

Bountiful City
Administrative Committee Minutes
June 3, 2019

Present: Acting Chairman – Clint Drake; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Acting Chairman Drake opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for May 20, 2019.

Mr. Badham made a motion for approval of the minutes for May 20, 2019 as written. Mr. Clawson seconded the motion.

 A Mr. Drake
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

3. Consider approval of a Lot Line Adjustment at 127 Oakridge Drive and 131 Oakridge Drive, Larry Moore, applicant.

Larry Moore, applicant, was present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicant is applying for a Lot Line Adjustment between two properties, 127 Oakridge Drive (parcel #01-032-0079) and 131 Oakridge Drive (parcel #01-032-0084) and to memorialize a previous lot line adjustment between 131 Oakridge Drive and 3648 South Oakridge Circle (parcel #01-033-0001). The purpose of the adjustment between 127 and 131 Oakridge Drive is to match the existing retaining wall and fence.

The first adjustment (shown as Quit Claim 1) is to memorialize a previous lot line adjustment between 131 Oakridge Drive and 3648 South Oakridge Drive. This conveyed 459 square feet (approximately 0.0105 acres) from 3648 South Oakridge Drive to 131 Oakridge Drive. The second adjustment (shown as Quit Claim 2) is a conveyance of 124 square feet (approximately 0.0029 acres) from 127 Oakridge Drive to 131 Oakridge Drive. The third adjustment (shown as Quit Claim 3) is a conveyance of 395 square feet (approximately 0.0091 acres) from 131 Oakridge Drive to 127 Oakridge Drive.

The adjustment will bring 127 Oakridge Drive to 22,052 square feet (approximately 0.5062 acres), and will bring 131 Oakridge Drive to 12,023 square feet (approximately 0.2760 acres), and will bring 3648 South Oakridge Drive to 18,617 square feet (approximately 0.4274 acres). No new lots are being created in the conveyance.

1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
2. No new building permits have been issued or proposed.

Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

1. Complete any redline corrections required on the plat.
2. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared by the applicant and recorded by the County.

Mr. Moore noted that the main purpose of the lot line adjustment is to make the property lines line up with an existing retaining wall and fence and to memorialize a previous lot line adjustment.

Mr. Clawson made a motion for approval of a Lot Line Adjustment at 127 Oakridge Drive and 131 Oakridge Drive, Larry Moore, applicant. Mr. Badham seconded the motion.

 A Mr. Drake
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

4. Consider approval of a Lot Line Adjustment at 764 North 225 East, Terry S. Toone, applicant.

Terry Toone, applicant, and Jill Toone, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicant is applying for a Lot Line Adjustment between two of his properties located at 764 North 225 East. Both properties, Lot 35 and Lot 36, are located in the R-4 zone. The purpose of the adjustment is to straighten the existing lot line between the two properties and to meet setback standards for the existing garage. Lot 35 will convey approximately 206 square feet, shown as Parcel B, to Lot 36. Lot 36 will convey approximately 47 square feet, Shown as Parcel A, to Lot 35. The adjustment will bring Lot 35 to 8,407 square feet (approximately 0.193 acres) and Lot 36 to 9,801 square feet (approximately 0.225 acres).

The home on Lot 35 will remain and the existing garage on Lot 36 will remain with a future proposal to build a home on Lot 36 by the applicant. Standards in the code prohibited the adjustment with an existing non-dwelling structure on the property; however in order to secure construction loans the applicant was required to have a new parcel number for Lot 36 which required the lot line adjustment. As a condition of approval of the lot line adjustment,

the applicant will need to begin construction of the new home on Lot 36 within 90 days, and if not will need to remove the existing garage to bring the property into compliance. There is another issue regarding this existing garage. The original plat map shows a 5' easement running along the northern border of both lots. The garage has been built on this easement and will need to be altered or removed to bring the property into compliance for approval of a building permit. The drive approach on the southern portion of these two lots will need to be removed and relocated on Lot 36 so as not to create a shared driveway between the two lots. No new lots are being created in the conveyance.

1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
2. No new building permits have been issued or proposed.

Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

1. Complete any redline corrections required on the plat.
2. Alter or remove the garage to eliminate the encroachment into the easement on the north of the property.
3. Apply for building permit and begin construction on new home within 90 days from approval of the lot line adjustment or remove the existing garage on Lot 36. An agreement and/or bond memorializing this condition will need to be completed before approval.
4. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared by the applicant and recorded by the County.

Mr. Toone explained that the easement was established at the subdivision's inception and the garage was built two years later (it is now almost 60 years old). Mr. Toone asked for easement clarification, and Mr. Drake stated it is typically five feet on each side for a total of ten feet. Mr. Toone expressed his curiosity regarding the original owner building the garage on top of the easement and noted he has been unable to locate a building permit for the garage. Mr. Poole confirmed that a permit has not been located. Mr. Drake noted that the garage encroaches into the easement, including the power easement. Mr. Drake outlined several possible solutions, including demolishing the garage, moving the structure, or removing the back portion of the garage. Mr. Toone stated he might be willing to consider one of those solutions if there was no other way to resolve the encroachment. Mr. Toone expressed his desire to explore the possibility of a variance or keep searching for a building permit. Mr. Badham posed a few alternative solutions including a variance to adjust the easement. Mr. Drake explained that one of the criteria for applying for a variance is that it cannot be a self-imposed hardship, and this situation would not qualify because the Toones are wishing to split the property into two lots and are creating their own hardship. Mr. Toone explained that he purchased the property believing it was two lots. Mr. Drake noted that as

far as the city and the county are concerned, it is not two lots. Mr. Badham asked if the easement could be abandoned. Mr. Poole explained that type of action would require City Council approval. Mr. Drake explained that requirement number two might potentially be modified if the easement could be properly abandoned. A discussion ensued regarding potential solutions to the easement problem. It was ultimately determined that the committee did not have enough information, and they offered to put the lot line adjustment approval on hold for the time being. Mr. Drake reminded the Toones that a plat has to receive approval from all utilities. Ms. Toone inquired if the adjustment to the garage would need to be completed before they could start building, and Mr. Drake said yes. Mr. Poole stated that the property would have to be in compliance prior to issuance of a building permit. Mr. Drake suggested that the language in condition number three be revised from “90 days” to “120 days” to allow the Toones additional time. Mr. Toone inquired regarding the shared driveway, and Mr. Poole outlined the city’s drive approach requirements. Mr. Drake pointed out that the plat shows two lots, and he inquired as to when the lots were consolidated. The Toones indicated they did not know when the consolidation happened, and Mr. Drake suggested that perhaps the lots were consolidated in order for the original owner to meet requirements to construct the free standing garage.

Mr. Drake summarized the lot line adjustment conditions. He asked the Toones if they desired to include a condition regarding vacating the easement, and Mr. Toone said no.

Mr. Badham made a motion for approval of a Lot Line Adjustment at 764 North 225 East, Terry S. Toone, applicant, with a modification to condition number three to allow 120 days rather than 90 days. Mr. Clawson seconded the motion. Mr. Drake clarified that one condition of approval is that the garage must be altered or removed, and that the Toones must enter into an agreement with the City memorializing the same. Mr. Toone acknowledged his understanding.

 A Mr. Drake
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

5. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for General Retail with Outside Storage at 2301 South Main Street, Performance Ford Lincoln Bountiful, applicant.

Jason Hale, representing Performance Ford Lincoln Bountiful, applicant, was present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicant is requesting a Conditional Use Permit for the purpose of temporarily using the parking lot at this location, the old Smith’s Grocery Store building location, for overflow parking of their fleet and other vehicles to sell on their existing lot located a few blocks to the north of this site. The applicant will be moving their fleet vehicle sales to Woods Cross in late June.

According to City Code, 14-2-506, a Conditional Use Permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards. A Conditional Use Permit may be denied or revoked if the proposed conditions to achieve compliance are not met. The applicant, Performance Ford Lincoln Bountiful, operates a dealership to the north of the subject property and all sales will be conducted at the dealership and not at this location. No additional signage has been requested for this temporary location. The applicant intends to move the fleet vehicles to Woods Cross the end of June at which time the overflow parking at this location will cease.

A proposed parking plan for the vehicles has been submitted by the applicant indicating the areas where the overflow parking will occur. The plan shows there will be adequate space to allow for vehicular traffic around the neighboring Chevron station as well as passage between Highway 89 and 500 West. The applicant has received approval from the current property owner, the Olson's, as required for this Conditional Use Permit.

Based upon the above findings, staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain a current Bountiful City Business License.
2. The Conditional Use Permit is for this location only and is non-transferable.
3. The applicant shall only park vehicles in the designated zones of the parking lot in accordance with the proposed parking plan so as not to impede vehicular travel between Highway 89 and 500 West and neighboring businesses.

Mr. Hale explained that Performance Ford Lincoln Bountiful originally indicated they would only be using the designated parking area until the end of June, 2019, but they have extended that date until the end of December, 2019. Mr. Hale also reported that the dealership has kept the parking area clean and orderly. Mr. Poole noted that the property owner ultimately can decide how long the dealership can utilize the overflow parking.

PUBLIC HEARING: Mr. Drake opened and closed the Public Hearing at 5:46 p.m. with no comments from the public.

Mr. Clawson made a motion for approval of a Conditional Use Permit to allow for General Retail with Outside Storage at 2301 South Main Street, Performance Ford Lincoln Bountiful, applicant. Mr. Badham seconded the motion. Mr. Drake reiterated that the use is non-transferable and only applies to the specified organization. He also expressed thanks to Mr. Hale for his company's cooperation and their contribution to the community.

A Mr. Drake
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

6. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 515 North 900 East, Janet Brown, applicant.**

Mr. Badham made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 515 North 900 East, Janet Brown, applicant. Mr. Clawson seconded the motion.

A Mr. Drake
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

7. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 62 West 800 North, Franklin Alexander Romero, applicant.**

Mr. Clawson made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 62 West 800 North, Franklin Alexander Romero, applicant. Mr. Badham seconded the motion.

A Mr. Drake
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

8. **Miscellaneous business and scheduling.**

Mr. Drake announced that Francisco Astorga will start working as the city's new Planning Director on June 24. The next Administrative Committee meeting is scheduled for June 17, 2019. Mr. Drake ascertained there were no further items of business. The meeting was adjourned at 5:50 p.m.



Clint Drake, Interim Planning Director