedestrian activity in a pleasing environment.
- Landscape - An architectural landscape theme will be provided throughout the site to create a visually pleasing design and create buffer from heavy traffic areas, such as 500 West street and Interstate 15. The landscape shall blend harmoniously throughout the site. Where possible, the landscape design shall provide for storm water detention and filtering.
- Signs - Business identification signs may include low profile monument signs compatible with the development's overall architectural theme. Large profile signs are discouraged. Electronic signs with changing and flashing message boards and logo are not recommended.
- Area lighting - The project area shall be well lighted while providing shielding to create a "dark sky" atmosphere. The lighting will enhance the safety at the parking and pedestrian areas. Materials will be compatible with and enhance the development building and landscape theme.
- Site integration - Traffic flow and pedestrian patterns shall accommodate existing tenants and business through cross-easements and other development considerations.
- Utilities - The developer will work with West Bountiful City and other utility providers as directed by West Bountiful City to provide safe and reliable service to the site. Buried power lines and communication lines are expected throughout the site.
- Traffic control - A traffic engineering study will be completed to determine the placement of traffic control devices, the location of site access from 500 West and from 400 North, and recommendations for on-site safety.
- Energy Efficiency - Building design shall incorporate energy efficient design and construction, including the use of energy efficient materials.

There was a lengthy discussion on letters of intent by property owners, which businesses will relocate or will buy out, how much property is now owned by the developer, traffic impact, signs, what types of businesses will be in the project, less parking spaces and more green space. It was also mentioned that this project should consider being transit friendly for future planning.

Some of the Planning Commission and City Council members took notes and will present the suggestions discussed to Mr. Mahan or Mr. Rowland so a draft can be made and presented to the Planning Commission on January 20th. After approval the final draft will be given to West Bountiful City.

Zoning Ordinance Amendments

1. Discussion of request by the City Council to consider methods to make exceptions to the Zoning Ordinance, Rusty Mahan, City Attorney

Rusty Mahan explained that the City Council has referred a matter to the Planning Commission for its detailed consideration and recommendation. It is the question of whether to provide a new method for obtaining exceptions to zoning requirements, which would be in addition to the Board of Adjustment.

A fair number of people do not want to comply with zoning requirements for various reasons. These include such items as these: (1) a family put cement in the park strip, which is not allowed, at a cost of \$1,700, and they don't want to take it out; (2) a family puts a fence in the front yard which is too tall; (3) a family puts an 18-foot sport court fence on the property line when the ordinance requires a five foot setback; and (4) a family cannot build a garage to the property line so he installs a fixed, all-weather but semi-permanent carport where the garage could not go.

When these people are told they must comply, they don't want to. They won't qualify for a variance from the Board of Adjustment because their problems are self-created, so they go to the City Council members and ask for political relief. Rather than amend the ordinances, can an additional method of relief be provided for those out of compliance?

The Board of Adjustment can grant exceptions to zoning laws only under limited circumstances. Financial hardship, or self-created violations do not qualify for variances, and this defeats almost everyone. The City cannot change these state law requirements.

Under State law that pertain to the Planning Commission, it has authority under section 10-9-204(7) and (8) to "hear or decide any matters that the legislative body designates" and to "exercise any other powers delegated to it by the legislative body." No standards for granting such exceptions are established. Due process requires that some kind of standards be established and followed. Any such exception could be a conditional use which can be granted only after notice to neighbors and a hearing, with the burden of proof on the applicant to show the necessity of the exception. Substantively, standards (though vague) such as no material harm to neighbors, no major deviation from the purposes of the provisions being waived, etc., would

have to be developed.

Does the Planning Commission prefer to stay with the Board of Adjustment standards for a “variance” or to develop some lower hurdles for “exceptions?” If exceptions are to be developed, what sort of standards should be written?

There was a discussion about the responsibilities of the Planning Commission and the Board of Adjustment. It was decided not to change the ordinances but inform the public on the ordinances. The information could be printed in the City Newsletter, Clipper, etc.

Michael Allen made a motion not to make changes for exceptions to the City Ordinances, but to inform the public of these ordinances. Duane Gardner seconded the motion and voting was unanimous.

2. Consider Zoning Ordinance revisions, Rusty Mahan

Rusty Mahan explained that there are two possible zoning changes which he would like to have the Planning Commission review.

1. Sport court fence setback. Before Blaine Gehring left he informed a Bountiful resident that he would bring before the Commission a proposal to eliminate the five foot requirement concerning sport court fences. People can have tall fences to protect neighbors from sport court balls going everywhere, but those fences had to be set back 5 feet from the property line. When one person asked why this is so, it seemed to Blaine that perhaps the requirement was unnecessary.

Mr. Mahan suggested to eliminate the fence setback of 5 feet and have the ordinance read as follows:

14-17-104 FENCE HEIGHT

- E. Other Height Exceptions. ~~If located more than (5) feet away from a property line,~~ fence type uses such as tennis court enclosures, sport courts, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six (6) feet, but shall not exceed a height of eighteen (18) feet. Property owners abutting the Interstate freeway system may erect a fence to a height not exceeding eight (8) feet on the property line adjacent to the freeway right-of-way.

There was a discussion that the five foot setback would become a weed patch and collect garbage, just too hard to maintain. It was agreed to eliminate the 5 foot setback but the Commission would like some other language in the ordinance about type of fence, etc. This will be discussed again at a later meeting.

2. Home occupation uses. The City permits many businesses to be carried on at home if they meet certain conditions. Mary Barnes, our code enforcement officer,

says that some types of businesses are frequently / always exceeding the limitations of home occupations, such as landscaping businesses which have trucks, supplies, and employees surrounding a residence. She suggests, and Mr. Mahan agrees, to make some home occupations a conditional use only.

Mr. Mahan suggested adding to the Home Occupation Ordinance the following:

14-20-106 CONDITIONAL USES

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing: lawn care / landscaping, construction / contracting, and snow removal.

After a brief discussion it was decided to change the ordinance to include the conditional use permit. Duane Gardner made a motion to amend the Home Occupation to add conditional uses for lawn care / landscaping, construction / contracting and snow removal. Tom Smith seconded the motion and voting was unanimous.

3. Discussion of Zoning Ordinance revisions dealing with yard requirements in multi-family zones, Rusty Mahan.

Rusty Mahan explained that he has prepared some possible changes for the R-3 zone. This will be a discussion only, with no final recommendations made. It's purpose is to get the Planning Commissions opinions on where to go with possible revisions.

Mr. Mahan handed out a copy of zoning ordinance revisions from the last discussion with the Planning Commission. Mr. Mahan changed the definitions of the front yard, rear yard and side yard to include if the home is placed sideways those yards change. Other changes were to eliminate the Duplex Overlay Zone, changes to R-3 Multiple Family, and C-R Commercial Residential Mixed Use.

Mr. Mahan also mentioned that Tom Hardy suggested that in the R-3 Multiple Family Zone the parking lot cannot be located in the front yard setback. The parking lot needs to be set back 30 feet from the street side property line.

Mr. Mahan suggested having a joint meeting with the City Council to discuss these changes and the future of Bountiful. A date will be arranged and the Planning Commission and City Council will be notified of the date and time.

Meeting adjourned at 9:30 P.M.

