

PLANNING COMMISSION MINUTES

April 19, 2011

7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Von Hill, Barbara Holt, Sean Monson, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, City Planner Aric Jensen, Youth Council Representative Jasilyn Brinkerhoff, and Recording Secretary Connie Feil.

Absent: Michael Allen.

Chairman Tom Smith welcomed all those present.

Von Hill made a motion to approve the minutes for April 5, 2011 as written. Beth Holbrook seconded the motion and voting was unanimous in favor.

1. Consider an approval of a Conditional Use Permit Letter, in written form, for T-Mobile located at 600 E. 400 N., Jared White, applicant.

Aric Jensen explained that whenever a Conditional Use Permit is approved a letter of approval is issued stating the conditions and a legal description of the property. Mr. Jensen asked the Commission Members to verify that the conditions and description are correct and approve the letter to be signed.

There was a discussion regarding the exact location of the cell tower. Mr. Jensen was asked to prepare a map showing the location of the tower on the property.

Barbara Holt made a motion to bring back the letter with a map showing the location of the tower. Beth Holbrook seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING – Consider a rezone for 3985 S. & 4001 S. Bountiful Blvd. from R-F (Single Family Foothill) to R-3 (Single Family 3 Units/acre) Mel Christofferson & Michael Nielsen, applicants.

Mel Christofferson and Michael Nielsen, applicants, were present. Clark Jenkins, agent for the applicants, was also present. Aric Jensen explained that Mr. Jenkins, representing the property owners, is requesting a zone map amendment from Single-Family Foothill (R-F) to Single Family 3 Units per Acre (R-3), for the properties located at 3985 S. and 4001 S. Bountiful Blvd.

Mr. Jensen explained that whenever the Planning Commission considers a request for rezone, they shall review it in accordance with the provisions of *14-2-205 AMENDMENTS TO ORDINANCE AND MAP*, which are as follows:

- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments should not be made to this Ordinance or Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.*

As staff reviewed the proposed rezone, several issues came to the surface, which are as follows:

First, the current iteration of the Residential Foothill Zone (R-F) is specifically designed to address the conditions inherent with the terrain and soils in the sections of the City above the “Bonneville Bench”, (the remnants of the former Lake Bonneville shoreline.) In order to determine whether the subject property should fall under the jurisdiction of the R-F Zone, Staff reviewed the property to determine whether or not it was composed of mountain type soils and topography, or bench type soils and topography. The findings are that the lower section of the property is essentially bench type soils, with average slopes primarily in the 10 to 20% range, consistent with existing residential areas to the north, south, and west. Near the middle of the property there is a sharp change in elevation and soils, and the property transitions to typical mountain conditions with slopes in excess of 40%. Based on this analysis, the lower part of the property is suitable for single family development similar to the adjacent properties, which were developed under an older version of the R-F zone which allowed 12,000 sq ft lots. The upper part of the property is extremely steep and is not suitable for almost any type of development, except for perhaps limited recreational activities.

Second, the environmental protection goals set forth in the R-F zone are not pertinent to the lower portion of the subject property, but they clearly apply to the upper portion of the property. This is due to the significant and abrupt change in topography that occurs near the middle of the property. This reinforces the previous finding that the lower area is suitable for development similar to the existing development to the north, south, and west, while the upper portion needs substantial review and regulation.

Third, the current iteration of the Residential Single Family 3 Units to the Acre (R-3) Zone allows a maximum of (3) single-family residential units per gross acre. The average lot size of a typical 3 unit per acre subdivision is approximately 11,600 sq ft – almost identical to the 12,000 sq ft lot size of the surrounding development. The scope of development allowed by the R-3 zone is similar to the scope of development allowed under the previous iteration of the R-F zone. The R-F zone has always had regulations limiting the disturbance of land with slopes greater than 30% and governing the maximum height of cuts and fills – while the R-3 zone does not. This is of concern because the upper portion of the subject property is very steep and should not be artificially modified in any way.

Lastly, the most recent version of the general plan, the *2009 Land Use Master Plan*, does not provide any specific guidance for the development of the subject property. The Commission should focus on how the proposed rezone relates to the “Purposes and Objectives” of Chapter 4 of the Land Use Ordinance as currently adopted.

Staff recommends the approval of an ordinance rezoning only the lower portion of the property to the R-3 zone, with the dividing point to be the 30% slope boundary with the following findings:

1. The subject property is composed of both bench topography and mountain topography.
2. There is a distinct dividing point between the bench and mountain areas.
3. The areas of bench topography should be developed consistent with adjacent areas of bench topography.
4. The R-3 Zone would allow for development densities consistent with other, previously developed bench areas.
5. The areas of mountain topography need the regulations and protections afforded by the current R-F zoning designation.
6. The areas of the property with average slopes greater than 30% should remain within the R-F zoning designation.

There was a discussion with the applicants and Staff regarding the property description, the potential for remainder parcels, and whether there are other areas in Bountiful that could be in this same situation.

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

Victor Orvis had questions regarding the size of the lots.

Greg Steffen stated that he has a recorded right-of-way easement to his property but could not define where it is located.

After a brief discussion regarding the alleged easement Mr. Mahan suggested to table this item to give the applicants time to research the issue.

Dave Badham made a motion to continue this item and the public hearing as suggested until May 3, 2011. Barbara Holt seconded the motion and voting was unanimous in favor.

- 3. Consider an amended commercial site plan approval for 500 W. 2600 S., Colonial Square, Sean Macklyn, applicant.**

No one was present to represent this item. Aric Jensen suggested tabling this item until May 3, 2011.

Beth Holbrook made a motion to table this item until May 3, 2011 as suggested. Barbara Holt seconded the motion and voting was unanimous in favor.

4. Planning director's report and miscellaneous business.

There was no business to discuss at this time.

Meeting adjourned at 7:35 p.m.