

Bountiful City
Planning Commission Minutes
October 29, 2013
7:00 P.M.

Present: Chairman - Tom Smith; Vice Chairman - Dave Badham; Planning Commission Members - Michael Allen, Von Hill, Sean Monson, Sharon Spratley; City Council Representation – Beth Holbrook; City Attorney - Russell Mahan; City Engineer - Paul Rowland; Planning Director - Aric Jensen; and Recording Secretary – Darlene Baetz

1. Chairman Smith opened the meeting at 7:03 pm and all welcomed all those present.

2. Consider approval of minutes for October 15, 2013

Mr. Monson made a motion to approve the minutes for October 15, 2013 with the spelling corrections recommended for item #4. Mr. Allen seconded the motion. Voting passed 7-0 in favor.

3. Consider preliminary & final subdivision approval located at 1305 S. Main, Terry R. Orchard, applicant.

Dave Byrd, representative for applicant, was present. Mr. Rowland presented the staff report.

Mr. Terry Orchard, applicant, requests approval of the John Clyde and Joukje Zysling Barlow Subdivision. This two lot subdivision proposes to split the existing residential property at 1305 East Main Street. The property is currently occupied by a single home which straddles the new boundary between the proposed lots, and therefore will be demolished.

The property at 1305 S. Main Street contains 0.43 acres and is not currently located in a subdivision and therefore not subject to the city's policy of not further dividing lots in existing subdivisions. The proposed subdivision creates two lots of approximately 9,300 sq. ft. or 0.215 acres. Lot 1 is on the corner with about 95 ft. of frontage along Main Street and 91 ft. of frontage along 1300 South Street. Lot 2 faces 1300 South and has 116.41 ft. of frontage and is just over 80 ft. deep. Both lots meet the zone minimums for frontage and area.

All utilities are available to the corner lot from either Main Street or 1300 South. The power, phone, and cable utilities in the area are all overhead and can easily serve both lots. The culinary water, irrigation water and sanitary sewer are located 1300 South and can be readily stubbed into the new lots. Where possible, existing utility laterals will be reused. All of the required surface improvements are already in place so the only bonds required are for bringing the curb and gutter and walk into compliance when building permits are granted on the two lots.

The proposed site plan has been reviewed by the Engineering Department and Planning Department, and the proposed plat has been given a complete technical review by the Engineering Department.

Recommend preliminary and final approval of John Clyde and Joukje Zysling Barlow Subdivision with the following conditions:

1. Provide a current title report.
2. Pay all fees.

Mr. Badham made a motion to recommend to the City Council the preliminary and final subdivision approval located for the John Clyde and Jourje Zysling Barlow Subdivision located at 1305 S. Main, Terry R. Orchard, applicant with the recommendation there be a third condition that the drive access of Lot 1 be located off of 1300 S. instead of Main. Mr. Monson seconded the motion and voting was 7-0 in favor.

4. Consider approval of a Conditional Use Permit Letter in written form, for a thrift store located at 155 W. 500 S., Bountiful Plaza Holdings, applicant.

Mr. Jensen presented the Conditional Use Permit Letter.

Staff and Commission Members discussed the wording for Condition #2 and #4.

Condition #2 should read: "The exterior of the building shall be kept reasonably free of donated goods, and the Applicant shall cause its employees to immediately store or dispose of any items found outside of the building or a designated storage area."

Condition #4 should read: "The outside donation area shall be well lit to discourage after hours dumping and shall be monitored by an operable security camera system with a minimum 30-day recording."

Ms. Spratley made a motion to approve the Conditional Use Permit Letter in written form, for a thrift store located at 155 W. 500 S., Bountiful Plaza Holdings, applicant with the changes to condition #2 and #4 as discussed. Ms. Holbrook seconded the motion and voting was 7-0 in favor.

5. Consider approval of Findings of Facts for denial of the variance request for 1098 E. Canyon Creek Dr.

Mr. Mahan and Mr. Allen discussed that the wording in item #8 should be changed to read:

"This property is located in a residential zone and within an approved residential subdivision. This application fundamentally requests a use variance in that it seeks to change the property from the City-approved residential principal use to a principal equestrian or agricultural use."

Mr. Allen made a motion to approve the Findings of Facts for denial of the variance request for 1098 E. Canyon Creek Dr. with the corrections made to item #8 as discussed. Mr. Monson seconded the motion and voting was 7-0 in favor.

6. PUBLIC HEARING - Consider a zone map amendment from Residential Multi Family (RM-13) to Residential Multi Family (RM-19 PDO) located at approximately 430 W. 400 N., Mark Greenwood representing A.L.M. Associates, applicant.

Mark Greenwood and Rondo Fehlberg representing A.L.M. Associates, and Ryan Hales, Hales

Engineering were present. Mr. Jensen presented the staff report and a slide presentation of the view of the proposed center and the existing properties.

Mr. Jensen stated that Mr. Greenwood, representing Craig Smith and other property owners, requests a zone map amendment from Residential Multiple-Family (RM-13) to Residential Multiple-Family Planned Development Overlay (RM-19-PDO), for the property shown on the attached map and aerial photo. As background, the subject property has frontage on 325 West Street and on 400 North Street, and is owned by the Smith family, who also own the adjacent J&L Garden property. An application for a similar, but higher density zone designation was made previously this year and was not successful.

The applicant's intent is to construct an independent senior living center near the northeast corner of 400 North and 500 West. At the hearing for the previous application, City staff noted that there appeared to be two conflicting legal descriptions for the property. The applicant has since reviewed the issue and has provided a revised site plan and ALTA survey that now shows the property composed of 4.97 acres.

The proposed rezone to RM-19-PDO would allow a maximum density of 94 unrestricted multi-family units, or 142 two-occupant senior living units, assuming the entire property was buildable. However, the current land use ordinance does not allow areas within a floodplain to be used for density calculation purposes. Using the current version of the FEMA flood maps, (which are in the process of being updated throughout Davis County and which are anticipated to be substantially revised in this area), the property has a net buildable area of 3.37 acres. Based on this acreage, a maximum of (64) unrestricted units or (96) age restricted units could be built. The current proposal shows the maximum (96) age restricted units; however, the applicant's intent is to actually construct the maximum number of units allowed based on the to-be-updated flood maps, which staff estimates will result in about (120) age restricted units due to more accurate flood plain boundaries. As a comparison, the Village on Main development contains (96) senior units and (96) unrestricted units, for a total of (192) units. Village on Main contains almost a full floor of commercial space, and so while this proposal will be about 2/3 as many units as Village on Main, it will actually be about 1/2 the total square footage.

The development is essentially divided into two connected structures: the east building is three stories (approximately 36 feet in height) and almost exclusively residential units; the west building is three stories in the residential areas, and four stories where the recreational/common facilities are proposed over the residential units (approximately 50 feet in height). The Residential Multiple-Family zone as currently constituted allows a maximum height of 35 feet, which is the primary reason why the applicant is applying for the Planned Development Overlay. To bring this into perspective, the three story sections would be approximately the same height as the south wing of Village on Main, and the four story section would be about the same height as the center section and north wing.

Most of the required parking is located under the buildings, but there is also a small surface lot on the south side of the property. An independent living center requires 1 parking stall per unit, plus .25 guest stalls per unit, for a total of (180) stalls. The current plan shows the same number of stalls as previously proposed: (188) stalls under the building and (26) stalls on the exterior, for a total of (214) stalls. If (120) senior living units were ultimately constructed, then

a total of (150) stalls would be required.

As proposed, there will be a drive access at 325 West Street and at 400 North Street, and a possible third access point into the adjacent commercial project to the west. The applicant has provided a traffic study analyzing the current conditions and estimating the impact this project might have. The study utilizes the originally proposed figure of (144) units, and so if only (120) units are actually built, the impacts should be even less than shown in the study. Regardless, a cursory review of the study indicates that this development will have a minimal impact on the surrounding area. The City Engineer will provide a detailed analysis at the next Commission meeting.

As previously mentioned, a portion of the subject property appears to be located within a designated floodplain – including an area under part of the east building. While it is anticipated that the flood map revisions could be approved at any time, the east building cannot be constructed until the revisions are officially released.

Lastly, the petition to rezone the property is a legislative matter, while site plan approval involves an administrative review based on the provisions of the adopted zone. As such, the Commission and the Council have wide discretion in determining whether to approve or deny a request to rezone a property, but not in site plan review. Also, the preliminary plan as presented cannot be approved under the existing RM-13 zoning designation, and so the Commission can take no action on it.

The City has adopted certain guiding documents such as the Land Use Master Plan to help establish policy in advance of a request. The following are excerpts from pages 2-3 of the 2009 Land Use Master Plan related to this proposal:

Goal: Construct 200 new senior friendly housing units within the next 5 years

Action: Work with developers to identify and construct age restricted units that are either single level or with elevators

Goal: Mix senior friendly housing units within existing neighborhoods in the areas west of Orchard Dr.

Issue: Bountiful City has a less than average amount of commercial development. The South Davis area has a primary trade area of about 90,000 residents, and is within 10 miles of downtown Salt Lake City, which it makes it difficult to attract a lot of commercial development. Many retailers won't open stores in Bountiful because they believe that they will cannibalize sales at their existing stores in Salt Lake City and Layton. In addition, most of the commercial land in Bountiful consists of small parcels that do not meet the requirements of developers and national retailers.

Goal: Increase residential densities as necessary to boost population levels within the core area of the City

Action: Identify areas that could benefit from increased density and rezone them as appropriate.

As a matter of procedure, whenever the Planning Commission considers a request for a rezone (zone map amendment), it 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 the Bountiful City Land Use Ordinance or Zoning Map except to promote the objectives and purpose of this Title, the Bountiful City General Plan, or to correct manifest errors.

Mr. Jensen recommended that the commission review the proposed zone map amendment and preliminary site plan, hold a public hearing, and then continue the items to a future date to allow time for staff to analyze the public comments and for the applicant to provide any additional information necessary for a decision. Some additional items of information could include:

1. An illustration/diagram showing how the proposed building heights would impact westward views from the homes along 325 West,
2. A preliminary letter of approval from UDOT for a drive access onto 400 North.
3. Any other relevant item that the Commission requires to render a decision.

Mr. Rowland briefly discussed the traffic study but admitted that he did not have time to thoroughly discuss it.

Chairman Smith opened the public hearing at 7:59.

Von Hill excused himself for the remainder of the meeting due to previous obligations.

The following are the names of those present with comments:

Jonathon Blosch, residing at 402 W. 400 N.
Betty Christensen, residing at 366 N. 350 W.
Susan Mills, residing at 317 W. 600 N.
Fred Jones, residing at 314 W. 650 N.
Martha Kerr, residing at 420 W. 400 N.
Duane Mills, residing at 317 W. 600 N.
James Horn, owner of Carrington Place Apartments
Karl Keyes, residing at 885 N. 325 W.
Colleen Clark, crossing guard for Meadowbrook
Brenda Mills, teacher for Meadowbrook and residing at 230 W. 700 N.
Jeff Johnson, residing at 435 N. 200 W.
Ella Burningham, residing at 303 W. 600 N.
John, residing at 350 W. 400 N.
Ward Smith, owner of J & L Garden Center

The comments and concerns were as follows:

1. Would like to encourage a high quality project.

2. Would love to see this project.
3. Recommendation of senior living.
4. Concern that if apartments are built instead of senior center, the neighbors would deal with multiple cars and more congested traffic times.
5. Explore possible access thru J & L property.
6. Concern for children safety for walking to and from school.
7. Concern for traffic congestion onto 400 N.
8. Concern of delivery truck pathways.
9. Concern for the protection of the stream.
10. Concern about flood area.
11. Concern that the property will always stay senior living.
12. Concern about the allowable height in this area.
13. Would prefer the zone to stay at RM-13.
14. Would like to see different options available to this project.
15. Would like to see a more detailed traffic study.
16. Would like more information about UDOT options on 500 S.
17. Would like more information about FEMA.

Chairman Smith closed the Public Hearing at 8:54.

The Commission Members and Staff discussed:

1. Right of way through the existing J & L Parking lot.
2. Access aligning with the cul-de-sac.
3. Request of applicant to address purchase of land from school to accommodate a crossing for the adjacent school.
4. Parking structure options.
5. Emergency vehicle access point.
6. Expanded traffic study for 400 North and during school drop off times.
7. Dedicated turning lanes.

Mr. Allen made a motion to continue the discussion for a Zone Map Amendment from Residential Multiple-Family (RM-13) to Residential Multiple-Family Planned Development Overlay (RM-19-PDO) for at least two weeks to allow staff the time needed to assemble the required information. Mr. Monson seconded the motion. Voting passed 6-0 in favor.

7. Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 9:03 pm.