

Minutes of the Bountiful City Council Meeting

City Council Chambers

May 22, 2001 - 7:00 p.m.

Present:	Mayor Pro Tempore	Stewart Knowlton
	Council Members	Samuel R. Fowler, Barbara Holt, John Pitt, J. Gordon Thomas,
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	Admin. Services Director	Galen Rasmussen
	Planning/RDA Director	Blaine Gehring
	Recording Secretary	Nancy T. Lawrence
Excused:	Mayor	John R. Cushing

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor ProTem Knowlton called the meeting to order at 7:00 p.m. and invited Taylor Edward, Boy Scout from Troop 262, to lead the pledge of allegiance to the flag. Councilman Pitt then offered the invocation.

MINUTES APPROVED FOR TWO MEETINGS

Minutes of the regular City Council meetings held April 24, 2001 and May 8, 2001 were presented and unanimously approved as written on a motion made by Councilwoman Holt and seconded by Councilman Thomas. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted "aye".

EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS APPROVED FOR TWO PERIODS

Reports of expenditures and expenses greater than \$1,000 were presented for the period May 3 - 16, 2001 (\$569,279.28) and the Summary of Expenditures and Expenses for the month of April 2001 in the amount of \$3,389,940.66. The staff responded to questions from the Council, following which Councilman Pitt made a motion to approve the reports as presented. Councilman Thomas seconded the motion. Voting was unanimous with Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voting "aye".

ORD. NO. 2001-05 ADOPTED RE: VACATING LOT FROM IRFRED PARK SBDVN.

Mr. Rowland reviewed that Lot 4 in Irfred Park Subdivision is a large lot big enough to be split into two lots, both of which will meet ordinance requirements. The owners of that lot have petitioned the City to vacate their lot from their respective subdivision in order to be

included in a new subdivision (two lot) to be called Pead Subdivision. This request has been reviewed by staff and the Planning Commission and it comes to the Council with a favorable recommendation to approve it, as provided in Ordinance No. 2001-05 entitled, AN ORDINANCE VACATING LOT 4, BLOCK 4 FROM IRFRED PARK SUBDIVISION AMENDED IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE PURPOSE OF BEING INCORPORATED INTO THE NEW PEAD SUBDIVISION. Councilman Thomas made a motion to adopt Ord. No. 2001-05 as recommended. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voting “aye.”

PRELIMINARY AND FINAL APPROVAL GRANTED TO PEAD SUBDIVISION; 553 W 3000 SO

Mr. Rowland presented the request of Pead Subdivision (553 West 3000 South) for preliminary and final approval and stated that this request has been reviewed by staff and the Planning Commission and received a favorable recommendation, subject to the following conditions:

1. Produce a subdivision plat for the property;
2. Payment of the following fees:

Storm Water Impact Fee	\$ 1,446.90
Subdivision Checking Fee	200.00
Subdivision Recording Fee	<u>50.00</u>
Total	\$ 1,696.90

The water and sewer connection fees will be paid at the time each individual building permit is issued.

Councilman Thomas made a motion to grant preliminary and final subdivision approval as recommended. Councilman Pitt seconded the motion and voting was unanimous with Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voting “aye”.

CITY HALL CAMPUS DIRECTIONAL SIGNS APPROVED

Mr. Rasmussen presented the request of staff for directional signs to be erected on the City Hall campus. He explained that the construction of the new Public Safety Building, the relocation of the Bountiful/Davis Arts Center and remodeling of City Hall has added to the functionality of the campus, but left some confusion for patrons seeking City services. Therefore, the option of signage has been researched by staff and it is their recommendation that approval be given for two outdoor campus directional signs and two interior building directories. He reviewed the proposed construction and configuration of the signs and recommended that the bid from Designs and Signs in the amount of \$5,625.00 be approved.

Following discussion, Councilman Pitt made a motion to approve the sign proposal as presented. Councilman Fowler seconded the motion and voting was unanimous with Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voting “aye.”

PUBLIC HEARING TO CONSIDER PERFORMING ARTS CENTER AS USE IN R-1-6.5 ZONE

Mr. Gehring reviewed that the Bountiful Performing Arts Center (BPAC) has been in negotiations with Bountiful City to lease and renovate the old, indoor swimming pool building on 100 East. The pool is located in an R-1-6.5 zone which does not list a performing arts center as either a permitted or a conditional use. Therefore, the BPAC is making a formal request to have that use considered as a use not specified in the residential zone. Mr. Gehring reviewed the analysis which has been done by staff and the Planning Commission regarding this matter and presented the following findings:

1. *The establishment of the use will be in accordance with the purposes of the zoning district in which that use is proposed.* The stated purpose of this zone (Section 14-4-101) is “to provide areas for the encouragement and promotion of an environment for family life...”
2. *The use will be an appropriate addition to the zone because it has the same basic characteristic as the other uses permitted in the district.* Government buildings, churches, schools, etc., are all the same basic characteristic as this use and are all permitted in the R-1-6.5 zone.
3. *The use will not be detrimental to the public health, safety, or welfare.* This is where there is debate. The basic use, a performing arts center, would probably not be detrimental to the public health, safety, or welfare. However, as proposed, and as has been shown, there are concerns with this specific proposal because of the scale in relation to the available building and parking. Even if it is addressed, the issue of parking and access across 100 East will continue to cause a considerable safety problem.
4. *The use shall not adversely affect the character of that zoning district in which it is proposed to be established.* Again, the general use of a performing arts center would be compatible with the uses already existing in this location. But, the specific proposal would create a different impact on this neighborhood than is there now with the amount of traffic and parking it would create.
5. *The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in the zoning district.* As noted above, there will be increased traffic as a result of this proposal. The indoor pool has created some traffic at this location. Soccer games at the junior high field also create traffic. City Hall and the buildings on its campus create their own amounts of traffic. But these are generally dispersed throughout any given day. None of these uses will house up to 550 patrons plus staff, cast and other performers at any given time. Whether it be beyond what is “normally created” by other similar uses in the zoning district is probably open for debate, but staff feels there will be a difference.
6. *The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.*

There should be no greater fire hazard than already exists, especially if the building is brought up to current codes.

Mr. Gehring reported that it is the recommendation of the staff and Planning Commission that the request to consider a performing arts center as a use not specified in the R-1-6.5 zone be approved, subject to the following conditions:

- 1. The specific uses to be authorized as uses not specified shall be:

<u>Use No.</u>	<u>Use Classification</u>
6800	Educational services
7100	Cultural activities
7214	Legitimate theaters
7230	Public assembly

No business activities should be conducted at the site.

- 2. Any remodel of the porch roof should not extend beyond a minimum setback of 17 feet 8 inches from the property line to the front edge of any roof line unless a variance is granted by the Board of Adjustment. (Note: Staff recommends that the setback remain at its current location, and that this be a term of the lease, thereby avoiding a request going to the Board of Adjustment.) It was noted that this will require the scale of the Center to be reduced.
- 3. The building renovation and any additions must meet all current building and fire codes.
- 4. The use of the city hall parking complex shall be limited to weekends and after 5:00 p.m. on regular business days and shall not interfere with any use of city hall for large public assemblies. (Note: Staff recommends that the parking issues be dealt with as a term of the lease.)
- 5. The use of on-street parking on 100 East should be monitored and regulated as necessary to reduce impacts on neighboring residential uses.

Mr. Gehring referred the matter of parking to the City Attorney and asked if parking requirements can be specifically stated in the lease and Mr. Mahan confirmed that requirements can be incorporated into the lease that the BPAC would have to agree with in order for them to have the lease.

At 7:32 p.m. the Mayor ProTem opened the public hearing. Phil Wright, representing the BPAC, asked for clarification regarding the intent of the staff in Item No. 1 above (“no business activities... ,etc.”) He pointed out that the Arts Center will be selling tickets and promotional items and asked if this would be considered a “business activity”. Mr. Gehring clarified that the center could not be used by *other entities* to promote business activities. Lois Rudd (1000 South

100 East) expressed concern about parking. Dick Stringham, architect for BPAC, stated that there should be plenty of parking, in addition to being able to accommodate the library and Golden Years Center. Following further discussion, Councilman Thomas made a motion to allow a performing arts center as a use in the R-1-6.5 zone, adopting the Findings of Fact (six items) and subject to the five conditions presented by Mr. Gehring. Councilman Fowler seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voted "aye".

COUNCIL COMMITTEE REPORTS

Mr. Hardy said that a public hearing will be included on a future Agenda regarding the creation of a storm water utility and he alerted the Council of a field trip to be held June 5th in preparation for the public hearing.

Mr. Gehring reported that the Planning Commission has discussed their meeting schedule and feel that they can meet just once each month and adequately meet the needs of citizens. They will meet on the third Tuesday of each month. The Board of Adjustment will move its regular meeting to the first Tuesday of each month. This schedule will be effective beginning June 1, 2001.

EXECUTIVE SESSION SCHEDULED

At the request of the Mayor ProTem, Councilman Fowler made a motion that this meeting adjourn (7:54 p.m.) and that an executive session be held for the purpose of discussing pending litigation. Councilman Thomas seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas voted "aye".

JOHN R. CUSHING, MAYOR

KIM J. COLEMAN, City Recorder

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