

**Bountiful City  
Planning Commission Minutes  
August 19, 2014  
7:00 P.M.**

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

Excused: Planning Commission Member – Sharon Spratley and Von Hill

**1. Welcome and Introductions.**

Chairman Tom Smith opened the meeting at 7:00 pm and recognized the Boy Scout troops 221 and 862 and welcomed all those present.

**2. Approval of the minutes for August 5, 2014.**

Richard Higginson made a motion to approve the minutes for August 5, 2014 as written. Sean Monson seconded the motion. Voting passed 4-0 in favor.

Mike Allen arrived.

**3. PUBLIC HEARING – Consider amending the provisions of Chapter 19 of the Bountiful City Land Use Ordinance related to sign standards.**

Chad Wilkinson presented the staff report.

**Second Flag:** The Council has approved amendments to the sign ordinance to allow for the provision of tall flagpoles with large American flags in conjunction with the automobile dealerships in Bountiful. The changes have increased the height of flagpoles and the size of flags allowed on those higher flagpoles. The purpose of the changes was to allow for flying a large American flag similar to flags currently flown in our neighboring city, Woods Cross. The applicant has requested that the Code be changed to allow for a second large flag containing a commercial logo.

The primary purpose of the previous amendments was to allow the display of a large American flag, the display of a second flag may be appropriate subject to the restrictions placed on the previous approvals related to qualifying properties. Qualifying properties as defined in the previous ordinance would only include those commercial properties with a minimum of 500 feet of street frontage and a minimum of 3 acres in size. Proposed restrictions on second flags could include limiting the display of the second flag only in conjunction with the flag of the United States and only on qualifying properties. It is unlikely that there would be a proliferation of second flags containing a commercial message simply because the restrictions on qualifying properties strictly limit where this type of display would be allowed. Because of the limited impacts anticipated, second flags displayed with large American flags could be appropriate.

The allowance of a second flag in conjunction with large American flags is not anticipated to have significant impacts.

Recommend that the City Council approve the proposed ordinance modification to allow for a second flag not to exceed 375 square feet to be flown in conjunction with a large American flag.

**Off Premise Directional signage:** The applicant has also recently applied to the City for an off-premise directional sign for the Performance Ford dealership to be located on the Slim Olsen property located at 2301 South Main Street. The City denied the request based on current Code restrictions prohibiting off-premise advertising and directional signage. The proposed amendment would change the Code to allow for an off premise directional sign of approximately 90 square feet and approximately 27 feet in height.

The applicant submitted a sign permit application for an off-premise directional sign of approximately 90 square feet and 27 feet in height to be located on a property not owned by or used in conjunction with the Performance Ford business. Off premise signs including billboards and off premise directional signs are currently prohibited in Bountiful City. Billboards have been prohibited since at least 1982. Off premise identification signs were once allowed on a limited basis but were prohibited in 2001. One of the reasons that off premise directional signs are prohibited is that it is difficult to distinguish between an off-premise directional sign and a billboard, because both are located off of the premise of the business advertised and both provide a commercial advertising message. Off premise signs are the subject of state law and are consistently the subject of lawsuits between municipalities and the outdoor advertising industry. State law does not distinguish between off premise directional signs and billboards. Under Section 10-9a-103 billboards are defined as “a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.” Based on this definition, the sign is considered a billboard under State law.

Of particular concern is the ability to restrict these signs once approval has been granted. While on-premise sign standards can easily be based on the characteristics of the lot or property where the business is located, it is difficult to restrict a sign based on the characteristics of an off-premise property. In addition, State law recognizes the establishment of an off premise sign as a property right for the *off-premise* lot where the sign is located and would make it difficult to impossible for the City to limit the advertising to a certain business once the sign is established. The off premise sign runs with the land where the sign is established and not with the off premise business. Reopening the issue of off-premise signs will potentially create issues of equity between businesses and will make it difficult to enforce prohibitions on other forms of off premise signage. Allowing billboards would apply throughout the C-H zone and not be restricted to one lot or parcel.

Based on these reasons, staff recommends that the current off-premise sign restrictions should remain intact and recommends to the Council to deny the request for a text amendment allowing an off premise directional sign.

Chairman Smith opened the Public Hearing at 7:21 p.m.

Russell Hicks at 852 Chelsea Dr, Bountiful Utah discussed the options available to Performance Ford.

Dave Collard at 8382 S 1000 E, Sandy Utah asked if the approval of billboards could have the option for a Conditional Use Permit with restrictions outlined with height, sq footage and design.

Commission Members and Staff clarified state law restrictions and the conditions that could be placed on a Conditional Use Permit.

Chairman Smith closed the Public Hearing at 7:25 p.m.

Commission Members discussed the concern for respect of the American flag with the approval of a second flag, half mast guidelines, color restrictions, restrictions on height and size.

Mr. Bengtzen clarified that the proposed second flag would be removed during half mast observations.

Sean Monson made a motion to recommend approval to City Council to revise the second flag ordinance with the changes to the amended regulations:

(2) Every conditional use permit granted hereunder is subject to the following regulations:

- (i) Only the flag of the United States shall be flown except that a second flag up to 375 square feet in size may be flown on the same pole, subordinate to the American flag ;
- (ii) The flags must be maintained in good condition or it cannot be flown;
- (iii) In the event of a high wind the City Engineer may, in the reasonable exercise of discretion, order that the flag be taken down immediately until the wind subsides;
- (iv) The second flag may be either a Utah State flag or on premise business identification flag only. The second flag shall be removed when the American flag is lowered to half mast.
- (v) There may only be one flagpole per property or business;
- (vi) Lighting shall be restricted as much as possible and shall not create a light problem for traffic, other businesses, or residents;
- (vii) The flagpole shall be maintained in such a manner that it does not create an unreasonable noise from the flag, chain, rope or other mechanisms or parts.
- (viii) The flagpole is subject to the abandoned sign ordinance of Title 14.

Richard Higginson seconded the motion and voting was 3-2 in favor with Mike Allen and Tom Smith voting nay.

Richard Higginson made a motion to recommend that the City Council deny off premise directional signage. Mike Allen seconded the motion and voting was 5-0 in favor.

4. **PUBLIC HEARING** – Consider amending the Bountiful City Land Use Ordinance related to second kitchens in the R Zone and to consider amending the lot design standards of Chapter 20 related to subdivision approval.

Second Kitchen: Many requests for new and remodeled single family dwellings, particularly larger dwellings, now include proposals for a second kitchen, usually located in the basement or on a lower level of the home. The zoning ordinance currently does not allow more than one kitchen within a single family residence with the exception of an approved accessory dwelling unit. In the past, the Planning Department has had an unwritten policy that allowed for a second kitchen to be provided in a home if the owner of the property was willing to record a deed restriction limiting the use of the property to single family use (similar to the requirement for an accessory dwelling unit). The purpose of the amendment is to codify an historical practice of the City, while providing safeguards for the integrity of existing neighborhoods.

The purpose of the existing single kitchen limitation in the Code is to prevent unauthorized conversion of single family homes into duplexes or multi-family residential units. The proposed amendment allows for staff review and approval of a second kitchen when an owner signs and records a deed restriction that limits the use of the home to single family residential use. The recording of a deed restriction provides notice to future property owners that a second kitchen in a home does not signify approval of a second rental unit in a home. The proposed amendment will provide a way for residents to legally establish a second kitchen while limiting the future use of the property to single family residential.

Staff recommends that the City Council approve the proposed amendments allowing second kitchens subject to a deed restriction.

Paul Rowland presented staff report.

Lot Design Standards: During recent review of subdivision requests, it has become apparent that a clarification of existing standards would prevent subdivision designs that did not promote the orderly development of the City. The proposed amendment would clarify that lots must be designed so that the side lots lines are at right angles or approximately radial to the center of a curved street. This will avoid odd shaped lots or lots that meet minimum size, frontage and width requirements, but cannot feasibly be built on because of unusual angles related to the street.

The proposed amendment will provide clarity and prevent lot designs that do not allow for adequate buildable area on a lot.

Recommend that the City Council approve the proposed to the lot design standards of the ordinance.

Chairman Smith opened the Public Hearing at 8:00 p.m.

Ben Crookston at 433 W 400 N discussed his concern for second kitchens.

Ronn Marshall at 73 W 2200 S wanted clarification on the information provided for the second kitchen deed restriction. He also mentioned his concern for the buildable lot definitions.

Chairman Smith closed the Public Hearing at 8:28 p.m.

Mike Allen made a motion to recommend to the City Council to approve the Bountiful City Land Use Ordinance be amended related to second kitchens in the R Zone with the deletion of letter D and to

have staff revisit the language of “Deed Restriction”. Richard Higginson seconded the motion and voting was 5-0 in approval.

Sean Monson made a motion to continue this item for lot design standards of Chapter 20 related to subdivision approval to allow staff time to incorporate the comments made from this meeting of the proposed text for Lot Standards in Section 14-20-307 B. Dave Badham seconded the motion and voting was 5-0 in approval.

6. Consider a final site plan approval for a 5 lot PUD-Prairie View for 4001 Bountiful Blvd, Ron Marshall, applicant.

Ronn Marshall was present. Paul Rowland presented the staff report.

The owners of the Prairie View PUD (formerly given preliminary approval as the Christofferson PUD) have completed the necessary plat map and subdivision construction drawings and are now requesting Final PUD approval for the five lot single-family residential PUD subdivision at about 4001 South Bountiful Blvd.

Several conditions were placed on this development at the time this proposal was given preliminary approval both by the Planning Commission and the City Council. Several conditions cannot be satisfied until the final plans were complete and the plat is ready to record, one condition is that onsite detention be provided for the additional run off created by the increased impervious surface. The full set of construction drawings , including the plans for a buried detention facility have now been submitted and reviewed. The developers will provide buried detention under the landscape area along Bountiful Blvd. which will detain all of the necessary excess runoff.

Since the concern after the NSL slide, Engineering has requested a soils report for the Prairie View PUD area that would check the soil conditions and the slope stability of the steep slope behind the buildable areas. The request was made after the reports were being prepared for this meeting. A condition has been placed with this memo that the soils report be complete and reviewed before the Planning Commission’s recommendation is forwarded to the City Council for final approval.

Staff recommends sending a favorable recommendation for final PUD Plat approval of the Prairie View PUD with the following conditions:

1. Prior to City Council review, supply a complete soils report showing subsurface conditions and the stability of the hillside in the subdivision above the buildable area.
2. Make any and all redline corrections.
3. Obtain approval from City Council to vacate Lot 1 from Newport Heights Subdivision Plat A.
4. Provide required bonding for the improvements.
5. Pay all required fees.
6. Establish HOA covenants that include among other things the requirement to maintain the Bountiful Blvd. frontage particularly at the double fronting lot, including the removal of snow from the sidewalks.

Richard Higginson made a motion to recommend to the City Council approval of a final site plan

approval for a 5 lot PUD-Prairie View for 4001 Bountiful Blvd, Ron Marshall, applicant with the change in wording to condition 1.

1. Prior to City Council review, supply a satisfactory soil report to the City showing subsurface conditions and the stability of the hillside in the subdivision above the buildable area.

Sean Monson seconded the motion and voting was 5-0 in approval.

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

1. Next Planning Commission meeting to be held on September 2.
2. Upcoming agenda items.

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

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Chad Wilkinson, City Planner