

Bountiful City
Planning Commission Minutes
July 1, 2014
7:00 P.M.

Present: Chairman – Tom Smith; Vice Chairman - Dave Badham; Planning Commission Members – Mike Allen, Sean Monson, Sharon Spratley, and Von Hill; City Attorney - Russell Mahan; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: City Council Representation – Richard Higginson; City Planner – Chad Wilkinson

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 June 17, 2014.

Sharon Spratley made a motion to approve the minutes for June 17, 2014 as written. Von Hill seconded the motion. Voting passed 5-0 in favor with Chairman Tom Smith abstaining as he was not present at that meeting.

3. PUBLIC HEARING - Consider a zoning amendment for property located at 2084 S. Orchard Dr, Jeremy Grover and Chris Bratsch, applicants.

Jeremy Grover and Chris Bratsch were present. Russell Mahan presented the staff report.

The applicants, Jeremy Glover and Chris Bratsch are requesting a zoning amendment to the standards adopted under Ordinance 2007-04, which adopted a designation of MXD-R (Mixed Use- Residential) for the property at 2084 S. Orchard Drive and adopted standards governing the use and development of the property. The original approved development consisted of 20 townhome units along with approximately 14,500 square feet commercial square footage consisting of a professional office building. Among other standards, the ordinance required that the full mixed use development be constructed in accordance with the approved plans and the commercial portion of the structure be commenced prior to the issuance of building permits for the final 25 percent of the approved residential units or stated another way the last 5 residential units. The applicant proposes to amend the ordinance to allow for construction of the final five residential units prior to the commencement of construction of the commercial component. In addition the applicant proposes to reduce the required commercial square footage to 7,000 square feet.

The property was originally zoned C-G (General Commercial) and was rezoned in 2007 to allow for some interior residential use while still preserving commercial use along Orchard Drive. The property has had several requests for amendment since it was originally approved as Mixed Use in 2007. Notably in late 2007, the owner requested that the commercial building be reoriented from predominantly north-south orientation to an east-west orientation. In 2011, a previous property owner requested the same consideration as the current amendment in order to allow the final residential units to be

constructed prior to the commercial square footage. After considering the request, the Planning Commission recommended approval of the requested zoning amendment with five additional provisions to be added to the ordinance. These provisions were primarily related to the completion of the development as approved and included the following:

1. The section of retaining wall, landscaping, and grading along the northern property boundary that do not match the approved site plan shall be constructed as shown on the approved plans prior to the issuance of any building permit, except as may be necessary to construct these improvements.
2. The section of 6' high vinyl fence located along the north property boundary adjacent to the residential portion of the development shall be installed in conjunction with the required landscaping and retaining wall.
3. Prior to issuance of building permit for any new residential unit, the sections of sidewalk and drive approach shown on the approved plans shall be replaced.
4. Prior to final occupancy of any new residential unit, the remaining 2 inches of asphalt shall be installed on the upper section of driveway.
5. All improvements associated with the last 5 residential units shall be installed prior to final occupancy permit.

The applicant has also requested a reduction of the commercial square footage from the required 14,500 to 7,000 square feet. The Council has consistently emphasized a desire to maintain a commercial component to the development.

Staff recommends the City Council deny the request for a reduction in the commercial square footage required in ordinance 2007-04.

Staff recommends the City Council amend Ordinance 2007-04 by removing the following language from Section 3 (B), for the reasons stated in the letter and in the staff report,

Building permits shall not be issued for the last twenty five percent (25%) of the residential units before the building permit for the commercial building has been issued and construction commenced.

And with the following new provisions:

1. The section of retaining wall, landscaping, and grading along the northern property boundary that do not match the approved site plan shall be constructed as shown on the approved plans prior to the issuance of any building permit, except as may be necessary to construct these improvements.

2. The section of 6' high vinyl fence located along the north property boundary adjacent to the residential portion of the development shall be installed in conjunction with the required landscaping and retaining wall.
3. Prior to final occupancy of any new residential unit, the sections of sidewalk and drive approach shown on the approved plans shall be replaced.
4. Prior to final occupancy of any new residential unit, the remaining 2 inches of asphalt shall be installed on the upper section of driveway.
5. All improvements associated with the last 5 residential units shall be installed prior to final occupancy permit.
6. The applicant shall submit an interim landscape plan for the commercial area consisting of irrigated turf. The plan shall include an automatic irrigation system and shall be submitted to the City for approval prior to building permit for the residential units. The interim landscaping shall be installed prior to final occupancy permit for the 5 residential units and shall be maintained by the owner of the commercial unit. After construction of the commercial unit, landscaping maintenance shall be in accordance with the Conditions, Covenants and Restrictions of the planned unit development.

Mr. Rowland mentioned that the curb and gutter was replaced in March 2014.

Applicants discussed the concern for condition #6.

Chairman Smith opened the Public Hearing at 7:16 p.m.

Eleanor Brainard at 2080 Orchard Dr stated the need to finish the proposed plan. The complex owners have not been able to sell their condos because of the unfinished part of the complex.

Chairman Smith closed the Public Hearing at 7:19 p.m.

The applicants would like to finish the residential section first and start marketing the commercial section for a build-to-suit. Provisions 1-5 will be met but there is concern for provision #6 and the landscaping costs.

Staff discussed the concern for the applicant's option to purchase the residential property first and then purchase the commercial property. Applicant mentioned that both the Residential and Commercial properties are under contract.

Mr. Badham discusses that provision #6 is a burden to the applicant and would like to suggest that the commercial property be graded and cleaned up with the front landscape roadside planter be continued across the east side of the property following the plan of the

existing landscape.

Dave Badham made a motion to recommend approval to City Council for a zoning amendment for property located at 2084 S. Orchard Dr., Jeremy Grover and Chris Bratsch, applicants. The motion is to amend 2007-14 by removing the language from section 3-B which states:

Building permits shall not be issued for the last twenty five percent (25%) of the residential units before the building permit for the commercial building has been issued and construction commenced.

The removal of this language will allow the applicant will be able to move forward to construct the last 5 units prior to building the commercial building with the conditions as outlined below.

1. The section of retaining wall, landscaping, and grading along the northern property boundary that do not match the approved site plan shall be constructed as shown on the approved plans prior to final occupancy. ~~the issuance of any building permit, except as may be necessary to construct these improvements.~~
2. The section of 6' high vinyl fence located along the north property boundary adjacent to the residential portion of the development shall be installed in conjunction with the required landscaping and retaining wall.
3. Prior to final occupancy of any new residential unit, the sections of sidewalk and drive approach shown on the approved plans shall be replaced.
4. Prior to final occupancy of any new residential unit, the remaining 2 inches of asphalt shall be installed on the upper section of driveway.
5. All improvements associated with the last 5 residential units shall be installed prior to final occupancy permit.
6. The applicant shall submit and install a landscape plan showing the roadside planter with similar sod, trees and landscaping as now exists carried to the north property line. The interim landscaping shall be installed prior to final occupancy. ~~an interim landscape plan for the commercial area consisting of irrigated turf. The plan shall include an automatic irrigation system and shall be submitted to the City for approval prior to building permit for the residential units. The interim landscaping shall be installed prior to final occupancy permit for the 5 residential units and shall be maintained by the owner of the commercial unit. After construction of the commercial unit, landscaping maintenance shall be in accordance with the Conditions, Covenants and Restrictions of the planned unit development.~~

Sharon Spratley seconded the motion and voting was 6-0 in favor.

4. PUBLIC HEARING - Consider a zone change approval to amend the zoning from C-G (General Commercial) to C-H (Heavy Commercial) for a property located at 625 W. 2600 South, Bronson Sulser, applicant.

Bronson Sulser and Art LeVeve were present. Russell Mahan presented the staff report.

The applicant, Bronson Sulser requests a zone map amendment from C-G (General Commercial) to C-H (Heavy Commercial), in order to conduct vehicle sales on the property at 625 West 2600 South. Vehicle sales are not allowed under the current zoning designation and are a permitted use in the proposed C-H zone.

The subject property is surrounded on all four sides by commercially zoned properties. The surrounding uses include: Les Schwab Tire store to the west; Colonial Square to the east; a commercially zoned strip of property containing an access to Colonial Square on the south; and a property recently rezoned C-H on the north, currently being developed as a vehicle sales use. Also to the south is a multifamily development zoned RM-13. Based on the proximity of commercial zoning including heavy commercial zoning to the west, staff finds that the requested zone change is consistent with the Bountiful City General Plan and the surrounding zoning and uses in the area.

Staff recommends approval of the proposed zone map amendment from C-G (General Commercial) to C-H (Heavy Commercial) for the property located at 625 West 2600 South.

Chairman Smith opened the Public Hearing at 7:57 p.m.

Blaine Smith, President of the Colonial Square Association, Owner of Gem Smith and Sheer Indulgence was in favor of the project. Colonial Square and Mr. Kentson are looking at joint landscape plans.

Chairman Smith closed the Public Hearing at 7:59 p.m.

Paul Rowland mentioned that UDOT will take about 20 ft of frontage on 2600 South. This should not affect this property.

Mike Allen made a motion to recommend approval to City Council for a zone change approval to amend the zoning from C-G (General Commercial) to C-H (Heavy Commercial) for a property located at 625 W 2600 South, Bronson Sulser, applicant. Sharon Spratley seconded the motion and voting was 5-0 in favor with Von Hill abstaining.

5. PUBLIC HEARING – Consider amending the Bountiful City Land Use Ordinance to increase the height of flagpoles in certain commercial and municipal locations.

Russell Mahan presents staff report.

The previously adopted ordinance allowed for large flagpoles and flags to be permitted, but

only on a narrow basis. The prerequisites are that the property be in a commercial zone or on municipal property, and located on lots with at least three acres and 500 feet of street frontage. Several regulations limit the flags to American flags in good condition, one flag per pole, one pole per business, and not within one thousand feet of another pole. It would require a conditional use permit for flag poles, more than 50 feet and up to 120 feet in height, and therefore a review by the Planning Commission. Staff feels that the requested increase in height is consistent with the previous ordinance which allowed a flag pole and American flag similar in size to those allowed in neighboring communities and recommends that the overall height be increased to 120 feet. The previous ordinance adopted only the display of the American Flag on large commercial and municipal properties. A second flag containing a commercial logo displayed below a large American flag on large commercial and municipal properties, is not keeping with the original intent.

Staff recommends that the Planning Commission and City Council approve the proposed ordinance modification to increase the maximum flagpole height from 80 feet to 120 feet, but the remainder of the ordinance should remain unchanged.

Chairman Smith opened and closed the Public Hearing at 8:17 p.m. without comments.

Bill Morris and Kirk Benson with Performance Ford discussed the desire for approval of a second flag to display the company logo for directional purposes for customers.

Von Hill made a motion to increase the flag pole height to 120 feet as proposed by staff. Sean Monson seconded the motion and voting was 6-0 in favor.

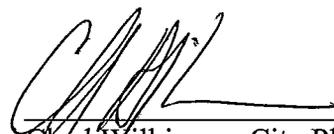
6. Consider approval of Findings of Facts for approval of the variance request for 230 W 700 North, Randall & Brenda Mills, applicant.

Mike Allen made a motion to recommend approve the Finding of Facts for a variance request for 230 W 700 North, Randall & Brenda Mills, as set forth by staff. Von Hill seconded the motion and voting was 5-0 in favor with Thomas Smith abstaining as he was not present at meeting.

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

1. No Planning Commission meeting to be held on July 15
2. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 8:50 pm.


Chad Wilkinson, City Planner