

**Bountiful City
Planning Commission Minutes
December 18, 2018
6:30 P.M.**

Present: Vice Chair – Von Hill; Planning Commission Members – Jesse Bell, Jim Clark, Tom Smith and Sharon Spratley; City Council Representation – Richard Higginson; City Planner – Chad Wilkinson; City Engineer – Lloyd Cheney; City Attorney – Clint Drake; and Recording Secretary – Darlene Baetz

Excused: Chair – Sean Monson

1. Welcome and Introductions.

Vice Chair Hill opened the meeting at 6:30 pm and welcomed all those present.

2. Approval of the minutes for December 4, 2018.

Richard Higginson made a motion to approve the minutes for December 4 as written. Tom Smith seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Spratley and Smith voting aye.

Note: Items 3 and 4 were presented in combination but have been separated in the written minutes for clarity.

3. PUBLIC HEARING - Consider a request for a variance to the lot width standards of Section 14-4-104 of the Bountiful City Land Use Ordinance to modify the minimum corner lot width standards for an existing lot in conjunction with the Joe and Bette Eggett Subdivision Phase 6 application. The property is located at approximately 1401 E. 1800 South, Terry Eggett and Connie Woolley, applicants.

Terry Eggett was present. Chad Wilkinson presented the staff report.

The applicants have requested a variance to allow for approval of a lot in a proposed subdivision that does not meet the minimum corner lot width requirements. The proposed Eggett Subdivision Phase 6 includes a portion of Lot 1 of the East Peterson Subdivision. This lot, which is shown as Lot 605 of the proposed subdivision, fronts on both 1800 South and the proposed cu-de-sac. Since the lot fronts on both streets it is considered to be a corner lot and is required to meet the lot width standards for corner lots. In the R-3 zone, corner lots must have a minimum width of 90 feet along both frontages. As proposed, the lot meets the standard on 1800 South, but only has approximately 30 feet of frontage on the cul-de-sac.

Although the Eggett property could be developed without the inclusion of Lot 1 of the Peterson Subdivision, a small portion of the lot was included in the design of the subdivision in order to place the access road for the subdivision in a location that would lower the grade of the street and reduce the grading required to construct the street. The applicant had previously submitted a plat showing the minimum configuration needed for compliance with the Code, but the result of that layout produces two lots which are unusual in shape, adds no useable ground to Lot 605, and is not wanted by the current owner of the proposed Lot 605.

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

Staff Response: The proposed Lot 605 is made up of the remainder of an existing developed lot (Lot 1 of East Peterson Subd.) One of the purposes of lot width standards for corner lots is to create a lot that can take access from either street. A second purpose is to create a property that contains adequate buildable area even with the additional exterior setbacks required for a corner lot. In this case, the lot is already developed and has established access to 1800 South. The grade difference between the existing home located on Lot 605 and the proposed cul-de-sac is substantial, making access to the cul-de-sac unlikely and undesirable.

- (ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

Staff Response: The portion of Lot 605 which fronts on the proposed cul-de-sac is approximately 30 feet in length and is separated from the developed portion of Lot 605 by a 20 foot difference in grade. This is currently a natural area that is not maintained by the property owner and it is anticipated that this area would continue to remain as a natural area. The east portion of lot 605 is already developed with a single family dwelling that takes its access from 1800 South. The owner of Lot 605 has no desire for the additional property that would be required to meet the standard for corner lot width and the difference in grade makes it extremely difficult to take access from the cul-de-sac, even if the lot width were provided. The special circumstances created by the difference in grade and the unusual lot shapes needed to meet the standard justify a variance to the standard.

- (iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

Staff Response: Granting the variance in this instance will allow for orderly development of the applicants property without the need to create an odd shaped or unusable area for the proposed lot 605. Since the reason for including this Lot is to provide for a better access to the proposed subdivision, the variance will provide the property owner with the right to develop their property in an orderly way with a better design.

- (iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

Staff Response: The public interest will be served by not creating two odd shaped lots solely for the purpose of meeting the standard. While there are designs that would meet the Code, those designs will create odd shaped lots or portions of lots that are separated by substantial differences in grade from the main part of the lot. This grade separation will make those portions of the lot unusable by the owner of Lot 605 and maintenance of these areas is unlikely. Allowing a variance to the standard will not have a substantial impact to the general plan of the public interest.

- (v) *The spirit of the land use ordinance is observed and substantial justice done*

Staff Response: The purpose of the corner lot width standard is to provide for additional opportunities for access and adequate area for building on corner lots. In this case the lot in

question is already developed and differences in grade make it less appealing to provide access to the cul-de-sac. Therefore granting the variance is in keeping with the spirit of the land use ordinance.

Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommends that the Planning Commission approve the variance to the corner lot standards of Section 14-4-104 of the Bountiful Land Use Ordinance

Vice Chair Hill opened the **PUBLIC HEARING** at 6:43 p.m.

Terry Eggett owner of the property expressed appreciation to staff and Planning Commission members and explained the history of this property.

Scott Cummings resides at 1475 Mueller Park. Mr. Cummings stated that he has no problem with this proposal.

Vice Chair Hill closed the **PUBLIC HEARING** at 6:46 p.m.

Mr. Wilkinson explained that the variance fits the state criteria.

4. Consider a preliminary subdivision approval for Joe and Bette Eggett Subdivision Phase 6 located at 1401 East 1800 South, Terry Eggett and Connie Woolley, applicants.

Terry Eggett was present. Lloyd Cheney presented the staff report.

Terry Eggett and Connie Woolley are requesting preliminary approval of the Joe and Bette Eggett Subdivision, Phase 6. This six lot subdivision proposes to include Lot 1 from the East Peterson Subdivision and Lot 502 from the Joe and Bette Eggett Phase 5 Amended plat. This location is best described as “the llama pasture” on the north side of 1800 South Street. The subject property extends from the 1800 South Right-of-Way line into the Mill Creek canyon to the north.

The subdivision is located in the R-3 zone, which requires a minimum lot size of 11,000 sq. ft. and a minimum frontage of 80 ft.

All of the interior lots (602, 603 and 604) exceed the minimum requirements. Lot 601 exceeds the minimum requirements of being 10 ft wider and 10% larger for a corner lot. Lot 606, which includes the former Lot 502 and additional property from the pasture area, also meets the minimum requirements for size and frontage.

Lot 605 represents the modified configuration of the former Lot 1 of the East Peterson Subdivision In order to construct the cul-de-sac as proposed, approximately 887 sq. ft. and 71 feet of the tapered west end of Lot 1 is allocated to the cul-de-sac right of way and to the south east corner of Lot 601. This is a negligible impact to the useable area of Lot 1 but it does have a significant consequence in the sense that Lot 1 not becomes a corner lot, and is not compliant with the requirements of the ordinance for minimum frontage on a corner lot. The applicant had previously submitted a plat showing the minimum configuration for compliance, but the result of that layout produces two lots which are unusual in shape, adds no useable ground to Lot 605, and is not wanted by the current owner of the proposed Lot 605. It is preferred that access for Lot 601 be restricted to the cul-de-sac side of the lot.

The proposed 54 ft. wide street section and 108' diameter cul-de-sac configuration are standard widths, and will be adequate to serve this development. On the 1800 South frontage, much of the existing curb and gutter is in poor condition, and needs to be replaced. This will also necessitate the replacement of the sidewalk where it has been constructed directly behind the curb.

All of the utilities which are necessary to serve this development are available in 1800 South Street. A detention basin is proposed on the west side of Lot 601. The basin sizing requirements will require a slight adjustment so that the existing runoff from 1800 South can be properly accounted for in the operation of the detention basin. This will likely mean that the basin capacity and discharge rate will be slightly larger than what would be required for just the subdivision itself. The existing storm drain system ends on the east side of the intersection at 1300 East Street, so the developer will need to extend the system approximately 330 feet to the east to provide an outlet for the detention basin.

The Bountiful City Street Department is planning a pavement maintenance project in this location in the next budget year. Utility work and the installation of curb, gutter, waterways, etc. will need to be completed before the City's project begins to avoid additional requirements for restoring the pavement.

Staff recommends preliminary approval of the Joe and Bette Eggett Subdivision, Phase 6 Subdivision with the following conditions:

1. Obtain approval of a variance from the Planning Commission for the reduced corner lot width shown for Lot 605.
2. Provide a current title report.
3. Make all necessary red line corrections.
4. Extend the storm drain from 1300 E to the storm drain detention basin.
5. Post a bond for the required improvements.
6. Pay all required fees.

Mr. Hill stated that the changes to the boundary of the lot 606 will include extra square footage is a cleaner method for this project.

Richard Higginson made a motion that the Planning Commission forward to the City Council a recommendation of approval for a preliminary subdivision approval for Joe and Bette Eggett Subdivision Phase 6 located at 1401 East 1800 South. Jessie Bell seconded the motion. Voting passed 5-0-1 with Commission members Bell, Clark, Higginson, Smith and Spratley voting aye and Commission member Hill abstaining.

- 5. Consider approval of the Findings of Fact denying a variance request to remove and replace the required 10 foot landscape buffer along the street frontage with asphalt at Antion Auto located at 633 S 500 West, Stephen Sandberg representing Antion Auto, applicant.**

Sharon Spratley made a motion to approve the Findings of Fact for the denial of the variance request to remove and replace the required 10 foot landscape buffer along the street frontage with asphalt at Antion Auto located at 633 S 500 West. Tom Smith seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Smith and Spratley voting aye.

6. Consider approval of the 2019 Planning Commission Meeting Calendar.

Richard Higginson made a motion to approve the 2019 Planning Commission Meeting Calendar as written. Jim Clark seconded the motion. Voting passed 6-0 with Commission members Bell, Clark, Higginson, Hill, Smith and Spratley voting aye.

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

1. Next Planning Commission meeting will be January 15, 2019.
2. Election of Planning Commission Chairman and Vice Chairman for 2019 will be on the agenda for January 15, 2019.

Vice Chair Hill ascertained there were no other items to discuss. The meeting was adjourned at 6:55 p.m.



Chad Wilkinson, Bountiful City Planner