

**Bountiful City**  
**Planning Commission Minutes**  
**July 7, 2015**  
**6:30 P.M.**

Present: Chairman – Tom Smith; Vice Chairman – Dave Badham; Planning Commission Members - Mike Allen and Sharon Spratley; City Council Representation – Richard Higginson; City Attorney – Russell Mahan; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: Planning Commission Members – Von Hill and Sean Monson; and City Planner – Chad Wilkinson.

**1. Welcome and Introductions.**

Chairman Smith opened the meeting at 6:30 pm and welcomed all those present.

**2. Approval of the minutes for June 2, 2015.**

Richard Higginson made a motion to approve the minutes for June 2, 2015 as written. Dave Badham seconded the motion.

Voting passed 3-0-2 in favor with Commission Members Badham, Higginson, and Smith voting Aye with Sharon Spratley and Mike Allen abstaining as they were not present at that meeting.

**3. Planning Director’s report, review of pending applications and miscellaneous business.**

1. Stoker School parking lot will be hosting Food Truck League every Fridays 6-10 until October.
2. Next Planning Commission meeting to be held on July 21, 2015.
3. Next City Council meeting to be held on July 14, 2015.
4. Upcoming agenda items.

**4. Consider approval of a Conditional Use Permit letter in written form to allow a Commercial and Multi-family Mixed Use development for Knowlton General to include 4 parcels located at approx 35 West 100 South and 195 South 100 West, Hepworth/Johnson, applicant.**

Dave Badham made a motion to approve a Conditional Use Permit letter in written form to allow a Commercial and Multi-family Mixed Use development for Knowlton General to include 4 parcels located at approx. 35 West 100 South and 195 South 100 West, Hepworth/Johnson, applicant, with a correction to the spacing in the signature line. Richard Higginson seconded the motion.

Voting passed 3-0-2 in favor with Commission Members Badham, Higginson, Smith voting Aye with Mike Allen and Sharon Spratley abstaining as they were not present at that meeting.

**5. PUBLIC HEARING – Consider approval of a variance for setbacks to an addition located at 505 E 1200 North, Josh and Quinque Osborne, applicant.**

Josh and Quinque Osborne were present. Russell Mahan presented item.

The applicants are requesting a variance to the setback standards of the land use ordinance. Section 14-4-105 J. 1. C requires a minimum separation of 5 feet between accessory structures and the primary structure. The setback between buildings is measured from “eave to eave”.

On February 11, 2015, Bountiful City issued a building permit for an addition to the existing home at 505 E. 1200 North in Bountiful. The building permit included a site plan that showed a 5 foot separation between the proposed addition and an existing detached garage on the lot. A copy of the approved site plan has been attached to this report. When the building inspector, Marty Thurgood, visited the site for foundation inspection on March 25, 2015, it was noted that the proposed addition did not meet the minimum setback standard or comply with the approved building permit. One of the applicants indicated that the existing accessory building would be altered to meet the setback and requested that the foundation pour be allowed to proceed. Based on the applicant’s statement that the exiting shed would be altered to meet the setback, Mr. Thurgood allowed the pouring of the foundation to proceed. The applicants have now completed framing of the addition and have indicated a desire to keep the existing shed as-is and therefore have requested a variance to the setback standards.

Measured from eave to eave, the current separation is approximately 26 inches (approximately 40 inches from wall to wall). The Code requires a minimum of 60 inches (5 feet) from eave to eave.

Staff recommends denial of the requested variance, based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant.

Mr. and Mrs. Osborne talked about the inspection and approval from the building inspector for the footing and foundation inspection and they assure the Committee that they want to comply with the current city codes.

Mr. Rowland explained the procedures for measuring footings and foundations. The builder is the responsible party for insuring that the work is done correctly.

Chairman Smith opened the Public Hearing at 6:51 p.m.

Trisha Rosequist resides at 490 E 1350 North. Ms. Relates discussed the Osborne’s concern shown for home fire safety on their property and others.

Shelli Arthur resides at 537 E 1200 N. Ms. Arthur expressed her supports for the approval of the variance.

Hector Morazan resides at 502 E 1200 N. Mr. Morazan discussed his concerns about the approval process of the footing and foundation inspections.

Chairman Smith closed the Public Hearing at 6:54 p.m.

Chairman Smith recalls a similar instance and asked the staff if there is a possible city code that would allow for the building to be attached and have a reduced setback.

Mr. Badham discusses the building improvement process and responsibilities and the possible solutions vs. the variance code. The variance is a state law which the cities must abide by.

Mr. Rowland discusses a provision for an exception of a 5 foot side yard and read aloud the Bountiful City Land Use Ordinance Section 14-14-106 B.

Mr. Mahan would like to request to the Committee that this item be continued to July 21, 2015. Staff would be able to view this matter in more depth to determine whether it can be applied in this situation.

Richard Higginson made a motion to table the variance for setbacks to an addition located at 505 E 1200 North, Josh and Quinke Osborne, applicant. Sharon Spratley seconded the motion.

Voting was 4-0 in favor with Commission Members Allen, Badham, Higginson, Hill, and Smith voting Aye.

**6. Consider preliminary subdivision approval for an 8 lot subdivision at 259 W 3100 South, Brighton Homes, applicant.**

Taylor Spendlove representing Brighton Homes and Don Schulties and Debra Knolts, owners were present. Paul Rowland presented the staff report.

Brighton Homes, acting as developer, is requesting preliminary approval for an eight lot subdivision of three existing lots in Block 2 of the ValVerda 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 just short of 2.65 acres and currently has two single family homes.

The proposed subdivision consists of eight lots, three of which front onto 200 West Street and five fronts onto a new 300 ft. long cul-de-sac. The smallest of the proposed lots contains 9,110 s.f. and the largest contains 17,141 s.f., all in excess of the required minimum 8,000 s.f. for the zone. In addition, all of the lots have more than the required 70 ft. frontage for interior lots and 80 ft. for corner lots.

The property to be subdivided consists of Lot 16, Lot 17 and half of Lot 18 of Block 2 of the original ValVerda Plat A Subdivision. Lots 16 and 17 are still their original 1 acre size, but Lot 18 has previously been divided with a house already constructed on the portion that was divided off. The property currently has two single family homes that are proposed to be removed with the new division.

3100 South Street currently has all of the standard surface improvements such as walk and curb and gutter, however, 200 West Street does not. The entire area was developed as part of the unincorporated County, and 200 West Street seems to have been constructed in a very piecemeal fashion. The existing street has curb and gutter in some places, and none in others. There is only a little sidewalk along the entire length, and what is now the paved street section is narrower than our standard residential street and is not in the middle of the right-of-way. This proposed subdivision fronts on a portion of the road that has no walk and no curb and gutter, both of which will be required as a condition of approval for this development. The new C&G will be placed so we can get a couple ft. wider asphalt road section but it will have to taper down to meet the narrower street improvements to the south. The new cul-de-sac will be built to the current Bountiful City Standards.

With this subdivision in a previously developed part of the city, all of the necessary utilities are present in either 3100 South or 200 West. Culinary and irrigation water are served by the South

Davis Water District and sewer by South Davis Sewer. New utility laterals will need to be cut into the fronting roads which will require an overlay of our recently overlaid 3100 South and an overlay of 200 West Street. The developer is proposing an underground storm water detention basin located in Lot 1, which will drain into the 3100 South curb. With onsite detention of excess storm water, the developer will not be required to pay the normal Storm Water Impact Fee.

This places eight homes where there has historically only been two. The existing utility mains in the area have anticipated developments such as this and are sized to service the additional demand. Other impacts, such as storm water runoff, will be mitigated by the design of the subdivision.

Mr. Mahan stated that the application for this Brighton Homes project was received before the City Council voted to have a moratorium placed on re-subdividing. There will be a public hearing on the vacation ordinance at the City Council meeting next week.

Mr. Spendlove stated that the submitted plans reflect the changes that the City Council had requested for this project.

Staff recommends preliminary subdivision approval to the City Council for Val Verda Meadows Subdivision with the five conditions outlined by staff.

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 1 and 5 have access off of the side streets and not 3100 South.

Mike Allen made a motion to recommend preliminary subdivision approval to the City Council with the five conditions outlined by staff and the addition of wording in #7, "Lots 1, 5 and 6 have access off of the side streets and not 3100 South." Sharon Spratley seconded the motion.

Voting was 5-0 with Commission Members Allen, Badham, Higginson, Smith and Spratley voting Aye.

Richard Higginson invited the public to come to City Council meeting on July 14 for the subdivision vacation Public Hearing.

**7. Consider preliminary and final subdivision approval for Charlotte Subdivision at 390 W 1500 South, Joel Hale, applicant.**

Joel Hale, applicant and Jared Hale were present. Paul Rowland presented staff report.

Mr. Joel Hale is requesting preliminary and final approval for a two lot subdivision of the existing parcel of previously unsubdivided ground at 390 West 1500 South. The property is located in the R-4 zone, contains 0.50 acres and currently has a single family home with a large detached garage, both of which are slated to be removed.

The proposed subdivision consists of two lots fronting onto 1500 South. Both of the lots contain 10,890 s.f., which is more than the minimum required 8,000 s.f., and they both have 82.50 ft. of frontage, exceeding the minimum required 70.00 ft.

The property currently has a single family home built on the proposed Lot 2 and a garage on the proposed Lot 1. They will both be removed as a part of this subdivision process. Additionally, the property has become very overgrown in the past several years, with many trees overhanging the sidewalk and street. The jungle will be thinned as part of the reconstruction process.

Because the property is already occupied by a residential dwelling, all of the necessary utilities are available either on the property, or in 1500 South Street. New utility laterals will need to be cut into 1500 South for the new lot, which will require payment of a fee to cover the cost to repair the street. Because there are no storm drain pipes in 1500 South serving this area, the property will be allowed to continue to drain as it has in the past, but the developer will be required to pay the normal Storm Water Impact Fee of \$2,100/acre.

The existing sidewalk and curb and gutter are all in relatively good condition so no overall bond for wholesale replacement will be required, rather any repair work required will be covered by the individual bonds required as each of the lots has a building permit issued for a new house.

This places two homes where there has historically only been one and places one new driveways on to 1500 South. All of the impacts are minor and will not have a detrimental effect on the surrounding area.

Staff recommends preliminary and final subdivision approval to the City Council for Charlotte Subdivision at 390 West 1500 South, Joel Hale, applicant with the three conditions outlined by staff.

1. Payment of all required fees.
2. Provide a current Title Report.
3. Make any and all redline corrections

Richard Higginson made a motion to recommend preliminary and final subdivision approval to the City Council with the three conditions outlined by staff. Sharon Spratley seconded the motion.

Voting was 5-0 with Commission Members Allen, Badham, Higginson, Smith and Spratley voting Aye.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 7:33 p.m.

  
Chad Wilkinson, City Planner