

## PLANNING COMMISSION MINUTES

March 15, 2011

7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Barbara Holt, Von Hill, Sean Monson, Michael Allen, City Prosecutor J.C. Ynchausti, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: City Council Representative Beth Holbrook.

Chairman Tom Smith welcomed all those present.

**1. Consider preliminary and final commercial site plan approval for McArthur Park Office Plaza located at 485 S. 100 E., 127 & 137 E. 500 S., Todd McCormick, applicant.**

Craig Whitmeyer, representing the applicant, was present. Paul Rowland explained that the applicant is requesting preliminary and final site plan approval for a professional office development on the northeast corner of 500 South and 100 East, Bountiful, Utah. The properties are located in the Professional Office Neighborhood Zone (PO-N). The proposal is to convert four existing structures, three of which were originally built as single family homes, into professional offices

As proposed, the site is approximately 2/3 of an acre in size (28,007 sq ft). The four existing structures comprise approximately 8,000 gross square feet, of which approximately 6,000 is used for offices and 2,000 for storage. The minimum parking requirement for this site is 22 stalls, and the proposed plan contains 22 stalls. The stalls will be accessed in a one way drive configuration, with the entrance on 100 East and EXIT ONLY onto 500 South.

The landscaping area is slightly less than 45%, which is well in excess of the 15% required in the zone. Since these are existing properties, most of the proposed landscaping already exists and is mature. As driveways and curb cuts are removed, the applicant will need to install some additional landscaping to fill in those areas.

The majority of the storm water will be detained in the parking lot and drain through a reduced orifice into the existing storm drain system in 100 East. The only areas that wouldn't be detained are the first 30 feet or so of the two driveways, which will sheet flow to 500 South and 100 East.

The Fire Marshall has reviewed the proposal and requires the following changes:

1. The pergola covering the driveway coming off of 100 East must be removed or raised to a minimum clearance of 13.5 feet.
2. The porch protruding into the driveway on the east side of project must be removed.
3. The east driveway must be widened to the maximum width possible.

The applicant's intent is to subdivide the various buildings into pad sites through a P.U.D. plat. That plat will effectively create rectangular pad sites, each containing one existing building. In the future, if an owner wanted to tear down the existing building and a construct a new one, they could do so within the constraints of the building pad area and the number of parking stalls.

Staff recommends preliminary and final site plan approval for the McArthur Park Office Plaza with the following conditions:

1. Provide a final landscaping plan meeting the minimum City requirements and to the satisfaction of City staff during construction but prior to the granting of final occupancy.
2. Make all redline corrections as required by staff and the Fire Marshall.

There was a discussion regarding the width of the driveway on the east side and having a "no exit" sign rather than an "exit" sign to discourage any entrance from 500 South.

Dave Badham made a motion to send to the City Council preliminary and final site plan approval for McArthur Park Office Plaza subject to the conditions outlined by Staff and the following addition:

3. Increase the amount and visibility of the "Do Not Enter/Exit Only" signage for the proposed driveway on 500 S, to the satisfaction of City staff.

Von Hill seconded the motion and voting was unanimous in favor.

**2. Consider preliminary subdivision plat approval for Christoffersen Subdivision located at 3985 S. & 4001 S. Bountiful Blvd., Melvin Christoffersen, applicant.**

Clark Jenkins, representing the applicant, was present. Aric Jensen explained that Mr. Jenkins, representing D. Michael Nielsen and Melvin Christoffersen is requesting preliminary plat approval for a five lot single-family residential subdivision at 3985 South and 4001 South Bountiful Blvd. The land proposed for subdivision consists of three metes and bounds parcels, one of which has an existing home, and one existing subdivision lot, which also has an existing home. All four properties are located in the Foothill (R-F) Zone and total approximately six acres.

As with any new project in the Foothill Zone, there are several issues that will have to be addressed. First, while there is more than ample space for five building lots meeting the minimum 6,000 sq ft building pad site, the average slope of the ground, based on the formula in the Land Use Ordinance, is around 22%. This means a configuration of minimum 2 acre lots, which defies the generally accepted planning practice of clustering development on the most developable ground and leaving marginal and poor ground undeveloped. This is an inherent shortcoming of the Ordinance as currently drafted.

The average slope formula calculates the average slope of the ground. What it doesn't do is describe how the slopes are distributed. For example, a parcel of land next to the Grand Canyon could have an average slope of 30%, and yet part of it would be virtually flat plateau and part

vertical cliff. While this is an extreme example, it helps understand what is occurring on the subject properties. The lower part of the properties varies between 5% and 25% slope, and then there is an abrupt change to 40+% slope.

Second, Mr. Christoffersen has three independent parcels of land – one of which is an approved building lot, and two of which have not been approved as building lots. There is a question as to whether or not these two parcels have inherent development rights as existing parcels of land.

Third, the applicant is considering other options such as rezoning the property, adjusting the boundaries of the properties with adjoining property owners to eliminate the steepest areas of the property, and petitioning the City to amend the Foothill Zone.

Staff recommends allowing the applicant to address the Commission and discuss these options, and then have the Commission make a motion to continue this item.

There was a discussion regarding preserving the foothill area, the size of the buildable area, the average slope, reducing the PUD size, and the possibility of using exceptions in the ordinance.

Barbara Holt made a motion to continue this item to a future Planning Commission meeting. Sean Monson seconded the motion and voting was unanimous in favor.

**3. PUBLIC HEARING – Consider a proposal to vacate Lot 11 of the Northern Hills Plat A Subdivision located at 1139 E. Northern Hills Dr., George Fadel, applicant.**

George Fadel, applicant, was present. Aric Jensen explained that Mr. Fadel is requesting approval to vacate Lot 11 from Northern Hills Subdivision Plat A. The Lot is located at 1139 E. Northern Hills drive and is immediately adjacent to a 4.1 acre parcel of vacant land owned by Mr. Fadel.

The general policy of the City is not to vacate lots out of existing subdivisions because people rely on the layout of the subdivision when they purchase lots and design the layouts of their homes. Any proposed amendment or vacation of a subdivision plat should be substantially justified. Mr. Fadel states in his letter of February 08, 2011(which is attached to the minutes) that the topographical conditions of the lot and its location adjacent to his existing vacant ground make it more suitable for inclusion in the future development of the vacant property.

Staff has reviewed the existing terrain, the general development pattern of the area, the size of the lot, and the location of the lot on the fringe of the existing subdivision. The only finding of significance is that there is no justification to vacate the lot unless it is combined with the vacant 4.1 acre parcel. One of the recommended conditions of approval is that the lot not be vacated unless it is simultaneously combined with the adjoining parcel.

Staff recommends approval of the request to vacate Lot 11 of Northern Hills Subdivision Plat A with the following conditions:

1. Applicant provide a Title Report as required by 14-20-501(b)(3) of the Bountiful Land Use Ordinance.
2. Applicant combine Lot 11 with the adjacent 4.1 acre parcel simultaneous with vacating the Lot from the subdivision.

The public hearing was opened for all those with any comments or concerns.

Lynn Cross, residing at 1146 E. Northern Hills Dr., asked what the reason is for vacating the lot. Mr. Jensen explained that Mr. Fadel wishes to take a buildable lot, make it unbuildable and attach it to a parcel of vacant ground which he owns.

The public hearing was closed without further comments or concerns.

After a brief discussion Von Hill made a motion to recommend to the City Council approval to vacate Lot 11 of Northern Hills Subdivision Plat A subject to the conditions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous.

**4. PUBLIC HEARING – Consider a rezone for multiple parcels of land in the Val Verda area of Bountiful from R-4 (Residential single Family) to R-1 (Residential Single Family with limited domestic farm animal rights).**

JoLynn Wilson, applicant, was present. Ms. Wilson explained that rezoning these properties will allow a higher level of living. Local food supplies are getting too expensive and more families are growing their own vegetables and wanting to be able to supply their families with eggs, milk, and protein. They understand that some animals produce flies, noise and odors. These families want to be good neighbors and not create any problems with those who do not want to have any animals.

Aric Jensen made a computer presentation showing the Val Verda area and the parcels that currently have animals on them. Mr. Jensen also pointed out those parcels that were at least 1 acre lots but did not apply for the rezone. He explained that when this area was developed it was advertised as living in the country but working in the city.

The public hearing was opened for all those with comments and concern.

Linda Deppe, residing at 141 W. 3100 S., has lived in this home all her life and she remembers all the animals that were allowed on her property. She likes the idea of having the possibility of having animals if she wishes to.

Joyce Frasier, residing at 144 E. 3100 S., does not have any animals now, but wants the option to have them in the future.

Kathy Thurston, residing at 333 W. 3100 S., has had animals since 1941 with no problems. She has a llama, goats, geese, ducks, and horses. The only problem she has is people climbing the fence to feed the animals. She has inherited some animals by people dropping them over her fence.

Corey Peterson, residing at 187 W. 3100 S., would like to maintain the rural charm that the Val Verda area has. The area has animals which he and his grandchildren love to watch. He agrees with the rezone.

Don Belliston, not a resident, feels that the residents who bought property in this area knew that animals were allowed and are part of the neighborhood. He enjoys watching the animals and hopes that the animals can remain.

Gary Marsh, residing at 27 E. 3100 S., had some questions concerning his rights to keep his animals. Mr. Jensen explained that if this rezone is not approved he can still have his animals until they have been removed.

The public hearing was closed without further comments and concerns.

Dave Badham made a motion to recommend to the City Council approval of the rezone in the Val Verda area from R-4 (Residential Single Family) to R-1 (Residential Single Family with limited domestic farm animal rights) subject to the parcels of land that have applied for the rezone. Von Hill seconded the motion and voting was unanimous in favor.

Meeting adjourned at 8:35 p.m.