

**Bountiful City  
Planning Commission Minutes  
December 16, 2014  
7:00 P.M.**

Present: Chairman – Tom Smith; Planning Commission Members – Mike Allen, Dave Badham and Sean Monson, Sharon Spratley and Von Hill; City Council Representation – Richard Higginson; City Attorney – Russell Mahan; City Engineer – Paul Rowland; City Planner – Chad Wilkinson; and Recording Secretary – Darlene Baetz

**1. Welcome and Introductions.**

Chairman Tom Smith opened the meeting at 7:00 pm and welcomed all those present.

**2. Approval of the minutes for December 2, 2014.**

Von Hill made a motion to approve the minutes for December 2, 2014 as written. Richard Higginson seconded the motion. Voting passed 5-0 in favor with Mike Allen abstaining.

Sharon Spratley arrived after the voting on Item 2.

**3. PUBLIC HEARING (Continued from December 2, 2014) – Consider a Conditional Use Permit to develop a fast food restaurant for Papa Murphy’s located at 91 West 500 South, Lamont Theall, applicant.**

Lamont Theall was present. Chad Wilkinson presented the staff report. The original Staff Report recommended a condition requiring dedication of an easement for access across the property. Based on the discussion at the last meeting it may be appropriate for the easement to be obtained by private agreement.

Chairman Smith opened the Public Hearing at 7:04 p.m.

Lynn Bendall resides at 1127 Hidden Valley Drive, Fruit Heights, Utah, parents are trustees of 81 West 500 South, are excited for the tenant to move in. The owners would like to take the cross access easement out of the Conditional Use Permit. They would like the owners of the properties to negotiate this in a private meeting.

Chairman Smith closed the Public Hearing at 7:07 p.m.

Committee members discussed the informal cross access easement between property at 91 West 500 South and decided that this would be more appropriate to be discussed at a private meeting between property owners.

Dave Badham made a motion to approve the Conditional Use Permit to develop a fast food restaurant for Papa Murphy’s located at 91 West 500 South, Lamont Theall, applicant, as written with condition #1 be removed from the conditions for approval. Von Hill seconded the motion and voting was 6-0 in favor.

- ~~1. An access easement shall be provided across the subject properties to allow cross access by the property to the east.~~
  2. Complete any redline corrections.
4. **Consider a preliminary and final approval for a 4 unit commercial condominium plat at 1459 N. Main St., National Commercial Properties, Dave Curtis, applicant.**

Dave Curtis was present. Chad Wilkinson presented the staff report.

The building is located on Lot 1 of the Village on Main Subdivision and all required infrastructure currently exists adjacent to the site. The building is two stories tall and is approximately 14,000 square feet to be divided into 4 units with a common area for restrooms, hallways and mechanical rooms. Staff recommends approval to the City Council with the following conditions:

1. Submit the signed, final mylar ready for utility signatures.
2. Submit a current title report.
3. Payment of fees: Checking Fee \$400 and Recording Fee \$80

Sharon Spratley made a motion to recommend to the City Council to approve the preliminary and final site plan approval for a 2-story office building at 1459 N Main (Pad 1) Dave Curtis, applicant with the three conditions outlined by staff. Richard Higginson seconded the motion and voting was 6-0 in favor with Von Hill abstaining.

5. **Consider a preliminary approval for a 5 lot subdivision at 132 W 3100 South, Knowlton General, applicant.**

Aric Jensen and Brian Knowlton with Knowlton General and Jolynn Wilson, homeowner in the Val Verda subdivision were present. Paul Rowland presented the staff report.

Knowlton General is requesting preliminary approval for a five lot subdivision of two existing lots in Block 1 of the Val Verda Plat A Subdivision. The property fronts onto 3100 South Street on the south and has frontage along 3025 South on the north. The property is located in the R-4 zone, containing 1.96 acres and currently has a single family home with a large detached garage.

In 2002, the Bountiful City Council adopted Resolution 2002-09, "A Resolution establishing the policy of the Bountiful City Council on the subject of vacating lots from subdivisions for the purpose of further subdivision into smaller lots." For seven reasons listed in the resolution, the Council adopted and has followed the finding that further dividing existing subdivision lots into smaller lots is "... as a general proposition, an undesirable form of development..." The Council is currently in the process of further considering what modifications, if any, they may want to make to this policy.

Aric Jensen stated that Knowlton General is aware of the City's policy on subdivisions. He presented the lot size and proposed plan. Mr. Jensen discussed the proposed lot size would match the Val Verda feel.

The proposed subdivision would be a five lot subdivision. The property fronts onto 3100 South Street on the south and has frontage along 3025 South on the north. The property is located in

the R-4 zone, contains just short of 2.0 acres and currently has a single family home with a large detached garage. The current existing buildings are proposed to be removed with the new division.

With the conditions listed below, the proposed development meets the requirements of the Bountiful City Land Use Ordinance and design standards. The Planning Commission should make a recommendation to the full City Council based on the discussion at the commission meeting and in light of the existing subdivision policy discussed above.

1. All of the original subdivision lots affected by this proposal must be vacated from the Val Verda Subdivision by vote and ordinance of the City Council.
2. Payment of all required fees.
3. Provide a current Title Report.
4. Preparation of construction drawings showing the new curb and gutter along 3025 South.
5. Preparation of a final plat showing the dedication of the south half of 3025 South along the north side of lots 4 and 5.

Russell Mahan discussed the existing Bountiful City policy created in 2002 for the subdividing of lots already part of an existing subdivision. He stated that there are various possible approaches/alternatives for the Planning Commission's recommendation to the Council.

1. The City could have no re-subdivision policy. A proposal would be approved as long as the applicant's plan would meet the land use ordinance. The policy should be rescinded.
2. Property owners and free market conditions could decide what development happens.
3. Preserve open space and the city would maintain strict current zoning and allow re-subdivision.
4. Preserve open space by strictly maintaining current zone and refuse to subdivide based on the policy, which should be put into the Land Use Ordinance.
5. Preserve open space by strictly maintaining current zone and encourage others to move to a lesser density zone and refuse to re-subdivide.
6. Preserve open space by strictly maintaining current zone and make a mandatory zone change to lesser density zone as and refuse to re-subdivide.

The Council has been discussing this policy and is looking for a decision on this policy.

Mike Allen was excused from the meeting at 7:52. Von Hill was excused at 8:02

Staff and the Commission discussed:

This item is not currently a Public Hearing and a Public Hearing would be held if this policy was adopted as an ordinance.

Water rights - Mr. Badham discussed development of the City and the water conservation and would like the committee to consider the limitation of the development to protect the water conservation.

Ms. Spratley likes the policy but is concerned about the original subdivision date versus the current lifestyle. The original subdivision dates to 1917.

Traffic – concern for more congestion and increase of traffic.

Mr. Monson would like to hear from the neighbors to the east and the impact that this proposed subdivision might bring to the area.

Mr. Smith explained that the impact of the proposed subdivision would be minimal and is in support of approval of this new subdivision.

Mr. Rowland stated the Val Verda area was annexed in from the County. Bountiful City has taken all streets as it was given to us.

Mr. Monson would like to give the neighbors a chance to invite comments. Mr. Mahan states that this process includes a Legislative Act in order to vacate the lots from the existing subdivision. Mr. Wilkinson reviewed the necessary action for this item. The subdivision review by the Planning Commission is administrative. He would not like to see a Public Hearing be held for an item that would not normally have a Public Hearing.

Sharon Spratley made a motion to recommend approval to the City Council for the 5-lot subdivision located at 132 W 3100 South. The recommendation is based on an exception to the subdivision policy with the double fronting lot with the conditions outlined by staff with the addition of condition #6. Condition 6 should read: The addition of sidewalk and curb and gutter will be required along 3100 South.

Mr. Higginson seconded the motion. Voting was 3-2 with Tom Smith, Sharon Spratley and Richard Higginson in favor and Sean Monson and Dave Badham against.

8:30-8:40 p.m. – Break.

**6. Consider a preliminary approval for a 9 lot subdivision at 225 W 3100 South, Brighton Homes, applicant.**

Paul Rowland presented staff report. Taylor Spendlove representing Brighton Homes was present.

Brighton Homes is requesting preliminary approval for a nine lot subdivision of three existing lots in Block 2 of the Val Verda Plat A Subdivision. The property fronts onto 3100 South Street on the north and has frontage along 200 West on the east. The property is located in the R-4 zone, contains approx 2.65 acres and currently has two single family homes.

The proposed subdivision consists of nine lots and a separate parcel for a detention basin. All of the necessary utilities are already present in either 3100 South or 200 West. Water is serviced by South Davis Water.

With the conditions listed below, the proposed development meets the requirements of the Bountiful City Land Use Ordinance and design standards. The Planning Commission should make a recommendation to the full City Council based on the discussion at the Commission meeting and in light of the existing subdivision policy discussed above.

1. All of the original subdivision lots affected by this proposal must be vacated from the Val Verda Subdivision by vote and ordinance of the City Council.
2. Payment of all required fees.
3. Post a bond and sign a development agreement for the required subdivision improvements.
4. Provide a current Title Report.
5. Pay for an overlay of the disturbed portion of 3100 South and 200 West streets.
6. Preparation of construction drawings for the new cul-de-sac and detention basin.
7. Lots 4 and 5 only have access off the side streets and not 3100 South.

Mr. Spendlove noted that Brighton Homes has been made aware of the subdivision policy. Brighton Homes would like to have the direction from the City Council to the future of the policy. This would help to make decisions for upcoming projects for Brighton Homes in Bountiful City.

Mr. Rowland discussed the existing zoning, R-1, R-3 and R-4 of the Val Verda area.

Mr. Badham discussed the potential traffic issues with the addition of homes.

Robert Lindsay discussed that the policy was originally placed in 2002 and should be revisited by the City Council.

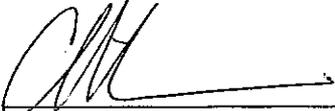
Dave Badham made a motion to deny the subdivision at 225 W 3100 South, Brighton Homes, applicant, based on the fact that it violates the principles stated in the 2002 Policy. Sean Monson seconded the motion. Voting was 2-3 with Dave Badham and Sean Monson in favor and Sharon Spratley, Tom Smith and Richard Higginson against.

Richard Higginson made a motion that we pass along an acknowledgement to the City Council that this meets the zoning ordinance, and we request that the City Council review this policy and hold a Public Hearing allowing property owners be notified and allow their opinions be heard about the disintegration of this neighborhood and the continuation of this policy. Sharon Spratley seconded the motion. Voting was 4-1 with Sean Monson, Sharon Spratley, Tom Smith and Richard Higginson in favor and Dave Badham against. Staff clarified with the Commission that the future Public Hearing requested in the motion would be to consider if the current policy should be placed in the ordinance or eradicated. Mr. Higginson stated that was the intent of the motion. Based on that clarification, Mr. Badham indicated that he would like to change his vote to support the motion. The resulting vote was 5-0 in favor of the motion. Further discussion followed regarding existing development in the Val Verda area.

**7. Planning Director's report, review of pending applications and miscellaneous business.**

1. Next Planning Commission meeting to be held on January 6
2. Joint Planning Commission and City Council working meeting to be held on January 13.
3. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 9:35 pm.

  
Chad Wilkinson, City Planner