

**PLANNING COMMISSION MINUTES**  
**January 15, 2013**  
**7:00 p.m.**

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Planning Commission Members Von Hill, Sharon Spratley, Sean Monson, Michael Allen, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Chairman Tom Smith welcomed all those present.

**1. Approval of the minutes for December 4, 2012**

Sharon Spratley made a motion to approve the minutes for December 4, 2012 as written. Beth Holbrook seconded the motion and voting was unanimous in favor.

**2. Consider preliminary subdivision approval for Hansen Subdivision located at 810 E. 500 S., David Hansen, applicant.**

Von Hill recused himself from this item. David Hansen, applicant, was present. Paul Rowland explained that last month, Mr. Hansen received preliminary approval for a 4 lot subdivision located at 810 East and 820 East 500 South. Mr. Hansen has since decided to create an additional lot out of the 1.2 acre lot that comprised the existing dwelling. All of the proposed lots meet the minimum requirements for this zone. With the smallest lot being 10,763 s.f. and the largest being just under 1 acre, there is plenty of room on each of the lots to provide for the required 2,000 sq ft min. building pad.

Sewer, culinary water, and irrigation water are all available in 500 South and Cedar Circle, and Lots 2 and 4 already have all of their necessary utilities. Lots 1 and 3, fronting 500 South, will be served by new laterals from the mains already located in that street, and Lot 5, fronting Cedar Circle, will be served by the new laterals from the utility mains in the cul-de-sac. Storm water runoff will continue to run naturally to either 500 South or into Barton Creek as it always has. No detention is provided on site therefore the developer will be required to pay the storm water impact fee of \$2,100.00 per acre.

Currently there is sidewalk along the existing streets. The walk along the Cedar Circle frontage is fairly new. Since no construction activity is planned for the two lots with the existing structures, a general bond to cover all of the subdivision improvement work will not be required; rather individual bonds covering surface improvements will be required with the building permits for the new homes on Lots 1, 3 and 5.

Although only two new building sites are being added to this subdivision, the total area of the development exceeds the 1 acre threshold of the storm water ordinance and so the Hansen Subdivision will be required to meet the provisions of the ordinance. Those requirements

include providing a Storm Water Pollution Prevention Plan, posting a storm water bond, obtaining a Bountiful City Storm Water Permit, etc.

Staff recommends preliminary approval for the Hansen Subdivision with the following conditions:

1. Any and all redlines be corrected.
2. Provide a current Title Report.
3. Payment of the required Storm Water Impact Fee.
4. Meet the requirements of the Bountiful Storm Water Ordinance.

After a brief discussion Dave Badham made a motion to recommend to the City Council preliminary subdivision approval for Hanson Subdivision located at 810 E. 500 S., based on the conditions outlined by Staff. Sharon Spratley seconded the motion and voting was 6-0 in favor. Von Hill abstained from voting.

**3. Consider preliminary and final commercial site plan approval for Golden West Credit Union located at 2085 S. Orchard Dr., Richard Evans VP for Golden West Credit Union, applicant.**

Richard Evans, applicant, was present. Aric Jensen gave a visual presentation as he explained that Mr. Evans is requesting preliminary and final site plan approval for a single-story, 4,800 sq ft retail/commercial building located at 2085 S. Orchard Drive. The property is approximately 0.70 acres and is zoned Mixed Use (MXD-R). The proposed building and business are both permitted uses in this zone. This project received preliminary approval several years ago when the overall site plan for the Orchard Pines mixed-use development was originally approved. However, that approval lapsed due to passage of time, and so the Commission and Council need to approve it again.

The site plan has not changed materially since the original preliminary approval. There are only a few minor redlines and conditions, which are as follows:

First, the five parking stalls on the northeast corner of the site need to be shifted 5' to the west to provide a landscape buffer between the future residential units.

Second, the drive approaches on Orchard drive need to be reconfigured to meet ADA standards.

Third, there is pressurized irrigation in this area, and so the sprinkler lines should be connected to that system instead of the culinary water system.

Fourth, the onsite detention system that serves the entire Orchard Pines development will need to be installed concurrently with the construction of this building, and the onsite catch boxes on the Golden West site will need to connect to it.

The landscaping plan and the building elevations/materials all appear to meet the minimum requirements of the Land-use Ordinance.

Staff recommends preliminary and final commercial site plan approval for the Golden West Credit Union, with the following conditions:

1. Make any and all redline corrections prior to building permit approval.
2. Pay any outstanding fee.
3. Construct the Orchard Pines onsite detention system concurrently with the Credit Union Building and connect all catch basins to the detention system.

Richard Evans expressed his appreciation for the Planning Commission and is excited to be a part of the community.

After a brief discussion Von Hill made a motion to recommend to the City Council preliminary and final commercial site plan approval for the Golden West Credit Union subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

**4. CONTINUED – Consider preliminary subdivision approval for The Pines at North Canyon located at 97 N. North Canyon Road, Brighton Homes, applicant.**

Sharon Spratley recused herself from this item. Patrick Scott, representing Brighton Homes, and Jim Williams, property owner, were present. Paul Rowland explained that *The Pines at North Canyon* preliminary subdivision plat has been considered by the Planning Commission at several meetings – most recently on December 04, 2012. At this time the applicants are proposing a rendition that appears to meet all of the minimum criteria of the Residential Single-Family (R-4) zone.

Mr. Rowland continued, saying that Brighton Homes is proposing a 17 lot subdivision located on the north side of North Canyon Road at the intersection with Davis Blvd. The property is bounded on the east by Davis Blvd and 150 East Street, on the south by North Canyon Road, and is currently owned by Jim Williams. The subdivision will involve the construction of a short cul-de-sac, on which nine of the lots will front, with the remaining eight lots fronting the existing North Canyon Road and/or 150 East Street. In the current iteration, one double fronting lot is proposed at the intersection of North Canyon Rd/150 East/Davis Blvd (Lot 13). Lot 6, which was previously proposed as a double fronting lot, has been adjusted such that the rear property line is now set back at least 25' from the cul-de-sac. To assure that Lot 6 doesn't become a double fronting lot in the future, a note should be placed on the final subdivision plat preventing a future lot line adjustment, easement, or similar conveyance from taking place that would effectively be an end-run around the Land Use Ordinance.

Staff recommends preliminary approval of The Pines at North Canyon subdivision plat with the following conditions:

1. Correct any and all redlines.
2. Provide a current Title Report.
3. Pay the required Storm Water Impact Fee.
4. Meet the requirements of the Bountiful Storm Water Ordinance.
5. On the final subdivision plat, place a restriction on Lot 6 and the adjoining lots preventing future access from Lot 6 onto the 100 East/Cedar Court cul-de-sac.

Mr. Rowland added an additional condition:

6. Rename Cedar Court in order to avoid confusion with the existing Cedar Circle.

The Commission agreed that this proposal is a great solution to the issues in the previous proposals.

Michael Allen made a motion to recommend to the City Council preliminary subdivision approval for The Pines at North Canyon subject to the conditions outlined by Staff. Von Hill seconded the motion and voting was unanimous in favor.

Sharon Spratley returned to the table for the remainder of the meeting.

**5. PUBLIC HEARING – Consider an amendment to Title 14, Bountiful City Land Use Ordinance.**

Aric Jensen explained that this past Fall, Councilman Tolman approached the Planning Department staff with a request to revisit the issue of electronic message centers. Past versions of the Land Use Ordinance allowed electronic message centers in several zones. However, after the negative experience with the chiropractic center on the corner of 200 West and 400 North, the Council decided to prohibit electronic message centers in all zones except for the Heavy Commercial (CH) zone.

Mr. Jensen gave a visual presentation showing the areas in Bountiful that could benefit from this type of sign. The proposal would allow electronic message centers along the 400 North and 500 South corridors on properties zoned General Commercial (CG), and Downtown (DN). It would continue to prohibit electronic message centers on any other properties within those zones.

Staff recommends that the Commission review the proposal, hold the public hearing, discuss the proposal, and then continue the public hearing until the meeting of February 5, 2013.

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

Jeff Randall, representing Golden West Credit Union, asked the Commission to consider allowing these types of signs in areas that are not in CH zones. He would like to have an electronic sign for the Golden West Credit Union. He suggested allowing them with a Conditional Use Permit, and establishing standards for size, color, brightness etc.

Richard Evans, representing Golden West Credit Union, mentioned that all Golden West Credit Unions partner with the community by using this type of sign. Not only do they advertise for the Credit Union but they also advertise for schools, churches, scouts and non-profit groups without any fees. This type of advertising is good not only for the Credit Union but the community.

Gary Lindeburg, residing at 2057 S. Penman Lane, asked to have restrictions in place regarding the size and brightness of the signs. Also maybe a Conditional Use Permit could be in place.

Mr. Jensen explained that if the Planning Commission chooses to forward a revised ordinance that includes expanded opportunities for electronic message centers, then it should also devise operation standards (time, place, and manner) to help avoid and reduce the negative issues experienced with previous electronic message centers.

There was a lengthy discussion among the Commission and Staff.

Sean Monson made a motion to continue this item to February 5, 2012 and directed Staff to provide additional information. Sharon Spratley seconded the motion and voting was 6-1 with Dave Badham voting nay.

**6. PUBLIC HEARING - Consider a zone map amendment from General Commercial (CG) and Residential Multi-Family (RM-19) to Residential Multi-Family (RM-25) located at 2110 S. Orchard Dr., Wilson Properties, applicant.**

Von Hill recused himself from this item. Sharm Smoot, applicant, was present. Aric Jensen gave a visual presentation showing the property and explained that Mr. Smoot is requesting a zone map change. The subject property currently has two zoning designations. The northeast corner, which is currently improved with a commercial building, is zoned General Commercial (CG). The balance of the property, which is improved with several multi-family structures, is zoned Residential Multiple-Family (RM-19). The entire property is slightly larger than 2 acres, which makes it eligible for an RM-25 zone designation, which the applicant is requesting.

Mr. Jensen explained that the applicant's short term objective is to tear down the existing commercial building at 2110 S. Orchard Dr. and at least one of the adjacent multi-family buildings, and to construct a new multi-family structure in their place. In the long term, all of the existing multi-family structures would be replaced or substantially remodeled.

Mr. Jensen noted that the Planning Staff is encouraged by the applicant's desire to reinvest in this property; however, there are several issues that should be addressed before the Commission makes a recommendation.

First, the majority of the property is currently zoned RM-19 as are all of the other multi-family properties in the area, with the exception of the 4-plex development to the southeast, which is zoned RM-13. The mixed-use developments immediately adjacent to the north and across the street to the east, which are substantially residential, have residential densities comparable to the RM-19 zone (19 units per acre). The existing properties to the west are zoned single-family

family residential, and have been for more than 30 years. The burden is on the applicant to show why an increase in density is appropriate for this location.

Second, the loss of commercial property and the accompanying revenue is always a concern of the City. The commercial portion of the property is not a significant generator of property or sales tax, and in fact, property taxes will probably increase as a result of the proposed development.

Third, and lastly, the applicant has not provided any specific plans or renderings for the proposed redevelopment of the site. While this is not an absolute requirement of petitioning for a rezone, the Commission and the Council are also under no obligation to approve a petition. Planning Staff recommends that the Commission request additional information from the applicant sufficient to alleviate any questions or concerns that the Commission may have.

Mr. Jensen stated that there isn't any apparent reason to deny the request to rezone the commercial portion of the property to the RM-19 Residential Multiple-Family zoning designation. However, the applicant hasn't justified why the density of the entire property should be increased to 25 units per acre, as permitted in the RM-25 zone.

Staff recommends that the Commission discuss the proposal, hold the public hearing, request additional information from the applicant, and then continue the hearing until February 05, 2013.

Mr. Smoot explained that he plans on removing one of the commercial buildings and two of the 4-plexes in the middle of the property. He would like to replace the commercial building with a new apartment building and replace the two 4-plexes with new ones. The remaining commercial building will remain commercial but with a new face lift. The 4-plexes in the rear of the property have been re-roofed with some remodeling in and outside and these buildings will remain.

Mr. Smoot explained that changing to the RM-25 zone would allow him up to 50 units, while the RM-19 zone would only allow 30-35 units. This property requires a lot of money and upgrades. Building more units will make it a better project and more feasible.

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

The following are the names and addresses of those present with their comments:

Carma Simons, residing at 2003 Penman Lane.  
Gary & Claudia Lindeberg, residing at 2057 Penman Lane.  
Kathy Lundsford, former owner of the property.  
Gretchen Becker, residing at 2115 Penman Lane.

Their comments and concerns are as follows:

Concerns about the height of the buildings.  
Don't want a 3 story building next to their property lines.

Don't feel that rezoning to RM-25 is necessary.

The RM-25 zone would allow too many units in such a small area.

Comments were made about the retaining wall to the north which doesn't drain properly. This creates concerns with drainage on this project.

Home owners want a buffer on the West property line for privacy.

Orchard Drive should be upgraded as well as this project.

They want to encourage the upgrade of the property.

There was a discussion among the Commission and Staff regarding all of the above comments.

Sharon Spratley made a motion to continue the public hearing until February 5, 2013 with the condition that the applicant bring back some conceptual plans showing the changes made to the site in regards to RM-25 zoning. Beth Holbrook seconded the motion and voting was unanimous in favor.

#### **7. Planning Director's report and miscellaneous business.**

Mr. Jensen had no further business.

Meeting adjourned at 8:52 pm