

PLANNING COMMISSION MINUTES

June 19, 2007

7:00 P.M.

Present: Vice-Chairman Tom Smith, Mark Green, Dave Badham, Ray Keller, Michael Allen (arrived at 7:20), Beth Holbrook (arrived at 7:20), City Prosecutor J.C. Ynchausti (arrived at 8:00), City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Chairman Clark Jenkins, City Council Representative Barbara Holt, and City Attorney Russell Mahan.

Tom Smith welcomed all those present and had all Commission Members introduce themselves.

Dave Badham made a motion to approve the minutes for June 5, 2007 as amended. Tom Smith seconded the motion and voting was unanimous.

1. PUBLIC HEARING-Consider preliminary and final subdivision plat approval for Fraser Subdivision located at 3083 S. 100 W., Alexander Frasier, applicant.

Alexander Frasier, applicant, was present. Paul Rowland explained that Mr. Frasier is proposing a two-lot subdivision created from a single lot containing an existing single family home and a detached garage. The existing lot is the south half of Lot 23 of the old Valverde subdivision. Lot 23 of the original subdivision has had at least two previous modifications, the first being the removal of the west 25 ft. to construct 100 West Street, the second modification was the splitting of the remaining property into two lots. Now Mr. Frasier is requesting a further split of the south lot into two lots. Because this is part of the existing Valverde Subdivision, the City Council will need to hold a public hearing and pass an ordinance to vacate Lot 23 out of the existing Valverde Subdivision.

Mr. Rowland continued to explain that the home and garage on the property straddle the proposed property line and will need to be demolished to accommodate the construction of any new houses. Even though the existing house has a driveway that accesses 3100 South, the new driveway for the corner lot will need to enter onto 100 West as far away from the intersection as possible.

There is already utilities for one home stubbed into the property and another set of utilities will need to be run to serve the new lot. This will cause at least two utility cuts into a recently overlaid street. A slurry seal coat should be applied to the street when the cuts are complete.

Staff recommends that the Planning Commission send a favorable recommendation to the City Council for preliminary and final subdivision approval of the Seinfeld Subdivision (temporary name) with the following conditions:

1. Pay Storm Water Impact fee of \$849.83
2. Pay Checking and Recording fee of \$250.00
3. Pay for a Slurry Seal along the 100 West Frontage (553 [sy@0.70/sy](#)) \$387.10
4. An ordinance be passed by the City Council vacating lot 23 out of the Valverde Subdivision.
5. Remove the existing retaining walls along the west side that encroach on the street right of way.
6. Correct redlines as necessary.
7. Provide a current title report.

There was a brief discussion regarding the slurry seal and patch, the lack of sidewalks on 3100 S., and an additional condition requiring Lot 2 to enter onto 100 West as far away from the intersection as possible.

The public hearing was opened for comments and concerns. The public hearing was closed without comment.

Mr. Frasier would like the name of the subdivision named after his daughter “Jenna Rae Subdivision”.

Mark Green made a motion to recommend to the City Council preliminary and final for the Jenna Rae Subdivision subject to conditions 1-7 as outlined by staff with the following addition:

8. Require the driveway access be from 100 W. on both lots.

Dave Badham seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING-Consider a zone amendment from R-4 to RM-13 located at 1290 N. 200 W., Robert Gibson, applicant.

Robert Gibson, applicant, was present. Aric Jensen explained that Mr. Gibson is requesting a zone map amendment for a parcel of land located at approximately 1290 North 200 West in Bountiful. The parcel is approximately 0.415 acres in size. This parcel is immediately north of the land that was rezoned RM-13 last year, which received approval for 8 townhouse style units. At the time 200 West was reconstructed, Staff encouraged the previous property owner, Davis County School District, to stub new utilities into the property. The District declined, and so development on this property is limited to the existing utility connections, with the exception that the District will allow the applicant to tie into a major water main running through the Viewmont High field/parking lot to the east.

Mr. Jensen explained that the property is essentially an island of single family zoning surrounded by more intense high school and multi-family uses. Immediately to the west of 200 West is a more substantial area of single-family zoning, however, a global perspective of 200 West

between Pages Lane and 400 North would indicate a mix of multi-family and single-family uses. There is no apparent reason not to approve the applicant's request, and it makes sense to rezone this to the same designation as the properties to the south.

Based on a lot size of 0.415 acres and a maximum density of 9 units per acre (for lots less than 1 acre in size), a maximum of 4 units could be constructed on this site. However, due to property configuration and parking constraints, the site may not actually accommodate 4 units. The applicant submitted a concept plan showing 4 units, but with insufficient parking. These issues will be addressed at site plan review.

Staff recommends approval of the proposed zone map amendment from R-4 to RM-13 with the condition and understanding that there is a 20-year moratorium on cutting 200 West for new utility connections.

The public hearing was opened for those with comments and concerns.

Lonn Buckley, residing at 1285 N. 200 W., had concerns about what is planned to be built on this property. He feels that the twin homes being built across the street are monstrosities and he does not want to have more units built that are so huge. Mr. Buckley wanted to know if these units are going to be apartments, condos, or twin homes.

Mr. Gibson explained that two of his children will be living in two of the units and the remaining two units will be used as rentals. The proposed four-plex will be built as one structure and each unit will have a double garage. These units will be made of high quality materials and not as large as the units on the abutting property.

The public hearing was closed without further comments.

Mark Green made a motion to recommend to the City Council approval of the zone map amendment from R-4 to RM-13 located at 1290 N. 200 W. as presented. Michael Allen seconded the motion and voting was unanimous in favor.

3. Consider preliminary mixed use commercial & residential site plan approval for 2135 S. Orchard Dr., Brian Knowlton, applicant.

Brian Knowlton, applicant, was present. Tom Smith is the architect on this project and excused himself from this item. Mark Green was asked to chair this item.

Aric Jensen explained that Mr. Knowlton is requesting preliminary site plan approval for a mixed use commercial and residential development at 2135 South Orchard Drive. In April of this year, the property was rezoned to the MXD-R zone, which included a development plan and modified development standards.

The property currently contains a 40,000 sq. ft big box structure and a small restaurant structure, both of which would be demolished under this proposal. In its natural state, this property sloped up fairly evenly from Orchard Dr. to the east, which is evident from the grade along 2200 South. Over the years, the hill was cut into about 25 feet in height, and the west side of the property was filled in near Orchard Dr. in order to create a more level property.

Mr. Knowlton's proposal is comprised of two 3-storey retail/office buildings with underground parking fronting onto Orchard Dr. To the east of these structures would be a series of 52 town homes with individual garage parking located along a winding lane that connects to 2200 South at two locations. The town homes gradually increase in elevation the further east they are located on the site, which is accomplished essentially by undoing the cuts and fills made over the years and returning the property to a more natural grade. This would include covering up the majority of the existing 20 foot retaining wall located on the east side, and bringing the grade on the west even with Orchard Dr.

The site plan appears to be in conformance with the development plan approved at the time of rezone. The town home units near 2200 South seem to have a barracks-like configuration, but they appear to meet all of the setback requirements by the ordinance. Mr. Jensen said he is uncomfortable with this section of the site plan. It creates a boxed/military feeling.

The only major technical issue involved percolation ("perc") tests for the storm drain system. The project engineer used a best guess number for the preliminary review, which will be firmed up after he does his actual field tests. The only thing affected will be the size of the underground storage tanks to be constructed.

This project is proposed to have condominium-style ownership, and so at some point the applicant will need to prepare and have approved a subdivision plat. This can take place at a future date, but there may be some fees and bonding for improvements that will be triggered at the time of construction, even if the plat hasn't been recorded yet.

Staff recommends preliminary site plan approval with the following conditions:

1. Layout modifications as decided by the Commission
2. Revised storm drain calculations based on field perc tests
3. Pay bonding and fees as required for all condominium subdivisions
4. 50% of building facade to be brick, stone, or similar material as required by ordinance for all multi-family units.
5. Correct redlines.

Brian Knowlton presented a revised plan to eliminate the barracks-like configuration. Mr. Jensen likes the new version but it does not meet the setback requirements. If this new version is accepted there will need to be an exception granted for the setbacks.

There was a discussion between Mr. Knowlton and the Commission Members regarding the configuration of the units. The Commission had no problem with granting an exception for the setbacks rather than having the barracks-like configuration. The revised proposal creates a rambler style unit facing 2200 South which will keep the feel of a residential area.

Paul Rowland explained that there needs to be a valid perc test submitted. Mr. Knowlton presented an original site plan which showed the existing storm drain system. There was a brief discussion and Mr. Knowlton will have the drawings on the final site plan.

Dave Badham made a motion to recommend preliminary Mixed-Use Residential and Commercial site plan approval for 2135 S. Orchard Drive subject to conditions outlined by Staff and the additional condition:

6. Granting an exception on the setbacks of no less than 18' to the rear corner of a unit that is opposite a perpendicular wall.

Michael Allen seconded the motion and voting was unanimous with Tom Smith abstaining from voting.

Tom Smith returned to the table as Active Chairman.

4. Consider final commercial site plan approval for American West Bank, located at 641 S. 500 W., Gary Hamblin, applicant.

Lee Barrus, representing America West Bank, was present. Aric Jensen explained that America West Bank is requesting final commercial site plan approval for a bank building to be constructed on an existing commercial site. On January 16th of this year, the Planning Commission recommended preliminary site plan approval with conditions, all of which have been met except the following:

1. The plan shows the areas of landscaping but does not call out the location and number of trees and shrubs.
2. Install a 6' high solid fence (no chainlink with slats) along the east property line.

Regarding the landscaping plan, Mr. Lynn Hansen, project manager, said that it will be available shortly. Staff is comfortable recommending final approval with the condition that it be submitted and approved by staff prior to issuing a building permit.

Regarding the fence, Mr. Hansen stated that he was concerned about the park located on the east side of the property and the lack of visibility a solid fence would create. The ordinance specifically requires a solid fence between commercial and residential properties, however, staff agrees with Mr. Hansen's assessment regarding security. Since the park is located in a residential zone but is not a residential use, and since there is already a 2-3 foot high retaining wall, Staff

recommends having a six foot high chain link fence (no slats) along the east boundary.

There was brief discussion in regards to the fence issue. It was decided to require a 6 ft. open style fence (not chain link) along the east property line for safety issues with the park and school.

As noted during preliminary review, the property is located along 500 West, which is a State Road and therefore the modifications to the drive approaches will require UDOT approval. The applicant has been working with UDOT and will provide the City with a letter of approval from UDOT prior to commencing construction.

Since this is an existing site and the drainage is essentially unchanged, there is no onsite storm water detention required.

There were two gray areas that were addressed by the Planning Commission in January. The existing site was built at a time when the landscaping requirement was only 5%. Up until a year ago, the City required 10% landscaping. The new Ordinance requires 15% landscaping. The new landscaping proposed by the applicant is slightly more than 15% of the bank site area, which averages out to an overall site landscaping of 12%. The Planning Commission agreed with staff that since only half of the site was being modified, this was an appropriate way of calculating the required amount of landscaping. The property line between the two parcels cuts through the south edge of the existing building. The applicant will need to receive a lot line adjustment approval from the Administrative Committee and record a cross access agreement on the deeds of both parcels.

There are a couple of other minor redlines shown on the site plan drawings that need to be corrected.

Staff recommends final site plan approval for the America West Bank as shown on the redlined plans with the following conditions:

1. Provide the City with UDOT letter of approval prior to commencing construction.
2. Provide a landscaping plan meeting City Ordinance and Staff approval prior to commencing construction.
3. Construct a 6-foot high chain link or other open style fence meeting Staff approval along the east boundary of the entire property.
4. Receive lot line adjustment approval.

Michael Allen made a motion to recommend to the City Council final commercial site plan approval for American West Bank subject to the conditions outlined by Staff with the change to item #3 as follows:

3. Construct a 6-foot high open style (not chain link) fence meeting Staff approval along the east boundary of the entire property.

Mark Green seconded the motion and voting was unanimous in favor.

Tom Smith noted that this meeting will be the last one for Mark Green. Mr. Green has served on the Planning Commission for 18 years and is resigning from his position. Mr. Green has done an excellent job for Bountiful and will be greatly missed.

Meeting adjourned at 8:20 P.M.