

PLANNING COMMISSION MINUTES
February 5, 2013
7:00 p.m.

Present: Vice Chairman Dave Badham, Planning Commission Members 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.

Absent: Chairman Tom Smith and Planning Commission Member Von Hill.

Vice Chairman Dave Badham welcomed all those present.

1. Approval of the minutes for January 15, 2013.

Michael Allen made a motion to approve the minutes for January 15, 2013 as written. Beth Holbrook seconded the motion and voting was unanimous in favor.

2. Consider preliminary and final commercial site plan approval for Bountiful House located at 79 E. Center, Brent Hilton, applicant.

Gary Griffiths and Brent Hilton, representing Bountiful House, were present. Aric Jensen explained that the owners of Bountiful House assisted living center are proposing to amend the existing site plan to allow for an expansion of the facility. This would be the second expansion of the facility since initial construction. In 2006, the Planning Commission and City Council approved an expansion of the east wing. The current proposal is a further expansion of that wing and includes a new parking facility on a recently acquired parcel of land to the northeast.

Mr. Jensen explained that staff found that the current iteration of the Downtown Zone doesn't allow assisted living centers, and neither did the zoning in place at the time of the 2006 expansion. The previous versions of the Land Use Ordinance allowed the expansion of a legal non-conforming use with a "special permit", an option that no longer exists. Staff is recommending continuing this item and in the meantime consider adding "Assisted Living Center" as a conditional use in the Downtown Zone. If the Commission and Council agree to amend the Land Use Ordinance, then the item would be placed on a future agenda for site plan and conditional use approval.

There was a discussion regarding obtaining permission to cover the creek and building materials. Sean Monson made a motion to continue preliminary and final commercial site plan approval for Bountiful House until March 5, 2013. Beth Holbrook seconded the motion and voting was unanimous in favor.

3. Consider final subdivision approval for The Pines at North Canyon located at 97 N. Canyon Road, Brighton Homes, applicant.

Sharon Spratley recused herself from this item. Patrick Scott, representing Brighton Homes, was present. Paul Rowland explained that The Pines at North Canyon subdivision was granted preliminary plat approval by the City Council on January 22, 2013. Brighton Homes has now completed the subdivision construction drawings and the final subdivision plat and are now requesting final plat approval for their 17 lot development.

Mr. Rowland explained that the proposal is for 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 eight of the lots will front, with the remaining nine lots fronting either North Canyon Road or 150 East Street. The proposed subdivision meets the ordinance requirements for minimum lot size, frontage, building pad size, etc., and the grades of the proposed cul-de-sac do not exceed the city code maximum for road steepness.

A subdivision construction bond will be required to cover the construction of the improvements in the new cul-de-sac, as well as the new sidewalk that is being required along North Canyon Road, Davis Blvd. and 150 East Street. Because no onsite detention is provided, the Developer will also be required to pay the Storm Water Impact Fee of \$2,100.00 per acre.

Staff recommends that the Planning Commission pass the recommendation to the City Council final approval of The Pines at North Canyon subdivision plat with the following conditions:

1. Make all redline corrections.
2. Provide a current Title Report.
3. Meet the requirements of the Bountiful Storm Water Ordinance.
4. On the final subdivision plat, place a restriction on Lot 6 preventing future access from Lot 6 onto the 100 East cul-de-sac.
5. Post the required Subdivision Improvement Bond and pay the water line extension fee.
6. Pay the Storm Water Impact Fee 4.91 ac. X \$2,100.00 = \$10,311.00
7. The Developer sign a Development Agreement with the City.

There were no questions or comments on this item.

Beth Holbrook made a motion to recommend to the City Council final subdivision approval for The Pines at North Canyon subject to the conditions outlined by Staff. Sean Monson seconded that motion and voting passed 4-0.

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

4. PUBLIC HEARING - Consider amendments to Title 14, Bountiful City Land Use Ordinance.

Aric Jensen explained that he has researched electronic message center ordinances from around the country and copied some of those ordinances which were in the packets the Planning

Commission received. Mr. Jensen reviewed those ordinances which included a discussion on brightness, size, configuration, image/motion, transition and hours of operation.

Mr. Jensen noted that Staff had identified two uses that Staff would like included in the Land Use Ordinance: First, “Assisted Living Center” be considered as a conditional use in the Downtown Zone and Second, “Municipal Facility” be considered a permitted use in all zones.

Staff recommends holding the public hearing and taking the following actions:

1. Recommend that the Council amend the Land Use Ordinance to include “Assisted Living Center” as a conditional use in the Downtown Zone and Municipal Facility” as a permitted use in all zones.
2. Review the information furnished regarding electronic message centers and provide staff a general direction for drafting an ordinance.
3. Continue the Public Hearing until the next scheduled meeting.

Chairman Dave Badham opened the public hearing for all those with comments and concerns.

Richard Evans, representing Golden West Credit Union, mentioned that electronic message centers are important to their operation. The advertising they provide is essential to the business as well as the community and all Golden West Credit Unions have electronic reader boards. Bountiful City is the first place to prohibit reader boards. The City needs to make a decision soon in order for the Credit Union to decide if they will build in Bountiful.

Gordon Holbrook, owner of Gordon’s Copy and Print, would also like a reader board for his business. He would like to replace his current sign with a nice looking message center. He would run it during the day and into the early evening. His sign was damaged during the wind storm and is waiting for a change to the sign ordinance to allow a new sign.

Phil Wright, representing Golden West Credit Union, explained that messages centers are a way to get information to the community. It benefits the business and the community
There were no other comments or concerns.

The Commission discussed the pros and cons regarding the zones to allow this type of sign, lighting, time of operation and protection for the residents.

Michael Allen made a motion to recommend to the City Council an ordinance amendment approval to Title 14 of the Bountiful Land Use Ordinance to allow “Assisted Living Centers” as a conditional use in the Downtown Zone and “Municipal Facility” as a permitted use in all zones. Sean Monson seconded the motion and voting was unanimous in favor.

Vice Chairman Badham made a motion to continue the public hearing regarding other amendments and recommended that Staff draft a proposal for amending the sign ordinance to allow electronic reader boards. Michael Allen seconded the motion and voting was unanimous in favor.

4. PUBLIC HEARING – Consider a zone map amendment from General Commercial (C-G) and Residential Multi-Family (RM-19) to Residential Multi-Family (RM-25) located at 2110 S. Orchard Dr., Wilson Properties, applicants.

Sharm Smoot, applicant, was present. Mr. Smoot explained that he is considering removing both commercial buildings on Orchard Dr. and purchasing additional property to the north and build apartments facing Orchard Drive. In order to this he would need the RM-25 zone.

Aric Jensen explained that at the January 15 meeting, the Commission and the public in attendance brought up several issues, which are as follows. First, there was a question as to the actual size of the subject property and how much land was occupied by commercial uses, and how much by residential uses. The Davis County recorder currently shows the entire parcel as 2.051 acres, which is approximately 89,342 sq ft. Staff estimates that the existing commercial area that the applicant wants to preserve is approximately 9,063 sq ft. The resulting net area that could be used for residential development is 80,279 sq ft, or 1.843 acres.

Second, the Commission asked staff to calculate the total number of residential units that could be constructed under RM-19 and RM-25 zoning scenarios. In the RM-19 zone a maximum of 35 units could be constructed, and in the RM-25 zone a maximum of 46 units could be constructed.

There was some discussion regarding the ownership of the former canal parcel on the west side of the subject property. Staff confirmed that the parcel belongs to Davis County, and is approximately 0.106 acres (4,630 sq ft) in size. If the applicant were to acquire this property, the total number of units allowed would increase to 37 (RM-19), or 49 (RM-25).

Mr. Jensen recommended holding the public hearing, request additional information from the applicant, and then continuing the hearing to March 5, 2013.

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

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

Gary and Claudia Lindeberg, residing at 2057 Penman Lane.
Carma Simons, residing at 2003 Penman Lane .

Their comments and concerns were as follows:

They wanted to see conceptual drawings showing buildings.
They requested all information up front regarding eliminating commercial uses, buying additional property now and in the future, and how the property will be used.
They stated that all surrounding property is zoned RM-19 and this property should remain as RM-19 and that RM-25 is too many units.

There was a lengthy discussion among the Commission and the applicant regarding all the issues and comments from previous meeting and this meeting.

Michael Allen made a motion to continue this public hearing until March 5, 2012. Beth Holbrook seconded the motion and voting was unanimous in favor.

5. Planning Director's report and miscellaneous business.

Aric Jensen noted that there is a full agenda for the Planning Commission for February 19th.

Meeting adjourned at 8:34 p.m.