

Bountiful City
Planning Commission Minutes
October 7, 2014
7:00 P.M.

Present: Vice Chairman Dave Badham; Planning Commission Members – Mike Allen, 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

Excused: Chairman – Tom Smith

1. Welcome and Introductions.

Vice Chairman Dave Badham opened the meeting at 7:00 pm and welcomed all those present.

2. Approval of the minutes for September 16, 2014.

Sharon Spratley made a motion to approve the minutes for September 16, 2014 as written with a removal of an extra word to item 4. Sean Monson seconded the motion. Voting passed 6-0 in favor.

3. PUBLIC HEARING - Consider a rezone from Single Family (R-4) to Downtown (DN) for property at 78 E 400 N, IHC Health Services, applicant.

Tom Uriona and Joel Macey were present. Chad Wilkinson presented the staff report.

The applicants request a zone map amendment in anticipation of future expansion of the existing medical clinic located at 390 North Main Street.

Mr. Higginson stated the expansion of commercial properties along 400 North is inconsistent with the City Council views. Staff discussed the challenges of the property in a Single Family zone. Mr. Uriona stated IHC's reasons for expansion and how the current IHC would like to continue with the care at this location.

Vice Chairman Badham opened the Public Hearing at 7:09 p.m.

Robert Christensen resides at 272 N 100 E and expressed support for the IHC expansion and was concerned for the livable condition of the existing single family home if the rezone did not pass.

Susan Dowdle resides at 407 N Main St and requested more information on what is proposed for the property.

Mr. Uriona stated that this property is more valuable if it is combined with the Newman's property at 44 E 400 North. The IHC Clinic would like to expand the building to the east and the properties at 44 E and 78 E 400 North would be used for the additional parking needed for the expansion.

David Lindsay resides at 321 N 100 E and expressed his concern for more parking lots.

Vicky Mooreford is a tenant at 389 N 100 East and expressed concern for the condition of the large trees along the property line.

Mr. Uriona stated that IHC would like to continue the current landscaping to this area. The landlord for 389 N 100 E would need to be involved with the removal of the current trees which are old and diseased.

Jim McNair resides at 495 N Main St and would not like to see downtown expanded any further.

Vice Chairman Badham closed the Public Hearing at 7:20 p.m.

Sean Monson made a motion to recommend to the City Council approval of a rezone from Single Family (R-4) to Downtown (DN) for property at 78 E 400 N, IHC Health Services, applicant, with the conditions outlined by staff. Sharon Spratley seconded the motion and voting was 5-1 in favor of approval with Richard Higginson voting Nay.

4. PUBLIC HEARING - Consider a Conditional Use Permit to allow a 120' flagpole and 2 large flags for Performance Ford at 1800 S Main Street, Performance Ford, applicant.

Terri Wing and Jack Van Shelt with Colonial Flag were present. Chad Wilkinson presented the staff report.

Performance Ford has requested a Conditional Use Permit for a 120 foot flag pole and 2 flags. The two flags will consist of a large 1800 sq ft American Flag and a 375 sq ft on-premise business identification flag. The City Council amended the standards of the Bountiful Sign Code related to large flag poles and large flags. Staff recommends approval for a Conditional use Permit for the two flags and 120 foot high flag pole with the following conditions:

1. The proposed flagpole and flags shall comply with all provisions of Bountiful Land Use Ordinance Section 14-19-110 related to flags and flag poles.
2. A building permit shall be obtained prior to installation of the flagpole and flags.

Vice Chairman Badham opened and closed the Public Hearing at 7:33 p.m. without public comments.

Richard Higginson made a motion to approve the Conditional Use Permit to allow a 120' flagpole and 2 large flags for Performance Ford at 1800 S Main Street, Performance Ford, applicant. Von Hill seconded the motion and voting was 6-0 in favor of approval.

5. PUBLIC HEARING - Consider a Conditional Use Permit to allow a Commercial and Multi-family Mixed Use development for property located at 310 S Main and 95 W 310 South, Knowlton General, applicant.

Brian Knowlton and Aric Jensen were present. Chad Wilkinson presented the staff report.

The applicant requests a Conditional Use Permit for a mixed use commercial and multifamily development on property located in the Downtown (D-N) Zoning District. The request also includes preliminary site plan approval for the entire site and preliminary and final site plan approval for Phase 1. The proposal consists of two phases. The first phase will include construction of 16 multi-family residential units on the west side of the subject property. The second phase consists of a mixed use

commercial and residential building with commercial space on the ground floor and residential units on the upper floors. The applicant has requested to construct the multi-family building first and to continue operating the automobile dealership until an unspecified future date when Phase 2 is constructed.

The proposed change of use from legal nonconforming automobile dealership to a conditional use permit for mixed use constitutes a change of status for the existing nonconforming use. The Conditional Use Permit requires compliance with the requirements of the Land Use Ordinance; a nonconforming use cannot be approved as part of a conditional use permit.

Staff is in support of this project, however recommends denial of the Conditional Use Permit as currently proposed.

Aric Jensen presented the state law for Conditional Use Permits. Conditional Use shall be approved if conditions can be placed on the permit. Mr. Jensen explained that Lot 1 is a legal non-conforming Auto Sales, Lot 2 is a conforming Storage use, and Lot 3 is a Legal Non-conforming storage use. He stated that a single condition can be placed on this Conditional Use Permit to approve.

Mr. Knowlton and Mr. Jensen discussed that the urgency of the project is developing the rear lot. The proposed project would reduce the non-conforming use in this area. The proposed Conditional Use Permit would include the entire project including Phase 1 and Phase 2.

Vice Chairman Badham opened the Public Hearing at 8:13 p.m.

Kathy Thurston resides at 333 W 3300 S and expressed concern that all businesses should conform to the current standards.

Vice Chairman Badham closed the Public Hearing at 8:15 p.m.

Commission Members did not feel prepared to make a decision and wanted some time to research what the applicant has presented. They felt that Bountiful has a reputation of helping within the bounds of the law. They felt that this is a wonderful project and would be good for the city, but need to make sure that the project meets the Land Use Ordinance.

Sharon Spratley made a motion for extension of 2 weeks to let the Commission Members have time to evaluate the information the applicant has presented for the Conditional Use Permit to allow a Commercial and Multi-family Mixed Use development for property located at 310 S Main and 95 W 310 South, Knowlton General, applicant. Mike Allen seconded the motion and voting was 5-0 with Richard Higginson abstaining.

6. Consider a preliminary site plan approval for the site located at 310 S Main and 95 W 310 South, Knowlton General, applicant.

Item was continued, approval of this item is contingent on the approval of agenda item 5 the Conditional Use Permit to allow a Commercial and Multi-family Mixed Use development for property located at 310 S Main and 95 W 310 South, Knowlton General, applicant. Item will be discussed with the Conditional Use Permit approval.

7. Consider a preliminary and final site plan approval for 16 unit Multi-family development located at 310 S Main and 95 W 300 South, Knowlton General, applicant.

Item was continued, approval of this item is contingent on the approval of agenda item 5 the Conditional Use Permit to allow a Commercial and Multi-family Mixed Use development for property located at 310 S Main and 95 W 310 South, Knowlton General, applicant. Item will be discussed with the Conditional Use Permit approval.

8. PUBLIC HEARING - Consider approval of an expansion of an existing non-conforming use at 1098 Canyon Creek Dr., Brad Hansen, applicant.

Brad Hansen, property owner, and Kevin Horn, Architect, were present. Chad Wilkinson presented the staff report.

The applicant requests an expansion of an existing non-conforming use in order to allow for authorization of existing horse stables in conjunction with an existing non-conforming horse keeping use on this property. The location of the front barn does not meet the separation standards for barns, the use of the structure as a barn or stable cannot be authorized. If the existing buildings are authorized, it must only be done with a stipulation that a primary structure must be constructed on the site within a reasonable time frame. The City engineer has verified that the creek running on the north side of the property is not currently used by Bountiful City as a water supply for the City.

Staff recommends approval of the requested expansion of a non-conforming use for the rear (south) structure for use as a barn/stable for the keeping of horses based upon fulfillment of the following conditions:

1. Building permits shall be obtained for a primary use (single family home) and for both the existing structures within 12 months of the date of approval of the expansion of the nonconforming use. Building permits for the existing structures shall include payment of applicable penalties for construction without first obtaining a building permit.
2. Construction of a primary use (single family dwelling) on the property shall occur within 18 months of issuance of a building permit.
3. Approval of an expansion of the nonconforming use does not authorize construction of additional buildings associated with the nonconforming use of horses on the property. Future buildings associated with the nonconforming use shall require review and approval by the planning commission and applicable building permits.
4. The front (north) structure will be allowed to remain, but it shall not be used as a barn or stable for the keeping of horses. The use of this structure will be limited to storage of equipment and other uses typically associated with an accessory structure for a single family residential use.
5. The approval is not effective until all of these conditions have been fulfilled.

Mr. Horn stated the history of the property and that Mr. Hansen would like to build his home and come into compliance with the buildings that were previously built.

Mr. Wilkinson reported that the Planning Department had received letters from concerned neighbors which have been made available to the Commission members.

Vice Chairman Badham opened the Public Hearing at 8:37 p.m.

Audrey Brown resides at 1115 Canyon Creek Rd and expressed support for the project that is outlined. The property is well kept and she sees Mr. Hansen caring for the property and the horses every day.

Kathy Thurston resides at 333 W 3300 S and expressed support for the project as outlined.

Vice Chairman Badham closed the Public Hearing at 8:44 p.m.

Von Hill made a motion to approve of an expansion of an existing non-conforming use at 1098 Canyon Creek Dr., Brad Hansen, applicant with the conditions outlined and the addition of one word to condition #2:

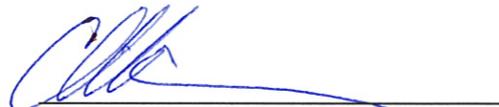
2. Complete construction of a primary use (single family dwelling) on the property shall occur within 18 months of issuance of a building permit.

Sean Monson seconded the motion and voting was 6-0 in favor of approval.

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

1. Next Planning Commission meeting to be held on October 21.
2. Planning Commission will be held on November 4.
3. Planning Commission Training meeting will be held on November 4.
4. Upcoming agenda items.

Vice Chairman Badham ascertained there were no other items to discuss. The meeting was adjourned at 8:55pm.



Chad Wilkinson, City Planner